PORTERVILLE CITY COUNCIL AGENDA
ADJOURNED MEETING
291 NORTH MAIN STREET
PORTERVILLE, CA
JUNE 29, 2010, 7:00 P.M.

Call to Order
Roll Call

Pledge of Allegiance led by Council Member Felipe A. Martinez
Invocation

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. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CONSENT CALENDAR

1. City Council Minutes of June 1, 2010

2. Acceptance of Project – Municipal Pool Complex Water Slide Project
   Re: Accepting project as complete and authorizing the filing of the Notice of Completion for the project consisting of the installation of a 140-ft. length flume water slide at the municipal pool at Murry Park.

3. Acceptance of Project – Prospect Street Reconstruction and Concrete Improvements
   Re: Accepting project as complete and authorizing the filing of the Notice of Completion for the installation of curb and gutter, sidewalks, driveways, asphalt concrete paving, fire hydrant assemblies, water services, sewer laterals, storm drain inlets, striping on Prospect between Median Avenue and West North Grand Avenue.

4. Award of Contract - Beverly Street Water Project
   Re: Awarding contract to 99 Pipeline of Lindsay in the amount of $103,869 for the project consisting of the installation of an 8” water main and related appurtenances along Beverly Street between North Grand Avenue and Castle Avenue, which is contingent upon the successful formation of the water facility district.

5. Request for Engineering Services to Update Five Year Biosolids Management Plan and Pre-Application
   Re: Continuation of services of Carollo Engineers to assist in updating the Management Plan used to manage the proper disposal of biosolids and secondary treated effluent in the reclamation area.
6. Approval of Measure ‘R’ Supplemental Agreement - Heritage Center Trailway Extension (Rails to Trails Phase II) Project
Re: Affirming approval of the project and Supplemental Agreement for the purpose of reimbursement to the City of Porterville for design costs associated with the project.

7. Approval of Willdan Professional Service Agreement - Heritage Center Trailway Extension (Rails to Trails Phase II) Project
Re: Approving proposed Professional Services Agreement with Willdan to assist with design services for the Heritage Center Trailway Extension (Rails to Trails Phase II) Project.

8. Water Share Purchases
Re: Authorizing the City to bid on shares of Pioneer Water Company stock in an amount up to $30,000.

Re: Approving the 2010/2011 Asphalt Overlay Program which proposes curb to curb overlay and blade patching of approximately 17 identified areas.

10. Acquisition of Right of Way – Property Located at APN 269-120-004 Owner Juan Gonzalez – Jaye/Gibbons Street Improvement Project
Re: Authorizing the commencement of escrow and payment to property owner in the amount of $150,150, less any prepaid relocation claims, for the acquisition of property for the required right-of-way for the Jaye/Gibbons Street Improvement Project.

PUBLIC HEARINGS
11. Beverly Street Water Facility District
Re: Adoption of a resolution approving the formation of the Beverly Street Water Facility District and the levying of assessments, pending ballot tabulation results of affirmative approval.

ORAL COMMUNICATIONS
OTHER MATTERS

ADJOURNMENT to the Council Meeting of July 6, 2010 at 6:00 p.m.

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 Deputy City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

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

ORAL COMMUNICATIONS
• Johnny Dormay, 372 W. Belleview, voiced concern with the release of suspects in the recent shooting incident on Belleview and requested information on the investigation; and spoke in favor of the passage of a law similar to that of Arizona’s and the institution of check points into Porterville.

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

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
   City Attorney Julia Lew reported that the Council took no action during Closed Session.

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

PRESENTATIONS
   Employee of the Month – Clayton Dignam
ORAL COMMUNICATIONS

- Jessica Garcia, address not given, spoke of her husband who was recently murdered in a shooting incident on Belleview, and voiced concern with the manner in which the investigation and apprehension/detention of suspects was being handled.
- Candace Boulton, 123 South Williams Drive, voiced concern with the public notification of the proposed Redevelopment Area Amendment; requested better communication in the future; and proposed that the public should be afforded the ability to make suggestions during the process.
- Edward Patino, Jr., 1218 ½ W. Tomah, spoke of the upcoming election on June 8, 2010.
- Gloria Lopez, 564 W. Dexter, spoke of the recent murder of Eric Garcia, and voiced concern for the safety of children.
- Sonya Garcia, mother of deceased Eric Garcia, address not given, spoke of her son and voiced concern with the handling of the investigation and apprehension/detention of the suspects in the case.
- Chris Alvarado, 273 W. School, spoke of the recent murder of Eric Garcia and voiced concern with the manner in which the investigation was being handled.
- Tori Azano, 2341 W. Putnam Court, voiced concern that the investigation into the murder of Eric Garcia was not being handled properly, and spoke of the need for justice.
- Connie Johnson Dormay, 372 W. Bellevue Ave., spoke of the incident during which Eric Garcia was murdered, and of the inability for willing bystanders to offer medical assistance to Mr. Garcia due to police protocol; and voiced concern with the release of suspects.
- Marilyn Gentry, a Porterville resident, voiced safety concerns associated with being homeless; and spoke of the need for shelters for women in the Porterville area.
- Jessica Mahoney, a Terra Bella resident, suggested that a breakdown in communication regarding resources had occurred in the Garcia murder investigation; voiced support for a Gang Summit; and voiced concern with threats she has received.
- Brock Nealy, a Porterville resident, requested that more information be provided prior to the Council taking any action on Item Nos. 3 and 4; and voiced concern with Council Member Hamilton being referred to as Mayor in a political advertisement.
- Adrian Monte Reyes, 44 S. Park, spoke in favor of the establishment of an Arts Commission as proposed in Item 17.
- Connie Johnson Dormay, address on record, inquired why a Porterville vendor was not being utilized in Item No. 3.

