CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
FEBRUARY 16, 2010, 6:00 P.M.

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:
   6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Seven Cases.

7:00 P.M. RECONVENE OPEN SESSION

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

Pledge of Allegiance Led by Council Member Felipe Martinez
Invocation

**PRESENTATIONS**
Employee of the Month – Richard Givens

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

**CONSENT CALENDAR**
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.
1. **City Council Minutes of February 26, 2008**

2. **Claim – Joseph Mejia**  
   Re: Considering a claim in an amount exceeding $10,000 in the jurisdiction of Tulare County Superior Court for emotional injuries and mental anguish that the claimant alleges were incurred during his arrest by Porterville Police Officers on July 2, 2009, at 2234 E. Cleo.

3. **Claim – Krystal Mejia**  
   Re: Considering a claim in an amount exceeding $10,000 in the jurisdiction of Tulare County Superior Court for emotional injuries and mental anguish that the claimant alleges were incurred during her brother’s arrest by Porterville Police Officers on July 2, 2009, at 2234 E. Cleo.

4. **Claim – Paula Mejia**  
   Re: Considering a claim in an amount exceeding $10,000 in the jurisdiction of Tulare County Superior Court for emotional injuries and mental anguish that the claimant alleges were incurred during her son’s arrest by Porterville Police Officers on July 2, 2009, at 2234 E. Cleo.

5. **Claim – Samuel Mejia**  
   Re: Considering a claim in an amount exceeding $10,000 in the jurisdiction of Tulare County Superior Court for emotional injuries and mental anguish that the claimant alleges were incurred during his son’s arrest by Porterville Police Officers on July 2, 2009, at 2234 E. Cleo.

6. **Claim – Manuel Carrasco**  
   Re: Considering a claim in an amount exceeding $10,000 in the jurisdiction of Tulare County Superior Court for emotional injuries and mental anguish that the claimant alleges were incurred during his grandson’s arrest by Porterville Police Officers on July 2, 2009, at 2234 E. Cleo.

7. **Claim – Damacio Palafox**  
   Re: Considering a claim in an amount of $2,200 for monetary damages that the claimant alleges were incurred following a sewage backup at his residence on May 14, 2009, at 56 N. Fourth Street.

8. **Authorization to Advertise for Bids - Olive Avenue Rehabilitation Project**  
   Re: Approval of staff’s recommended Plans and Project Manual for the project consisting of the rehabilitation of Olive Avenue between Main Street and ‘H’ Street.

9. **Authorization to Seek Proposals for Architectural & Engineering Services for the City of Porterville Public Safety Building Project**  
   Re: Informational item regarding the seeking of a design firm for the preparation of contract documents for a new Public Safety Building to be located on the east side of Jaye Street south of El Rancho Avenue.

10. **Authorization to Enter Into Contracts with SCE for Utility Pole Relocations and Street Light Installation for the Jaye Street Corridor Street Capital Improvement Projects**  
    Re: Considering approval of costs associated with the installation of street lights and existing utility pole relocations required for the Jaye Street-Montgomery Avenue Roundabout and South Jaye Street Extension Projects.
11. **Policy and Procedures for Recordation of Traffic Counts and Pavement Management Policies**
   Re: Considering approval of the proposed “Traffic Count Recording Policy” and the “Pavement Management Policy” for the collection of traffic and pavement management system data.

12. **Acceptance of Appraised Value of Right of Way for Property Located at APN 269-120-005 – Teresa M. Lachino, A Single Woman, as Her Sole and Separate Property – Jaye/Gibbons Street Improvement Project**
   Re: Authorizing staff to make payment in the amount of $5,952.00 to Teresa M. Lachino, after completion of escrow for 2,296 square feet of right-of-way needed for the Jaye/Gibbons Street Improvement Project.

13. **Purchase of Upgrade – Digital Evidence Tracking System**
   Re: Considering approval to purchase the “TraQ Suite” software and bar coding system from QueTel Company for the purpose of tracking and maintaining evidence and property in the custody of the Police Department.

14. **Update on Community Partner Meetings Regarding Early Childhood Literacy**
   Re: Informational report regarding recent meetings of community partners to discuss potential strategies and prospects for coordination in providing services relative to early childhood literacy.

15. **Appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District**
   Re: Considering approval of a resolution nominating Visalia Council Member Mike Lane for appointment to the Air Board.

16. **Amendment to Administrative Policy V-B-2 – Use of City Vehicles and Use of Personal Vehicles for City Business**
   Re: Considering approval of a resolution authorizing the addition of the Leisure Services Superintendent classification to the list of authorized personnel allowed to use their personal vehicles for City business.

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

**PUBLIC HEARINGS**

17. **Request for Conditional Use Permit 1-2010 to Allow an On-Sale Type 41 (Beer and Wine) License to be Sold in Conjunction with Meals at the Cherry Tree Banquet Facility Located at 839 W. Henderson Avenue**
   Re: Considering adoption of a resolution approving Conditional Use Permit 1-2010 and a Letter of Public Convenience or Necessity.

18. **Zalud House Garden Fees and Charges**
   Re: Considering approval of a resolution re-establishing the Zalud House Garden fee schedule that was in effect prior to March 2006.

**SECOND READINGS**

19. **Ordinance 1760, Pertaining to Recycling Centers as Conditional Uses in the Central Commercial (C-2) Zone**
   Re: Second Reading of Ordinance 1760, which was given first reading on February 2, 2010.
SCHEDULED MATTERS

20. **Mid-Year Budget Review – General and Measure H Funds**
   Re: Acceptance of the Mid-Year General Fund and Measure H Budget Reports, and consideration of the proposed budget adjustments to address the forecasted budget deficit for the 2009-2010 Fiscal Year.

21. **Implementation of Neighborhood Stabilization Program**
   Re: Considering approval of a resolution approving the local Neighborhood Stabilization Program Procedures.

22. **Proposed Changes to Porterville Municipal Code – Article II, Fireworks**
   Re: Considering adoption of an ordinance amending Chapter 12, Article II, of the Municipal Code relative to the discharge dates and times of fireworks, and fines associated with possession and/or discharge of dangerous fireworks.

23. **Transaction and Use Tax Oversight Committee Appointment**
   Re: Considering appointment of an individual to fill a vacancy on the Committee.

24. **Consideration of Correspondence to Transaction and Use Tax Oversight Committee, and Scheduling of Public Hearing**
   Re: Considering approval of correspondence requesting the Committee file its annual report to the Council, and authorizing the scheduling of a public hearing.

25. **Council Member Requested Agenda Item – Consideration of Resolution in Support of the “Safe, Clean, and Reliable Drinking Water Supply Act of 2010”**
   Re: Considering approval of a resolution in support of an Act aimed at improving the state’s water supply reliability and restoring the Sacramento-San Joaquin River Delta eco-system.

Adjourn to a Meeting of the Porterville Redevelopment Agency.

REDEVELOPMENT AGENCY AGENDA

February 16, 2010

Roll Call: Agency Members

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

SCHEDULED MATTERS

PRA-01 **Award of Contract – Stout Building Sprayed Polyurethane Roofing Project**
Re: Awarding a contract in an amount of $13,900.00 to Universal Coatings, Inc. of Fresno, for the project consisting of the installation of a sprayed polyurethane foam roofing system and related appurtenances at the Redevelopment Agency-owned 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 March 2, 2010 at 6:00 p.m.

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

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

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA  93257, and on the City’s website at www.ci.porterville.ca.us.
PORTERVILLE CITY COUNCIL MINUTES
COUNCIL CHAMBERS, CITY HALL
291 NORTH MAIN STREET, PORTERVILLE
ADJOURNED MEETING – FEBRUARY 26, 2008, 6:00 P.M.

Called to Order at 6:04 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Council Member Hernandez, Mayor Hamilton
Absent: Mayor Pro Tem Felipe Martinez

Pledge of Allegiance led by Council Member Pete V. McCracken
Invocation – one individual participated.

**ORAL COMMUNICATIONS**
None

**SCHEDULED MATTERS**
1. **STUDY SESSION REGARDING THE PORTERVILLE BRANDING INITIATIVE**

Recommendation: For informational and discussion purposes only.

City Manager Longley introduced the item, and Donnette Silva Carter presented the item to the Council, which included an update on the branding strategies and efforts of the Porterville Branding Stewardship Committee (Committee). She then introduced Committee member Teresa Jackson who spoke briefly about the Committee’s goals, and recognized members who were in attendance.

Chairs of various Committee workgroups came forward to present a portion of a Powerpoint presentation identifying the members and goals specific to their workgroups, which consisted of the following:

- Cultivate Leadership
- Cultivate Community
- Cultivate Tradition
- Cultivate Small Town Charm
- Cultivate Youth

Teresa Jackson shared community taglines recommendations from the Committee and Mr. Shook Kelley, and welcomed suggestions and feedback from the Council and those in attendance.

Council Member lauded the members of the Committee for the time invested and efforts made to date.

Mayor Hamilton inquired about the marketing of a tagline, and was informed by Ms. Jackson that specialists would be sought to develop a marketing plan.

- Mary Leavitt, address not given, suggested that the proposed taglines should address the City’s
future and not just the past.

- Dick Eckhoff, concurred with Mary Leavitt’s comments, and recommended “Proud of our Past (or Tradition), Eager for our Future” and “Remembering our Past, Planning our Future”.

- Name not given, spoke against a few tagline recommendations and of the importance of a recognizable logo and tagline.

  Teresa Jackson suggested that the Council review the strategies and the taglines presented, and provide their feedback to the Chamber in two weeks.

- Name not given, concerned with community awareness and involvement in the process.

- Sarah Villicana, Porterville Recorder, suggested that the public be allowed to e-mail their suggestions to the Chamber.

  Greg Woodard, Chair of the Committee, spoke of the differences between taglines, mottos, and logos; lauded the contributions of Mr. Shook Kelley; and spoke of the role and importance of branding to the community of Porterville. He thanked the Council for their time and welcomed their feedback and support.

  At 7:00 p.m. Council Member McCracken excused himself due to another engagement.

  Council Member Pedro Martinez and Council Member Hernandez shared their passion for the community of Porterville, and spoke in support of the branding efforts.

  Mayor Hamilton expressed his appreciation and excitement for the work done and information presented; and recognized the attendance of former mayor Virginia Gurrola.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

None

**ADJOURNMENT**

The Council adjourned at 7:30 p.m. to the meeting of March 4, 2008.

______________________________
Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Mayor
SUBJECT: CLAIM – JOSEPH MEJIA

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mr. Joseph Mejia has filed a claim against the City in an amount exceeding $10,000 in the jurisdiction of Tulare County Superior Court. Claimant alleges he sustained bodily and emotional injuries and mental anguish during his arrest by Porterville Police Officers on July 2, 2009 at 2234 E. Cleo.

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: Joseph Mejia  SS#: [Redacted]
Claimant's DOB: [Redacted]  Claimant's Telephone #: 559-784-8266
Claimant's Address: 2234 E. Cleo Ave. Porterville, CA 93257

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

Date of incident/accident: July 2, 2009
Date injuries, damages, or losses were discovered: July 2, 2009
Location of incident/accident: 2234 E. Cleo Ave. Porterville, CA 93257

What did entity or employee do to cause this loss, damage, or injury? Negligently caused physical injury and mental anguish.
(Use back of this form or separate sheet if necessary to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?
Detective Meyers, Detective Morales, Detective Buck, Officer Nix, Officer Bartow and Officer Contreras.
What specific injuries, damages, or losses did claimant receive? Bodily injury, emotional injury and mental anguish. (See attachment)
(Use back of this form or separate sheet if necessary to answer this question in detail.)

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

Unlimited Court Case, Superior Court County of Tulare.

How was this amount calculated (please itemize)? Estimated.

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 12/30/09  Signature: Joseph Mejia

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

Address

Relationship to Claimant
On June 17th my mom called me from my room and said, “There are officers at the door, they want to talk to you.” I asked my mom, “about what?” She said, “I don’t know, they said you and your friends ran in the house.” When I went to the door sergeant Nix ask me, “Why were you guys running inside?” I told Nix, “We weren’t running we just walked into the house.” I asked, what did I do wrong? Nix then answered by saying, “you cussed at me.” I then told Nix that I hadn’t said anything to him. Nix then asked me, where are the other two guys that were with you, the one in the back seat cussed at me. My father then went to call the other two boys and at that time Nix asked me for my license. My mom opened the screen door, handed it to him and closed the screen door. He ran it asking for all history on Mejia. My friends then came to the door and stood behind my mom. As Nix began to question them he decided to stop and grab the security screen door and took it upon himself to open it and inform us that he doesn’t like talking between doors. Nix then continued questioning them asking for their names and personal information and called them in. Nix then again asked, “Why did you guys run inside?” I told him we didn’t, that we were just going to play x-box. Nix again accused us of cussing at him and we told him that we hadn’t said anything to him. Before we knew it our whole yard was full of officers suited and ready as if we really did something wrong. My mom then said that everything was ridiculous and uncalled for. One of my friends then told the officer he knows his rights and asked if they knew one of his relative who is on the force. My mom then told the officers that this is my grandfather’s home and that all that was happening was embarrassing. My mom then called for sister Krystal, who was in the room with my young sister crying because they were scared when all the cops showed up. She sent my sister to call for my grandfather. Nix then handed my license to my mom and said that I had made an illegal maneuver. I then asked, what is that? Nix then told me that I had driven around the truck that was parked in the middle of the road. I then told Nix, that is my neighbors truck and that he’s always backing up his boat. I then asked him, am I supposed to stay parked in the road no matter how long it takes? Nix replied by saying yes. I then again told Nix that it is my neighbors truck and he backs up his boat on a daily bases and that all this isn’t right. Nix then threatened to give me and ticket and I told him to give me a ticket or to leave us all alone. My mom then told me to calm down and watch the way I speak to the officer and to answer him as sir. Nix then yelled, “Do you want a ticket boy?” I answered no sir. My mom then asked, “Which one is it? They cussed at you, an illegal maneuver or running inside his home?” Nix then told me, “This was just a warning! Have a nice day!” The officers then began to slowly walk back to their vehicles except for Meier who remained in our yard. I then asked my mom if she could see the officer still standing in our yard staring at us. My mom said yes, why does he look like he has it in for us? My mom asked me if I knew him and I told her yes that while visiting some friends the day before Meier had held me while he made some arrest. My mom then said, He’s staring a lot. My mom then got ready to pick one of my sisters and I went to her room to make sure the other two were okay.
On the evening of July 2, 2009 I heard a knock at the door. As I answered the door my mom came to my side see who was at our door. My mom continued to open the door all the way and there were three officers in all black, fully suited standing in our door way. My mom asked the officers if she could help them. Detective Meier then asked me if I was Joseph Mejia, I told him yes. He then asked me to step outside and said he needed to talk to me. I asked him about what? Detective Meier then told me again to step outside. My mom then asked him why couldn’t he talk to me right there. Then with out any warning he yanked open our screen door. He yanked from the top of screen with one arm and yanked on the handle where the deadbolt is and broke it open. Once he had the chance he reached with his right arm to grab me. My mom started to scream and ask him what he was doing. At that time he pushed me over the sofa. He then charged in my house with full force. My mother got scared and tried to move out of the way but before she could he grabbed her and threw her. I fell from the sofa to the floor onto my face. Detective Meier then proceed to put his knee in my back and put me in the arrest position. He then yanked me up by my arms and proceeded to take me outside. He then threw me on the ground on my face and put his knee in my back again and put me in handcuffs. Then he yanked me up again by my arms. Then he took me and put me in the back of Detective Morales police car never once reading you my rights. As Detective Morales began to drive me to the station he stopped in front of my house and told my mom the name of the detective that assaulted her. He told my mom that his name was Detective Meier. Then we drove away and they took me to the police department.
On July 17th around 4:45 I went to a friends’ house to get my hair cut. When I left his house and I was pulling on to N. Leggett Street when I was pulled over by Detective Meier and Detective Contreras. As Detective Meier approached my vehicle he unhooked the latch on his gun and walked with his hand on his gun. He asked me what I was doing and I told him that I was coming from a friend house who had just given me a hair cut and I was on my way home to take a shower, so I could go to an interview at Pizza Hut. Then Detective Contreras asked me for my license, insurance and registration. I gave it to him and he walked away. Detective Meier then asked my friend, who was in the back seat of my vehicle, to get out of the car. They said that he was drunk, and he was publicly intoxicated. They then arrested him, put him in handcuffs and didn’t read him his rights. They then asked for his personal information and he gave it to them and they decided they were still going to arrest him, even though he told them his correct name and answered all there questions truthfully. I then noticed my parents Paula Mejia and Samuel Mejia had pulled in and parked a few stalls over. I then noticed the expression on my moms face looked terrified. I then looked in my rear view mirror and saw Detective Meier had moved to the back of my vehicle and was yelling with his hand on his gun slightly lifted and with the other hand he was pointing towards my parents giving them direct orders to get back in their vehicle and remain there. My father then got back in his vehicle and my mom became upset, I believe she recognized that Detective Meier had been the one that had assaulted us in our home. At that time my mom immediately began recording what was happening. When they realized they were being recorded they quickly released my friend. I was then released me and my friend and we were able to pull up the gas pumps and get gas and leave. When we left we seen my parents then were being harassed by Detective Contreras and Detective Meier. They still had there guns unlatched and pulled up out of there holsters and they were yelling at my parents.
SUBJECT: CLAIM – KRYSタル MEJIA

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Ms. Krystal Mejia has filed a claim against the City in an amount exceeding $10,000 in the jurisdiction of Tulare County Superior Court. Claimant alleges she sustained emotional distress and mental anguish during her brother’s arrest by Porterville Police Officers on July 2, 2009 at 2234 E. Cleo.

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: Krystal Mejia

Claimant's DOB: [Redacted] Claimant's Telephone #: 559-784-8266

Claimant's Address: 2234 E. Cleo Ave. Porterville, CA 93257

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

Date of incident/accident: July 2, 2009

Date injuries, damages, or losses were discovered: September 2, 2009

Location of incident/accident: 2234 E. Cleo Ave. Porterville, CA 93257

What did entity or employee do to cause this loss, damage, or injury? Negligent assault on family members.

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

Detective Meier, Detective Morales, Detective Buck, Officer Nix, Officer Bartow and Officer Contreras.

What specific injuries, damages, or losses did claimant receive? Emotional distress and mental anguish.

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)].

Unlimited Civil Case, Superior Court County of Tulare.

How was this amount calculated (please itemize)? Estimated.

Date Signed: 12-30-09 Signature: Krystal Mejia

If signed by representative:
Representative's Name Paula Mejia Representative's Telephone 361-7016

Address 2234 E. Cleo Ave. Porterville, Calif

Relationship to Claimant mother
On July 2, 2009 I was in the restroom, which is in view of the living room. I heard a knock and as I was coming out, my dad, who was also on his way to the living room, met me. My brother Joseph and my mother answered the door. I heard my mom ask the detective if there was anything she could help him with. The detective was telling my brother to come outside. My brother asked why and then my mom asked him why did he have to go outside and why couldn't he talk to him where he was. My brother and my mom were being respectful and polite to the detective, and then out of nowhere, for no reason the detective grabbed our security screen door with both of his hands and yanked it open he leaned in and tried to grab my brother but because he couldn't reach him he pushed him and he fell. Then the detective charged in the house and my mom tried to move and get out of the way. She yelled asking the detective what was he doing? The detective just grabbed her and threw her. My mom hit the edge of our couch and managed to keep herself from falling and hitting the floor. He then grabbed my brother and pinned him to the ground, put him in arrest position, yanked him up and took him outside. When he got him outside he slammed him to the ground again, slamming his face into the ground and forced his knee in his back. I have never seen my mom be thrown by anyone like that before. My mom is disabled and we all know that my mom cannot physically be roughed up in that kind of way for any reason because she would physically suffer from it. Her body cannot be put through those types of incidents. There were two other police officers here that day. Neither of them came in to try to assist with the arrest or help my mom. One of the officers was telling my mom that it was wrong the way the detective treated my brother and her and that he didn’t have to do all that. We were all in tears and the officer was shaking his head in agreement as my mom was talking to him. I was upset and afraid. And I couldn't figure out why the officers I respect couldn't bother to help my mom.
SUBJECT: CLAIM – PAULA MEJIA

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mrs. Paula Mejia has filed a claim against the City in an amount exceeding $10,000 in the jurisdiction of Tulare County Superior Court. Claimant alleges she sustained emotional distress and mental anguish during her son’s arrest by Porterville Police Officers on July 2, 2009 at 2234 E. Cleo.

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: Paula Mejia SS#: [redacted]
Claimant's DOB: [redacted] Claimant's Telephone #: 559-784-8266
Claimant's Address: 2234 E. Cleo Ave. Porterville, CA 93257
Address where notices about claim are to be sent, if different from above: Same as above.

Date of incident/accident: July 2, 2009
Date injuries, damages, or losses were discovered: July 15, 2009
Location of incident/accident: 2234 E. Cleo Ave. Porterville, CA 93257
What did entity or employee do to cause this loss, damage, or injury? Negligently caused physical injury by attacking complainant. (See Attachment)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?
Detective Meyers, Detective Morales, Detective Buck, Officer Nix, Officer Bartow and Officer Contreras.

What specific injuries, damages, or losses did claimant receive? Bodily injury, Emotional injury and mental anguish.

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)].

Unlimited Civil Case, Superior Court County of Tulare.

How was this amount calculated (please itemize)? Estimated.

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 12-30-09 Signature: Paula Mejia

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

Relationship to Claimant
COMPLAINT

On June 17,09 I heard a knock around 7:03 p.m. I had just come out of the kitchen to answer the door with my husband by my side. There were two officers whom were Sergeant Nix and Detective Buck. I asked could I help you? Nix answered I want to talk to the boys who just ran inside. I asked, "Why do you want to talk to them? Did they do something wrong?" My husband answered they are just going to play 360 X-box who ever gets the remote first plays first. Nix replied I want to talk to the driver of that car. That’s my son’s car, which is registered to my son and father Manuel Carrasco. He just got it and if he’s doing something wrong I would like to know about it! I then called my son Joseph, at that time one of the officers was running the VIN # on my sons car. Officer Nix then asked Joseph, ”Why are you guys running inside?” “We weren’t running inside, we just walked into the house”. Joseph asked what did I do wrong? You cussed at me answered Nix. Joseph replied I didn’t say anything to you. Where are the other two guys that were with you? The one in the back seat cussed at me. My husband then called the other boys. Nix then asked my son if he had a license. Joseph answered yes he took it out and I opened the security door and handed it to Nix. He then called it in and asked for all probation history on Mejia. The other two boys came out and stood behind me. Just as Nix began to question them he decided to stop and grab the security door and took it upon himself to open it and inform us that he doesn’t like talking between doors. I then stepped back away from the door because I began to get scared. He began by asking their names and info and started calling them in. Then he began asking them why they ran in. They said they didn’t, they were just going to play x-box. Then again he accused them of cussing at him. They said they didn’t say anything to him. During this conversation, when Nix opened our door Buck leaned on the wall of our house over the doorbell as he was just relaxing on his own property. The whole situation didn’t seem serious to him, he was just smiling at us with a smirk on his face like he thought them questioning us was funny. Before we knew it the whole front yard was full of officers all suited as if they were waiting to get us? I then noticed two female officers straight in front of me at the end of the walkway along with Meier whom looked like he was even leaning on my vehicle. At that time I said this is ridiculous and uncalled for. One of the other young men began telling them he knows his rights and he then began asking the officers if they knew a relative of his that was on the force. I then said this is my father’s home and this is embarrassing. I’m going to call my father, all
this for what? During this time Buck is still leaning on the house still smiling and laughing. I then yelled for my daughter Krystal who was in the room crying with my six-year-old daughter because they became scared when all the officers should up to run and call her grandpa. Nix then handed me my son’s license back and said you made an illegal maneuver. What was that he asked? You went around that truck that was parked in the middle of the road. That’s my neighbor and he’s always backing up his boat. Joseph said am I supposed to stay parked in the road no matter how long it takes? He said yes. I then said come on officer that’s our neighbor and he backs that boat up on a daily bases. My son said this isn’t right! Nix then yelled at my son and threatened to give him a ticket. My son then said, well give me a ticket or leave us alone. Nix then yelled, "Do you want a ticket boy?" I then told my son not to get upset and he answered by saying no sir. I then asked him which one is it? They cussed at you, an illegal maneuver or running inside his home? He then told my son this is just a warning! Have a nice day. They then began to walk to their vehicles slowly while Meier stood staring directly at my son and I. My son said mom you see that officer that’s still there staring at us? I said yes why does he look like he has it in for us? I asked, "Do you know him, son?" He said yes, that he held him while he was visiting some friends and Meier made some arrests. I said he is staring a lot. I then got ready to go pick up one of my twin daughters at softball practice. There were still officers talking by their vehicles, taking their time to leave from our home. I then asked one officer, “all this for nothing?” and about six officers got back out of their cars as if I had done something wrong. He then replied you should tell your boys not to be running in your house! I then said I though this was our home officer! My husband then said go get your daughter, they are not worth talking to and for me wait till they leave because my daughters are crying and scared their going to stop you when you leave. I also didn’t feel comfortable leaving; I then called an adult that would wait with my child till I felt safe to leave. I needed to reassure my girls I would pick up their sister and we would be fine.
On the evening of July 2, 2009 I heard a knock at the front door and when I walked into my living room, my son was beginning to open the front door, so I could see the officers at the door. I stepped beside my son and continued to open the door. I asked, "Can I help you?" Detective Meier then said to my son, "Are you Joseph Mejia?" my son answered by saying yes. Detective Meier then said, "Joseph I need you to come outside, I want to talk to you." Joseph asked, "About what?" Detective Meier then told Joseph again to step outside, I asked him "Why can't you talk to him right here?" Detective Meier again said, "Come outside I need to talk to you." Then without any warning Detective Meier then yanked and broke open my security screen door by yanking with arm from the top of the screen and pulling from where the lock and dead bolt is on the security screen door. He then reached in with his right arm in my home to grab Joseph. I screamed, "What are you doing" At that time Joseph was being pushed by Detective Meier and falling over the sofa. I then notice that Detective Meier is coming in full charge into my house so I tried to move to and get out of the way and Detective Meier grabbed me with both hands, one on my back and the other on my right arm and threw me to the side. I stopped myself from falling by grabbing on to the corner of the sofa. Det. Meier then got on Joseph, put his knee into his back and put him in an arrest position Detective Meier then took Joseph outside into the front yard of my home and slammed his face into the ground, he then placed his knee on Joseph's back and handcuffed him. Det. Meier then yanked him to his feet and took him out of my sight. There were two other police officers at my house that day, Officer Morales and Det. Buck. Neither one of them felt the need to help me, or assist Det. Meier with the arrest and agreed that detective Meier did not need to arrest Joseph the way he did.

After Detective Meier took Joseph outside Officer Morales stepped in my doorway, as if to block anyone from exiting the home. When Officer Morales was standing in my doorway, I asked him, "What is he doing?" "He doesn't have a warrant, he can't do that." Morales replied by saying, "I know." I then said, "He didn't need to grab me and throw me around like that." Morales said, "I know, He shouldn't have done that." I said, "My son wasn't going anywhere, you know us Morales, we have always respected you officers. He said again, "I know" and shook his head in agreement. I then asked, "Where is the warrant?" Morales said, "It is in the system." Then he said, "They said they have his shoe and finger prints and that he was involved in a car jacking." I then asked, "What is that officers name?" Morales replied, "I'm not sure, I will get his name." He then went to his vehicle and got inside, drove to the front of my home and said, "His name is Detective Meier." Officer Morales then drove away.
On July 2nd, 2009 I went into the Porterville Police Department to talk to a sergeant and make a complaint about being assaulted by a Detective named Meier. Meier was in the office when my husband, a family friend and I walked in. He smiled and then began to laugh and left the office. I then asked to speak to a sergeant because Detective Meier had assaulted me about half an hour before I arrived to the office. Sergeant Bartow then called my name to speak to me, he then asked me to follow him; my husband then asked if we could go with her, Bartow said no, because he wanted to speak to me alone. My husband then told him, no she has rights to witnesses, and she is very upset and needs us to be there with her. Bartow said no once again, he said he would talk to me first, and then he would come back and talk to my husband and get his statement because I didn’t need witnesses. I then went to sergeant Bartows office and talked to him. The entire time I was speaking to Bartow, he was looking right past me laughing with the officers that were watching from the hall. After explaining what happened, Bartow told me not to leave because he needed to take pictures of the scratches on my back and my arm. When Bartow took pictures of me, he took them in the lobby with officer Buck and other officers present. At this point in time there was never a female officer present. After telling him twice that I needed to lift my shirt completely up exposing my stomach, bra, and shoulders in order for him to see my scratches, he didn’t care. He didn’t allow me the privacy of a private room or a women officer to take the pictures. I was denied the basic rights of all citizens, making me feel uncomfortable and embarrassed from lifting my whole shirt up, exposing myself in front of officer Buck and others, one who I believe was there was Detective Meier. After taking the pictures I left in tears, more upset then I was when I arrived. I felt that my presence was a joke to them. The entire time they laughed and ignored me. After being assaulted once in my home, and seeing the way they acted towards my family and I, as we were being respectful, I was afraid it could happen again anywhere, even in the Porterville Police Department, which is exactly how I felt when I left.
Complaint

On July 17th around 4:45pm my husband and I drove into the parking lot of Sunny Side Handy Market at 809 E. Putnam Ave, Porterville CA, and seen that our son Joseph Mejia had been pulled over and was in parking lot of the Market and that the officer who stopped him was the same officer who had assaulted me in my home just a few weeks before. I also seen that a family friend of mine was in handcuffs. We then parked about four parking stalls away and my husband got off the car. I then tryed to exit my vehicle and was directed to not get off by Detective Meier and for my husband to get back inside the vehicle as he was standing infront of it. When Meier instructed my husband and I to remain in our vehicle he pointed his finger toward us and had his right hand on his gun and slightly lifted it out of its holster as if to pull it out. I then closed my door to do as instructed. At that time my husband and I felt threatened and in danger for us, and everyone in my son's vehicle. I then began to record on my cell phone what was happening and I notice that my family friend was quickly unhand cuffed. Det. Contreras then went to the driver, my son, Joseph Mejia and told him that the reason he had been stopped was because he had to many objects hanging from his rear view mirror. The officers then released my son and he drove to the gas pumps and the officers drove away. I then walked over to talk to my son, as he pumped his gas the officers returned to the parking lot and began to question me about who is the owner of the black suburban I arrived in. At that time I assumed they had drove away and ran the license plate of the vehicle. Contreras then informed me that someone in ownership of the vehicle had a warrant. I then informed him that my father and I are the owners. Det. Contreras then asked my husband for his ID and ran his license. Contreras then ask who is Manuel Carrasco and I replied, "He is my father". My other son was noticed by the officers while recording with his cell phone everything that was happening. One of the officers then said, "They sure in the hell like to record us." My husband then said, "We have to when we feel in danger and can't trust some of your officers, not you in general but others." Contreras then asked how old is my father and I told him my father is eighty-two. He seemed shocked and replied there is a warrant for his arrest; it's just a five hundred dollar warrant. I then explained to him that my brother has the same name as my father and he probably is the one with the warrant. He then asked me where is my brother and I told him he is living at the mission. He then said it's nothing serious and that he can just go in and get cited out and easily take care of his warrant, thanked me and told me to have a good day. The officers then returned to their car and drove away. I also did the same.
I received a call around 4:15-4:30 on 10/22/09. They asked to speak to Paula Mejia. I answered this is her. He said, Mrs. Mejia this is Sergeant Bartow from P.P.D. I asked why are you calling me? He said, Well I received a direct order to give you a call and see if there is anything I could do for you or to help you with. I answered, no I don’t want to talk to you. I will talk to another sergeant but not you. I can’t even talk to you now, I’m shaking, and this whole thing is very upsetting and devastating. I did not ask for anyone to call me, and who gave you a direct order to call me? He answered my chief. I asked why would your chief give you a direct order to call me. There must have been some kind of situation for him to give you direct orders to call me. He said, No there is no situation and it really wasn’t a direct order, he is my boss and I did what he asked, which was to call you and see if there was anything I could do or help you with. I said, first you told me it was a direct order, and now your saying it wasn’t. Why would he tell you to call me? Again he said, he asked me to call and see if there was anything I could do or help you with since I was the sergeant you spoke to that night. I answered, No you guys did enough for me that night. He then said, "I understand you have all your complaint forms, and you are more then welcome to bring those in when ever you feel you are able and ready". He then kept talking while I hung up.
SUBJECT: CLAIM – SAMUEL MEJIA

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mr. Samuel Mejia has filed a claim against the City in an amount exceeding $10,000 in the jurisdiction of Tulare County Superior Court. Claimant alleges he sustained emotional injuries and mental anguish during his son's arrest by Porterville Police Officers on July 2, 2009 at 2234 E. Cleo.

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

Item No. 5
<table>
<thead>
<tr>
<th><strong>CLAIM AGAINST (Name of Entity):</strong></th>
<th>CITY OF PORTERVILLE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Claimant’s name:</strong></td>
<td>Samuel Mejia</td>
</tr>
<tr>
<td><strong>SS #:</strong></td>
<td>[Redacted]</td>
</tr>
<tr>
<td><strong>Claimant’s DOB:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Claimant’s Telephone #:</strong></td>
<td>559-784-8266</td>
</tr>
<tr>
<td><strong>Claimant’s Address:</strong></td>
<td>2234 E. Cleo ave, Porterville</td>
</tr>
</tbody>
</table>

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

**Same as above**

| **Date of incident/accident:** | July 2, 2009 |
| **Date injuries, damages, or losses were discovered:** | July 2, 2009 |

| **Location of incident/accident:** | 2234 E. Cleo Ave. |

| **What did entity or employee do to cause this loss, damage, or injury?** | Negligently caused emotional injury and mental anguish. |

| **What are the names of the entity’s employees who caused the injury, damage, or loss (if known)?** | Officer Bartow, Detective Meier, Detective Morales, Detective Buck, Officer Nix, Officer Contreras. |

| **What specific injuries, damages, or losses did claimant receive?** | Emotional injury and Mental anguish (see attachment) |

| **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)].** | Unlimited Court Case, Superior Court County of Tulare. |

| **How was this amount calculated (please itemize)?** | Estimated |

| **Date Signed:** | 12-30-09 |
| **Signature:** | Samuel G. Mejia |

If signed by representative:

| Representative’s Name | | |
| Address | | |

| Relationship to Claimant | | |
On the evening of July 2, 2009 I heard a knock at the front door and when I walked into my living room, my son was beginning to open the front door, so I could see the officers at the door. I stepped beside my son and continued to open the door. I asked, "Can I help you?" Detective Meier then said to my son, "Are you Joseph Mejia?" My son answered by saying yes. Detective Meier then said, "Joseph I need you to come outside, I want to talk to you." Joseph asked, "About what?" Detective Meier then told Joseph again to step outside, I asked him "Why can't you talk to him right here?" Detective Meier again said, "Come outside I need to talk to you." Then without any warning Detective Meier then yanked and broke open my security screen door by yanking with arm from the top of the screen and pulling from where the lock and dead bolt is on the security screen door. He then reached in with his right arm in my home to grab Joseph. I screamed, "What are you doing?" At that time Joseph was being pushed by Detective Meier and falling over the sofa. I then notice that Detective Meier is coming in full charge into my house so I tried to move to and get out of the way and Detective Meier grabbed me with both hands, one on my back and the other on my right arm and threw me to the side. I stopped myself from falling by grabbing on to the corner of the sofa. Det. Meier then got on Joseph, put his knee into his back and put him in an arrest position Detective Meier then took Joseph outside into the front yard of my home and slammed his face into the ground, he then placed his knee on Joseph's back and handcuffed him. Det. Meier then yanked him to his feet and took him out of my sight. There were two other police officers at my house that day, Officer Morales and Det. Buck. Neither one of them felt the need to help me, or assist Det. Meier with the arrest and agreed that detective Meier did not need to arrest Joseph the way he did. After Detective Meier took Joseph outside Officer Morales stepped in my doorway, as if to block anyone from exiting the home. When Officer Morales was standing in my doorway, I asked him, "What is he doing?" "He doesn't have a warrant, he can't do that." Morales replied by saying, "I know." I then said, "He didn't need to grab me and throw me around like that." Morales said, "I know, He shouldn't have done that." I said, "My son wasn't going anywhere, you know us Morales, we have always respected you officers. He said again, "I know" and shook his head in agreement. I then asked, "Where is the warrant?" Morales said, "It is in the system." Then he said, "They said they have his shoe and finger prints and that he was involved in a car jacking." I then asked, "What is that officers name?" Morales replied, "I'm not sure, I will get his name." He then went to his vehicle and got inside, drove to the front of my home and said, "His name is Detective Meier." Officer Morales then drove away.
On July 2nd, 2009 I went into the Porterville Police Department with my wife Paula Mejia and a family friend, to talk to a sergeant and make a complaint about my wife and son, Joseph Mejia, being assaulted by Detective Meier about thirty minutes prior to our arrival. Meier was in the office when my wife, family friend, and I walked in. He smiled, laughed at us and walked away. Sergeant Bartow came out to speak to my wife about the incident. Sergeant Bartow then asked my wife to follow him to his office. As my wife, family friend and I began to follow Bartow; he stopped and said he would only to talk to wife alone. I then told him no, that she has the rights to witnesses, and she is very upset and needs us with her. Bartow again said no, that he would talk to her alone and come get my statement after and that she didn’t need any witnesses. My wife then followed Bartow to his office and I assumed with his words she would be okay. When my wife returned she was crying, and in more stress and pain then she was when she went in.
Complaint

On July 17th around 4:45pm my husband and I drove into the parking lot of Sunny Side Handy Market at 809 E. Putnam Ave, Porterville CA, and seen that our son Joseph Mejia had been pulled over and was in parking lot of the Market and that the officer who stopped him was the same officer who had assaulted me in my home just a few weeks before. I also seen that a family friend of mine was in handcuffs. We then parked about four parking stalls away and my husband got off the car. I then tried to exit my vehicle and was directed to not get off by Detective Meier and for my husband to get back inside the vehicle as he was standing infront of it. When Meier instructed my husband and I to remain in our vehicle he pointed his finger toward us and had his right hand on his gun and slightly lifted it out of its holster as if to pull it out. I then closed my door to do as instructed. At that time my husband and I felt threatened and in danger for us, and everyone in my son's vehicle. I then began to record on my cell phone what was happening and I notice that my family friend was quickly unhand cuffed. Det. Contreras then went to the driver, my son, Joseph Mejia and told him that the reason he had been stopped was because he had to many objects hanging from his rear view mirror. The officers then released my son and he drove to the gas pumps and the officers drove away. I then walked over to talk to my son, as he pumped his gas the officers returned to the parking lot and began to question me about who is the owner of the black suburban I arrived in. At that time I assumed they had drove away and ran the license plate of the vehicle. Contreras then informed me that someone in ownership of the vehicle had a warrant. I then informed him that my father and I are the owners. Det. Contreras then asked my husband for his ID and ran his license. Contreras then ask who is Manuel Carrasco and I replied, "He is my father". My other son was noticed by the officers while recording with his cell phone everything that was happening. One of the officers then said, "They sure in the hell like to record us." My husband then said, "We have to when we feel in danger and can't trust some of your officers, not you in general but others." Contreras then asked how old is my father and I told him my father is eighty-two. He seemed shocked and replied there is a warrant for his arrest; it's just a five hundred dollar warrant. I then explained to him that my brother has the same name as my father and he probably is the one with the warrant. He then asked me where is my brother and I told him he is living at the mission. He then said it's nothing serious and that he can just go in and get cited out and easily take care of his warrant, thanked me and told me to have a good day. The officers then returned to their car and drove away. I also did the same.
SUBJECT: CLAIM – MANUEL CARRASCO

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mr. Manuel Carrasco has filed a claim against the City in an amount exceeding $10,000 in the jurisdiction of Tulare County Superior Court. Claimant alleges he sustained emotional and mental distress during his grandson’s arrest by Porterville Police Officers on July 2, 2009 at 2234 E. Cleo.

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: Manuel Carrasco
SS#: [redacted]
Claimant’s DOB: [redacted] Claimant’s Telephone #: 559-784-8266
Claimant’s Address: 2234 E. Cleo Ave. Porterville, CA 93257
Address where notices about claim are to be sent, if different from above: Same as above.

Date of incident/accident: July 2, 2009
Date injuries, damages, or losses were discovered: July 2, 2009
Location of incident/accident: 2234 E. Cleo Ave. Porterville, CA 93257

What did entity or employee do to cause this loss, damage, or injury? Negligent assault on family members and destruction of property.

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

Detective Meier, Detective Morales, Detective Buck, Officer Nix, Officer Bartow, and Officer Contreras.

What specific injuries, damages, or losses did claimant receive? Emotional and Mental distress.

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)].

Unlimited Civil Case, Superior Court County of Tulare.

How was this amount calculated (please itemize)? Estimated.

Date Signed: 12-30-09 Signature: Manuel Carrasco

If signed by representative:
Representative’s Name
Representative’s Telephone
Address
Relationship to Claimant
On the evening of July 2, 2009 I heard a knock at the front door and when I walked into my living room, my son was beginning to open the front door, so I could see the officers at the door. I stepped beside my son and continued to open the door. I asked, "Can I help you?" Detective Meier then said to my son, "Are you Joseph Mejia?" My son answered by saying yes. Detective Meier then said, "Joseph I need you to come outside, I want to talk to you." Joseph asked, "About what?" Detective Meier then told Joseph again to step outside, I asked him "Why can't you talk to him right here?" Detective Meier again said, "Come outside I need to talk to you." Then without any warning Detective Meier then yanked and broke open my security screen door by yanking with arm from the top of the screen and pulling from where the lock and dead bolt is on the screen door. He then reached in with his right arm in my home to grab Joseph. I screamed, "What are you doing?" At that time Joseph was being pushed by Detective Meier and falling over the sofa. I then notice that Detective Meier is coming in full charge into my house so I tried to move to and get out of the way and Detective Meier grabbed me with both hands, one on my back and the other on my right arm and threw me to the side. I stopped myself from falling by grabbing on to the corner of the sofa. Det. Meier then got on Joseph, put his knee into his back and put him in an arrest position Detective Meier then took Joseph outside into the front yard of my home and slammed his face into the ground, he then placed his knee on Joseph's back and handcuffed him. Det. Meier then yanked him to his feet and took him out of my sight. There were two other police officers at my house that day, Officer Morales and Det. Buck. Neither one of them felt the need to help me, or assist Det. Meier with the arrest and agreed that detective Meier did not need to arrest Joseph the way he did. After Detective Meier took Joseph outside Officer Morales stepped in my doorway, as if to block anyone from exiting the home. When Officer Morales was standing in my doorway, I asked him, "What is he doing?" "He doesn't have a warrant, he can't do that." Morales replied by saying, "I know." I then said, "He didn't need to grab me and throw me around like that." Morales said, "I know, He shouldn't have done that." I said, "My son wasn't going anywhere, you know us Morales, we have always respected you officers. He said again, "I know" and shook his head in agreement. I then asked, "Where is the warrant?" Morales said, "It is in the system." Then he said, "They said they have his shoe and finger prints and that he was involved in a car jacking." I then asked, "What is that officers name?" Morales replied, "I'm not sure, I will get his name." He then went to his vehicle and got inside, drove to the front of my home and said, "His name is Detective Meier." Officer Morales then drove away.
SUBJECT: CLAIM – DAMACIO PALAFOX

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mr. Damacio Palafox has filed a claim against the City in an amount of $2,200 for monetary damages. Claimant alleges that additional living expenses were incurred as the result of a sewage backup at his residence on 56 N. Fourth Street on May 14, 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: Domacio Palafox B
Claimant's Address: 56 North Fourth St Porterville CA 93257
Claimant's Telephone No. (Home): (559) 784-2582 (Work): (559) 361-4126

Date of incident/accident: 5/14/2009
Date injuries, damages, or losses were discovered: 5/14/2009
Location of incident or accident: 56 North Fourth St Porterville

What did entity or employee do to cause this loss, damage, or injury?

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

What specific injuries, damages, or losses did claimant receive?

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)].

$ 2,200.00

How was this amount calculated (please itemize):

Date Signed: 7-16-09 Signature: Domacio Palafox B.

If signed by representative:
Representative's Name: Telephone:
Address:
Relationship to Claimant:
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – OLIVE AVENUE REHABILITATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Caltrans, by the attached E-76, has authorized the City to advertise for construction bids on the American Recovery & Reinvestment Act 1 (ARRA 1) funded Olive Avenue Rehabilitation Project. The project base bid consists of the rehabilitation of Olive Avenue between Main Street and ‘H’ Street including cold in place recycling 3" of existing asphalt concrete, application of a thin asphalt overlay, striping, markings and related work. The project includes add alternates. Should the City receive favorable bids, alternates will be awarded in the order listed to the extent budgeted funds will allow. Add alternates are as follows:

- Add Alternate A – Olive Avenue, ‘H’ Street to Jaye Street.
- Add Alternate B – Olive Avenue, Jaye Street to Carmelita Street.
- Add Alternate C – Olive Avenue, Carmelita Street to Villa Street.

Should add alternates **not** be awarded at this time, they may become a separate project as a component of the American Recovery & Reinvestment Act 2 (ARRA 2) federal funding program. Staff is currently under design to extend the project from Villa Street to State Route 55 which may also become a funded program.

The Estimate of Probable Cost for the base bid is $272,684.00 with $27,268.40 required for construction contingency (10%). An additional $13,634.20 is required for construction management, quality control and inspection (5%). The total estimated cost associated with the project is $313,586.60. An Estimate of Probable Cost is attached for Council’s review.

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

The Local Transportation Fund (LTF) is currently the funding source for this project and approximately $300,000 is available. An appropriation of $19,000 from the Overlay Program, which is also funded by LTF, is needed to cover all costs, including construction contingencies, consultant services and staff time. As stated above, these LTF funds will be reimbursed by American Recovery & Reinvestment Act 1 (ARRA 1) funds.
The scope of this project includes cold-in-place recycling of the existing 0.25' asphalt concrete pavement, applying a 0.10' of AC overlay, adjusting utilities to grade, and restriping the roadway. SK 12/2/09. This project is located on Olive Ave. The Base Bid limits are from Maint St to H St. Alternate A extends the limits from H St to Jaye St, Alternate B extends the limits from Jaye St to Carmelita St, and Alternate C extends the limits from Carmelita St to Villa St. The award of the contract will be made to the lowest bidder on the total of the Base Bid plus all alternates. The alternates will be selected in order starting with Alternate A and adding alternates until the limit of the City's budget for this project is reached. At this point, the City should request an AMOD to clarify the project limits. SK 12/2/09.

NEPA and RW Certification limits are on Olive Ave, from Main St to Villa St.

An email is attached to this package from TGAG concurring to the Agency's bidding proposal for this project. SK 12/07/09.

SEQ# 1: Authorizes $318,981/C200 ARRA funds for CON/CE work. FS 12/22/09.

This project is on line#1 of TCAG's 1511 Certification list posted on 10/23/09 (the Certification List for TCAG is the 4th page down from the top of the posted documents).zh.

-12/22/09 SEQ#1: The purpose of this request is to authorize $318,981 of C200 federal fund for the Construction and CENG phase.zh.
# BASE BID (MAIN STREET TO EAST SIDE OF 'H' STREET INTERSECTION)

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>LS</td>
<td>Mobilization and Demobilization</td>
<td>$16,500.00</td>
<td>$16,500.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>LS</td>
<td>SWPPP</td>
<td>$4,875.00</td>
<td>$4,875.00</td>
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<tr>
<td>3</td>
<td>1</td>
<td>LS</td>
<td>Maintaining Traffic (Traffic Control)</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
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<tr>
<td>4</td>
<td>23</td>
<td>EA</td>
<td>Double Adjust Water Valve to Grade per City Standard W-7</td>
<td>$615.00</td>
<td>$14,145.00</td>
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<tr>
<td>5</td>
<td>8</td>
<td>EA</td>
<td>Double Adjust SSMH Frame and Cover to Grade per City Standard S-3</td>
<td>$600.00</td>
<td>$4,800.00</td>
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<tr>
<td>6</td>
<td>10</td>
<td>EA</td>
<td>Coordination with utility company's to double adjust utility vault frame &amp; covers</td>
<td>$600.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>7</td>
<td>4</td>
<td>EA</td>
<td>Adjust Survey Monument Encasement per City Standard M-1</td>
<td>$1,200.00</td>
<td>$4,800.00</td>
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<tr>
<td>8</td>
<td>25</td>
<td>EA</td>
<td>Replace Traffic Loop per Caltrans Standard ES-5B, Type E Loop</td>
<td>$500.00</td>
<td>$12,500.00</td>
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<tr>
<td>9</td>
<td>44,206</td>
<td>SF</td>
<td>Cold Milling (Edge Mill [6' minimum] and Header Cut – Includes taper mill, load, haul, detail, sweeping and dispose)</td>
<td>$0.25</td>
<td>$11,051.50</td>
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<tr>
<td>10</td>
<td>13,280</td>
<td>SY</td>
<td>Cold Recycle 3.0 – inches of existing asphalt pavement, lay down, compaction, fog seal, sand and re-roll CIR surface</td>
<td>$3.70</td>
<td>$49,136.00</td>
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<tr>
<td>11</td>
<td>66</td>
<td>Ton</td>
<td>Emulsified Recycling Agent</td>
<td>$690.00</td>
<td>$45,540.00</td>
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<tr>
<td>12</td>
<td>1,075</td>
<td>Ton</td>
<td>Asphalt Concrete, Type B</td>
<td>$71.50</td>
<td>$76,862.50</td>
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<tr>
<td>13</td>
<td>14,548</td>
<td>SY</td>
<td>Fog Seal Coat</td>
<td>$0.50</td>
<td>$7,274.00</td>
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<td>14</td>
<td>1</td>
<td>LS</td>
<td>Stripping and Pavement Markings</td>
<td>$13,200.00</td>
<td>$13,200.00</td>
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</tbody>
</table>

**BASE BID TOTAL** | **$272,684.00**

10% Construction Contingency | $27,268.40
5% Construction Engineering | $13,634.20
Total Estimated Probable Cost | $313,586.60

---

**Estimate Certified**

Project Manager: Rhett 2/9/10

City Engineer: Michael K. Reed 2/9/10

Public Works Director: Baldemor Rodriguez 2/10/10

City Manager: 3/1/10
SUBJECT:  AUTHORIZATION TO SEEK PROPOSALS FOR ARCHITECTURAL & ENGINEERING SERVICES FOR THE CITY OF PORTERVILLE PUBLIC SAFETY BUILDING PROJECT

SOURCE:  Public Works Department - Engineering Division

COMMENT:  Staff is preparing a "Request for Qualifications" for seeking a design firm to prepare project contract documents for a new Public Safety Building. The new facility will be located on the east side of Jaye Street south of El Rancho Avenue.

The proposals received will be ranked in accordance with the "Policy for Selecting Consultants to Provide Architectural, Engineering and Similar Services" adopted by City Council, Resolution 16-2001, revised April 7, 2009, MO #16-040709. Staff will interview the top four to five rated firms

Measure H is the funding source for these design efforts, as approved by the 2009/2010 Annual Budget.

RECOMMENDATION:  No action required – information only.

ATTACHMENT:  Locator map

P:\pubworks\Engineering\Council Items\Informational Item Public Safety Bldg - Design Services - 2010-02-16.doc
SUBJECT: AUTHORIZATION TO ENTER INTO CONTRACTS WITH SCE FOR UTILITY POLE RELOCATIONS AND STREET LIGHT INSTALLATION FOR THE JAYE STREET CORRIDOR STREET CAPITAL IMPROVEMENT PROJECTS

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual are nearing completion for the Jaye Street-Montgomery Avenue Roundabout Project and the South Jaye Street Extension Project (100% Design Stage). Omni-Means and Quad-Knopf, respectively, are the design consultants for these two projects. It is worth noting that both projects are components of the Council priority project list.

The roundabout project will improve traffic circulation in and along Jaye Street between State Route 65 and Montgomery Avenue. Project right of way negotiations and purchases are complete.

The South Jaye Street Extension project will connect the southern limits of the herein stated roundabout project to Gibbons Avenue. Project benefits include the potential diversion of some truck traffic from the State Route 190/Jaye Street intersection to the State Route 65/Scranton Avenue intersection thus enhancing overall traffic circulation within the southwestern quadrant of the City. The City’s negotiator has completed property negotiations with six (6) of the nine (9) property owners, four of which are in escrow.

Both projects require the relocation of overhead utility lines and the installation of new street lights. The cost for each item of work is as follows:

- **Jaye Street-Montgomery Avenue Roundabout:**
  - Relocation of existing Street Lights: $35,766.60
  - New Street Lights: $18,024.00
  - Note: Current franchise agreement dictates no costs to the City for existing utility pole relocations.

- **South Jaye Street Extension:**
  - Pole Relocations: $24,877.36
  - Street Lights: $35,027.49
  - Rule 15 Line Extensions (new landscape irrigation electric meter): $4,324.25

SCE plans are available in the La Barca Conference Room for Council’s review and the contracts are attached for reference purposes.

Item No. 10
Local Transportation Funds, Local Measure R Funds, Proposition 1B and Transportation Impact Fees are the funding sources for the street related improvements for both projects as defined by the 2009/2010 fiscal year.

RECOMMENDATION: That the City Council:

1. Approve the costs associated with the installation of street lights and existing utility pole relocations; and

3. Authorize the City Engineer to sign the SCE application and issue a $118,019.70 payment.

ATTACHMENT: SCE Contracts

P:\PubWorks\Engineering\Council Items\Authorization to Execute Contracts with SCE for Jaya-Montgomery Roundabout and South Jaya Street Project - 2010-02-16.doc
July 25, 2009

ATTN: M. REED
CITY OF PORTERVILLE
291 N. MAIN ST.
PORTERVILLE, CA 93257-3737

Subject: SCE Project Number: 6851-4393-94053 (TD374056)
6851-6741-96727 (TD357805)

Project Location: JAYE ST/MONTGOMERY AVE, PORTERVILLE
STREETLIGHT RELOCATION

Thank you for the opportunity to assist you with your electrical needs. The information provided below indicates requirements needed to complete your project. Please read and follow the directions so that your project may be completed in a timely manner.

- Enclosed are two copies of our invoice. Return one copy of the invoice with your payment.
- Please return all applications and/or agreements fully completed.
- An Edison Inspector must approve all underground systems. Call (559) 685-3275 prior to construction.

Please return the documents and/or payment in the enclosed self-addressed envelope. After receipt of the required documents, your project will be scheduled for construction. If you have any questions, feel free to call me at (559) 684-3519.

Sincerely,

MIGUEL TRUJILLO
Service Planner

Enclosures
SOUTHERN CALIFORNIA EDISON STREETLIGHT AUTHORIZATION

DEVELOPER/APPLICANT MUST PROVIDE THIS FORM
COMPLETED BY THE PUBLIC AUTHORITY

FOR ANY SCE-OWNED STREETLIGHT INSTALLATION, REMOVAL OR CHANGE REQUESTS
incomplete forms will be returned and not processed

PUBLIC AUTHORITY NAME: CITY OF PORTERVILLE

Builder/Developer Name: MIKE REED/CITY ENG. Phone #: 559-782-7462
Tract/Ref # Streetlight Location JAYE ST/MONTGOMERY AVE

Please Check one: ☐ Installation ☐ Removal ☐ Change

Number of Lamp(s) Lamp Size Lamp Type
9 Total 16000L HPSV
6 HPSV (DOUBLE HEAD)

Builder/Developer Advanced Energy Payment collected by: (check one)

SCE X or
*Government Agency
*Date collected by Government Agency (if applicable)

When is the Public Authority responsible for streetlight energy charges?

☐ Upon Energizing ☐ At a Future date ☐ *Public Authority is not responsible

*Permanent party responsible for energy charges if “Public Authority is not responsible” was checked.

☐Developer ☐ Homeowners Assoc. ☐ Private Party ☐ Other Public Authority

Terms of Acceptance or Special Notes (By Government Agency):

Energy Billing: Establish new account ☐ Existing SERV ACCT # 05959360 (account #)

Print name Authorized Public Authority Agent

Phone # Date Signature

TO BE COMPLETED BY SCE

ACTION: ENTER TRACT/REF# ON STREETLIGHT WORK ORDER FACEPLATE

FORWARD THIS FORM WITH MAP AND APPLICATION TO
“Streetlight Organization“ Bldg D, Santa Ana

sce:Rev 12-5-00
**Southern California Edison**

2425 South Blackstone Avenue
Tulare CA 93274

PORTERVILLE, City of
291 N Main St
Porterville CA 93257 3737

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Request Number: 1245169 94053/TD374056 - INSTALL 9 LS-1 STREETLIGHTS AT CITY'S REQUEST (REL: 96726, 96727 &amp; H4869) Project Address: JAYE STREET/MONTGOMERY AVENUE XSTRT PORTERVILLE CA 93257</td>
<td>$18,024.96</td>
</tr>
<tr>
<td>Item # 69661 94053 210840</td>
<td></td>
</tr>
</tbody>
</table>

Previous Payment

* Enclosed are 2 copies of our invoice. Please return 1 copy of the invoice with your payment
* If a street light work order is associated with this project, contracts for that project will be enclosed.
* All prices are applicable for a period of 90 days from this date and are subject to change thereafter.
* Please return all applications and/or contracts fully completed.
* An Edison Inspector must approve all underground systems. Please call your designated inspector 48 hours prior to construction to schedule an inspection.
* Call the Edison company at 1-800-655-4555 to make application for electrical service.