CONSENT CALENDAR

Item Nos. 3 and 4 were removed for further discussion.

1. CITY COUNCIL MINUTES OF JANUARY 19, 2010 AND FEBRUARY 2, 2010

Recommendation: That the City Council approve the Minutes of January 19, 2010 and February 2, 2010.

Documentation: M.O. 01-060110
2. CLAIM – HILL FAMILY TRUST

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

Documentation: M.O. 02-060110

Disposition: Approved

5. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 269-060-050 – WAL-MART STORES, INCORPORATED – JAYE/GIBBONS STREET IMPROVEMENT PROJECT

Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Wal-Mart Stores, Incorporated, in the amount of $6,101.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 64-2010

Disposition: Approved

6. AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - INTERSECTION SAFETY IMPROVEMENT - DESIGNATION OF LEGGETT STREET AND GRAND AVENUE AS A 2-WAY STOP INTERSECTION ALONG GRAND AVENUE

Recommendation: That the City Council:
1. Pass a resolution amending Traffic Resolution No. 10-2001, designating Legget Street and Grand Avenue as a 2-way stop intersection along Grand Avenue;
2. Authorize the City Engineer to notify the public, by any effective means, of the application of a traffic control device, namely a 2-way stop along Grand Avenue, at the intersection of Legget Street and Grand Avenue; and
3. Authorize the City Engineer to install traffic control devices, namely 2-way stop signs along Grand Avenue, at the intersection of Legget Street and Grand Avenue.

Documentation: Resolution 65-2010

Disposition: Approved

7. WATER WELL EFFICIENCY REBATE
Recommendation: That the City Council:

1. Authorize entering into agreements with Southern California Edison for rebates for increasing water well operating efficiencies; and
2. Authorize the Public Works Director to sign the agreements.

Documentation: M.O. 03-060110
Disposition: Approved

8. WATER SHARE PURCHASES

Recommendation: That the City Council authorize the Public Works Director to submit sealed bids for the four different lots of delinquent shares in an effort to secure as many shares as possible.

Documentation: M.O. 04-060110
Disposition: Approved

9. COMMUNITY DEVELOPMENT BLOCK GRANT BUSINESS ASSISTANCE PROGRAM – CHARLES AND JAN CRISSMAN

Recommendation: That the City Council:

1. Approve the use of Community Development Block Grant Business Assistance funds in the amount of $100,000 for Charles and Jan Crissman for the acquisition of the business located at 721 N. Sunnyside Street;
2. Authorize staff to place the funds into escrow pending the close of the business transaction; and
3. Authorize the Mayor to sign all documents and agreements necessary to complete the project.

Documentation: M.O. 05-060110
Disposition: Approved

10. CALHOME PROGRAM APPLICATION

Recommendation: That the City Council:

1. Adopt the draft resolution approving the submittal of a CalHome Program funding application to the California Department of Housing and Community Development;
2. Authorize the Mayor to execute all documents pertaining to the CalHome Program; and
3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development for administration of the CalHome Program.
11. SEQUOIA VALLEY ENTERPRISE ZONE TARGETED EMPLOYMENT AREA DESIGNATION

Recommendation: That the City Council adopt a resolution establishing the Targeted Employment Boundaries for the Sequoia Valley Enterprise Zone.

Documentation: Resolution 67-2010
Disposition: Approved

12. SIERRA MANAGEMENT TRANSIT CENTER LEASE

Recommendation: That the City Council:
1. Approve the Lease with Sierra Management; and
2. Authorize the Mayor and the City Clerk to execute the Lease which will go into effect as of July 1, 2010.

Documentation: M.O. 06-060110
Disposition: Approved

13. AIRPORT LEASE RENEWAL – FBO LOT 10

Recommendation: That the Council approve the twenty year extension of the Lease Agreement between the City of Porterville and Arrow Falcon Exporters, Inc., for Fixed Base Operator Lot 10 at the Porterville Municipal Airport.

Documentation: M.O. 07-060110
Disposition: Approved

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

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

Documentation: M.O. 08-060110
Disposition: Approved

15. APPROVAL FOR COMMUNITY CIVIC EVENT – WORLD OF VICTORY CHURCH – COMMUNITY OUTREACH – JUNE 19, 2010

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the World of Victory Church, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit ‘A’ and Exhibit ‘B’ of the Community Civic Event Application.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the City Council approve Item Nos. 1, 2 and 5 through 15. The motion carried unanimously.