Invoice Total $18,024.96

Payment Stub

Invoice #: 66133

PORTERVILLE, City of
291 N MAIN ST
PORTERVILLE CA 93257 3737

Please pay total amount now due: $18,024.96

Thank you for paying promptly

Make check payable to Southern California Edison
2425 South Blackstone Avenue
Tulare CA 93274
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>96727/357805 - RELOCATE OH FACILITIES PER CITY REQUEST (REL: 96726, 94053 &amp; H4869)</td>
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<tr>
<td>Project Address: JAYE STREET/MONTGOMERY AVENUE XSTRT PORTERVILLE CA 67757</td>
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<td>Item # 69239</td>
<td>96727</td>
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<td>195592</td>
</tr>
<tr>
<td>357805 - RELOCATE FACILITIES</td>
<td>$35,766.60</td>
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Previous Payment
* Enclosed are 2 copies of our invoice. Please return 1 copy of the invoice with your payment.
* Final electrical inspection from the local governmental building and safety department must be received before we can energize your service.
* If a street light work order is associated with this project, contracts for that project will be enclosed.
* All prices are applicable for a period of 90 days from this date and are subject to change thereafter.
* Please return all applications and/or contracts fully completed.
* Easement documents will be mailed directly to you from our Right of Way department. Please complete and return them as soon as possible, as we will not be able to proceed with the project without clearance.
* An Edison Inspector must approve all underground systems. Please call your designated inspector 48 hours prior to construction to schedule an inspection.
* Call the Edison company at 1-800-655-4555 to make application for electrical service.

Invoice Total: $35,766.60
January 9, 2010

City of Porterville
Attention: Mike Reed
291 N. Main St.
Porterville, CA 93257

Subject: SCE Project Number: 6851-4399; 94065 (SAP#: TD389056)
Project Location: 1381 S. Jaye St., Porterville, CA 93257

Thank you for the opportunity to assist you with your electrical needs. The information provided below indicates requirements needed to complete your project. Please read and follow the directions so that your project may be completed in a timely manner.

- Enclosed are two copies of our invoice. Return one copy of the invoice with your payment.

Please return the documents and/or payment in the enclosed self-addressed envelope. After receipt of the required documents, your project will be scheduled for construction. If you have any questions, feel free to call me at (559) 684-3519 or (559) 331-5067.

Sincerely,

Miguel Trujillo
Customer Service Planner

Enclosures
2425 So. Blackstone Ave.
Tulare, CA 93274
**Customer Information**

- **CITY OF PORTERVILLE**
  - **291 N MAIN ST**
  - **PORTERVILLE CA 93257 3737**

---

**Invoice Details**

- **Invoice #**: 75426
- **Invoice Date**: 01/20/2010
- **SCE Contact**: Miguel Trujillo
- **Telephone**: 559/684-3519

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**Install - Billing Option**

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<table>
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<th>Description</th>
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<tbody>
<tr>
<td>Service Request Number: 1260482</td>
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</tr>
<tr>
<td>Project Address: 1381 S JAYE ST PORTERVILLE CA 93274</td>
<td></td>
</tr>
<tr>
<td>389122/96742 - RELOCATE OH FACILITIES DUE TO CITY'S STREET WIDENING-BILLING</td>
<td></td>
</tr>
<tr>
<td>Item # 79423</td>
<td>$24,877.36</td>
</tr>
<tr>
<td>96742</td>
<td></td>
</tr>
<tr>
<td>225050</td>
<td></td>
</tr>
</tbody>
</table>

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**Previous Payment**

- Enclosed are 2 copies of our invoice. Please return 1 copy of the invoice with your payment.
- Final electrical inspection from the local governmental building and safety department must be received before we can energize your service.
- If a street light work order is associated with this project, contracts for that project will be enclosed.
- All prices are applicable for a period of 90 days from this date and are subject to change thereafter.
- Please return all applications and/or contracts fully completed.
- Easement documents will be mailed directly to you from our Right of Way department. Please complete and return them as soon as possible, as we will not be able to proceed with the project without clearance.
- An Edison Inspector must approve all underground systems. Please call your designated inspector 48 hours prior to construction to schedule an inspection.
- Call the Edison company at 1-800-655-4555 to make application for electrical service.

---

**Invoice Total**: $24,877.36

---

Please detach and return payment stub with payment.

---

Please pay total amount now due: $24,877.36

---

Thank you for paying promptly.

Make check payable to Southern California Edison

2425 SOUTH BLACKSTONE AVENUE
TULARE CA 93274
January 8, 2010

City of Porterville
Attention: Mike Reed
291 N. Main St.
Porterville, CA 93257

Subject: SCE Project Number: 6851-4399; 94065 (SAP#: TD389056)
Project Location: 1381 S. Jaye St., Porterville, CA 93257

Thank you for the opportunity to assist you with your electrical needs. The information provided below indicates requirements needed to complete your project. Please read and follow the directions so that your project may be completed in a timely manner.

- Enclosed are two copies of our invoice. Return one copy of the invoice with your payment.
- Please return all applications and/or agreements fully completed.
- An Edison Inspector must approve all underground systems. Call (559) 630-0379 prior to construction.

Please return the documents and/or payment in the enclosed self-addressed envelope. After receipt of the required documents, your project will be scheduled for construction. If you have any questions, feel free to call me at (559) 684-3519 or (559) 331-5067.

Sincerely,

Miguel Trujillo
Customer Service Planner

Enclosures
2425 So. Blackstone Ave.
Tulare, CA 93274
<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Service Request Number: 1260403 389056/94065 - INSTALL 13 UG LS-1 16000 HPSV STREETLIGHTS, PER CST REQUEST..</td>
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</tr>
<tr>
<td>Project Address: 1381 S JAYE ST PORTERVILLE CA 93257</td>
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<tr>
<td>Item # 79463 94065 224988</td>
<td>$35,027.49</td>
</tr>
<tr>
<td>389056 - ST LT INSTALLATION</td>
<td></td>
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</tbody>
</table>

Previous Payment

* Enclosed are 2 copies of our invoice. Please return 1 copy of the invoice with your payment.
* If a street light work order is associated with this project, contracts for that project will be enclosed.
* All prices are applicable for a period of 90 days from this date and are subject to change thereafter.
* Please return all applications and/or contracts fully completed.
* An Edison Inspector must approve all underground systems. Please call your designated inspector 48 hours prior to construction to schedule an inspection.
* Call the Edison company at 1-800-655-4555 to make application for electrical service.

Invoice Total $35,027.49

Please detach and return payment stub with payment

Payment Stub

<table>
<thead>
<tr>
<th>Invoice #: 75465</th>
</tr>
</thead>
</table>

CITY OF PORTERVILLE
291 N MAIN ST
PORTERVILLE CA 93257

Please pay total amount now due: $35,027.49

Thank you for paying promptly

Make check payable to Southern California Edison
2425 SOUTH BLACKSTONE AVENUE
TULARE CA 93274
January 4, 2010

City of Porterville
Attention: Mike Reed
291 N. Main St.
Porterville, CA 93257

Subject: SCE Project Number: 6951-2377; 92170 (SAP#: TD389068)

Project Location: 1381 S. Jaye St., Porterville, CA 93257

Thank you for the opportunity to assist you with your electrical needs. The information provided below indicates requirements needed to complete your project. Please read and follow the directions so that your project may be completed in a timely manner.

- Enclosed are two copies of our invoice. Return one copy of the invoice with your payment.
- Please return all applications and/or agreements fully completed.
- Call the Edison Company at (800) 655-4555 to make applications for electrical service.
- Final electrical inspection from the Local Governmental Building and Safety Department must be received before we can energize your service.
- An Edison Inspector must approve all underground systems. Call (559) 630-0379 prior to construction.
- Enclosed are your two options (Refundable and Discount). Please sign both documents in the appropriate areas and return.

Please return the documents and/or payment in the enclosed self-addressed envelope. After receipt of the required documents, your project will be scheduled for construction. If you have any questions, feel free to call me at (559) 684-3519 or (559) 331-5067.

Sincerely,

Miguel Trujillo
Customer Service Planner

Enclosures
2425 So. Blackstone Ave.
Tulare, CA 93274
**Southern California Edison**

**An Edison International Company**

**Southern California Edison Company**

2425 South Blackstone Avenue

Tulare CA 93274

**CITY OF PORTERVILLE**

291 N Main St

Porterville CA 93257

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<td>01/20/2010</td>
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<tr>
<td>SCE Contact:</td>
<td>Miguel Trujillo</td>
</tr>
</tbody>
</table>

**Install - Billing Option:** SCE INSTALL - DISCOUNT

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<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Service Request Number: 1260416 389068/92170 - INSTALL UG FACILITIES FOR COMMERCIAL, PER RULE 15...RLTD TO 3 OTHER W.O.S***1-20-10: Project Address: 1381 S Jaye St PORTERVILLE CA 93257</td>
<td>$4,324.25</td>
</tr>
<tr>
<td>Item # 79493 92170 224998</td>
<td></td>
</tr>
<tr>
<td>389068 - LINE EXTENSION</td>
<td></td>
</tr>
</tbody>
</table>

Previous Payment

* Enclosed are 2 copies of our invoice. Please return 1 copy of the invoice with your payment.
* Final electrical inspection from the local governmental building and safety department must be received before we can energize your service.
* If a street light work order is associated with this project, contracts for that project will be enclosed.
* Enclosed are copies of refundable and discount option appendices. Please select one option, sign both copies (one as selected, the other as not selected) and return with your payment.
* All prices are applicable for a period of 90 days from this date and are subject to change thereafter.
* Please return all applications and/or contracts fully completed.
* Easement documents will be mailed directly to you from our Right of Way department. Please complete and return them as soon as possible, as we will not be able to proceed with the project without clearance.
* An Edison Inspector must approve all underground systems. Please call your designated inspector 48 hours prior to construction to schedule an inspection.
* Call the Edison company at 1-800-655-4555 to make application for electrical service.

**Invoice Total**

$4,324.25

Please detach and return payment stub with payment

<table>
<thead>
<tr>
<th>Payment Stub</th>
</tr>
</thead>
<tbody>
<tr>
<td>Invoice #: 75494</td>
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</tbody>
</table>

Please pay total amount now due: $4,324.25

Thank you for paying promptly

Make check payable to Southern California Edison

2425 South Blackstone Avenue

Tulare CA 93274
1. **SCC RULE 16 COST TO**
   (A) **SCC RULE 16 COST TO SERVE** $655.05
   (B) **LESS APPLICANT ALLOWANCES** $340.99
   (C) **EXCESS RULE 16 COST TO SERVE (LINE 5. (A))** $314.06
   (D) **EXCESS ALLOWANCES TO (LINE 2.)** $0.00

   **SCC COST TO SERVE RULE 15**
   (E) **OVERHEAD** 0 FEET X $0.00 UNIT COST $0.00
   (F) **UNDERGROUND** 0 FEET X $0.00 UNIT COST $0.00
   (G) **PROJECT SPECIFIC (IF 2X UNIT COST OR COMPETITIVE BID)** $429.03
   (H) **TOTAL SCC RULE 15 COST TO SERVE** $429.03

2. **APPLICANT ALLOWANCES (FROM LINE 1. (D))** $0.00

3. **REFUNDABLE:**
   (A) **SCC RULE 15 COST TO SERVE (LINE 1. (H))** $429.03
   (B) **PLUS ESTIMATED VALUE OF STRUCTURES** $137.50
   (C) **SUBTOTAL (LINE 3. (A) + 3. (B))** $566.53
   (D) **LESS ALLOWANCE (LINE 2)** $0.00
   (E) **REFUNDABLE AMOUNT (LINE 3. (C) - 3. (D))** $566.53
   (F) **PLUS REFUNDABLE ITCC* ON LINE 3. (E)** $198.28
   (G) **TOTAL AMOUNT (LINE 3. (E) + 3. (F))** $764.81

4. **PAYMENT OPTION SELECTED:**
   (A) **NON-REFUNDABLE DISCOUNT OPTION: 50 %**
   
   1) **DISCOUNT** 50 % OF LINE 3G: $382.40
   2) **HAS CHosen:** VALUE OF STRUCTURES: $137.50
   3) **SIGN** NON -REFUNDABLE PAYMENT: $244.90
   4) **AMOUNT DUE APPLICANT:** $0.00

5. **OTHER NON-REFUNDABLE ADVANCE & CREDITS**
   (A) **OTHER NON-REFUNDABLE CHARGES** $2,534.06
   (RULE 16, FLAT RATE, INSPECTION, R/W, ETC.)
   (B) **ITCC* ON OTHER NON-REFUNDABLE** $886.92
   (C) **ITCC* ON APPLICANT FURNISHED FACILITIES.** $658.37
   (D) **INSTALLED COST OF SUBSTRUCTURES BY SCC** $0.00
   (E) **LESS APPLICANT DESIGN OR REIMBURSABLE CREDITS** $0.00
   (F) **TOTAL NON-REFUNDABLE (LINE 5. (A) THRU 5. (D) - 5. (E))** $4,079.35
   (G) **TOTAL CREDITS (LINE 5. (E) - 5. (A) THRU 5. (D))** $0.00

6. **AMOUNT TO BE PAID BY APPLICANT TO SCC** $4,324.25

7. **AMOUNT TO BE REFUNDED TO APPLICANT UPON FULFILLMENT OF ALL CONTRACTUAL OBLIGATIONS** $0.00

* INCOME TAX COMPONENT OF CONTRIBUTION
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Request Number: 1260416 389068/92170 - INSTALL UG FACILITIES FOR COMMERCIAL, PER RULE 15...RLTD TO 3 OTHER W.O.S***1-20-10:</td>
<td></td>
</tr>
<tr>
<td>Project Address: 1381 S JAYE ST PORTERVILLE CA 93257</td>
<td></td>
</tr>
<tr>
<td>Item # 79493 92170 224998 389068 - LINE EXTENSION</td>
<td>$4,324.25</td>
</tr>
</tbody>
</table>

Previous Payment
* Enclosed are 2 copies of our invoice. Please return 1 copy of the invoice with your payment
* Final electrical inspection from the local governmental building and safety department must be received before we can energize your service.
* If a street light work order is associated with this project, contracts for that project will be enclosed.
* Enclosed are copies of refundable and discount option appendices. Please select one option, sign both copies (one as selected, the other as not selected) and return with your payment.
* All prices are applicable for a period of 90 days from this date and are subject to change thereafter.
* Please return all applications and/or contracts fully completed.
* Easement documents will be mailed directly to you from our Right of Way department. Please complete and return them as soon as possible, as we will not be able to proceed with the project without clearance.
* An Edison inspector must approve all underground systems. Please call your designated inspector 48 hours prior to construction to schedule an inspection.
* Call the Edison company at 1-800-655-4555 to make application for electrical service.

Invoice Total $4,324.25

Please detach and return payment stub with payment

Payment Stub

| Invoice #: 75494 |
| CITY OF PORTERVILLE |
| 291 N MAIN ST |
| PORTERVILLE CA 93257 |

Please pay total amount now due: $4,324.25

Thank you for paying promptly

Make check payable to Southern California Edison
2425 SOUTH BLACKSTONE AVENUE
TULARE CA 93274
1. SCE RULE 16 COST TO SERVE  
   (A) SCE RULE 16 COST TO SERVE $655.05 
   (B) LESS APPLICANT ALLOWANCES $340.99 
   (C) EXCESS RULE 16 COST TO (LINE 5. (A)) $314.06 
   (D) EXCESS ALLOWANCES TO (LINE 2.) $0.00 
   
   **SCE COST TO SERVE RULE 15** 
   (E) OVERHEAD 0 FEET X $.00 UNIT COST $0.00 
   (F) UNDERGROUND 0 FEET X $.00 UNIT COST $0.00 
   (G) PROJECT SPECIFIC (IF 2X UNIT COST OR COMPETITIVE BID) $429.03 
   (H) TOTAL SCE RULE 15 COST TO SERVE $429.03 

2. APPLICANT ALLOWANCES (FROM LINE 1. (D)) $0.00 

3. REFUNDABLE:  
   (A) SCE RULE 15 COST TO SERVE (LINE 1 . (H)) $429.03 
   (B) PLUS ESTIMATED VALUE OF STRUCTURES $137.50 
   (C) SUBTOTAL (LINE 3 . (A) + 3 . (B)) $566.53 
   (D) LESS ALLOWANCE (LINE 2) $0.00 
   (E) REFUNDABLE AMOUNT (LINE 3 . (C) - 3 . (D)) $566.53 
   (F) PLUS REFUNDABLE ITCC* ON LINE 3 . (E) $198.28 
   (G) TOTAL AMOUNT (LINE 3 . (E) + 3 . (F)) $764.81 

4. PAYMENT OPTION SELECTED: REFUNDABLE HAS CHOSEN: SIGN 
   (A) REFUNDABLE OPTION: 
      1) VALUE OF STRUCTURES: $137.50 
      2) REFUNDABLE PAYMENT $627.31 
      3) AMOUNT SUBJECT TO REFUND/CREDIT $764.81 

5. OTHER NON-REFUNDABLE ADVANCES & CREDITS 
   (A) OTHER NON-REFUNDABLE CHARGES (RULE 16, FLAT RATE, INSPECTION, R/W, ETC.) $2,534.06 
   (B) ITCC* ON OTHER NON-REFUNDABLE $886.92 
   (C) ITCC* ON APPLICANT FURNISHED FACILITIES $658.37 
   (D) INSTALLED COST OF SUBSTRUCTURE BY SCE $0.00 
   (E) LESS APPLICANT DESIGN OR REIMBURSABLE CREDITS $0.00 
   (F) TOTAL NON-REFUNDABLE (LINE 5 . (A) THRU 5 . (D) - 5 . (E)) $4,079.35 
   (G) TOTAL CREDITS (LINE 5 . (E) - 5 . (A) THRU 5 . (D)) $0.00 

6. AMOUNT TO BE PAID BY APPLICANT TO SCE $4,706.66 

7. AMOUNT TO BE REFUNDED TO APPLICANT UPON FULFILLMENT OF ALL CONTRACTUAL OBLIGATIONS $0.00 

* INCOME TAX COMPONENT OF CONTRIBUTION
SOUTHERN CALIFORNIA EDISON ("SCE")
DISTRIBUTION LINE AND/OR SERVICE EXTENSION
APPLICANT'S INSTALLATION OPTION AND
STATEMENT OF APPLICANT'S CONTRACT ANTICIPATED COSTS

Applicant: CITY OF PORTERVILLE
Work Order Number: 6951-2377,92170 / TD398008
Project Specific Location: 1381 S. JAYE ST., PORTERVILLE, CA 93257

1. INSTALLATION OPTIONS

Applicant understands that in accordance with SCE’s Rule 15 and/or Rule 16, Applicant can elect to have either SCE install the Distribution Line and/or Service Extension or a Qualified Contractor/Subcontractor install the Distribution Line and/or Service Extension.

2. SCE’S ESTIMATED REFUNDABLE COST INFORMATION

SCE’s estimated refundable costs are based on the work that SCE would normally perform that can be performed by a Qualified Contractor/Subcontractor under the provisions of the Applicant Installation Option, Rule 15, Section G, and in accordance with SCE’s Terms and Conditions Agreement for Installation of Distribution Line Extension by Applicant (Form 14-188).

SCE’s estimated refundable costs:* $__________________________

If applicable, other estimated cost information may be provided below. This could include the credit amount for Rule 16, street light, or other associated installation work.

SCE Rule 16 credit amount:* $__________________________
SCE street light credit amount:* $__________________________
SCE associated work credit amount:* $__________________________

3. APPLICANT SELECTION

Applicant understands the installation options under Section 1 above, and hereby elects the following Installation Option by initializing the appropriate selection below:

_________ Installation by SCE
_________ Installation by Qualified Contractor/Subcontractor

Under installation by Qualified Contractor/Subcontractor, Applicant shall secure project specific bid information from Qualified Contractors/Subcontractors for the installation of the Distribution Line and/or Service extension. Applicant shall contribute or advance before the start of construction any refundable or non-refundable amounts as specified in Rules 15 and 16.

*Please refer to the specific contract, Appendix A, for detailed financial information.

Form 14-754, New 7/04
4. **APPLICANT'S CONTRACT ANTICIPATED COST INFORMATION** (to be completed only if installation is performed by a Qualified Contractor/Subcontractor as selected in Section 3 above)

Applicant and/or Applicant’s Qualified Contractor/Subcontractor understands that for the portion of the Electrical Distribution and/or Service Extension that SCE would normally install, in accordance with SCE’s Rule’s 15 and/or 16 and the Terms and Conditions Agreement for Installation of Distribution Line Extension by Applicant, the Applicant, prior to performing any work associated with the installation of these electrical facilities, and for the purpose of utility billing and accounting, shall elect one of the following options, and return this form to SCE prior to SCE proceeding with any further work on the Applicant’s project.

Option 1  Applicant elects to provide SCE with the Applicant’s Contract Anticipated Costs, which are subject to refund, that are associated with that portion of the new Distribution Line and/or Service Extension normally installed by SCE, and understands that the lower of SCE’s estimated refundable cost or the Applicant’s Contract Anticipated Costs, which are subject to refund, as submitted below, shall apply to any applicable SCE refunds and allowances provided in accordance with Rules 15 and 16, or

Option 2  Applicant elects not to provide SCE with the Applicant’s Contract Anticipated Costs, which are subject to refund. The Applicant understands that by selecting this option, the Applicant is directing SCE to use SCE’s estimated refundable cost for all billing and accounting.

Applicant understands the Applicant Cost Information, as described above, and hereby elects the following by initialing the appropriate selection below:

- Option 1 - Applicant’s Contract Anticipated Costs $_______________

- Option 2 - SCE’s Estimated Refundable Costs

5. **ITCC**

SCE shall value all trenching, conduit, backfill, street repair, substructures, and encasement, based on SCE’s estimate of such items, for the purposes of collecting the applicable governmental taxes (ITCC) on contributions to SCE.

6. **UTILITY RESPONSIBILITIES**

Upon receipt of this completed and signed form, SCE shall begin the process of producing the applicable contracts and forms based on the selections made by the Applicant.

7. **SIGNATURE**

I declare under penalty of perjury that the foregoing is true and correct.

Applicant’s signature: _____________________________________________

Applicant’s printed name: __________________________________________

Date: ____________________

---

1 Excludes the estimated costs of work the Applicant cannot perform, such as, work on or in proximity to, energized equipment.

Form 14-754, New 7/04
CONTRACT FOR EXTENSION OF ELECTRIC DISTRIBUTION LINE
RULE 15

1. PARTIES

This Contract for Extension of Electric Distribution Line ("Contract") is issued this 04 day of January 2010

The Parties to this Contract are:

CITY OF PORTERVILLE ("Applicant")

and Southern California Edison Company ("SCE"). Applicant and SCE are referred to individually as "Party" and collectively as "Parties".

2. RECITALS

Applicant has requested SCE, pursuant to SCE's Rule 15, Distribution Line Extensions, to install an electric Distribution Line Extension to the location or locations described as follows:

1381 S JAYE ST PORTERVILLE CA 93257

(Hereinafter referred to as "Project")

3. AGREEMENT

3.1 Responsibilities of Applicant

Construction

Applicant shall, in accordance with SCE's specifications and timing requirements for the Project:

- Perform route clearing, tree trimming, trenching, excavating, and backfilling and compacting;
- Furnish imported backfill material and dispose of trench spoil as required;
- Furnish, install and transfer ownership to SCE any substructures, conduit, and protective structures required other than the conduit portion of cable-in-conduit;
- Obtain any necessary construction permits for all work performed by Applicant under this Contract.

If Applicant elects to have SCE perform any part of this work, Applicant shall pay to SCE, as specified herein and before the start of construction, SCE's estimated-installed costs thereof.
Rights of Way

Applicant hereby grants to SCE the rights of way and easements for the Distribution Line Extension over the shortest, most practical, available, and acceptable route within Applicant’s property for the purpose of making delivery of electric service hereunder. Such easement shall include the right of access and right to trim trees as necessary. Where formal rights of way, easements, land leases, or permits are required by SCE for installation of facilities on or over Applicant’s property, or the property of others, Applicant understands and agrees that SCE shall not be obligated to install the Distribution Line Extension for the Project unless and until any necessary permanent rights of way easements, land leases, and permits, satisfactory to SC, are granted to or obtained for SCE without cost to or condemnation by SCE.

Advances

Applicant shall contribute or advance, before the start of construction, the refundable and non-refundable amounts as set forth in Appendix A to this Contract. This includes the costs for substructures and conduits which SCE had previously installed at its expense in anticipation of the current Distribution Line Extension. Any necessary riser conduit, conduit covering, and miscellaneous riser material required for the Distribution Line Extension shall be furnished or paid for by Applicant and shall be installed by SCE.

All contributions and advances by Applicant are taxable and shall include an Income Tax Component of Contribution (ITCC) at the rate provided in SCE’s Preliminary Statement. ITCC will be either refundable or non-refundable depending on whether the corresponding contribution or advance is refundable or non-refundable.

Joint Applicants. The total contribution or advance from joint Applicants will be apportioned by SCE among the members of the group in such manner as Applicants mutually agree.

3.2 Responsibilities of SCE

Construction

SCE shall install, own, operate, and maintain the Distribution Line Extension to serve the Project. SCE will install only those facilities that, in SCE’s judgement, will be used within a reasonable time to serve permanent loads.

Refunds

SCE shall make refunds to Applicant in accordance with the provisions of Rule 15.

3.3 Ownership of Facilities

Title to and ownership of the Distribution Line Extension shall vest in SCE. Applicant does hereby agree that upon completion and acceptance by SCE of any Applicant-installed facilities, title to each and every component part thereof shall immediately pass to SCE free and clear of all liens and encumbrances.
3.4 Service Facilities

Service extensions shall be installed pursuant to SCE's Rule 16, Service Extensions.

3.5 Street Lighting Facilities

Street lighting and Distribution Line Extensions within the Project solely for service to street lighting equipment shall be installed in accordance with the appropriate street light tariff schedule. Street light revenues are not applicable toward allowances or refunds for Distribution Line Extensions. Electrolizers shall be located at points determined by the governmental agency having jurisdiction over streets to be dedicated to that agency or by Applicant for privately owned and maintained streets open to and used by the general public.

3.6 Non-Refundable Discount Option

In lieu of contributing the total refundable amount, Applicant has the option of contributing, on a non-refundable basis, a percentage of such refundable amount as set forth in Appendix A to this Contract. Applicant has or has not chosen this option as indicated by signature on Appendix A.

3.7 Refunds

The total refundable amount shall be subject to refund, without interest, in accordance with the provisions of Rule 15, which include the following:

**Residential.** Refunds will be made on the basis of any new customer permanent load connected to the Distribution Line Extension which produces additional revenues to SCE. The refund will be deducted from the total refundable amount, and the remaining amount subject to refund will represent that portion of the Distribution Line Extension cost not supported by revenues.

**Non-Residential.** Refunds will be made on the basis of Applicant or any new customer permanent load connected to the Distribution Line Extension which produces additional revenues to SCE. SCE shall be responsible to review Applicant's actual net revenue for the first three years from the date SCE is first ready to serve. Applicant shall be from the date SCE is first ready to serve. Such review shall determine if additional net revenue justifies refunds to Applicant.

**Unsupported Distribution Line Extension Cost.** When any portion of a refundable amount has not qualified for a refund at the end of twelve (12) months from the date SCE is first ready to serve, Applicant will pay to SCE an ownership charge on the remaining refundable balance. The difference between the total refundable advance and any refunds made or eligible to be made to Applicant shall serve as the basis of a monthly ownership charge ("base"). Monthly ownership charges are calculated by multiplying the base times the SCE - financed added facilities percentage in Rule 2. Monthly ownership charges are distinct from the refundable amount and will normally be accumulated and deducted from refunds due to Applicant. This provision does not apply to individual residential Applicants.
The monthly ownership charges herein shall automatically increase or decrease if the California Public Utilities Commission should subsequently authorize a higher or lower percentage rate for the monthly ownership charges, effective on the date of such authorization.

Refund Period. The total refundable amount is subject to refund for a period of ten (10) years after the Distribution Line Extension is first ready to serve. Any unrefunded amount remaining at the end of the ten-year period shall become property of SCE.

3.8 Payment Adjustments

Contract Compliance. If, after six (6) months following the date SCE is first ready to serve residential loads for which allowances were granted, one (1) year for non-residential loads, Applicant fails to take service, or fails to use the service contracted for, Applicant shall pay to SCE a additional contribution, based on the allowances for the loads actually installed.

Excess Facilities. If the load information provided by Applicant results in SCE having installed facilities which are in excess of those needed to serve the actual loads, and SCE elects to reduce such excess facilities, Applicant shall pay to SCE its estimated total costs to remove, abandon, or replace the excess facilities, less the estimated salvage of any removed facilities.

3.9 Reimbursement to Applicant

Where mutually agreed upon by SCE and Applicant, Applicant may perform SCE's work or install facilities normally installed by SCE. Such work shall be in accordance with SCE's specifications and timing requirements. SCE shall reimburse Applicant SCE's estimated installed cost of such facilities and work by applying a credit toward Applicant's advance. Any amount not so credited shall be reimbursed to Applicant upon acceptance of the work and facilities by SCE.

3.10 Delays in Construction

Force Majeure. SCE shall not be responsible for any delay in the installation or completion of the facilities by SCE resulting from the late performance of Applicant's responsibilities under this Contract, shortage of labor or material, strike, labor disturbance, war, riot, weather conditions, governmental rule, regulation or order, including orders or judgements of any court or commission, delay in obtaining necessary land rights, act of God, or any other cause or condition beyond the control of SCE.

Resources. SCE shall have the right, in the event it is unable to obtain sufficient supplies, materials, or labor for all of its construction requirements, to allocate materials and labor to needs of its customers. Any delay in construction hereunder resulting from such allocation shall be deemed to be cause beyond SCE's control.
Contract Revision. If Applicant does not commence installation of any facilities which are Applicant’s responsibility or SCE is prevented from commencing the installation of the facilities for causes beyond its reasonable control within one year from the effective date of this Contract, SCE may, in its discretion, revise its cost estimate and recalculate the refundable and/or non-refundable amounts set forth herein. SCE will notify Applicant of such increased costs and give the option to either terminate this Contract or pay SCE the additional charges.

3.11 Contract Termination

If at any time during the term of this Contract, SCE is not the sole deliverer of electrical requirements for the Project, this Contract may be terminated. Upon termination of the Contract, Applicant agrees to forfeit that portion of the advance paid to SCE for its expenses covering any engineering, surveying, right of way acquisition and other associated work incurred by SCE. If such expenses are greater or less than the refundable and/or non-refundable advance, Applicant shall pay to SCE, or SCE shall refund the balance to Applicant, without interest, as the case may be.

3.12 Indemnification

Applicant shall, at its own cost, defend, indemnify, and hold harmless SCE, its officers, agents, employees, assigns, and successors in interest from and against any and all liability, damages, losses, claims, demands, actions, causes of action, costs including attorney’s fees and expenses, or any of them, resulting from the death or injury to any person or damages to any property caused by Applicant or its contractor and employees, officers or agents of either Applicant or its contractor, or any of them, and arising out of the performance or nonperformance of their obligations under this Contract.

3.13 Assignment of Contract

Applicant may assign this Contract, in whole or in part, only if SCE consents in writing and the party to whom the Contract is assigned agrees in writing, to perform the obligations of Applicant hereunder. Assignment of the Contract shall not release Applicant from any of the obligations under this Contract unless otherwise provided therein.

3.14 Joint and Several Liability

Where two or more individuals or entities are joint Applicants under this Contract, all Applicants shall be jointly and severally liable to comply with all terms and conditions herein.

3.15 Warranty

Applicant warrants that all work and/or equipment furnished or installed by Applicant or its contractor shall be free of defects in workmanship and material. The warranty period shall begin from the date of final acceptance by SCE and extend for one (1) year. Should the work develop defects during that period, SCE, at its election, shall either (a) repair or replace the defective work and/or equipment, or (b) demand that Applicant repair or replace the defective work and/or equipment and, in either event, Applicant shall be liable for all costs associated with such repair and/or replacement. Applicant upon demand by SCE, shall promptly correct, to SCE’s satisfaction and that of any governmental agency having jurisdiction, any breach of any warranty.

3.16 Contract Effective Date
This Contract shall not be effective unless it is (1) executed and delivered by Applicant to SCE together with payment required hereunder within ninety (90) days of the date in Paragraph 1 of this Contract and (2) accepted by SCE. This Contract shall then be effective on the date executed by SCE and shall take effect without further notice to Applicant.

3.17 Commission Jurisdiction

This Contract is subject to the applicable provisions of SCE's tariffs, including Rule 15, filed and authorized by the California Public Utilities Commission.

This Contract shall, at all times, be subject to such changes or modifications by the Public Utilities Commission of the State of California, as said Commission may, from time to time, direct in the exercise of its jurisdiction.

3.18 Completion Date

The completion date requested by Applicant is

4. SIGNATURE CLAUSE

The signatories hereto represent that they have been appropriately authorized to enter into this Contract on behalf of the party for whom they sign.

APPLICANT(S)

CORPORATION, PARTNERSHIP, OR DBA:________________________________________

NAME OF AUTHORIZED INDIVIDUAL:________________________________________

SIGNATURE:________________________________________

TITLE:________________________________________

MAILING ADDRESS:________________________________________

TELEPHONE:________________________________________
ADDITIONAL SIGNATURES FOR JOINT APPLICANTS

NAME OF AUTHORIZED INDIVIDUAL: 

SIGNATURE: 

TITLE: 

MAILING ADDRESS: 

TELEPHONE: 

NAME OF AUTHORIZED INDIVIDUAL: 

SIGNATURE: 

TITLE: 

MAILING ADDRESS: 

TELEPHONE: 

APPORTIONMENT OF ADVANCE AMONG JOINT APPLICANTS:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

SOUTHERN CALIFORNIA EDISON COMPANY

NAME OF AUTHORIZED INDIVIDUAL: BRAD HEFNER

SIGNATURE: 

TITLE: PLANNING SUPERVISOR

DATE EXECUTED: JAN 04 2010

DATE SCE FIRST READY TO SERVE: 

PROJECT NO: 326635

ASSOCIATED WORK ORDER NOS: 6951 2377 92170
SUBJECT: POLICY AND PROCEDURES FOR RECORDEDATION OF TRAFFIC COUNTS AND PAVEMENT MANAGEMENT POLICIES

SOURCE: Public Works Department - Engineering Division

COMMENT: Engineering staff has been working on developing policies and procedures for two distinct, yet connected tasks. The two tasks are as follows:

- Collection of Traffic Data (traffic volumes, speeds, truck volumes, etc.)
- Collection of Pavement Management System Data (potholes, cracks, structural section failures, etc).

A brief description of each task and summary of connecting purposes are as follows:

TRAFFIC DATA: The policy and procedures outline a plan for collecting data for existing “arterial” and “collector” streets within the city on a rotating 3 to 4 year cycle. The data will assist staff in preparing radar survey reports, traffic modeling data, monitor truck traffic, and determine street “Level of Services” (LOS).

PAVEMENT MANAGEMENT SYSTEM DATA: The policy and procedures outline a plan to collect the condition of our existing “arterial” and “collector” streets within the city on a rotating 3 to 4 year cycle. It is staff’s intent to obtain the data simultaneously with acquisition of traffic data. Information regarding existing street conditions will be uploaded into a computer modeling program that predicts failure rates, life spans of existing streets and cost effective maintenance. The modeling will calculate a Pavement Condition Index (PCI). The PCI is a numerical index, ranging from 0 for failed pavement to 100 for a pavement in perfect condition. The index will allow staff to concentrate on streets that are in need of immediate attention.

LINK BETWEEN THE TWO POLICIES: Once all of the data is collected and uploaded into the pavement management computer model, staff will be able to present a capital improvement program in priority order to City Council. The proposed policies and procedures will establish street capital improvement programs with priorities and allow staff to present fundable street capital improvement projects based on the PCI index and LOS to the Council each fiscal year.

RECOMMENDATION: That City Council:

1. Review the attached policies and procedures;
2. Approve both the “Traffic Count Recording Policy” and the “Pavement Management Policy” as presented; and
3. Authorize staff to make minor refinements to the policies for the sole purpose of operational clarification.

ATTACHMENTS: Traffic Count Recording Policy
Pavement Management Policy

Direct Appropriated/Funded $100,000 CM

Item No. 11
I. PURPOSE: To create a uniform procedure for the collection of Traffic Counts for roads designated “arterial” and “collector” in the 2030 Circulation Element. It is the desire of the City to establish policy to implement a schedule for recording said counts and to utilize information recovered to aid the process of establishing capital project priorities.

II. POLICY: Traffic counts for “arterial” and “collector” streets shall to be conducted on a rotating basis every 3 to 4 years. The City will develop a schedule to accomplish this reporting in a timely manner.

III. PROCEDURE: Establish and adhere to a schedule to conduct said counts during seasonal school sessions (as required by reporting agencies).

Data obtained from said counts will be used to determine Capital Improvement Project priorities based on current traffic counts and projected traffic volumes. The Engineering Division staff will focus on areas subject to the highest traffic and will present capital improvement projects to the City Council, based on these criteria.

Currently no procedure exists to establish project priorities via empirical data. This policy would present staff with an excellent tool to establish project priorities that may be in conflict with unsupported data or subject to public scrutiny for perceived preferential treatment.

Traffic counts will be conducted pursuant to the schedule developed by the Engineering Division of the Public Works Department. The schedule will encapsulate all the required arterial and collector street segments in a timely manner to meet our required reporting deadlines every 3 to 4 years. Counters will be “set out” the Monday of the reporting week. The counters will be “downloaded” and moved to the next segment the following Monday. This will allow the counters a calendar week of recording per street segment.
I. PURPOSE: To create a uniform procedure for the rating and tracking of conditions of City maintained streets via surveys conducted by Engineering staff; to use those ratings in concert with computer software to project failure rates and life spans of existing streets; and to take preemptive measures to preserve said streets.

II. POLICY: This policy shall reference the traffic count procedure in terms of timing and scope. Segments of “arterial” and “collector” streets shall be surveyed on a rotating basis every 3 to 4 years (pursuant to the recommendations of “Pavement Management for Airports, Roads, and Parking Lots, Second Edition”). City will develop a schedule to accomplish this reporting in a timely manner and to the extent possible, mirror the developed traffic count schedule.

III. PROCEDURE: Data obtained from field surveys will be uploaded to a computer modeling software that will predict failure rates, life spans of existing streets, and plan for cost effective maintenance. The computer model will provide the Engineering Division staff with a systematic approach to pavement management by insuring optimum return on street infrastructure investments and generate budget projections that considers the entire street network (absent local streets) before projects are prioritized. This policy, combined with the computer software, will provide staff with the tools to accomplish these goals.

Field surveys of the entire City street network will be conducted pursuant to the schedule developed by the Engineering Division of the Public Works Department. This schedule will encapsulate all the required arterial and collector street segments in a timely manner on a rotating basis every 3 to 4 years. Segments of streets will be surveyed when traffic counters are placed to maximize efficiency and to minimize traffic delays.
SUBJECT: ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 269-120-005 – TERESA M. LACHINO, A SINGLE WOMAN, AS HER SOLE AND SEPARATE PROPERTY – JAYE/GIBBONS STREET IMPROVEMENT PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Teresa M. Lachino, a Single Woman, as Her Sole and Separate Property, owner of property located at APN 269-120-005, has accepted the appraised value of $5,952.00 for 2,296 square feet of right-of-way needed for the Jaye/Gibbons Street Improvement Project. Replacement of fencing and a mailbox are included in this value.

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 $5,952.00 for the 2,296 square feet of property, and improvement, needed for the project. This appraisal is available in the Community Development Department for your review.

Funding for this project was approved in the 2009/2010 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 Teresa M. Lachino, a Single Woman, as Her Sole and Separate Property, in the amount of $5,952.00 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. 12
APN 269-120-004

GRANT DEED 2000-0006526
APN 269-120-005

E1/4 COR, NW1/4
OF SEC 2-22/27

1335.1'

104.35'

N1/4 OF SEC 2-22/27

JAYE STREET

EAST LINE OF NW1/4 OF SEC 2-22/27

20' RIGHT OF WAY DEDICATION
CONVEYED TO THE COUNTY OF
TULARE PER DOCUMENT錄ED
SEPT. 11, 1940 IN VOL 911,
PG 139, OFFICIAL RECORDS

APN 269-120-005

ACQUIRED AREA: ±2,296 SQ FT

CENTER OF SEC 2-22/27

LICENSED LAND SURVEYOR
STATE OF CALIFORNIA

L.G. KNOPF
LS. 5676
Exp. 09-30-09

OWNER:
TERESA M. LACHINO, A SINGLE WOMAN, AS
HER SOLE AND SEPARATE PROPERTY

EXHIBIT 'B'

PREPARED BY:
Quad Kohnf

DRW BY: SH
CHK BY: CK

PLOT DATE: 07/06/09
JOB NO: 090027
DWG. NAME: 090027-Jaye Street
SCALE: 1"=20'
SHEET NO: 1 of 1
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 TERESA M. LACHINO, A SINGLE WOMAN, AS HER SOLE AND SEPARATE PROPERTY

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 Teresa M. Lachino, a Single Woman, as Her Sole and Separate Property, for public street and underground utilities purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

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

BE IT FURTHER RESOLVED that the purchase price of $5,952.00 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 16 day of February 2010.

______________________________________________
Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

______________________________________________
By: Luisa Herrera, Deputy City Clerk
"Exhibit A"

The West 22.00 feet, of the East 42.00 feet, of the South half of that portion of the Southeast quarter, of the Northwest quarter, of Section 2, Township 22 East, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the official plat thereof, said portion being more particularly described as follows;

Beginning at a point on the North-South center section line, distant 1135.1 feet South of the North quarter corner of said Section 2, and running thence West 417.42 feet, thence South 208.71 feet, thence East 417.42 feet, and thence North 208.71 feet, to the Point of Beginning, as per Licensed Survey recorded August 16, 1935 in Book 7, Page 18 of Licensed Surveys, in the office of the County Recorder of said County.

The herein described parcel contains 2,296 square feet, more or less.

End of Description
APN 269-120-004

GRANT DEED 2000-0006526
APN 269-120-005

JAYE STREET

ACQUIRED AREA: ±2,296 SQ FT

SCALE: 1" = 20'

OWNER:
TERESA M. LACHINO, A SINGLE WOMAN, AS HER SOLE AND SEPARATE PROPERTY

EXHIBIT 'B'

PREPARED BY:
Quad Knopf

EXP. 09-30-09

LICENSED LAND SURVEYOR
STATE OF CALIFORNIA

L. 5676

OWNER:
TERESA M. LACHINO, A SINGLE WOMAN, AS HER SOLE AND SEPARATE PROPERTY

EXHIBIT 'B'

PREPARED BY:
Quad Knopf

EXP. 09-30-09

LICENSED LAND SURVEYOR
STATE OF CALIFORNIA

L. 5676
SUBJECT: Purchase of Upgrade - Digital Evidence Tracking System

SOURCE: Police Department

COMMENT: In 2002, the Police Department purchased a Digital Evidence Tracking System called “TraQ Express” from the QueTel Company. This software program and bar coding system allows for the department to effectively track and maintain all evidence and property that comes into its custody, until it can be returned to an owner or lawfully destroyed after all court proceedings.

In 2009, the department experienced a substantial amount of problems with the system. The City’s IT Staff spent considerable time and effort working with the vendor to fix the problem. After considerable discussion and review of all options, staff determined that the best course of action is to purchase an upgrade of this system called “TraQ Suite.” This upgrade includes an Image Management System, intended to improve the storage of digital photographs. The proper tracking, monitoring and security of all evidence is a vital function of the Police Department and this program will improve the ability to maintain its evidence/property inventory.

The cost of the “TraQ Suite” system upgrade is $10,000. The Police Department has an account in the Equipment Replacement Fund entitled Radios/Pagers/Misc PD Equipment (Electrical 90870) with an adequate balance to cover this expenditure. QueTel is the developer of this software program; hence, they are a sole source provider of this system.

RECOMMENDATION: That City Council:
1) Authorize the City Purchasing Agent to procure the “TraQ Suite” upgrade from QueTel and make payment from the Equipment Replacement Fund, PD Equipment Account.
SUBJECT: Update on Community Partner Meetings Regarding Early Childhood Literacy

SOURCE: City Manager

COMMENT: The City Council requested to receive an update of recent meetings of community partners regarding early childhood literacy.

As the Council is aware, a number of community partners involved in early childhood literacy and support services have participated in City-sponsored meetings to discuss potential strategies and prospects for coordination in reaching as many of the young children in the Porterville community as possible. The community partners that have participated with the City in the meetings include: Bright Start, Burton Elementary School District, Central California Family Crisis Center, County of Tulare Health & Human Services Agency, Family Healthcare Network, First 5, Porterville Unified School District, Read for Life, Sierra View District Hospital, and Tulare County Office of Education.

Conversation during the meetings have focused on how the various agencies can work together in providing coordinated services to young families, and it has seemed apparent to the meeting participants that reviewing and evaluating the prospect of establishing a Family Resource Center in Porterville would serve multiple purposes in providing a “one-stop shop” for services to families. There currently exist several family resource center facilities within Tulare County (Lindsay, Visalia, Woodlake), and at the next meeting of the community partners, representatives from at least one of these facilities will present their program to the group.

It is through the discussion of coordinated services that the concept of the “Harlem Children’s Zone” has been discussed, as a nationally-recognized example of successfully-coordinated services. Several of the community partners have expressed interest in visiting the program and participating in the HCZ Practitioners Institute, and prospective participants are currently reviewing the possibility of forming a community delegation to visit the program.

RECOMMENDATION: That the City Council accept the information report.
SUBJECT:  APPOINTMENT TO THE GOVERNING BOARD OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

SOURCE:  Administrative Services/City Clerk Division

COMMENT:  According to the rotation schedule adopted by the San Joaquin Valley Special City Selection Committee, there is currently a vacancy on the Air Board that must be filled by a council member from the City of Visalia. Pursuant to the Health and Safety Code section 40600.5, appointments to the Air Board are made by the SJV Special City Selection Committee. However, the next step in the process is for all cities within Tulare County to choose from the applicants for the vacant position and approve a resolution nominating an applicant.

Council Member Mike Lane is the sole applicant for the vacancy on the Air Board.

RECOMMENDATION:  That the City Council:
1. Consider approval of the draft resolution nominating Council Member Mike Lane of Visalia for appointment to the Air Board; and
2. If approved, direct the City Clerk to forward a copy of the signed resolution to the District by March 1, 2010.

ATTACHMENTS:  
1. Correspondence from SJVAPCD
2. Draft Resolution
February 1, 2010
City Clerk
291 N. Main Street
Porterville, CA 93257

RE: APPOINTMENTS TO THE GOVERNING BOARD OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

Dear City Clerk:

According to the rotation schedule adopted by the San Joaquin Valley Special City Selection Committee (Committee), currently there is a vacancy on the Air Board that must be filled by a council member from the City of Visalia. Pursuant to the Health and Safety Code section 40600.5, appointments to the Air Board will be made by the Committee. According to the procedures adopted by the Committee, the next step in the appointment process is for all cities within Tulare County to choose from candidate(s) having applied for the vacant position.

Council Member Mike Lane is the only member on the Visalia City Council having applied for this vacant position on the Air Board.

Your City Council must vote on whether you wish to nominate the above candidate to the Committee for appointment to the Air Board. The vote must take place as an item on your City Council's publicly noticed agenda, and be discussed during your regularly scheduled City Council meeting. Attached is a sample resolution for your consideration. Also attached is a copy of the candidate’s application.

In order for your city's vote to be counted towards nomination to the Committee, you must return a copy of your City Council Resolution on this matter to the District by March 1, 2010, to the following address:

Seyed Sadedin
Executive Director/APCO
San Joaquin Valley Unified APCD
1990 E. Gettysburg Avenue
Fresno, CA 93726
Thank you in advance for your timely action on this matter. If you have any questions, please call me at (559)230-6036.

Sincerely,

[Signature]

Seyed Sadreddin
Executive Director/APCO

Attachment:

Sample Resolution (1 Page)
Candidate Application
SAMPLE RESOLUTION

WHEREAS, Health and Safety Code Section 40600.5 created a Special City Selection Committee for the appointment of city members of the San Joaquin Valley Air Pollution Control District (District) Governing Board, and

WHEREAS, The Special City Selection Committee has adopted procedures and a rotation schedule for making their appointments, and based upon the adopted rotation schedule a city council member representing a “large” city with a population of 100,000 or more from Tulare County shall be appointed to the District Governing Board, and

WHEREAS, In selecting a nominee for appointment by the Special City Selection Committee to the District Governing Board, the City Council considered the application materials from the eligible candidates, and

WHEREAS, The vote to select a nominee took place as an item on the publicly noticed agenda and was discussed during the normal city council meeting with time for public comment.

NOW, THEREFORE, BE IT RESOLVED that the City of (put the city name here) nominates Visalia Council Member Mike Lane to the Special City Selection Committee for appointment to the District Governing Board.

ADOPTED by the City of ______________________ on this Date ______________________

    AYES:
    NOES:
    ABSENT:

________________________________________
Council President

ATTEST:

City Clerk

By______________________________
San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

APPLICATION FOR APPOINTMENT AS A CITY REPRESENTATIVE
ON GOVERNING BOARD OF
THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

Current Vacancies

Large City: One member from the City of Visalia.

If you are an elected official on the council of the city identified above, you may submit an application for appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District.

Applicant Name: Mike Lane

Residence Address (Must live within the boundaries of the San Joaquin Valley APCD):
1046 N. Atwood St. Visalia CA 93291

Mailing Address:

Telephone: (559) 872-1601

Primary Alt.

Email Address: mlane@ci.visalia.ca.us

Applicant Signature: Michael Lane Date: 1/5/2010

Please submit this form along with any other pertinent information (e.g., resume, candidate statement, education, experience) that you desire to be considered to the address below. Please limit candidate statement to no more than one page.

Please complete this application and return it by February 1, 2010 to:

Seyed Sadredin
Air Pollution Control Officer
San Joaquin Valley APCD
1990 E. Gettysburg Avenue, Fresno, CA, 93726
RESOLUTION NO. ____-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE NOMINATING VISALIA COUNCIL MEMBER MIKE LANE TO THE SPECIAL CITY SELECTION COMMITTEE FOR APPOINTMENT TO THE DISTRICT GOVERNING BOARD

WHEREAS, Heath and Safety Code Section 40600.5 created a Special City Selection Committee for the appointment of city members of the San Joaquin Valley Air Pollution Control District (District) Governing Board, and

WHEREAS, the Special City Selection Committee has adopted procedures and a rotation schedule for making their appointments, and based upon the adopted rotation schedule a city council member representing a "large" city with a population of 100,000 or more from Tulare county shall be appointed to the District Governing Board, and

WHEREAS, in selecting a nominee for appointment by the Special Selection Committee to the District Governing Board, the City Council considered the application materials from the eligible candidates, and

WHEREAS, the vote to select a nominee took place as an item on the publicly noticed agenda and was discussed during the normal city council meeting with time for public comment.

NOW, THEREFORE, BE IT RESOLVED that the City of Porterville nominates Visalia Council Member Mike Lane to the Special City Selection Committee for appointment to the District Governing Board.

APPROVED, PASSED, AND ADOPTED this 16th day of February, 2010.

ATTEST:
John D. Lollis, City Clerk

By: ________________
Luisa Herrera, Deputy City Clerk

Pete V. McCracken, Mayor
COUNCIL AGENDA – FEBRUARY 16, 2010

SUBJECT: AMENDMENT TO ADMINISTRATIVE POLICY V-B-2
Use of City Vehicles and Use of Personal Vehicles for City Business

SOURCE: ADMINISTRATIVE SERVICES/ HUMAN RESOURCES

COMMENT: The City's Administrative Policy outlining the Use of City Vehicles and Use of Personal Vehicles for City Business is designed to identify position classifications where travel is a common occurrence. The individual appointed to the Leisure Services Superintendent position currently uses his own personal vehicle to regularly travel between facility locations to complete tasks, arrange activities, oversee programs, and inspect facilities utilized by others. In addition, this position is the City's representative on the Tulare County Youth Centers Committee, and is often the principle department representative or board member on the local California Parks and Recreation Society Division. All of these obligations require regular travel time within the community and county. As a cost saving measure it is recommended that the classification of Leisure Services Superintendent be added to the Use of City Vehicles and Use of Personal Vehicles for City Business Administrative Policy effective December 1, 2009.

RECOMMENDATION: That the Council approve the attached draft Resolution authorizing the addition of the Leisure Services Superintendent classification to the list of authorized personnel allowed to use their personal vehicles for City business.

Attachment: Draft Resolution
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE TO AMEND THE ADMINISTRATIVE POLICY REGULATING THE USE OF CITY VEHICLES AND THE USE OF PERSONAL VEHICLES FOR CITY BUSINESS

WHEREAS, the Leisure Services Superintendent classification frequently travels throughout the City and County to meet their obligations.

WHEREAS, mileage reimbursement for everyday travel quickly becomes costly.

WHEREAS, the City's Administrative Policy outlining the Use of City Vehicles and Use of Personal Vehicles for City Business is designed to identify position classifications where travel is a common occurrence.

NOW, THEREFORE, BE IT RESOLVED that the Porterville City Council does hereby authorize that effective December 1, 2009 the Administrative Policy V-B-2, Use of City Vehicles and Use of Personal Vehicles for City Business, is amended to include the Leisure Services Superintendent classification to the list of authorized personnel allowed to use their personal vehicles for City business.

PASSED, APPROVED, AND ADOPTED this 16th day of February, 2010.

ATTEST:

John Lollis, City Clerk

By __________________________

Luisa Herrera, Deputy City Clerk

Pete V. McCracken, Mayor
CITY COUNCIL AGENDA: FEBRUARY 16, 2010

PUBLIC HEARING

SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT 1-2010 TO ALLOW AN ON-SALE TYPE 41 (BEER AND WINE) LICENSE TO BE SOLD IN CONJUNCTION WITH MEALS AT THE CHERRY TREE BANQUET FACILITY LOCATED AT 839 W. HENDERSON AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting approval of Conditional Use Permit 1-2010 to allow a Type 41, (beer and wine) on-sale license in conjunction with serving meals at the Cherry Tree Banquet Facility located at 839 W. Henderson Avenue. The applicant is also requesting approval of a letter of Public Convenience or Necessity.

BACKGROUND: On April 23, 2008, the applicant submitted an application to the Project Review Committee (PRC) to consider a proposal for an on-sale Type 41 (beer and wine) license to be sold in conjunction with serving meals at the Cherry Tree Banquet Facility located at 839 W. Henderson Avenue. The facility serves as a banquet hall used for the purpose of hosting parties, receptions, or other social events. It is reserved by appointment only and catered by Cherry Tree staff members. The facility is not open to the general public like a typical restaurant. All food preparation and cooking is done inside the facility. The days of operation and hours may vary depending on reservations. However, a condition of approval is included which limits the hours of operation during which alcoholic beverages may be sold under the on-sale license from 10:00 a.m. to 12:00 p.m. seven (7) days a week.

The applicant was informed that a Conditional Use Permit (CUP) would be required based on the provisions of the City’s Zoning Ordinance. In addition, the Department of Alcoholic Beverage Control Board (ABC), has indicated that five (5) on-sale licenses are allowed and eight (8) currently exist in Census Tract 37.00, where the project site is located. If approved, this would be the ninth such license. Due to the overconcentration of on-sale licenses in Census Track 37.00, a Letter of Public Convenience or Necessity approved by City Council is required.

On January 13, 2010, the applicant (Ed Phillips) submitted the CUP Application along with a letter addressed to the City Council indicating the need for the on-sale Type 41 (beer and wine) license for the Cherry Tree Banquet facility.
CONDITIONAL USE PERMIT 1-2010
FOR CITY COUNCIL MEETING OF FEBRUARY 16, 2010

APPLICANT/ PROPERTY OWNER: Ed Phillips
590 N. Wisconsin Street
Porterville, CA 93257

PROJECT DESCRIPTION: The applicant is requesting approval of Conditional Use Permit 1-2010 to allow a Type 41, (beer and wine) on-sale license in conjunction with serving meals at the Cherry Tree Banquet Facility located at 839 W. Henderson Avenue. The applicant is also requesting approval of a letter of Public Convenience or Necessity.

SIZE OF FACILITY: 2,604± square feet
SIZE OF PROPERTY: 5.51± acres
SIZE OF SHOPPING CENTER: 21± acres
GENERAL PLAN CLASSIFICATION: Commercial Mixed Use
ZONING CLASSIFICATION: C-2 (Central Commercial)
R-3 (Multiple Family Zone)

SURROUNDING ZONING AND LAND USE:
North: Commercial Mixed Use- C-2 (Central Commercial), R-3 (Multiple Family Zone) - Shopping Center
East: Retail Commercial- C-2 (Central Commercial) - Religious Facilities
South: Commercial Mixed Use- C-2 (Central Commercial), R-3 (Multiple Family Zone)
West: Commercial Mixed Use- C-2 (Central Commercial), R-3 (Multiple Family Zone) - Shopping Center

ATTACHMENT
ITEM NO. 1
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>
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<tbody>
<tr>
<td>Categorically exempt from CEQA</td>
<td>February 3, 2010</td>
<td>February 1, 2010</td>
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</table>

ENVIRONMENTAL SETTING:

Pursuant to Section 15301 Class 1 (Existing Facilities), the proposed project is categorically exempt from the California Environmental Quality Act.

PROJECT DESCRIPTION/ANALYSIS:

The applicant is requesting approval of Conditional Use Permit 1-2010 to allow a Type 41, (beer and wine) on-sale license in conjunction with serving meals at the Cherry Tree Banquet Facility located at 839 W. Henderson Avenue. The applicant is also requesting approval of a letter of Public Convenience or Necessity. The 2,604± square foot facility serves as a banquet hall used for the purpose of hosting parties, receptions, or other social events. It is reserved by appointment only and catered by Cherry Tree staff members. The facility is not open to the general public like a typical restaurant. All food preparation and cooking is done inside the facility. The days of operation and hours may vary depending on reservations. However, a condition of approval is included which limits the hours of operation during which alcoholic beverages may be sold under the on-sale license from 10:00 a.m. to 12:00 p.m. seven (7) days a week.

On April 23, 2008, the applicant submitted an application to the Project Review Committee (PRC) to allow an on-sale Type 41 (beer and wine) license to be sold in conjunction with serving meals at the Cherry Tree Banquet Facility located at 839 W. Henderson Avenue. The applicant was informed that a Conditional Use Permit (CUP) would be required based on the provisions of the City’s Zoning Ordinance. In addition, the Department of Alcoholic Beverage Control Board (ABC), has indicated that five (5) on-sale licenses are allowed and eight (8) currently exist in Census Tract 37.00, where the project site is located. Due to the overconcentration of on-sale licenses in Census Track 37.00, a Letter of Public Convenience or Necessity approved by City Council is required.

During the PRC meeting, the applicant was informed that the religious facility to the east, is considered to be a sensitive use and that no visible advertising of alcohol from the exterior of the facility be allowed. The provisions of Section 2100 (B) 2 (f) of the Zoning Ordinance States:

"Where such a use is within six hundred (600) linear feet of the nearest property line of any sensitive use, the outdoor advertising of alcoholic beverages shall be prohibited."
California Department of Alcoholic Beverage Control  
For the County of TULARE - (On-Sale Licenses) and Census Tract = 0037.  
Report as of 2/3/2010

<table>
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<tr>
<th>License Number</th>
<th>Status</th>
<th>License Type</th>
<th>Orig. Iss. Date</th>
<th>Expir Date</th>
<th>Primary Owner and Premises Addr.</th>
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<td>1) 9228</td>
<td>ACT</td>
<td>51</td>
<td>6/5/1959</td>
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<td>EAGLES LODGE PORTERVILLE AERIE 1351 97 W HENDERSON AVE PORTERVILLE, CA 93257</td>
<td>EAGLES LODGE PORTERVILLE AERIE 1351</td>
<td>PO BOX 989 PORTERVILLE, CA 93258</td>
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<td>2) 9228</td>
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<td>2/15/2006</td>
<td>8/31/2010</td>
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<td>ACT</td>
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<td>LEE SHU KWAN 895 W HENDERSON AVE</td>
<td>ASIA GARDEN RESTAURANT</td>
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http://www.abc.ca.gov/datport/AHCountyRep.asp

ATTACHMENT ITEM NO. 3
2/3/2010
|   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|
| 6) | 416090 | ACT | 47 | 10/18/2004 | 9/30/2010 | CLINTS SPEEDYMART INC | 1531 N MAIN ST | PORTERVILLE, CA 93257 | CHARLIES | 23149 JOSEF CT | PORTERVILLE, CA 93247 | 5400 |
| 7) | 416090 | ACT | 58 | 10/18/2004 | 9/30/2010 | CLINTS SPEEDYMART INC | 1531 N MAIN ST | PORTERVILLE, CA 93257 | CHARLIES | 23149 JOSEF CT | PORTERVILLE, CA 93247 | 5400 |
| 8) | 429595 | ACT | 41 | 9/13/2005 | 2/28/2010 | GIGLIO JOHN ROBERT JR | 949 W HENDERSON AVE | PORTERVILLE, CA 93257 | ROSAS ITALIAN RESTAURANT | 5404 |
| 9) | 434139 | ACT | 41 | 1/6/2006 | 12/31/2010 | PIZZA HUT OF SOUTHEAST KANSAS INC | 276 W HENDERSON AVE | PORTERVILLE, CA 93257 | PIZZA HUT | 208 S MAIZE RD | WICHITA, KS 67209 | 5404 |
| 10) | 437934 | ACT | 41 | 3/30/2006 | 2/28/2010 | PANYATHONG SUPHANH | 951 W HENDERSON AVE | PORTERVILLE, CA 93257 | THAI KITCHEN | 2001 CHRIS COURT | PORTERVILLE, CA 93257 | 5404 |
| 11) | 454777 | ACT | 41 | 7/25/2007 | 6/30/2010 | GAMMON SCOTT EVAN | 897 W HENDERSON AVE |   | PIZZA FACTORY |   |   | 5404 |

http://www.abc.ca.gov/datport/AHCountyRep.asp

2/3/2010
--- End of Report ---

For a definition of codes, view our glossary.
Cherry Tree Catering
Ed Phillips
590 N. Wisconsin St.
Porterville, CA 93257

January 6, 2010

City of Porterville City council

Honorable Mayor, council members:

Cherry Tree Catering is asking for a Conditional Use Permit for a Liquor License. This business is very unique in that it is not open to the general public for alcohol sales. The events held at this location are only by group reservations.

We offer an affordable meeting place with meals. We currently rent to several local service clubs, businesses, city, county and state organizations along with several private individuals, school and church organizations.

Many of these groups would like for us to have the ability to provide beer & wine available. In an attempt for us to stay competitive in today's market it is necessary for us to provide this service along with our meals.

Thank you in advance for your consideration in this matter.

Sincerely,

Ed Phillips
Owner
RESOLUTION NO. ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT 1-2010 TO ALLOW A TYPE 41, BEER AND WINE ON-SALE LICENSE IN CONJUNCTION WITH SERVING MEALS AT THE CHERRY TREE BANQUET FACILITY LOCATED AT 839 W. HENDERSON AVENUE AND A LETTER OF PUBLIC CONVENIENCE OR NECESSITY

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of February 16, 2010, conducted a public hearing to consider Conditional Use Permit 1-2010, to allow a Type 41 on-sale beer and wine license in conjunction with serving meals at the Cherry Tree Banquet Facility located at 839 W. Henderson Avenue and a Letter of Public Convenience or Necessity; and

WHEREAS: A Conditional Use Permit was required pursuant to the City of Porterville Zoning Ordinance; and

WHEREAS: Census Tract 37.00, in which the subject site is located, is overconcentrated with on-sale alcohol licenses according to the Department of Alcoholic Beverage Control Board’s method for determining overconcentration; and

WHEREAS: As a result of the overconcentration of on-sale licenses, the Department of Alcoholic Beverage Control will only approve the on-sale Type 41 licenses with an approval of a Letter of Public Convenience or Necessity by the Governing Body; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan, zoning and land use for the site.

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

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

4. Pursuant to Section 15301 Class 1 (Existing Facilities), the proposed project is categorically exempt from the California Environmental Quality Act.

5. That the proposed project was determined by City Council to be a public convenience or necessity.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 1-2010 subject to the following conditions:

1. That any future changes 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, live entertainment, or change in hours of operation.

2. The hours of operation during which alcoholic beverages may be sold under the on-sale license shall be from 10:00 a.m. to 12:00 p.m. seven (7) days a week.

3. That the applicant shall maintain the security lighting on the exterior of the building to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.

4. That there will be no visible advertising of alcohol from the exterior of the facility.

5. That at all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted building codes and all other applicable laws and ordinances.

6. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Article 31 of the Porterville Zoning Ordinance.

7. The conditional use permit, approving on-site alcohol sales, will be subject to modification or revocation is the on-sale license is sanctioned by the State of California.

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

9. That 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.

10. That no separate bar area shall be provided for patrons.

11. That no live entertainment shall be provided at subject location.

12. That the sale of alcoholic beverages is allowed only in conjunction with the serving of meals.

13. That the off-sale of alcoholic beverages is prohibited.
14. That the applicant shall comply with the Conditions set forth in Conditional Use Permit 2-68 for that Porterville Plaza Shopping Center.

15. That the conditional use permit shall be become null and void if not under taken actively and continuously pursued within one (1) year.

16. That the subject site will be developed/maintained in accordance with the interior plan labeled EXHIBIT “A”.

Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By_______

Luisa Herrera, Deputy City Clerk
February 16, 2010

California Alcohol Beverage
Control Board
Fresno District Office
3640 East Ashlan
Fresno, CA 93726

Attention Joyce Knodel:

RE: Cherry Tree Banquet Facility - 839 W. Henderson Avenue

Dear Ms. Knodel:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of an on-sale beer- and wine license in conjunction with serving meals at the Cherry Tree Banquet Facility, located at 839 W. Henderson Avenue.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the “Business and Professions Code”, the subject site is located within Census Tract 37.00 which allows five (5) on-sale beer and wine licenses. At present there are eight (8) issued licenses.

2. On February 16, 2010, the City Council conditionally approved Conditional Use Permit 1-2010 (see attached resolution) to allow the on-sale of beer and wine in conjunction with serving meals, located at 839 W. Henderson. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.

3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of an on-sale beer and wine license in conjunction with serving meals.

ATTACHMENT
ITEM NO. 6

291 N. Main St., Porterville, CA 93257 Phone (559) 782-7460 Fax (559) 781-6437
Further issuance of an on-sale license allowing only beer and wine sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The majority of the alcohol sales from the Cherry Tree Banquet Facility are to be in small quantities and in conjunction with serving meals.

For these reasons, the City Council of the City of Porterville supports issuance of an on-sale beer and wine license for the Cherry Tree Banquet Facility, located at 839 W. Henderson Avenue.

Sincerely,

Pete V. McCracken, Mayor
PUBLIC HEARING

SUBJECT: ZALUD HOUSE GARDEN FEES AND CHARGES

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Zalud House and Garden has been an enterprise fund for the City of Porterville for over thirty years. The revenues produced by the Zalud House result from tour admission and garden rentals. The City Council had requested the review of current fee information for the Zalud House and that report was presented at the December 15, 2009 City Council meeting. The report included historical information on the fund, fees, adjustments, usage and strategies for revenue generation. A discussion ensued as to the current usage of the Zalud House facility, past and present fee structure as well as current and future marketing efforts.

In March 2006 the City Council approved a Garden rental fee increase as recommended by the Zalud House Revenue Committee and the Parks & Leisure Services Commission. At the December 15, 2009 meeting, Staff was directed to schedule a public hearing to consider re-establishing the fee schedule for the Zalud House Garden that was in effect prior to March 2006. Staff supports returning to lower level fees with a modification to clarify the cleaning deposit to be the same as the reservation deposit.

Staff suggests the Council has the following options at present:

1. Council adoption of a resolution to re-establish the fee schedule that was in effect prior to March 2006.

2. Maintain the fees at the current schedule.

3. Direct Staff to prepare a new fee schedule

RECOMMENDATION: That the City Council adopts a resolution to re-establish the fee schedule that was in effect prior to March 2006, with the exception of an adjustment to the reservation/cleaning deposit to a rate of $75.00.

ATTACHMENTS: 1. Resolution establishing Zalud House Garden Fees
RESOLUTION NO. _____-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING FEES AND CHARGES FOR THE CITY OF PORTERVILLE ZALUD HOUSE GARDEN

BE IT HEREBY RESOLVED by the City Council of the City of Porterville that the following fees and charges established prior to March 2006; be re-established, with the exception of the reservation\cleaning deposit adjusted to the fee stated below, and become effective on March 1, 2010, and that such fees replace all previous fees and charges for rental of the Zalud House Garden. Garden rental includes the use of the garden area, bridal room, kitchen, tables and chairs.

Rental Fees:

Per hour during scheduled house hours (two-hour minimum rental for weddings) $50.00

Per hour during non-scheduled house hours $60.00

Reservation\Cleaning deposit (non-refundable if customer cancels & may be applied to outstanding charges) $75.00

Adopted this 16th day of February, 2010

__________________________
Pete V. McCracken, Mayor

Attest:

John Lollis, City Clerk

__________________________
Luisa Herrera, Deputy City Clerk
# Zalud House Garden Fees & Rentals

## Fees

<table>
<thead>
<tr>
<th>Prior to March 2006</th>
<th>Adopted March 2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per hour during scheduled house hours</td>
<td>Event Use</td>
</tr>
<tr>
<td>(two-hour minimum rental for weddings)</td>
<td>(up to three hour time period)</td>
</tr>
<tr>
<td></td>
<td>$250.00</td>
</tr>
<tr>
<td>Per hour during non-scheduled house hours</td>
<td>Extended time for event use</td>
</tr>
<tr>
<td></td>
<td>(per hour after the initial three hour period)</td>
</tr>
<tr>
<td></td>
<td>$75.00</td>
</tr>
<tr>
<td>Reservation deposit</td>
<td>Reservation/Cleaning Security</td>
</tr>
<tr>
<td>(non-refundable if customer cancels)</td>
<td>$175.00</td>
</tr>
<tr>
<td>Cleaning deposit</td>
<td>Deposit (non-refundable if customer cancels reservation &amp; may be applied to outstanding charges)</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Garden Rentals

|----------------------------------|-----------------------------------|
SUBJECT: SECOND READING – ORDINANCE 1760, PERTAINING TO RECYCLING CENTERS AS CONDITIONAL USES IN THE CENTRAL COMMERCIAL (C-2) ZONE

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1760, An Ordinance of the City Council of the City of Porterville Amending the Porterville Municipal Code Appendix A – Zoning Ordinance Section 801 Pertaining to Recycling Centers in the Central Commercial (C-2) Zone, to allow for recycling centers as conditional uses within the C-2 zone, was given first reading on February 2, 2010, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1760, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1760
ORDINANCE NO.1760

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE APPENDIX A – ZONING ORDINANCE SECTION 801 PERTAINING TO RECYCLING CENTERS IN THE CENTRAL COMMERCIAL (C-2) ZONE

WHEREAS: On February 2, 2010, 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; and

WHEREAS: On February 2, 2010, 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 recycling centers and their potential effect on adjacent properties, the Council made the following findings in support of Zoning Ordinance Amendment 2010-01.

WHEREAS: That through a Conditional Use Permit process, the City of Porterville City Council could establish and enforce conditions of approval to ensure that the design and operations of a proposed recycling center 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 to read as follows:

801.5: USES ALLOWED IN C-2 ZONE WITH A 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. Recycling Centers conducted wholly within a building and enclosed on all sides.

18. 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.

19. Service station.

20. 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 V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By: ______________________
Luisa Herrera, Deputy City Clerk
COUNCIL AGENDA: February 16, 2010

SUBJECT: MID-YEAR BUDGET REVIEW - GENERAL AND MEASURE H FUNDS

SOURCE: Finance Department

COMMENT: For the Council's consideration, staff has prepared the enclosed reports as to the status of the City's General Fund and Measure H Fund budgets for the current fiscal year 2009-2010. Based on information gathered in the first six (6) months of the fiscal year, and using a conservative and pessimistic forecast scenario, revenues are projected to come in lower than original estimates with an overall revenue shortfall of approximately $1.4 million in the General Fund and $300,000 in the Measure H Fund.

As reported in the quarterly budget review in December, property tax revenue estimates received from the Tulare County Auditor-Controller's office revealed a decrease of over $700,000 for the City of Porterville. In addition, sales have continued to decline for the 3rd quarter of 2009, although less of a decline from the prior year. The latest estimates from the State Board of Equalization indicate continued decline through the quarter ending March 2010, and a slow recovery beginning with the quarter ending June 2010. For the City of Porterville, staff is anticipating a sales tax loss of over $400,000 in the General Fund and $300,000 in Measure H in the current fiscal year.

In conjunction with the decline in sales tax, other revenue sources in the General Fund reflect lower amounts, including motor vehicle in-lieu tax, construction permits, and service charges.

In order to offset the expected revenue shortfall, City Departments have been directed to curtail spending in the General Fund by at least five percent (5%), which would result in the offset of approximately $1 million of the projected $1.4 million revenue shortfall. Both the General Fund and the Measure H Fund have reserves that have accumulated in previous years, and staff now recommends that these reserves be utilized to offset the remainder of the anticipated shortfall, which accordingly would amount to approximately $400,000 in the General Fund (2% budget deficit) and $300,000 in the Measure H Fund (12% budget deficit).

It has been the direction of Council to continue providing at least the same if not better levels of service to the public. At this time, staff does not recommend the reduction or elimination of any City services. However, for the Council's information and review, a listing of General Fund

D.D. [Signature] Appropriated/Funded [Signature] C.M. [Signature] Item No. 20
budgeted positions has been provided in the event Council determines to take a different course of action than what is recommended by staff. It should be noted that the listing does not include sworn positions in either the Fire or Police Departments, as those positions are exempt from reduction due to being specifically identified in the Measure H expenditure plan for staffing augmentation. Also, of the approximate one hundred (100) positions provided in the listing, there are currently five (5) vacant positions, which the representative Departments are “chilling” to effect the directed spending curtailment in the General Fund.

RECOMMENDATION:

1. That the City Council accept the Mid-Year General Fund and Measure H Budget Reports and approve the indicated budget adjustments; and
2. That the City Council provide direction in addressing the forecasted budget deficit ($400,000).

ATTACHMENTS:

- Mid-Year General Fund Budget Report
- Mid-Year Measure H Fund Budget Report
- Listing of “Non-Sworn” General Fund Positions
<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Estimated Revenue</th>
<th>% of Estimate</th>
<th>YTD Revenue</th>
<th>Projected</th>
<th>% of Projected</th>
<th>Variance</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Taxes</td>
<td>3,893,845</td>
<td>42.4%</td>
<td>3,183,720</td>
<td>43.0%</td>
<td>1,302,247</td>
<td>42.4%</td>
<td>4.7%</td>
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<tr>
<td>Sales and Use Tax</td>
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<td>2,913,691</td>
<td>42.0%</td>
<td>757,157</td>
<td>42.7%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Use Tax</td>
<td>3,055,000</td>
<td>42.4%</td>
<td>2,201,282</td>
<td>42.7%</td>
<td>1,453,720</td>
<td>42.4%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Transient Occupancy Tax</td>
<td>1,581,157</td>
<td>43.3%</td>
<td>1,210,575</td>
<td>43.0%</td>
<td>370,582</td>
<td>43.3%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Property Transfer Tax</td>
<td>1,600,000</td>
<td>42.4%</td>
<td>1,234,385</td>
<td>42.7%</td>
<td>365,615</td>
<td>42.4%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Franchise Tax</td>
<td>1,600,000</td>
<td>42.4%</td>
<td>1,234,385</td>
<td>42.7%</td>
<td>365,615</td>
<td>42.4%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Sales Tax - Public Safety</td>
<td>1,600,000</td>
<td>42.4%</td>
<td>1,234,385</td>
<td>42.7%</td>
<td>365,615</td>
<td>42.4%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Licenses and Permits</td>
<td>1,600,000</td>
<td>42.4%</td>
<td>1,234,385</td>
<td>42.7%</td>
<td>365,615</td>
<td>42.4%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Business Licenses</td>
<td>1,600,000</td>
<td>42.4%</td>
<td>1,234,385</td>
<td>42.7%</td>
<td>365,615</td>
<td>42.4%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Construction Permits</td>
<td>1,600,000</td>
<td>42.4%</td>
<td>1,234,385</td>
<td>42.7%</td>
<td>365,615</td>
<td>42.4%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Revenue from Agencies-Taxes</td>
<td>1,600,000</td>
<td>42.4%</td>
<td>1,234,385</td>
<td>42.7%</td>
<td>365,615</td>
<td>42.4%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Motor Vehicle In-Lieu Tax</td>
<td>1,600,000</td>
<td>42.4%</td>
<td>1,234,385</td>
<td>42.7%</td>
<td>365,615</td>
<td>42.4%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Homeowners Property Tax Relief</td>
<td>1,600,000</td>
<td>42.4%</td>
<td>1,234,385</td>
<td>42.7%</td>
<td>365,615</td>
<td>42.4%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Revenue from Agencies-Grants</td>
<td>1,600,000</td>
<td>42.4%</td>
<td>1,234,385</td>
<td>42.7%</td>
<td>365,615</td>
<td>42.4%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Sub-Total</td>
<td>12,327,693</td>
<td>100.0%</td>
<td>9,867,746</td>
<td>100.0%</td>
<td>2,459,947</td>
<td>100.0%</td>
<td>24.5%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>% of Total Revenues</th>
<th>107.57%</th>
</tr>
</thead>
<tbody>
<tr>
<td>BALFIELD MITIGATION FEE</td>
<td>0</td>
</tr>
<tr>
<td>Sale of Property - Fargrounds</td>
<td>2,200,000</td>
</tr>
<tr>
<td>Other Revenues</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Recreational</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Inter-Departamental</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Planning and Engineering</td>
<td>54.70%</td>
</tr>
<tr>
<td>Finance</td>
<td>1,716,207</td>
</tr>
<tr>
<td>Police</td>
<td>1,649,640</td>
</tr>
<tr>
<td>Fire</td>
<td>1,622,723</td>
</tr>
<tr>
<td>Library</td>
<td>1,622,723</td>
</tr>
<tr>
<td>State Reimbursements</td>
<td>1,622,723</td>
</tr>
<tr>
<td>Federal Grants</td>
<td>1,622,723</td>
</tr>
<tr>
<td>Other Revenues</td>
<td>1,622,723</td>
</tr>
<tr>
<td>Total Revenue</td>
<td>1,622,723</td>
</tr>
</tbody>
</table>
## CITY OF PORTERVILLE
### EXPENDITURE STATUS REPORT - GENERAL FUND
#### FOR THE SIX MONTHS ENDED DECEMBER 31, 2009

<table>
<thead>
<tr>
<th></th>
<th>AMENDED APPROP</th>
<th>EXPENDITURE 12/31/09</th>
<th>% OF APPROP</th>
<th>YTD EXP PROJECTED 06/30/10</th>
<th>% OF APPROP</th>
<th>FAVORABLE (UNFAVORABLE) VARIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LEGISLATIVE:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY COUNCIL</td>
<td>$166,474</td>
<td>$63,627</td>
<td>34.12%</td>
<td>$177,356</td>
<td>95.11%</td>
<td>$9,118</td>
</tr>
<tr>
<td>COMMUNITY PROMOTION</td>
<td>116,258</td>
<td>116,907</td>
<td>59.57%</td>
<td>187,483</td>
<td>95.53%</td>
<td>8,775</td>
</tr>
<tr>
<td>TOTAL LEGISLATIVE</td>
<td>382,732</td>
<td>180,534</td>
<td>47.17%</td>
<td>364,839</td>
<td>95.32%</td>
<td>17,893</td>
</tr>
<tr>
<td><strong>ADMINISTRATIVE &amp; LEGAL:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER</td>
<td>244,441</td>
<td>128,398</td>
<td>52.53%</td>
<td>252,556</td>
<td>103.32%</td>
<td>(8,115)</td>
</tr>
<tr>
<td>CITY CLERK</td>
<td>184,876</td>
<td>66,172</td>
<td>35.79%</td>
<td>166,258</td>
<td>89.93%</td>
<td>18,618</td>
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<tr>
<td>HUMAN RESOURCES</td>
<td>219,847</td>
<td>63,009</td>
<td>28.66%</td>
<td>146,708</td>
<td>66.73%</td>
<td>73,139</td>
</tr>
<tr>
<td>CITY ATTORNEY</td>
<td>165,000</td>
<td>105,144</td>
<td>63.72%</td>
<td>210,288</td>
<td>127.45%</td>
<td>(45,288)</td>
</tr>
<tr>
<td>TOTAL ADMINISTRATIVE &amp; LEGAL</td>
<td>814,164</td>
<td>362,723</td>
<td>44.56%</td>
<td>775,810</td>
<td>95.29%</td>
<td>38,354</td>
</tr>
<tr>
<td><strong>FINANCE:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCE &amp; ACCOUNTING</td>
<td>731,216</td>
<td>332,293</td>
<td>45.44%</td>
<td>666,860</td>
<td>91.20%</td>
<td>64,356</td>
</tr>
<tr>
<td>INFORMATION SERVICES</td>
<td>367,730</td>
<td>201,116</td>
<td>54.69%</td>
<td>368,509</td>
<td>100.21%</td>
<td>(779)</td>
</tr>
<tr>
<td>ADMINISTRATIVE SERVICES</td>
<td>413,666</td>
<td>197,361</td>
<td>47.71%</td>
<td>428,501</td>
<td>103.59%</td>
<td>(14,835)</td>
</tr>
<tr>
<td>TOTAL FINANCE</td>
<td>1,512,612</td>
<td>730,770</td>
<td>48.31%</td>
<td>1,463,870</td>
<td>96.78%</td>
<td>48,742</td>
</tr>
<tr>
<td>POLICE PROTECTION</td>
<td>7,923,828</td>
<td>3,905,466</td>
<td>49.29%</td>
<td>7,839,417</td>
<td>98.93%</td>
<td>84,411</td>
</tr>
<tr>
<td>FIRE PROTECTION</td>
<td>3,860,695</td>
<td>1,768,789</td>
<td>48.32%</td>
<td>3,578,530</td>
<td>97.76%</td>
<td>82,165</td>
</tr>
<tr>
<td><strong>COMMUNITY DEVELOPMENT:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLANNING &amp; ZONING</td>
<td>516,040</td>
<td>244,287</td>
<td>47.34%</td>
<td>476,024</td>
<td>92.25%</td>
<td>40,016</td>
</tr>
<tr>
<td>ECONOMIC DEVELOPMENT</td>
<td>285,606</td>
<td>142,159</td>
<td>49.77%</td>
<td>286,818</td>
<td>100.42%</td>
<td>(1,212)</td>
</tr>
<tr>
<td>TOTAL COMMUNITY DEVELOPMENT</td>
<td>801,646</td>
<td>386,446</td>
<td>48.21%</td>
<td>762,842</td>
<td>95.16%</td>
<td>38,804</td>
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<tr>
<td><strong>PUBLIC WORKS:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENGINEERING &amp; BUILDING</td>
<td>960,221</td>
<td>428,390</td>
<td>44.61%</td>
<td>863,686</td>
<td>89.95%</td>
<td>96,535</td>
</tr>
<tr>
<td>STREET MAINTENANCE</td>
<td>403,375</td>
<td>209,228</td>
<td>51.87%</td>
<td>429,470</td>
<td>106.47%</td>
<td>(26,095)</td>
</tr>
<tr>
<td>SIGNALS, SIGNING &amp; STRIPING</td>
<td>355,180</td>
<td>188,161</td>
<td>52.96%</td>
<td>345,719</td>
<td>97.34%</td>
<td>9,461</td>
</tr>
<tr>
<td>STREET LIGHTING</td>
<td>404,328</td>
<td>199,878</td>
<td>49.43%</td>
<td>484,058</td>
<td>119.72%</td>
<td>(79,730)</td>
</tr>
<tr>
<td>STORM DRAINS</td>
<td>90,017</td>
<td>38,078</td>
<td>42.30%</td>
<td>74,845</td>
<td>83.15%</td>
<td>15,172</td>
</tr>
<tr>
<td>PARKING LOTS</td>
<td>47,154</td>
<td>19,713</td>
<td>41.81%</td>
<td>49,208</td>
<td>104.36%</td>
<td>(2,054)</td>
</tr>
<tr>
<td>TOTAL PUBLIC WORKS</td>
<td>2,260,275</td>
<td>1,083,448</td>
<td>47.93%</td>
<td>2,246,986</td>
<td>99.41%</td>
<td>13,289</td>
</tr>
<tr>
<td><strong>PARKS &amp; LEISURE:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PARK MAINTENANCE &amp; OPERATION</td>
<td>2,020,016</td>
<td>953,598</td>
<td>47.21%</td>
<td>1,979,439</td>
<td>97.99%</td>
<td>40,577</td>
</tr>
<tr>
<td>COMMUNITY CENTERS</td>
<td>125,408</td>
<td>61,327</td>
<td>48.90%</td>
<td>130,207</td>
<td>103.83%</td>
<td>(4,799)</td>
</tr>
<tr>
<td>LEISURE SERVICES</td>
<td>1,494,578</td>
<td>762,045</td>
<td>50.99%</td>
<td>1,535,245</td>
<td>102.72%</td>
<td>(40,667)</td>
</tr>
<tr>
<td>SWIMMING POOL</td>
<td>161,643</td>
<td>96,554</td>
<td>59.73%</td>
<td>199,911</td>
<td>123.67%</td>
<td>(38,268)</td>
</tr>
<tr>
<td>LIBRARY OPERATIONS</td>
<td>634,159</td>
<td>352,300</td>
<td>55.55%</td>
<td>662,014</td>
<td>104.39%</td>
<td>(27,855)</td>
</tr>
<tr>
<td>YOUTH CENTER</td>
<td>115,615</td>
<td>50,462</td>
<td>43.85%</td>
<td>101,710</td>
<td>87.97%</td>
<td>13,905</td>
</tr>
<tr>
<td>TOTAL PARKS &amp; LEISURE</td>
<td>4,551,419</td>
<td>2,276,286</td>
<td>50.01%</td>
<td>4,608,526</td>
<td>101.25%</td>
<td>(57,107)</td>
</tr>
<tr>
<td>SPECIAL PROJECTS</td>
<td>46,487</td>
<td>20,063</td>
<td>43.16%</td>
<td>34,062</td>
<td>73.27%</td>
<td>12,425</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$21,953,858</td>
<td>$10,714,525</td>
<td>48.80%</td>
<td>$21,674,882</td>
<td>98.73%</td>
<td>$278,976</td>
</tr>
</tbody>
</table>
### CITY OF PORTERVILLE
### OTHER FINANCING SOURCES (USES) - GENERAL FUND
### FOR THE SIX MONTHS ENDED DECEMBER 31, 2009

<table>
<thead>
<tr>
<th>AMENDED BUDGET</th>
<th>YTD 12/31/09</th>
<th>% OF APPROP</th>
<th>YTD PROJECTED 06/30/10</th>
<th>% OF APPROP</th>
<th>FAVORABLE (UNFAVORABLE) VARIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES</td>
<td>$373,775</td>
<td>$1,518,221</td>
<td>406.19%</td>
<td>$2,342,391</td>
<td>626.68%</td>
</tr>
<tr>
<td>TRANSFERS IN:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SPECIAL GAS TAX</td>
<td>773,500</td>
<td>322,292</td>
<td>41.67%</td>
<td>773,500</td>
<td>100.00%</td>
</tr>
<tr>
<td>COMM DEVELOPMENT BLOCK GRANT</td>
<td>115,615</td>
<td>50,462</td>
<td>43.65%</td>
<td>101,710</td>
<td>87.97%</td>
</tr>
<tr>
<td>TRAFFIC SAFETY FUND</td>
<td>160,200</td>
<td>174,226</td>
<td>108.76%</td>
<td>175,000</td>
<td>108.24%</td>
</tr>
<tr>
<td>AIRPORT OPERATIONS</td>
<td>27,500</td>
<td>13,748</td>
<td>48.99%</td>
<td>27,500</td>
<td>100.00%</td>
</tr>
<tr>
<td>PARK DEVELOPMENT</td>
<td>42,394</td>
<td>33,682</td>
<td>79.45%</td>
<td>42,394</td>
<td>100.00%</td>
</tr>
<tr>
<td>TRANSPORTATION DEVELOPMENT</td>
<td>150,000</td>
<td>75,000</td>
<td>50.00%</td>
<td>150,000</td>
<td>100.00%</td>
</tr>
<tr>
<td>BUILDING CONSTRUCTION FUND</td>
<td>50,000</td>
<td>19,778</td>
<td>39.56%</td>
<td>50,000</td>
<td>100.00%</td>
</tr>
<tr>
<td>TOTAL TRANSFERS IN</td>
<td>$1,319,209</td>
<td>$689,188</td>
<td>52.24%</td>
<td>$1,320,104</td>
<td>100.07%</td>
</tr>
<tr>
<td>TRANSFERS OUT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GENERAL GOVT-CAPITAL PROJECTS</td>
<td>(539,685)</td>
<td>(536,635)</td>
<td>99.43%</td>
<td>(1,027,489)</td>
<td>190.39%</td>
</tr>
<tr>
<td>DEBT REPAYMENT</td>
<td>(1,827,584)</td>
<td>(977,663)</td>
<td>48.02%</td>
<td>(1,827,584)</td>
<td>100.00%</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>(10,000)</td>
<td>0.00%</td>
<td>(10,000)</td>
<td>100.00%</td>
<td>0</td>
</tr>
<tr>
<td>GOLF COURSE</td>
<td>(69,000)</td>
<td>(34,500)</td>
<td>50.00%</td>
<td>(69,000)</td>
<td>100.00%</td>
</tr>
<tr>
<td>AIRPORT</td>
<td>(16,632)</td>
<td>(8,414)</td>
<td>49.99%</td>
<td>(16,632)</td>
<td>100.00%</td>
</tr>
<tr>
<td>EQUIPMENT REPLACEMENT</td>
<td>(33,980)</td>
<td>(33,980)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL TRANSFERS OUT</td>
<td>(2,463,101)</td>
<td>(1,491,192)</td>
<td>60.54%</td>
<td>(2,984,885)</td>
<td>121.18%</td>
</tr>
<tr>
<td>TOTAL TRANSFERS</td>
<td>$1,143,892</td>
<td>$802,004</td>
<td>70.11%</td>
<td>$1,664,781</td>
<td>145.54%</td>
</tr>
<tr>
<td>CHANGE IN FUND BALANCE</td>
<td>(770,117)</td>
<td>716,217</td>
<td>-93.00%</td>
<td>677,610</td>
<td>-87.99%</td>
</tr>
<tr>
<td>RESERVE FOR CAPITAL PROJECTS</td>
<td>(2,595,000)</td>
<td>(2,595,000)</td>
<td></td>
<td></td>
<td>0.00%</td>
</tr>
<tr>
<td>PRIOR YEAR FUND BALANCE USED</td>
<td>554,122</td>
<td>469,049</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NET CHANGE IN FUND BALANCE</td>
<td>$770,117</td>
<td>$1,324,661</td>
<td>172.01%</td>
<td>$1,448,341</td>
<td>188.07%</td>
</tr>
</tbody>
</table>
CITY OF PORTERVILLE
REVENUE AND EXPENDITURE STATUS REPORT - MEASURE H
FOR THE SIX MONTHS ENDED DECEMBER 31, 2009

<table>
<thead>
<tr>
<th>REVENUE SOURCE</th>
<th>BUDGET</th>
<th>YEAR-TO-DATE 12/31/09</th>
<th>% OF BUDGET</th>
<th>YEAR-TO-DATE PROJECTED 06/30/10</th>
<th>% OF BUDGET</th>
<th>FAVORABLE (UNFAVORABLE) VARIANCE</th>
<th>BUDGET ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SALES TAX - MEASURE H</td>
<td>$2,800,000</td>
<td>$1,231,462</td>
<td>43.98%</td>
<td>$2,500,000</td>
<td>89.29%</td>
<td>$(300,000)</td>
<td>$(300,000)</td>
</tr>
<tr>
<td>INTEREST</td>
<td>50,000</td>
<td>32,131</td>
<td>64.26%</td>
<td>50,000</td>
<td>100.00%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL REVENUE</td>
<td>2,850,000</td>
<td>1,263,593</td>
<td>44.34%</td>
<td>2,550,000</td>
<td>89.47%</td>
<td>$(300,000)</td>
<td>$(300,000)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>POLICE PROTECTION</td>
<td>1,262,880</td>
<td>596,309</td>
<td>47.22%</td>
<td>1,133,321</td>
<td>89.74%</td>
<td>129,559</td>
<td></td>
</tr>
<tr>
<td>FIRE PROTECTION</td>
<td>872,186</td>
<td>403,699</td>
<td>46.29%</td>
<td>794,635</td>
<td>91.11%</td>
<td>77,551</td>
<td></td>
</tr>
<tr>
<td>LITERACY</td>
<td>427,500</td>
<td>172,085</td>
<td>40.26%</td>
<td>283,544</td>
<td>66.33%</td>
<td>143,956</td>
<td>(52,500)</td>
</tr>
<tr>
<td>CAPITAL PROJECTS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIRE STATION #3</td>
<td>500,000</td>
<td>193,875</td>
<td>38.78%</td>
<td>200,000</td>
<td>40.00%</td>
<td>300,000</td>
<td></td>
</tr>
<tr>
<td>NEW LIBRARY - PLANNING</td>
<td>191,011</td>
<td>61,879</td>
<td>32.40%</td>
<td>75,000</td>
<td>39.26%</td>
<td>116,011</td>
<td></td>
</tr>
<tr>
<td>TOTAL EXPENDITURES</td>
<td>3,253,577</td>
<td>1,427,857</td>
<td>43.89%</td>
<td>2,486,500</td>
<td>76.42%</td>
<td>767,077</td>
<td>(52,500)</td>
</tr>
</tbody>
</table>

| REVENUE OVER (UNDER) EXPENDITURES | $(403,577) | $(164,264) | 40.70% | $63,500 | -15.73% | $(467,077) | $(247,500) |

City of Porterville
General Fund "Non-Sworn" Positions

<table>
<thead>
<tr>
<th>Department</th>
<th>Position</th>
<th>% to GF</th>
<th>Total salaries and benefits budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>City Manager</td>
<td>100.00%</td>
<td>$256,498</td>
</tr>
<tr>
<td></td>
<td>Secretary</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Administrative Analyst</td>
<td>10.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total salaries and benefits budget</td>
<td></td>
<td>$256,498</td>
</tr>
<tr>
<td>Administrative Services</td>
<td>Administrative Services Manager</td>
<td>66.67%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>HR Analyst I</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>HR Assistant</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Deputy City Clerk</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clerical Assistant III</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total salaries and benefits budget</td>
<td></td>
<td>$319,172</td>
</tr>
<tr>
<td>Finance</td>
<td>Finance Director</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MIS Manager</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Purchasing Agent</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Utility Billing Supervisor</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Accountant I (Provisional)</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Administrative Analyst II</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Administrative Analyst I</td>
<td>87.20%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clerical Assistant II</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Account Clerk II</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Account Clerk I</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total salaries and benefits budget</td>
<td></td>
<td>$1,024,482</td>
</tr>
<tr>
<td>Police</td>
<td>Secretary</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community Service Officer II</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community Service Officer II - Animal Control</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community Service Officer I</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Records Clerk</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clerical Assistant III</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parks Maintenance Worker II</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Animal Control Officer</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total salaries and benefits budget</td>
<td></td>
<td>$692,294</td>
</tr>
<tr>
<td>Fire</td>
<td>Secretary</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Code Enforcement Officer</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Code Enforcement Officer (Vacant)</td>
<td>100.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total salaries and benefits budget</td>
<td></td>
<td>$186,105</td>
</tr>
</tbody>
</table>
City of Porterville  
General Fund "Non-Sworn" Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Percentage</th>
<th>GF Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community &amp; Economic Development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CDS Director/RDA Director</td>
<td>1</td>
<td>30.00%</td>
</tr>
<tr>
<td>Project Manager</td>
<td>1</td>
<td>20.50%</td>
</tr>
<tr>
<td>City Planner (Vacant)</td>
<td>1</td>
<td>70.00%</td>
</tr>
<tr>
<td>Administrative Analyst II</td>
<td>1</td>
<td>9.00%</td>
</tr>
<tr>
<td>Assistant Planner</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Assistant Planner (Provisional)</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Associate Planner</td>
<td>1</td>
<td>90.00%</td>
</tr>
<tr>
<td>Development Associate</td>
<td>1</td>
<td>66.00%</td>
</tr>
<tr>
<td>GIS Technician</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Secretary</td>
<td>1</td>
<td>57.50%</td>
</tr>
<tr>
<td><strong>Total salaries and benefits budget</strong></td>
<td></td>
<td>$628,325</td>
</tr>
</tbody>
</table>

| Public Works                              |            |           |
| Public Works Director                     | 1          | 9.00%     |
| Deputy Public Works Dir/City Engineer     | 1          | 45.00%    |
| Assistant City Engineer (Provisional)     | 1          | 45.00%    |
| Assistant Engineer                        | 1          | 90.00%    |
| Assistant Engineer (Vacant)               | 1          | 40.00%    |
| Assistant Engineer (Provisional)          | 1          | 30.00%    |
| Assistant Engineer (Vacant)               | 1          | 50.00%    |
| Engineering Specialist III (Vacant)       | 1          | 56.00%    |
| Engineering Specialist II                 | 1          | 55.00%    |
| Engineering Specialist I                  | 1          | 55.00%    |
| Project/Construction Manager             | 1          | 30.00%    |
| Chief Building Official                   | 1          | 100.00%   |
| Public Works Inspector                    | 1          | 90.00%    |
| Public Works Inspector                    | 1          | 30.00%    |
| Building Inspector II                     | 1          | 100.00%   |
| Building Inspector I                      | 1          | 100.00%   |
| Secretary                                 | 1          | 30.00%    |
| Clerical Assistant III                    | 1          | 90.00%    |
| Clerical Assistant II                     | 1          | 56.00%    |
| Field Services Superintendent             | 1          | 50.00%    |
| Field Services Supervisor - Streets       | 1          | 100.00%   |
| Field Services Worker III                 | 1          | 100.00%   |
| Field Services Worker III                 | 1          | 49.00%    |
| Field Services Worker II                  | 4          | 49.00%    |
| Water Utility Worker II                   | 4          | 13.00%    |
| **Total salaries and benefits budget**    |            | $1,271,429|
City of Porterville
General Fund "Non-Sworn" Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Quantity</th>
<th>% to GF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and Leisure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director of Parks &amp; Leisure Services</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Administrative Analyst I</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Leisure Services Superintendent</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Leisure Services Coordinator</td>
<td>3</td>
<td>100.00%</td>
</tr>
<tr>
<td>Secretary</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Clerical Assistant II</td>
<td>2</td>
<td>100.00%</td>
</tr>
<tr>
<td>Parks Superintendent</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Parks Supervisor</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Parks Maintenance Worker I</td>
<td>5</td>
<td>100.00%</td>
</tr>
<tr>
<td>Parks Maintenance Worker I/II (Vacant)</td>
<td>1</td>
<td>100.00%</td>
</tr>
<tr>
<td>Parks Maintenance Worker II</td>
<td>1</td>
<td>70.00%</td>
</tr>
<tr>
<td>Parks Maintenance Worker II</td>
<td>6</td>
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</tr>
<tr>
<td>Parks Maintenance Worker III</td>
<td>2</td>
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<td>City Librarian</td>
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<tr>
<td>Library Assistant</td>
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</tr>
<tr>
<td>Library Supervisor I</td>
<td>1</td>
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</tr>
<tr>
<td>Library Supervisor II</td>
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</tr>
<tr>
<td><strong>Total salaries and benefit budget</strong></td>
<td></td>
<td><strong>$ 2,069,372</strong></td>
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SUBJECT: IMPLEMENTATION OF NEIGHBORHOOD STABILIZATION PROGRAM

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: It has been a year (February 3, 2009) since the City approved entering into a Joint Powers Agreement with Tulare County in order to access the funds from the state that were allocated to the City under the Neighborhood Stabilization Program (NSP). This program was created by the Housing and Economic Recovery Act of 2008 under which states, cities and counties were eligible to receive a total of $3.92 billion to acquire, rehabilitate, demolish and redevelop foreclosed and abandoned residential properties. The purpose of this funding allocation is to rejuvenate neighborhoods and communities that are hardest hit by the foreclosure crisis.

The application and approval process has been extremely prolonged as the state worked through the mechanics of this program. Finally, the State’s Standard Agreement with the County and the subrecipient agreements with the participating cities have been executed, and the City has been given the green light to proceed with expenditures. Until this approval was given, staff did not want to spend time identifying properties for acquisition because the availability of the properties changes rapidly with the change in market conditions. However, even though the City only recently received the notification to proceed with the program, the deadline date of March 31, 2010 to encumber 75% of the $700,699 available in NSP funds has not been extended. Needless to say, staff is now under a tight timeframe to identify properties and to establish the process for acquiring these properties.

Due to this timing situation, staff is requesting that the City Council give the Community Development Director authority to submit bids on houses or property that meet the eligibility requirements for the program. The program requires that the property must be purchased at a 1% discount from the current market appraised value, so the offer has to take that into consideration. Most offers also require a deposit that range from $1,000 to 10% of the asking price which will be refundable if escrow is not opened, so Council must also authorize the funds for the deposit on each of the properties. All of these costs will be reimbursed by the County with NSP funds. The offer will be made contingent on the appraisal confirming the value of the sale and contingent on the final approval of City Council to purchase the particular property. Escrow will be opened on the property when the offer is accepted, but will not close until council approval is received.
The foreclosed homes being purchased may require minor to substantial rehabilitation work in order to make them marketable for the City to resell to an income eligible household (120% of median income or less). Staff has been in discussion with Community Services Employment Training (CSET) to enter into a subrecipient agreement for their Sequoia Community Corps to provide the rehabilitation work. Approval of the subrecipient agreement will be on the next Council agenda.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution authorizing the Community Development Director to submit offers on eligible properties under the Neighborhood Stabilization Program, authorize the expenditure of funds for the required deposit with the offer, and if the offer is accepted, authorize the City to open escrow on the property;

ATTACHMENTS: 1. Draft Resolution for submitting offers for NSP properties
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING THE LOCAL NEIGHBORHOOD STABILIZATION PROGRAM PROCEDURES

WHEREAS, the City of Porterville (referred to as CITY) has entered into a Subrecipient Agreement dated December 1, 2009, referred to as SUBRECIPIENT AGREEMENT, to receive funding from Tulare County (referred to as COUNTY), who is receiving funding from the State of California’s Neighborhood Stabilization Program (referred to as NSP), from the State of California’s Department of Housing and Community Development (referred to as HCD), to finance the City of Porterville’s Neighborhood Stabilization Program (referred to as PROGRAM), as authorized by Title III of Division B of the Housing and Economic Recovery Act of 2008 (HERA); and

WHEREAS, the purpose of the PROGRAM is to mitigate the effects of the foreclosure crisis in target areas of the CITY and one of the eligible uses of funds for the PROGRAM is the acquisition of foreclosed properties which will eventually provide benefit to low- and moderate-income persons (individuals at or below 120% of County median income) as defined by HCD; and

WHEREAS, in order to implement this program in the timely manner that is being required by HCD, a process needs to be established for submitting offers on the properties with the required deposits and opening escrow on accepted offers; and

WHEREAS, the CITY can only offer up to 1% less than the current market appraised value for the property; and

WHEREAS, the CITY will undertake NSP-funded activities with strict adherence to all the NSP guidelines and requirements, as directed by HCD and HERA.

NOW, THEREFORE BE IT RESOLVED: That the City Council of the City of Porterville, State of California, hereby authorize the Community Development Director to submit offers on eligible properties under the Neighborhood Stabilization Program up to 1% less than the current market appraised value of the property, authorize the expenditure of funds for the required deposit with the offer, and if the offer is accepted, authorize the City to open escrow on the property in accordance with all program guidelines and state and federal regulations.

BE IT FURTHER RESOLVED: The City of Porterville authorizes the Community Development Director to execute in the name of the City of Porterville all documents in accordance with the submittal of the offer and the opening of the escrow on the eligible properties.
APPROVED AND ADOPTED this ___ day of _____, 2010.

________________________
Pete V. McCracken, Mayor

ATTEST:
John D. Lollis, City Clerk

________________________
By Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: February 16, 2010

SUBJECT: Proposed Changes to Porterville Municipal Code - Article II, Fireworks

SOURCE: Fire Department

COMMENT: At the September 15, 2009 City Council meeting, Council gave direction to staff to bring back recommendations for Council to review regarding changes in the City's ordinance for fireworks. The areas of concern were as follows:

1. Discharge dates and times
2. Fines
3. Incorporation of site selection
4. Distance between booths

Staff reviewed ordinances throughout the state to assist in its recommendations to Council. Mr. Lollis, Chief Garcia and I also met with the Tulare and Kings County Fire Chiefs to discuss booth locations in regards to proximities to jurisdictional lines.

In regards to discharge dates as advised at the September 15, 2009 meeting, we addressed our concern with discharge times being different than sales. Currently the City of Porterville Municipal Code allows sales to commence at twelve o'clock (12:00) noon on June 28. The discharge time starts at twelve o'clock (12:00) noon on July 1. The main issue is the question of our ability to enforce this portion of the code. It is impractical for the public to purchase Safe and Sane fireworks and not be able to discharge them. Survey of over fifteen jurisdictions that allow the sales of “Safe and Sane” fireworks all allowed the discharge times to be concurrent with sales.

In regards to fines, the survey varied widely. The City of Porterville's current fine is $100 for discharge of illegal fireworks. Citizens have made comments to us along with other jurisdictions.
that they were willing to “pay the fine right then” stating that it was insignificant to what they were paying for the fireworks. Fines varied in amounts from our current fine to over $1,250. The intent of the fine is to discourage the use of illegal fireworks. In 2008 a four-year-old juvenile was struck in the chest with an illegal firework. Our only intent is the safety of the citizens of the community.

The incorporation of booth site selection found that there was no jurisdiction within the state that regulates this. We were unable to find any jurisdiction that was involved in the selection of locations. The distributors of Safe and Sane fireworks, TNT/Phantom Fireworks, currently contact property owners throughout the state and form contracts, spending as much as $5000 securing booth locations. They then enter into a contract with organizations with which they are able to secure booths.

After a meeting with Chief Joe Garcia from Tulare County Fire Department, we feel that we have resolved the issue that created complaints from booth locations primarily located at Newcomb and West North Grand without any code changes. Staff has proposed a 250-ft. distance restriction from city boundaries. We have also included in the proposed code change the requirement of a 400-ft. separation distance between any stands.

Staff has also edited the current code, addressing minor issues by adding wordage to help eliminate gray areas.

RECOMMENDATIONS: That the City Council:

1. Allow the discharge time to be changed to the same time as sales, i.e. twelve o’clock (12:00) noon on June 28;

2. Adjust the fine from $100 to $500 for the possession or discharge of dangerous fireworks;

3. Maintain current process for stand site selection; and

4. Approve the proposed changes to Article II, give first reading to the draft ordinance approving the above, waive further reading and order the ordinance to print.
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE
PORTERVILLE MUNICIPAL CODE

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

Section 1.  Purpose: The purpose of this ordinance is to address issues that have
arisen since the writing of the ordinance. It is also the intent to address grammatical
issues that have been discovered.

Section 2.  Chapter 12, Article II, Section 2.1: Definitions of the Porterville
Municipal Code is amended to read as follows: Paragraph 1 Line 1
For the purposes of this article, definitions shall have the respective meaning
ascribed to them in section 12500 et seq., of the Health and Safety Code of the
State of California, and, unless otherwise apparent from the context, certain words
and phrases used in this article are defined as follows:

Paragraph 2 line 1: CITY: The City of Porterville

Paragraph 3 line 1: DANGEROUS FIREWORKS: Any fireworks specified as such in
the state fireworks law, section 12500 et seq., of the Health and Safety Code of the
State and such other fireworks as may be determined to be dangerous by the State
Fire Marshal.

Paragraph 5 line 1: Fire Chief shall mean the Fire Chief or his/her duly authorized
designee.

Paragraph 7 line 2: SAFE AND SANE FIREWORKS: Shall mean and include any
fireworks not designated as dangerous fireworks, except that in any case, only end
fuses may be used. The California State Fire Marshal's seal of registration shall be
applied to all classified fireworks and pyrotechnic devices by a licensed
manufacturer, importer, exporter or wholesaler and shall indicate the classification
assigned by the State Fire Marshal.
Section 3. Chapter 12, Article II, Section 12-2.3 PUBLIC DISPLAYS OF FIREWORKS of the Porterville Municipal Code is amended to read as follows:
Paragraph 11 line 1: The Fire Chief shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for use of fireworks by artisans in pursuit of their trade.

Paragraph 11 line 2: Every such use or display shall be handled by a licensed operator approved by the Fire Chief and shall be of such character and so located, discharged or fired so as, in the opinion of the Fire Chief after proper investigation, not to be hazardous to property or endanger any person.

Section 4. Chapter 12, Article II, Section 12-2.5 SALES OF SAFE AND SANE FIREWORKS; APPLICATIONS FOR PERMITS of the Porterville Municipal Code is amended to read as follows:

A. Any eligible organization desiring to sell safe and sane fireworks in the City of Porterville shall obtain and return an application during the period commencing on the first business day of April and ending on the last business day of April each year at the fire department.

D. The licensee shall use the net proceeds derived from its operations under such license only for such nonprofit, charitable, or religious service projects that shall be of direct benefit to the City of Porterville and for no other purpose.

Section 5. Chapter 12, Article II, Section 12-2.6 PERMIT ISSUANCE BASED ON DRAWING SELECTIONS of the Porterville Municipal Code is amended to read as follows:

3. The State Fire Marshal's license to sell Safe and Sane Fireworks;

Section 6. Chapter 12, Article II, Section 12-2.7 PERIOD OF DISCHARGE of the Porterville Municipal Code is amended to read as follows:
Safe and Sane Fireworks, as defined by section 12529 of the California Health and Safety Code, as amended ("fireworks"), may be discharged within the city limits of the City of Porterville ("City") during the period beginning at twelve o'clock (12:00) noon on June 28 and ending at eleven fifty-nine o'clock (11:59) P.M. on July 4 of any year.

Section 7. Chapter 12, Article II, Section 12-2.10 PROHIBITIONS of the Porterville Municipal Code is amended to read as follows:
D. It shall be unlawful to store any fireworks in any residence, home, garage, or automobile within the City of Porterville. It shall also be unlawful to store any fireworks in any building or other place within the City of Porterville without having first applied for and received a permit pursuant to PMC 12-2.2.

E. No fireworks shall be stored within one hundred (100) feet of any gasoline service station or any garage located within twenty-five (25) feet of any other structure. Any facility for the storage of fireworks shall maintain a minimum setback from the street curbing of ten (10) feet.

F. No person shall light, or cause or permit to be lighted, any fireworks, or any other article or material, within any structure approved for fireworks storage, or within fifty (50) feet thereof.

G. No smoking shall be allowed in any structure that is used for storing fireworks nor within fifty (50) feet of said structure. "No Smoking" signs shall be prominently displayed.

Section 8. Chapter 12, Article II, Section 12-2.11 REGULATIONS of the Porterville Municipal Code is amended to read as follows:

D. To allow smoking within fifty feet (50') of any such business location or stand or to fail to post "No Smoking" signs with such wording in red letters not less than four inches (4") in height on a white background on all sides of any such stand.

L. All electrical/spark-producing appliances (fans, coolers, air conditioners, etc.) are prohibited inside the fireworks stands and shall not block the means of egress.

Section 9. Chapter 12, Article II, Section 12-2.12 FIREWORKS STANDS; REQUIREMENTS of the Porterville Municipal Code is amended to read as follows:

A. No fireworks stand shall be located within twenty-five feet (25') of any other building or within one hundred feet (100') of a gasoline pump, or within 500' of another fireworks stand, when measured closest to closest point. Minimum setback from the street curbing, alley, or driveway shall be 10'. Stands shall not cover or impede any public rights-of-way.

C. Each stand must have at least two (2) exits located on separate walls. Fireworks stands with only three (3) sides and open from the back will not require exits. Fireworks stands shall have exits at least thirty (30) inches in width at both ends of the structure. An aisle with a minimum width of thirty (30) inches shall lead to each exit. Exits shall remain unobstructed. No supplies or other materials shall be stored in front of exit doors. All exit doors shall remain unlocked and unlatched whenever the stand is occupied.
D. Each stand shall keep easily accessible a minimum of one 2 1/2-gallon water pressure-type fire extinguisher and one 2A10BC rated dry chemical fire extinguisher and each shall be in good working order and bear a current inspection sticker. Extinguishers must be of a type approved for such use by the Porterville Fire Department.

F. After hours, stands must be properly secured or a security guard must be provided to patrol the premises. Under no circumstances shall the night watchman sleep within the fireworks stand.

J. Primary power to the temporary lighting may be by means of on-site commercial power in a fixed facility or by means of an on site portable generator. Generators must be located at least twenty five feet (25') from the fireworks stand. Location of portable generators must be approved by Fire Department.

N. All trash shall be removed from the premises and the fireworks stand each evening at the close of business.

O. No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any such stand, or within fifty (50) feet thereof.

P. No alcoholic beverages shall be allowed on the premises. No person who is under the influence of alcoholic beverages shall enter or be allowed into the sales booth.

Q. If a toilet is not immediately available during all open or sale hours of the fireworks stand, then an approved chemical one must be provided.

Section 10. Chapter 12, Article II, Section 12-2.13 FIREWORKS STANDS; LOCATIONS of the Porterville Municipal Code is amended to read as follows:
A. In no instance shall any firework stand be located within a residential zoned district.
B. No stand shall be located within 250' of any city/county boundaries
C. No stand shall be located closer than 500' from another.

Section 11. Chapter 12, Article II, Section 12-2.18 SEIZURE OF FIREWORKS of the Porterville Municipal Code is amended to read as follows:
The Fire Chief shall have the authority to seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article.

Section 12. Chapter 12, Article II, Section 12-2.20 VIOLATIONS; PENALITIES of the Porterville Municipal Code is amended to read as follows:

Fine for possession or discharge of dangerous fireworks within the City of Porterville shall be $500.00.

Section 13. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED & ADOPTED this ____ day of ____________, 2010.

____________________
Pete V. McCracken, Mayor

ATTEST:

John D. Lollis, City Clerk

____________________
Patrice Hildreth, Chief Deputy City Clerk
Article II
FIREWORKS

12-2.1: DEFINITIONS:

For the purposes of this article, definitions shall have the respective meaning ascribed to them in section 12500 et seq., of the Health and Safety Code of the State of California, and, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

CITY: The City of Porterville.

DANGEROUS FIREWORKS: Any fireworks specified as such in the state fireworks law, section 12500 et seq., of the Health and Safety Code of the state, and such other fireworks as may be determined to be dangerous by the state fire marshal – State Fire Marshal.

ELIGIBLE ORGANIZATION: An organization which has met all of the following criteria for a continuous period of not less than one calendar year preceding submittal of an application for the permit required by this article (and which continues to do so thereafter):

A. The organization must be a duly organized non-profit charitable, religious, civic, patriotic or community service organization;

B. The organization must be headquartered within and clearly affiliated or identified with Porterville;

C. The organization must be one which provides direct and regular community services and benefits to the citizens of the city; and

D. The organization must hold its regularly scheduled meetings within the city.

E. Must maintain an bona fide membership of at least twenty (20) members.

F. The organization must have a tax exempt identification number assigned to them;

G. One application per tax exempt I.D. number will be allowed; and

H. One permit per tax exempt number will be allowed.

FIREWORKS: Any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation,
and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance; except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty five one hundredths (0.25) of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

Fire Chief shall mean the Fire Chief or his/her duly authorized designee.

SAFE AND SANE FIREWORKS: Shall mean and include any fireworks not designated as "dangerous fireworks", except that, in any case, only end fuses may be used. The California state fire marshal's State Fire Marshal's seal of registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter, or wholesaler and shall indicate the classification assigned by the state fire marshal.

STAND: Any building, counter, or other structure of temporary nature used in the sale or offering for sale of fireworks pursuant to a permit duly issued. (Ord. 1650 § 2, 4-6-2004)

12-2.2: SALES OF FIREWORKS: PERMITS REQUIRED:

A. It shall be unlawful for any person to sell or offer for sale any dangerous fireworks in the city.

B. It shall be unlawful for any person to sell or offer for sale any Safe and Sane Fireworks in the city without first obtaining a permit. (Ord. 1650 § 3, 4-6-2004)

12-2.3: PUBLIC DISPLAYS OF FIREWORKS:

The Fire Chief shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent licensed operator approved by the fire chief and shall be of such character and so located, discharged or fired so as, in the opinion of the Fire Chief after proper investigation, not to be hazardous to property or endanger any person. Said rules and regulations are as follows:
A. Applications: Applications for permits shall be made in writing at least ten (10) days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

B. Bond For Fireworks Display Required: The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the city's risk manager for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permit holder, his agents, employees or subcontractors.

C. Disposal of Unfired Fireworks: Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (Ord. 1650 § 3, 4-6-2004)

12-2.4: NUMBER OF PERMITS LIMITED/PREAPPLICATION:

The maximum number of permits to sell Safe and Sane Fireworks which may be issued pursuant to this article during any one calendar year shall not exceed one permit for each four thousand (4,000) residents of the city, or major fraction thereof, based on the most recent population figure as determined by the federal decennial census and subsequently by the California state department of finance. If the number of pre-applications received up to and including the last day for making applications pursuant to this article exceeds the number of permits to be issued for the city, the Fire Chief shall thereafter supervise a public drawing to determine an order of priority for each pre-application. All applicants will be assigned a number in the order in which the pre-application is received and applicants for permits will be notified of date and time of drawing. Pre-applications can be obtained at the fire department between January 15 and March 15 each year. The drawing will be held between March 16 and March 31 each year, with the exception that the application timelines for the calendar year 2001 shall be set by separate resolution. (Ord. 1650 § 3, 4-6-2004)

12-2.5: SALES OF SAFE AND SANE FIREWORKS;
APPLICATIONS FOR PERMITS:

Permits to sell Safe and Sane fireworks shall be issued by the Fire Chief. Application packets for a permit will be furnished to eligible organizations whose number has been drawn. Each organization must meet all the applicable
requirements set forth in the application for permits section and the permit issuance section.

A. Any eligible organization desiring to sell Safe and Sane Fireworks in the city of Porterville City of Porterville shall obtain and return an application during the period commencing on the first business day of April and ending on the last business day of April each year at the fire department.

B. Such applications shall be signed by a bona fide officer of the eligible organization, wherein the officer, on behalf of the organization and its agents, shall agree to abide by state laws and administrative regulations and all the stipulations of this code and the permit if permission to operate a fireworks stand shall be granted to the organization.

C. Completed applications shall be returned to the fire department no later than five o'clock (5:00) P.M. on the last business day of April each year. Any eligible organization making an application for a permit to sell Safe and Sane Fireworks that fails to return the completed application prior to five o'clock (5:00) P.M. on the last regular business day in April shall not be issued a permit to sell Safe and Sane Fireworks. (Ord. 1260 § 3, 4-6-2004)

D. The licensee shall use the net proceeds derived from its operations under such license only for such nonprofit, charitable, or religious service projects that shall be of direct benefit to the City of Porterville and for no other purpose.

12-2.6: PERMIT ISSUANCE BASED ON DRAWING SELECTIONS:

A. All eligible organizations shall obtain and submit to the fire department the following forms supplied by the fire department. Forms will be supplied to those organizations whose drawn assigned number is sequentially within the total number of permits to be issued. All other applicants will be placed on a waiting list in the sequence of their drawn assigned number. If an applicant does not satisfy the requirements of this section within the time periods identified in this section, the next drawn assigned number on the waiting list will be notified and provided with the following paperwork:

1. The property owner's release form signed by the property owner authorizing permission to erect a fireworks stand on his property;
2. The fireworks storage form indicating where and how the fireworks will be stored when not in the approved stand;

3. The state fire marshal's State Fire Marshal license to sell Safe and Sane fireworks;

4. A copy of the temporary seller's permit issued by the state board of equalization; and

   a. The certificate of insurance required by section 12-2.14 of this article.

   b. A statement of organization eligibility.

   c. A site plan indicating location of stand, distance to nearest building, ingress, egress, parking, etc.

   B. These forms must be returned to the fire department between the first working day of April and the last business day of April.

   C. No permit issued or authorized shall be transferable or assignable.

   D. When all the application requirements have been completed and the fireworks stand location has been approved, the fire department shall authorize the erection of a fireworks stand. Each qualified organization shall pay to the administrative services director or designee a permit fee amount as listed in the master administrative fee schedule amended from time to time by resolution of the city council. This fee will include a refundable cleanup deposit. Each permit shall be for only one stand per eligible organization and shall be forwarded to the fire department for delivery as set forth in subsection E of this section.

   E. Permits will be effective only when issued by the fire department after the final inspection of the stand shows compliance with all the requirements of this article. (Ord. 1650 § 3, 4-6-2004)

12-2.7: PERIOD OF DISCHARGE:

Safe and Sane Fireworks, as defined by section 12529 of the California Health
and Safety Code, as amended ("Fireworks"), may be discharged within the city limits of the City of Porterville ("City") during the period beginning at twelve o'clock (12:00) noon on July 4, June 28 and ending at eleven fifty nine o'clock (11:59) P.M. on July 4 of any year. (Ord. 1650 § 3, 4-6-2004)

12-2.8: PROHIBITIONS ON DISCHARGE:

It shall be unlawful for any person to ignite, explode, project, or otherwise fire or use, or permit the ignition, explosion or projection of any fireworks upon, over, or onto the private property of another, or to ignite, explode, project, or otherwise fire or make use of any fireworks within fifteen feet (15') of any residence, dwelling or other structure, or public property, fields or river area. (Ord. 1650 § 3, 4-6-2004)

12-2.9: TIME PERIOD FOR SALE:

Safe and Sane Fireworks may be sold within the city limits of the City of Porterville during the period beginning twelve o'clock (12:00) noon on June 28 and ending at ten o'clock (10:00) P.M. on July 4. The hours of operation of any stand shall be limited to nine o'clock (9:00) A.M. to ten o'clock (10:00) P.M. daily during the days identified in this article, except that hours of operation of any stand on June 28 shall commence at twelve o'clock (12:00) noon. (Ord. 1650 § 3, 4-6-2004)

12-2.10: PROHIBITIONS

A. The manufacture of fireworks is prohibited within the jurisdiction.

B. No person shall possess, sell, deliver, deal in, use, explode or fire, or cause to be used, exploded or fired, any form of fireworks designated as "dangerous fireworks" by section 12505 of the Health and Safety Code of the state of California.

C. The possession, sale, delivery, dealing in, use, exploding or firing of any form of fireworks designated as Safe and Sane Fireworks by section 12529 of the Health and Safety Code of the state of California is expressly prohibited, except as limited by this article. (Ord. 1650 § 4, 4-6-2004)
D. It shall be unlawful to store any fireworks in any residence, home, garage, or automobile within the City of Porterville. It shall also be unlawful to store any fireworks in any building or other place within the City of Porterville without having first applied for and received a permit pursuant to PMC 12-2.2.

E. No fireworks shall be stored within one hundred (100) feet of any gasoline service station or any garage located within twenty-five (25) feet of any other structure. Any facility for the storage of fireworks shall maintain a minimum setback from the street curbing of ten (10) feet.

F. No person shall light, or cause, or permit to be lighted, any fireworks, or any other article or material, within any structure approved for fireworks storage, or within fifty (50) feet thereof.

G. No smoking shall be allowed in any structure used for the storage of fireworks nor within fifty (50) feet of said structure. "No Smoking" signs shall be prominently displayed.

12-2.11: REGULATIONS:

It shall be unlawful for any eligible organization to which a permit has been issued:

A. To operate, in violation of California Code of Regulations title 19, chapter 6, regulating the storage, transportation, sale and use of fireworks.

B. To obtain or use more than one permit for one stand per year.

C. To fail to clear all flammable or burnable materials within thirty feet (30') from any fireworks stand and to maintain such conditions during the period prescribed for the sale of fireworks.

D. To allow smoking within twenty-five feet (25') fifty feet (50') of any such business location or stand or to fail to post "No Smoking" signs with such
wording in red letters not less than four inches (4") in height on a white background on all sides of any such stand.

E. To fail to have immediately available within the stand a certified fire extinguisher or other fire extinguishing device of a type approved by the fire department.

F. To sell fireworks earlier than twelve o'clock (12:00) noon on June 28 or later than ten o'clock (10:00) P.M. on July 4.

G. To fail to dismantle and remove any stand or structure of any nature where fireworks were sold as of five o'clock (5:00) P.M. July 8.

H. To sell fireworks to persons under sixteen (16) years of age.

I. No person other than a member (or their spouse) of the organization or a volunteer who is associated with the organization having a permit shall be permitted to sell or otherwise participate in the sale of fireworks. At least one individual participating in the sale of fireworks in a stand must have attended a safety meeting provided by the fire department. A maximum of one member for every four (4) linear feet of stand (i.e., if the stand is 32 feet long, 32 divided by 4 equals 8 members allowed in the stand) is permitted within the stand at any one time, and all persons selling fireworks must be at least eighteen (18) years old.

J. No sleeping inside the fireworks stand will be permitted at any time.

K. No person shall use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within the fireworks stand.
L. All electrical/spark producing appliances (fans, coolers, air conditioners, etc.) are prohibited inside the fireworks stands and shall not block the means of egress. (Ord. 1650 § 4, 4-6-2004)

12-2.12: FIREWORKS STANDS; REQUIREMENTS:

All retail sales of "safe and sane fireworks" shall be permitted only from within a temporary fireworks stand and sales from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:

A. No fireworks stand shall be located within twenty-five feet (25') of any other building nor within one hundred feet (100') of a gasoline pump, or within 500' of another fireworks stand, when measured closest to closest point. Minimum setback from the street curbing, alley, or driveway shall be 10'. Stands shall not cover or impede any public rights-of-way.

B. No stand shall have a floor area in excess of four hundred (400) square feet. The width and length of each stand shall be a maximum of ten feet by forty feet (10' x 40'), respectively.

C. Each stand must have at least two (2) exits located on separate walls. Fireworks stands with only three (3) sides and open from the back will not require exits. Fireworks stands shall have exits at least thirty (30) inches in width at both ends of the structure. An aisle with a minimum width of thirty (30) inches shall lead to each exit. Exits shall remain unobstructed. No supplies or other materials shall be stored in front of exit doors. All exit doors shall remain unlocked and unflashed whenever the stand is occupied.

D. Each stand shall keep easily accessible a minimum of one 2 1/2-gallon water pressure type fire extinguisher and one 2A10BC rated dry chemical fire extinguisher and each shall be in good working order and bear a current inspection sticker. Extinguishers must be of a type approved for such use by the Porterville Fire Department.

E. All stands must be constructed of solid wood or metal.
F. After hours, stands must be properly secured or a security guard must be provided to patrol the premises. Under no circumstances shall the night watchman sleep within the fireworks stand.

G. All unsold stock and accompanying litter shall be removed from the location by five o'clock (5:00) P.M. July 5.

H. Fireworks stand may be brought to the site one week prior to June 28 and must be dismantled and removed by five o'clock (5:00) P.M. July 8.

I. Temporary lighting may be installed in the fireworks stands. Approved temporary lights must have a guard protecting the bulb/fixture and all wiring and fixtures must be 3-wire and grounded.

J. Primary power to the temporary lighting may be by means of on site commercial power in a fixed facility or by means of an on site portable generator. Either source of primary power. Generators must be located at least twenty five feet (25) from the fireworks stand. Location of portable generators must be approved by the Fire Department.

K. Fuel for portable generators is not allowed to be kept on the premises.

L. No switches, electrical receptacles (plug-ins), or splices are permitted within the stand.

M. Extension cords to the stand are to be heavy duty, minimum of fifteen (15) amp capacity, and protected from vehicular damage. Romex is not an acceptable extension cord. (Ord. 1650 § 4, 4-6-2004)
N. All trash shall be removed from the premises and the fireworks stand each evening at the close of business.

O. No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any such stand, or within fifty (50) feet thereof.

P. No alcoholic beverages shall be allowed on the premises. No person who is under the influence of alcoholic beverages shall enter or be allowed in, the sales booth.

Q. If a toilet is not immediately available during all open or sale hours of the fireworks stand, then an approved chemical one must be provided.

12-2.13: FIREWORKS STANDS; LOCATIONS:

The adequacy and suitability of firework stand locations shall be preapproved by the fire chief.
A. In no instance shall any firework stand be located within a residential area zoned district.
   (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)
B. No stand shall be located within 250’ of any city boundary
C. No stand shall be located closer than 500’ from another.

12-2.14: CERTIFICATE OF INSURANCE:

Prior to the issuance of a permit, the eligible organization shall procure a certificate of insurance acceptable to the city. The certificate shall name the city of Porterville, its officers, agents, employees and volunteers as "additional insured". The certificate shall evidence coverage in an amount determined by the city's risk manager, providing, however, the amount shall not be less than one million dollars ($1,000,000.00) combined bodily injury and property damage for each occurrence, and the deductible, if any, shall not be greater than one thousand dollars ($1,000.00). The certificate shall specify the time, location, and dates to be covered by the policy. The certificate shall be provided to the fire department no later than five o'clock (5:00) P.M. on the last regular business day in April of the subject year or at such other time as the chief of the fire department may allow. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.15: STATE FIREWORKS LAW:
The provisions of this article shall be construed so as not to conflict with the state fireworks law. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.16: REVOCATION OF PERMITS:

Any violation of this article or other city laws, or the terms and conditions of the permit, or state laws or administrative regulations, or safety rules of the fire department shall be grounds for the immediate revocation of the permit. All officers, agents, and employees of the eligible organization shall be responsible for compliance with all the provisions of this article. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.17: NONISSUANCE OF PERMITS:

The final decision to issue permits shall rest with the fire chief. In cases such as civil unrest, severe drought conditions, or any other such situation deemed to be harmful or to have the possibility of creating an extreme hazard to persons and/or property the fire chief shall be the final authority in granting permits for fireworks sales. The right to refuse permits to applicants who have violated the regulations in this article in previous years shall also rest with the fire chief. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.18: SEIZURE OF FIREWORKS:

The fire chief shall have the authority to seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.19: EXCEPTIONS:

Nothing in this article shall be construed as prohibiting the use of torpedoes, flares, or fuses by railroads or other transportation agencies for signal purposes of illumination; or the sale or use of blank cartridges for ceremonial purposes, athletic, or sports events or military ceremonials or demonstrations; or the sale, discharge or display of fireworks by permit holders having a permit as herein provided; or the use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals, or operas when such use and display is a necessary part of such production; or the transportation of fireworks through the city in regular course, and in original packages or containers from any point outside of the city to any other point outside the city. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.20: VIOLATIONS; PENALTIES:
Persons violating this article shall be deemed guilty of a misdemeanor, and if convicted, may be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail for a period not exceeding thirty (30) days, or by both fine and imprisonment. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

Fine for possession or discharge of dangerous fireworks within the City of Porterville shall be $500.00

Any verbiage added

Language stricken
SUBJECT: TRANSACTION AND USE TAX OVERSIGHT COMMITTEE APPOINTMENT

SOURCE: Administration/City Clerk Division

COMMENT: On February 8, 2010, Mr. Josef Guerrero resigned from the Transactions and Use Tax Oversight Committee (TUTOC). Mr. Guerrero had been appointed on May 6, 2008, to a four-year term on the TUTOC.

Pursuant to Resolution No. 24-2006, which sets forth the Committee guidelines, the Council will act to replace a vacancy at the next regularly scheduled City Council meeting.

There are no current Request for Appointments on file with the City Clerk's Office for this committee. Staff can, as has been done in the past, provide public notice of the vacancy and solicit applications by way of a Press Release. This would allow any individuals interested in serving on the committee the opportunity to submit an application for the Council's consideration at a future meeting date.

RECOMMENDATION: That the City Council provide direction regarding the filling of the unexpired term of Mr. Josef Guerrero on the Transaction and Use Tax Oversight Committee.

ATTACHMENT: Resignation Letter
02/08/2009

MEMORANDUM FOR: Pete V. McCracken
                Porterville Mayor
                City Council members
                City Of Porterville

FROM: Josef D. Guerrero

TUTOC Committee Member

SUBJECT: Letter of Resignation

I hereby render my letter of resignation for the Transportation Utilities Tax Oversight Committee. Due to an insurmountable time of absence and no longer being a legal local citizen I can no longer participate as a member of this committee, therefore I am left only the option of resigning effective immediately. I appreciate the time and opportunity allowed to me by this council and the previous and thank you for your understanding and true faith in commitment.
COUNCIL AGENDA: February 16, 2010

SUBJECT: CONSIDERATION OF CORRESPONDENCE TO TRANSACTION AND USE TAX OVERSIGHT COMMITTEE, AND SCHEDULING OF PUBLIC HEARING

SOURCE: Administration

COMMENT: Pursuant to Council Resolution 24-2006, the Transaction and Use Tax Oversight Committee (TUTOC) is required to issue an annual report of its conclusions to the City Council as to its review of revenues and expenditures of the Measure H budget, with a determination of "Consistent with the intent of the ballot measure" or "Non Consistent". TUTOC last filed its annual report to the Council in June 2008, and although the Committee met in June 2009 and reportedly voted "Non Consistent", the report of conclusion has not been filed with the Council to date. Enclosed, please find a draft correspondence from the Council requesting the Committee to file its annual report.

Given a report of "Non Consistent" by the Committee, according to Resolution 24-2006, the Council would schedule a Public Hearing on the matter, with the Council to "take whatever action is necessary and appropriate to correct any issues the Council concurs are inconsistent." Although the Committee has not yet filed its annual report of conclusions, based on the reported vote of "Non-Consistent", the Council may proceed should it desire to with the scheduling of a Public Hearing on the matter.

RECOMMENDATION: That the City Council:

1. Consider approving the draft correspondence and authorizing its transmittal to the Committee; and
2. Consider the scheduling of a Public Hearing.

ATTACHMENT: 1. Draft Letter
2. Resolution 24-2006

Item No. 24
February 16, 2010

Mr. Greg Gillett, Chair
Transaction and Use Tax Oversight Committee

Dear Mr. Gillett,

Pursuant to Council Resolution 24-2006 (enclosure), the Transaction and Use Tax Oversight Committee (TUTOC) is required to issue an annual report with the City Council as to its conclusions in the review of revenues and expenditures of the Measure H budget, with a determination of "Consistent with the intent of the ballot measure" or "Non Consistent." TUTOC last issued its annual report to the Council in June 2008 (enclosure), with no subsequent report issued to the Council to date. Please accept this correspondence as formally requesting that TUTOC issue its report as required by Resolution.

Sincerely,

Pete V. McCracken
Mayor
RESOLUTION NO. 24-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING AN INDEPENDENT CITIZEN'S OVERSIGHT COMMITTEE
CHARGED TO MONITOR THE EXPENDITURE OF GENERAL FUND REVENUES
DERIVED FROM THE TRANSACTIONS AND USE TAX FOR PUBLIC SAFETY,
POLICE AND FIRE PROTECTION.

WHEREAS, the Porterville City Council reaffirmed the adoption of Ordinance No. 1684 on
December 6, 2005, imposing a retail transactions and use tax in accordance with the provisions of Part
1.6 (commencing with Section 7251) of Division 2 and Section 7285.91 of Part 1.7 of Division 2 of
the Revenue and Taxation Code that authorizes the City of Porterville to adopt a tax ordinance that
shall become operative if at least two-thirds of the electors voting on the measure vote to approve the
tax at an election called for that purpose; and

WHEREAS, Ordinance No. 1684 imposes, upon all retailers in the incorporated territory of the
City of Porterville, a transactions and use tax at the rate of one half of 1 percent (0.50%) of the gross
receipts of any retailer from the sale of all tangible personal property subject to the State sales and use
tax; and

WHEREAS, Ordinance No. 1684, hereinafter known as the Transactions and Use Tax for
Public Safety, Police and Fire Protection appeared on the November 8, 2005 Special Consolidated
Election ballot as Measure H; and

WHEREAS, the tax imposed by Measure H is a special tax, the proceeds of which are to
provide a source of revenue to be used to provide additional public safety, police, fire protection
services and undertake necessary capital projects to support those services, and to restore and maintain
literacy programs and services; and

WHEREAS, revenues generated by Measure H shall be accounted for and paid into a special
fund or account designated for use for Public Safety Services only; and

WHEREAS, by Ordinance No. 1684 the City adopted the Program Guidelines and Public
Safety Expenditure Plan for the administration and expenditure of the tax proceeds. The Public Safety
Expenditure Plan may be amended from time to time by a majority vote of the City Council, so long
as the funds are utilized for public safety, police and fire protection services. For the purposes of the
Ordinance, “Public Safety Services” means (a) obtaining, furnishing, operating, and/or maintaining
police protection equipment or apparatus, paying the salaries and benefits of police protection
personnel, and such other police protection service expenses as are deemed necessary by the City
Council for the benefit of the residents of the City; (b) obtaining, furnishing, operating, and/or
maintaining fire protection equipment or apparatus, paying the salaries and benefits of fire protection
personnel, and such other fire protection service expenses, including capital expenses, as are deemed
necessary by the City Council for the benefit of the residents of the City; and (c) with the use of no
more than 15% of the revenue generated from the special tax, restoration and maintenance of literacy
programs due to the established connection between illiteracy and crime; and
WHEREAS, the Porterville City Council declares that public participation is essential to ensuring the effective implementation of priority goals and objectives contained in the Public Safety Expenditure Plan, and the appropriate expenditure of General Fund revenues committed to public safety, police and fire protection services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby directs formation of an independent citizen’s oversight committee as follows:

A. **Name:** The committee shall be known as the *Transactions and Use Tax Oversight Committee.*

B. **Purpose**

1. To review the revenue and expenditures of the three Measure H budgets (Fire, Police and Literacy) contained in General Fund No. 4, Public Safety Sales Tax, and report to Council their finding as “consistent with the intent of the ballot measure” or “non consistent.”

   Should a determination of “non consistent” be brought forth, the Council shall hold a public hearing on the issue and take whatever action is necessary and appropriate to correct any issues the Council concurs are inconsistent. It is not the intent of the measure nor the direction of the City Council that the committee have any input in the activities of the aforementioned departments, their sole and only purpose is to advise the City Council on whether or not they believe the departments are utilizing the funds in compliance with the intent of Measure “H” and that the City is not under funding the public safety departments based on the approved funding levels.

2. **Oversight:** Provide that certain spending decisions and priorities contained in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan are subject to direct oversight and review.

C. **Charge of Committee**

1. *Monitoring of expenditures:* To monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection, and to keep the public informed about the expenditures.

2. Inform public of failure to expend revenues: To advise the public when General Fund revenues are not expended for certain spending decisions and priorities as set in the *Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.*

The charge of the committee may be revised from time-to-time by the Porterville City Council.
D. **Powers:** The Porterville City Council empowers the committee with the following powers:

1. *Oversight:* Oversight responsibility to review expenditures related to certain spending decisions and priorities in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.


3. *Review of General Fund Budgets:* Authority to review the Fire, Police and Literacy Budgets and the General Fund application to Public Safety to assure a continued, base level of support.

The committee shall not have the following authority:

1. *No authority to recommend or advise:* The committee does not have authority to recommend, direct, or advise on any such matters that may fall under its oversight power and authority to review. The committee is not advisory to the City Council and has no power to determine or recommend how General Fund moneys are spent. The City Council retains its authority to make such decisions and determinations and establish separate advisory groups for such purposes. The City Council shall also retain discretion and flexibility in what it asks, directs, or allows the committee to address.

E. **Committee Operations**

1. *Establishing the committee:* The committee shall be established pursuant to voter approval of Measure H in the November 8, 2005 Special Consolidated Election and within 120 days of the effective implementation date of Measure H on April 1, 2006.

2. *First meeting:* The committee shall hold its first meeting within 60 days of adoption of the City’s 2006/2007 Annual Budget.

3. *Open meeting requirements:* Meetings of the committee are subject to the open meeting requirements of the *Ralph M. Brown Act.* Meetings shall be noticed and open to the public.

4. *Annual report:* The committee shall issue an annual report of its conclusions. Minutes and reports of the committee are a matter of public record. Reports and minutes of the committee shall be published on the City of Porterville website.

5. *Meet at least once annually:* The committee shall meet at least once annually after adoption of the City budget.
6. **Quorum:** The committee shall make decisions by a simple majority vote of those members in attendance.

7. **Record:** The committee shall maintain a record of its meetings.

8. **Location of meetings:** The committee shall meet in Mikkabi Conference Room, 291 N. Main Street, Porterville, California, at a time convenient to members and the public or at some other location designated by the committee and available to the public.

9. **Officers:** The committee shall elect a chairperson, vice chairperson, and secretary.

10. **Effective operation of meetings:** The Porterville City Council charges the committee to establish additional operating procedures as necessary for the effective operation of committee meetings.

11. **Administrative staff:** The City Manager or his designee will provide necessary administrative and technical assistance to the committee.

12. **Resources available to the committee:** The committee shall be provided the resources to publicize its conclusions—the minimum level of resource to be a page on the City of Porterville website.

**F. Committee Composition:** The committee shall consist of 10 members as follows:

1. **City Council appointments:** For the establishment of the committee, each member of the Porterville City Council shall appoint two people to the committee. The appointee may be either a resident of Porterville, a business owner or operator. All future appointment to the committee shall be by a majority vote of the Council.

2. **Criteria for appointment:** No member of the City Council, employee of the City, or immediate family member of a City Council Member may serve on the committee.

3. **Length of appointment; rescission of appointment:** For the establishment of the first committee, each Council member shall appoint one person to a two-year term and one to a four-year term. After that, each member of the committee shall be appointed for a four-year term and shall serve until such time that his or her term is completed, or until such time that his or her appointment is rescinded by a simple majority vote of the City Council. It is provided that a member of the committee may resign at his or her discretion.

4. **Recommendation to remove by committee:** Members of the committee, by majority vote, may recommend to the Porterville City Council removal of a committee member for the following reasons: (1) malfeasance; or (2) repeated absence.
5. **Appointment of new members:** At the next regularly scheduled City Council meeting, the Council shall act to replace members of the committee in the event of removal, resignation, disability, or death.

6. **Dissolution of committee:** Dissolution of the committee shall occur in the event the Transactions and Use Tax for Public Safety, Police and Fire Protection is revoked or otherwise rendered invalid.

APPROVED AND ADOPTED this 21th day of February, 2006.

[Signature]

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

[Signature]

Georgia Hawley, Chief Deputy City Clerk
ATTACHMENT 2

Porterville Police, Fire, and Emergency Response 9-1-1 Measure
Program Guidelines and Expenditure Plan

This measure will provide a secure, local revenue stream to the City of Porterville that will be used entirely to provide additional public safety police and fire personnel and services to protect our community. Porterville residents deserve to know how the funds will be spent. Detailed spending plans have been developed so voters can have a clear understanding of how the monies will be spent if the ½ cent sales tax is approved. Program guidelines have also been established to govern how the money can be spent, to specify the accounting, audit and oversight guidelines that will be implemented to make certain that the funds are spent according to the voter’s direction, and to ensure the public is well-informed of the progress and process.

**Fiscal Accountability Protections**

An Independent Auditor will annually review and audit expenditures of funds specifically derived from the Public Safety Measure, to ensure compliance with the expenditure plans and with prudent, established accounting regulations and practices.

The City will establish an Independent Citizen’s Oversight Committee to annually review revenues and expenditures, providing a second independent verification that all expenditures are being made as promised to Porterville residents. The findings of both the Independent Citizens Oversight Committee and the Independent Auditor will be reviewed by the City Council and made available to the public.

Each May or June, as the City’s budget is adopted following public hearings, the City Manager will re-certify the plan to the City Council, stating what monies have been received, what monies have been spent and what monies are available. The financial consequences of these changes will be reflected in the re-certified plan.

**Dedicated Accounting Structure**

The Expenditure Plan specifies that all revenues from the Measure are to be utilized for the sole purpose of improving our community’s public safety, with the revenue to be directed to the police and fire departments respectively, and with a small portion (not more than 15%) dedicated to the restoration and maintenance of literacy programs due to the established connection between illiteracy and crime. The funding proportions have been mutually agreed upon by the Police Chief and Fire Chief.

The City will establish separate funds into which these specific monies shall be deposited. These accounts shall be separate for police and fire and shall be the source of their respective expenditures as established in the approved expenditure plans. Any balances in these funds, positive or negative, shall earn or pay interest accordingly.

Based on public safety needs, the City Council may determine to advance funds from the City’s General Fund into the individual Public Safety Sales Tax Fund in order to most effectively accomplish the objectives of the program.

**Priorities if additional revenues are available**

In the event that the contingency/reserve fund is fully funded and all annual planned expenditures have been implemented, the use of the additional unanticipated sales tax revenues will be used first to accelerate the implementation of the plan and then to provide additional public safety facilities, personnel, and new equipment based on specific needs of the community.

**Review and Modification of Expenditure Plan**

The proposed Expenditure Plan may be amended from time to time by a majority vote of the City Council.
**NOVEMBER 2005 BALLOT MEASURE EXPENDITURE PLAN**

Proposed Expenditure Plan for the City of Porterville Public Safety Sales Tax Measure Based on ½ Cent Sales Tax availability

The City Council has evaluated Porterville’s safety needs with input from the public in developing the attached Public Safety Expenditure Plan, which shall be amended from time to time, at the projected/estimated costs shown:

| Fiscal Year 2005-06 Sales Tax Revenue available (partial year) | $600,000 |
| Additional Supplemental Resources (General Fund) | $50,903 |
| Total Resources Available | $650,903 |

Increase Police Sworn by 5 positions to the base and outfit (partial year) | $412,803 |
Increase Fire Sworn by 7 positions to the base and outfit (partial year) | $148,100 |
Restore Literacy Programs/hours (partial year) | $90,000 |
Total 2005-06 Fiscal Year Expenditures | $650,903 |

Fiscal Year 2006-07 Additional Sales Tax Revenues (First full F/Y) | $1,792,000 |
Increase Police Sworn by 1 additional position to the base | $65,000 |
Maintain and Expand Patrol Operations | $405,000 |
Maintain and Expand Gang Suppression and Narcotics Operations | $215,000 |
Maintain 7 additional Sworn Fire personnel | $521,156 |
Purchase additional Fire Rescue Apparatus | $140,000 |
Purchase Rescue Equipment for new Fire Apparatus | $25,000 |
Purchase Personal Safety Equipment for additional Fire Fighters | $14,000 |
Maintain Literacy Program/hours | $180,000 |
Expand Homework Assistance and Creative Expression Program | $80,000 |
Establish Capital Reserve Fund for New Fire Station | $126,844 |
Total 2006-07 Fiscal Year Expenditures | $1,792,000 |

Fiscal Year 2007-08 Additional Sales Tax Revenues (Second full F/Y) | $1,863,680 |
Increase Police Sworn by 1 additional position to the base | $87,000 |
Maintain Expanded Patrol Operations | $508,000 |
Maintain Expanded Gang Suppression and Narcotics Operations | $255,250 |
Maintain 7 additional Sworn Fire personnel | $557,837 |
Hire 1 additional Fire Investigator | $74,167 |
Station and Equipment | $20,000 |
Maintain Literacy Programs/hours | $187,200 |
Expand Homework Assistance and Creative Expression Program | $83,200 |
Increase Established Capital Reserve Fund for New Fire Station | $91,226 |
Total 2007-08 Fiscal Year Expenditures | $1,863,680 |
Fiscal Year 2008-09 Additional Sales Tax Revenues (Third full F/Y) $1,938,227

Additional Supplemental Resources (General Fund) $50,000
Total Resources Available $1,988,227

- Increase Police Sworn by 1 additional position to the base $91,000
- Maintain Expanded Patrol Operations $566,000
- Maintain Expanded Gang Suppression and Narcotics Operations $320,763
- Maintain 8 additional Sworn Fire personnel $676,030
- Safety Equipment $5,000
- Maintain Literacy Programs/hours $194,688
- Expand Homework Assistance and Creative Expression Program $86,528
Increase Established Capital Reserve Fund for New Fire Station $48,218
Total 2007-08 Fiscal Year Expenditures $2,988,227

Fiscal Year 2009-10 Additional Sales Tax Revenues (Fourth full F/Y) $2,015,756
Additional Supplemental Resources (General Fund) $75,000
Total Resources Available $2,090,756

- Maintain 8 additional Sworn Police personnel
- Maintain Expanded Patrol Operations $630,000
- Maintain Expanded Gang Suppression and Narcotics Operations $396,651
- Maintain 8 additional Sworn Fire personnel $723,352
- Maintain Literacy Programs/hours $202,476
- Expand Homework Assistance and Creative Expression Program $89,989
Partial Year Debt Service Payment on New Fire Station Financing $48,288
Total 2009-10 Fiscal Year Expenditures $2,090,756

Fiscal Year 2010-11 Additional Sales Tax Revenues (Fifth full F/Y) $2,096,387
Additional Supplemental Resources (General Fund) $150,000
Total Resources Available $2,246,387

- Maintain 8 additional Sworn Police personnel
- Maintain Expanded Patrol Operations $664,000
- Maintain Expanded Gang Suppression and Narcotics Operations $413,983
- Maintain 8 additional Sworn Fire personnel $773,352
- Maintain Literacy Programs/hours $210,575
- Expand Homework Assistance and Creative Expression Program $93,589
Debt Service on New Fire Station Financing $90,889
Total 2010-11 Fiscal Year Expenditures $2,246,387

* Total Reserve Cash Available for Real Property Acquisition for New Fire Station in Fiscal Year 2008/09. $266,288
1. Assumes 4% growth rate in annual sales tax revenue.

2. Current General Fund monies and State and School Subventions provide for 44.5 Sworn Police Officers. Additional grant funding has provided for 2.5 additional Sworn Police Officers. Additional positions funded through this sales tax measure will add positions to the base of 45 Sworn Police Officers.

3. Additional General Fund Utility User's Taxes generated from annexation activity during the course of this expenditure plan will be proposed to be specifically earmarked for additional Police positions. These additional positions will modify the base above the 45 positions as described in Note 2.

4. Literacy programs delivered through the Library will annually receive up to 15% of the new revenue provided by this sales tax measure.

5. The City will use base budget amounts established and approved under the Expenditure Control Budget System in determining additional funding for Police, Fire, and Literacy programs delivered through the Library to prevent erosion of existing General Fund support for these activities.
STATE OF CALIFORNIA
CITY OF PORTERVILLE SS
COUNTY OF TULARE

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21st day of February, 2006.

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

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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Consideration of Resolution in Support of the “Safe, Clean, and Reliable Drinking Water Supply Act of 2010”

SOURCE: City Manager

COMMENT: Councilman Felipe Martinez has requested that the City Council consider adopting a Resolution in support of the “Safe, Clean, and Reliable Drinking Water Supply Act of 2010”. This Agenda item was presented to the Council at its last meeting on February 2nd, and was requested to be returned to the Council at this meeting with a summary of the Act (please see attached).

Aimed at improving the state’s water supply reliability and restoring the Sacramento-San Joaquin River Delta ecosystem, the Act includes four (4) policy bills and an $11.4 billion bond measure targeted for the November 2010 ballot. The policy bills advance the co-equal goals of a reliable water supply and a healthy Delta ecosystem and establish a new structure for managing the Delta. The bills also establish new requirements for water conservation, groundwater monitoring, and water rights enforcement to address illegal diversions of water. The bond measure includes substantial funding for water supply reliability, surface and groundwater storage, Delta restoration, water recycling, conservation, watershed restoration, groundwater protection and cleanup, and drought relief.

RECOMMENDATION: That the City Council consider the adoption of a Resolution of support for the “Safe, Clean, and Reliable Drinking Water Supply Act of 2010.”

ATTACHMENT: Draft Resolution
2009 Comprehensive Water Package: Special Session Policy Bills and Bond Summary
Regional Funding Information: Tulare Lake Hydrologic Region

C.M. Item No. 35
RESOLUTION NO._________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
COUNTY OF TULARE, STATE OF CALIFORNIA, IN SUPPORT OF THE
"SAFE, CLEAN, AND RELIABLE DRINKING WATER SUPPLY ACT OF 2010"

WHEREAS, the California Legislature passed a comprehensive legislative
package on water in November 2009, and was signed into law by the Governor; and

WHEREAS, the aim of the legislative package is to improve the state’s water
supply reliability and restoring the Sacramento-San Joaquin River Delta ecosystem; and

WHEREAS, the legislative package includes four (4) policy bills and an $11.4
billion general obligation bond measure targeted for the November 2010 ballot,
advancing the co-equal goals of a reliable water supply and a healthy Delta ecosystem
and establish a new structure for managing the Delta; and

WHEREAS, the legislative package establishes new requirements for water
conservation, groundwater monitoring, and water rights enforcement to address illegal
diversions of water; and

WHEREAS, the Act would provide funding for California’s aging water
infrastructure and for projects and programs to improve water supply and ecosystem
health; and

WHEREAS, the Act would provide funding in seven (7) categories: drought relief,
water supply reliability, Delta sustainability, statewide water system operational
improvement, conservation and watershed protection, groundwater protection and water
quality, and water recycling and water conservation; and

WHEREAS, a portion of funding is dedicated to each primary watershed
throughout California, and all regions will be eligible to compete for additional funding to
help finance water management projects and programs with local, regional, and
statewide benefits; and

WHEREAS, the San Joaquin Valley would receive $159 million for water supply
reliability and other programs, including: drought relief, groundwater management and
protection, small community wastewater treatment projects, water conservation, eligible
for share of $2.2 billion for Delta sustainability, eligible for share of $3 billion for surface
water storage projects, and eligible for share of $6.2 billion for other local and statewide
water management programs; and

WHEREAS, the Tulare Lake Hydrologic Region would receive $70 million for
water supply reliability programs and projects, and be eligible for a share of $6.205
billion in other regional and statewide funding.
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville, does hereby formally support the Safe, Clean, and Reliable Drinking Water Supply Act of 2010.

APPROVED AND ADOPTED this 16th day of February, 2010.

__________________________________________________________________
Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By: _______________________________________
Patrice Hildreth, Chief Deputy City Clerk
2009 Comprehensive Water Package
Special Session Policy Bills and Bond Summary

November 2009
The California Department of Water Resources
Governor Schwarzenegger and state lawmakers successfully crafted a plan to meet California's growing water challenges. A comprehensive deal was agreed to, representing major steps towards ensuring a reliable water supply for future generations, as well as restoring the Sacramento-San Joaquin Delta and other ecologically sensitive areas.

The plan is comprised of four policy bills and an $11.14 billion bond. The package establishes a Delta Stewardship Council, sets ambitious water conservation policy, ensures better groundwater monitoring, and provides funds for the State Water Resources Control Board for increased enforcement of illegal water diversions. The bond will fund, with local cost-sharing; drought relief, water supply reliability, Delta sustainability, statewide water system operational improvements, conservation and watershed protection, groundwater protection, and water recycling and water conservation programs.

SENATE BILL NO. 1
DELTA GOVERNANCE / DELTA PLAN

SB 1 establishes the framework to achieve the co-equal goals of providing a more reliable water supply to California and restoring and enhancing the Delta ecosystem. The co-equal goals will be achieved in a manner that protects the unique cultural, recreational, natural resource, and agricultural values of the Delta. Specifically, this bill:

- Creates the Delta Stewardship Council, consisting of seven members with diverse expertise providing a broad statewide perspective. The Chairperson of the Delta Protection Commission is a permanent member of the Council. The Council is also tasked with:
  - Developing a Delta Plan to guide state and local actions in the Delta in a manner that furthers the co-equal goals of Delta restoration and water supply reliability;
  - Developing performance measures for the assessment and tracking of progress and changes to the health of the Delta ecosystem, fisheries, and water supply reliability;
  - Determining if a state or local agency's project in the Delta is consistent with the Delta Plan and the co-equal goals, and acting as the appellate body in the event of a claim that such a project is inconsistent with the goals; and
  - Determining the consistency of the Bay-Delta Conservation Plan (BDCP) with the co-equal goals.
- Ensures that the Department of Fish and Game and the State Water Resources Control Board identify the water supply needs of the Delta estuary for use in determining the appropriate water diversion amounts associated with BDCP.
Establishes the Sacramento-San Joaquin Delta Conservancy to implement ecosystem restoration activities within the Delta. In addition to the restoration duties the Conservancy is required to:

- Adopt a strategic plan for implementation of the Conservancy goals;
- Promote economic vitality in the Delta through increased tourism and the promotion of Delta legacy communities;
- Promote environmental education about, and the public use of, public lands in the Delta; and
- Assist in the preservation, conservation, and restoration of the region's agricultural, cultural, historic, and living resources.

Restructures the current Delta Protection Commission (DPC), reducing the membership from 23 to 15 members, and tasks DPC with the duties of:

- Adopting an economic sustainability plan for the Delta, which is to include flood protection recommendations to state and local agencies;
- Submitting the economic sustainability plan to the Delta Stewardship Council for inclusion in the Delta Plan.

Appropriates funding from Proposition 84 to fund the Two-Gates Fish Protection Demonstration Program, a project in the central Delta which will utilize operable gates for protection of sensitive species and management of water supply.
Senate Bill No. 6
Groundwater Monitoring

SB 6 requires, for the first time in California’s history, that local agencies monitor the elevation of their groundwater basins to help better manage the resource during both normal water years and drought conditions. Specifically, this bill:

- Requires the Department of Water Resources (DWR) to establish a priority schedule for the monitoring of groundwater basins and the review of groundwater elevation reports, and to make recommendations to local entities to improve the monitoring programs.

- Requires DWR to assist local monitoring entities with compliance with this statute.

- Allows local entities to determine regionally how best to set up their groundwater monitoring program, crafting the program to meet their local circumstances.

- Provides landowners with protections from trespass by state or local entities.

- Provides that if the local agencies fail to implement a monitoring program and/or fail to provide the required reports, DWR may implement the groundwater monitoring program for that region.

- Provides that failure to implement a monitoring program will result in the loss of eligibility for state grant funds by the county and the agencies responsible for performing the monitoring duties.
SB 7 creates a framework for future planning and actions by urban and agricultural water suppliers to reduce California’s water use. For the first time in California’s history, this bill requires the development of agricultural water management plans and requires urban water agencies to reduce statewide per capita water consumption 20 percent by 2020. Specifically, this bill:

- Establishes multiple pathways for urban water suppliers to achieve the statewide goal of a 20 percent reduction in urban water use. Specifically, urban water suppliers may:
  - Set a conservation target of 80 percent of their baseline daily per capita water use;
  - Utilize performance standards for water use that are specific to indoor, landscape, and commercial, industrial and institutional uses;
  - Meet the per capita water use goal for their specific hydrologic region as identified by DWR and other state agencies in the 20 percent by 2020 Water Conservation Plan; or
  - Use an alternate method that is to be developed by DWR before December 31, 2010.

- Requires urban water suppliers to set an interim urban water use target and meet that target by December 31, 2015 and meet the overall target by December 31, 2020.

- Requires DWR to cooperatively work with the California Urban Water Conservation Council to establish a task force that shall identify best management practices to assist the commercial, industrial and institutional sector in meeting the water conservation goal.

- Requires agricultural water suppliers to measure water deliveries and adopt a pricing structure for water customers based at least in part on quantity delivered, and, where technically and economically feasible, implement additional measures to improve efficiency.

- Requires agricultural water suppliers to submit Agricultural Water Management Plans beginning December 31, 2012 and include in those plans information relating to the water efficiency measures they have undertaken and are planning to undertake.

- Makes ineligible for state grant funding any urban or agricultural water supplier who is not in compliance with the requirements of this bill relating to water conservation and efficient water management.

- Requires DWR to, in 2013, 2016 and 2021, report to the Legislature on agricultural efficient water management practices being undertaken and reported in agricultural water management plans.

- Requires DWR, the State Water Resources Control Board, and other state agencies to develop a standardized water information reporting system to streamline water reporting required under the law.
2009 Comprehensive Water Package

2009 Comprehensive Water Package
Bill Summary SB 8

November 2009
Department of Water Resources

Senate Bill No. 8
Water Diversion and Use / Funding

SB 8 improves accounting of the location and amounts of water being diverted by recasting and revising exemptions from the water diversion reporting requirements under current law. Additionally, this bill appropriates existing bond funds for various activities to benefit the Delta ecosystem and secure the reliability of the state's water supply, and to increase staffing at the State Water Resources Control Board to manage the duties of this statute. Specifically, this bill:

• Provides a stronger accounting of water diversion and use in the Delta by removing an exemption from reporting water use by in-Delta water users.

• Redefines the types of diversions that are exempt from the reporting requirement.

• Assesses civil liability and monetary penalties on diveters who fail to submit the required reports, and for willful misstatements, and/or tampering with monitoring equipment.

• Appropriates $546 million from Propositions 1E and 84, in the following manner:
  - $250 million (Proposition 84) for integrated regional water management grants and expenditures for projects to reduce dependence on the Delta;
  - $202 million ($32 million Proposition 84 and $170 million Proposition 1E) for flood protection projects in the Delta to reduce the risk of levee failures that would jeopardize water conveyance;
  - $70 million (Proposition 1E) for stormwater management grants; and
  - $24 million (Proposition 84) for grants to local agencies to develop or implement Natural Community Conservation plans.

• Appropriates $3.75 million from the Water Rights Fund to the State Water Resources Control Board for staff positions to manage the duties in this bill relating to water diversion reporting, monitoring and enforcement.
The Safe, Clean, and Reliable Drinking Water Supply Act of 2010 is an $11.14 billion general obligation bond proposal that would provide funding for California's aging water infrastructure and for projects and programs to address the ecosystem and water supply issues in California. The bond is comprised of seven categories, including drought relief, water supply reliability, Delta sustainability, statewide water system operational improvement, conservation and watershed protection, groundwater protection and water quality, and water recycling and water conservation.

**Total: $11.14 billion**

**Drought Relief - $455 million.** This funding will be available for local and regional drought relief projects that reduce the impacts of drought conditions, including the impacts of reductions to Delta diversions. Projects will include water conservation and water use efficiency projects, water recycling, groundwater cleanup and other water supply reliability projects including local surface water storage projects that provide emergency water supplies and water supply reliability in drought conditions. Funds will be available to disadvantaged communities and economically distressed areas experiencing economic impacts from the drought for drought relief projects and programs. Funds will also be available to improve wastewater treatment facilities to protect water quality or prevent contamination of surface water or groundwater resources.

**Delta Sustainability - $2.25 billion.** This bond will provide funds for projects to assist in maintaining and restoring the Delta as an important ecosystem. These investments will help to reduce the seismic risk to water supplies derived from the Delta, protect drinking water quality and reduce conflict between water management and environmental protection.
**SAFE, CLEAN, AND RELIABLE DRINKING WATER SUPPLY ACT OF 2010**

**November 2009**

**Water Supply Reliability - $1.4 billion.** These funds would be in addition to prior funding provided by Proposition 50 and Proposition 84 and would support the existing Integrated Regional Water Management (IRWM) program. IRWM is designed to encourage integrated regional strategies for management of water resources that will protect communities from drought, protect and improve water quality and improve local water security by reducing dependence on imported water. The bond would provide funds for water supply projects in 12 regions throughout the state and would also be available for local and regional conveyance projects that support regional and interregional connectivity and water management.

<table>
<thead>
<tr>
<th>Region</th>
<th>Amount</th>
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<tbody>
<tr>
<td>North Coast</td>
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<tr>
<td>San Francisco Bay</td>
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<tr>
<td>San Diego subregion</td>
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<tr>
<td>Sacramento River</td>
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<tr>
<td>San Joaquin River</td>
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<tr>
<td>Tulare/Kern</td>
<td>$70,000,000</td>
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<tr>
<td>North/South Lahontan</td>
<td>$51,000,000</td>
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<td>Colorado River Basin</td>
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<tr>
<td>Interregional Projects</td>
<td>$50,000,000</td>
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</tbody>
</table>

**Statewide Water System Operational Improvement - $3.0 billion.** This funding would be dedicated to the development of additional water storage, which, when combined with other water management and flood system improvement investments being made, can increase reliability and offset the climate change impacts of reduced snow pack and higher flood flows. Eligible projects for this funding include surface storage projects identified in the CALFED Bay-Delta Record of Decision; groundwater storage projects and groundwater contamination prevention or remediation projects that provide water storage benefits; conjunctive use and reservoir reoperation projects; local and regional surface storage projects that improve the operation of water systems in the state and provide public benefits.

The bond provides that water suppliers who would benefit from new storage will pay their share of the total costs of the project while the public benefits of new water storage can be paid for by this general obligation bond.

**Groundwater Protection and Water Quality - $1 billion.** To protect public health, funds will be available for projects to prevent or reduce the contamination of groundwater that serves as a source of drinking water. Funds will also be used to finance emergency and urgent actions on behalf of disadvantaged communities and economically distressed areas to ensure that safe drinking water supplies are available to all Californians.
Water Recycling and Water Conservation - $1.25 billion. Funds will be available for water recycling and advanced treatment technology projects that recycle water or that remove salts and contaminants from water sources. Funds will also be available for urban and agricultural water conservation and water use efficiency plans, projects, and programs. These funds will assist urban water users in achieving water conservation targets.

Conservation and Watershed Protection - $1.785 billion. Funds will be available, through a 50-50 cost share program, for ecosystem and watershed protection and restoration projects in 21 watersheds throughout the state, including coastal protection, wildlife refuge enhancement, fuel treatment and forest restoration, fish passage improvement and obsolete dam removal.

<table>
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<td>Mountain Counties Overlay</td>
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<td>Interregional Projects</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$11,140,000,000</strong></td>
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</table>
THE SAFE, CLEAN, AND RELIABLE DRINKING WATER SUPPLY ACT OF 2010

Total: $5.9 billion
Debt service management provisions to limit impact on General Fund.

Chapter 6: Water Supply Reliability
- $800 million to the Department of Water Resources (DWR) for grants for Integrated Regional Water Management (IRWM) implementation. Funds allocated on a regional basis by population.
- $500 million to DWR for grants and expenditures for local/regional drought-relief projects
  - Not less than $100 million for disadvantaged communities experiencing hardships from drought and disruptions in deliveries from State and Federal water projects.

Chapter 7: Sacramento – San Joaquin Delta Sustainability
- $500 million for Delta sustainability:
  - Delta levees and flood control projects
  - Delta water quality conditions
  - Local urban and agricultural water supplies
  - Mitigation of impacts from eco restoration and conveyance
  - Local facilities, including waste water facilities.
- $1 billion for Delta ecosystem restoration

Chapter 8: Surface and Groundwater Storage Improvements
- $1.5 billion to the California Water Commission (continuous appropriation) for public benefits associated with new surface and groundwater storage. Groundwater contamination prevention and remediation, as well as reservoir re-operation projects are eligible.

Chapter 9: Conservation and Watershed Protection
- $1 billion for grants and expenditures for ecosystem and watershed protection and restoration projects.
  - At least $200 million to the State Coastal Conservancy for coastal watersheds, including $20 million for the Santa Ana River Parkway and $20 million San Diego River Conservancy.
  - $100 million for the LA and San Gabriel Rivers.
  - At least $50 million to the WCB for Central Valley wildlife refuges.
  - At least $200 million to WCB for protection/restoration of watersheds important to protecting threatened or endangered species.
  - At least $50 million to State Coastal Conservancy for coastal salmon restoration projects.
- At least $50 million for Tahoe Environmental Improvement Program.
- At least $5 million for private incentives for waterfowl conservation.
- Klamath settlement eligible.
- $42.5 million to DFG for Delta and other watershed invasive species control.

Chapter 10: Groundwater Protection and Water Quality
- $180 million for grants, loans, and expenditures for groundwater contamination/prevention, consistent with adopted IRWM plan.
  - At least $50 million to benefit disadvantaged communities.
- $90 million to DPH for emergency drinking water actions in disadvantaged communities
- $150 million to SWRCB for small community wastewater treatment projects
- $50 million to OPC for ocean ecosystems and water quality
- $150 million to SWRCB for stormwater management projects.

Chapter 11: Water Recycling and Advanced Technologies
- $250 million for water recycling, desalination, water use measurement, and pilot projects for emerging technologies.
TULARE LAKE HYDROLOGIC REGION

Includes the following counties: Kings, Tulare and parts of Kern, Fresno, and San Benito

Funding Summary for Region

- $70 million for Water Supply Reliability programs and projects
- Eligible for a share of $6.205 billion in other regional and statewide funding for water management programs and projects

Background Information

Drought Relief: The Tulare Lake region is eligible for a share of $327 million in statewide drought funding for local and regional drought relief projects, and grants for small community wastewater treatment projects and economically disadvantaged communities.

Water Supply Reliability: The regional allocation for the Tulare Lake region from the Water Supply Reliability funds is $70 million. The region is also eligible for a share of an additional $350 million for local and regional conveyance projects.

Conservation and Watershed Protection: The Tulare Lake region is eligible for a share of the following conservation and watershed protection programs:

- $100 million for acquisition of water rights from willing sellers and conveyance of water to benefit migratory birds
- $170 million for restoration and protection of wetlands
- $20 million for Farmland Conservancy and Watershed Coordinator grant programs
- $50 million for California River Parkway Act projects and Urban Streams restoration projects
- $75 million to Sierra Nevada Conservancy
- $30 million for grants to watershed education centers
- $10 million to implement the California Waterfowl Habitat Program
- $100 million for technical assistance and grants to protect watersheds, reforestation, vegetation management projects and fuel treatment activities
- $50 million to fund public infrastructure revolving fund mitigation programs

Statewide Water System Operational Improvements: The Tulare Lake region is eligible for a share of $3 billion to fund the public benefits associated with water storage projects that improve statewide water system operations and provide Delta ecosystem benefits.

Groundwater Protection and Water Quality: The Tulare Lake region is eligible for a share of $1 billion in funding, grants and loans for projects to prevent or reduce contamination of groundwater that serves as a source of drinking water.
Water Recycling and Water Conservation: The Tulare Lake region is eligible for a share of $1.25 billion in funding, grants and loans for water recycling, desalination, groundwater recharge, urban and agriculture water use efficiency and conservation projects.

This is a preliminary estimate by the California Department of Water Resources and may not represent exact availability of bond funding.
SUBJECT: AWARD OF CONTRACT – STOUT BUILDING SPRAYED POLYURETHANE ROOFING PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On February 9, 2010, staff received four (4) bids 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 estimate of probable cost for the project is $22,737.50. The low bid is 38.9% below the Engineer's estimate. An additional $1,390.00 is required for the construction contingency (10%). An additional $2,500.00 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $17,790.00.

Funding is available in the Redevelopment Fund Balance.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
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<tbody>
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<td>1. Universal Coatings, Inc.</td>
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<tr>
<td>Fresno</td>
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<tr>
<td>2. Barrier Specialty Roofing</td>
<td>$21,780.00</td>
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<tr>
<td>Fresno</td>
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<tr>
<td>2. Phoenix Coatings, Inc.</td>
<td>$24,883.92</td>
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<tr>
<td>Madera</td>
<td></td>
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<tr>
<td>3. Cook Coatings, Inc.</td>
<td>$35,000.00</td>
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<td>Menifee</td>
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Staff has reviewed the low bid, found it acceptable and in compliance with the project specifications.
RECOMMENDATION: That the Redevelopment Agency:

1. Award the Stout Building Sprayed Polyurethane Roofing Project to Universal Coatings, Inc. in the amount of $13,900.00;

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

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

ATTACHMENT: Locator Map