3. AWARD CONTRACT – ONE-HALF TON CNG PICKUP TRUCKS

Recommendation: That Council awards the contract for six (6) new one-half ton pickup trucks with CNG conversion to Hansel Ford of Santa Rosa, CA, in the amount of $214,466.55. Further, that Council authorize payment upon satisfactory delivery of the equipment.

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

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Vice Mayor Ward that the City Council award the contract for six (6) new one-half ton pickup trucks with CNG conversion to Hansel Ford of Santa Rosa, CA, in the amount of $214,466.55; and authorize payment upon satisfactory delivery of the equipment. The motion carried unanimously.

Disposition: Approved

4. ACCEPTANCE OF PROJECT – MORTON AVENUE BUS TURNOUTS

Recommendation: That the City Council:
   1. Accept the project as complete; and
   2. Authorize the filing of the Notice of Completion.

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

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Martinez that the City Council accept the project as complete and authorize the filing of the Notice of Completion. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

SCHEDULED MATTERS
16. CONSIDERATION OF THE CITY MANAGER’S PROPOSED BUDGET FOR FISCAL YEAR 2010-2011 AND SETTING STUDY SESSION AND PUBLIC HEARING DATES

Recommendation: That the City Council:

1. Schedule the Fiscal Year 2010-2011 budget study session on June 8, 2010 at 6:00 p.m.; and

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

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Martinez that the City Council schedule the Fiscal Year 2010-2011 budget study session on June 8, 2010 at 6:00 p.m.; and schedule the Public Hearing on the Fiscal year 2010-2011 Budget on June 15, 2010.

AYES: Irish, Martinez, Ward, McCracken
NOES: None
ABSTAIN: None
ABSENT: Hamilton

Disposition: Approved

17. CONSIDERATION OF ESTABLISHING AN ARTS COMMISSION AS AN ADVISORY BODY TO THE CITY COUNCIL

Recommendation: That the City Council consider authorizing the establishment of an Arts Commission as an Advisory Body to the City Council.

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

Vice Mayor Ward spoke in favor of establishing and arts commission, and elaborated on the inclusion of youth in the commission.

A discussion ensued with regard to operational costs, and funding for activities and/or events that a commission may wish to pursue.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the City Council authorize the establishment of an Arts Commission as an Advisory Body to the City Council.

AYES: Hamilton, Irish, Martinez, Ward
NOES: McCracken
ABSTAIN: None
ABSENT: None
The City Council adjourned at 8:25 p.m. to a Joint Meeting of the Porterville City Council and the Porterville Redevelopment Agency.

**JOIN CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA**

**June 1, 2010**

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

**ORAL COMMUNICATIONS**

None

**WRITTEN COMMUNICATIONS**

City Manager/Agency Secretary Lollis reported that the Agency had received written communications from the following individuals regarding Item PRA-01:

- Candace Boulton
- Dorothy Martin
- Less and Claudia Guthrie
- Dave Hall
- Rosemarie A. Wiggins and William R. Wiggins
- Wade Crawford
- Perley Gilbert

**PUBLIC HEARINGS**

**PRA-01**

**JOINT PUBLIC HEARING ON THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1**

Recommendation: Open and conduct the joint public hearing pursuant to the Joint Public Hearing Procedures contained under Tab 1 of the Record and consider and adopt all Resolutions and the Ordinance as appropriate.

Agency Board Actions:

1. Adopt a Draft Resolution of the Porterville Redevelopment Agency Approving its Report to the City Council Concerning the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and Authorizing Transmittal of Said Report and the Amended Plan to the City Council of the City of Porterville (As described in the Joint Public Hearing Procedures, this action should be taken prior to opening of the joint public hearing.);

2. Adopt a Draft Resolution of the Porterville Redevelopment Agency Making and Approving Findings Supporting the Inclusion of Certain Parcels of Land Which Are in Agricultural Use Within the Porterville
Redevelopment Project No. 1, as Proposed to be Amended by the 2010 Amendment;

3. Adopt a Draft Resolution of the Porterville Redevelopment Agency Finding and Determining that the Use of Taxes Allocated from the Territory Proposed to be Added to the Porterville Redevelopment Project No. 1 by the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1, for the Purpose of Providing Affordable Housing Outside the Amended Project Area, Will be of Benefit to the Added Territory and the Overall Redevelopment Project;

4. Adopt a Draft Resolution of the Porterville Redevelopment Agency Certifying the Final Program Environmental Impact Report for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1; Making Written Findings Pursuant to the California Environmental Quality Act; Adopting a Statement of Overriding Considerations; and Adopting a Mitigation Monitoring Program; and

5. Adopt a Draft Resolution of the Porterville Redevelopment Agency Approving the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and Recommending the City of Porterville City Council Approve Said Amendment.

City Council Actions:

1. Adopt a Draft Resolution of the City Council of the City of Porterville Finding and Determining that the Use of Taxes Allocated from the Territory Proposed to be Added to the Porterville Redevelopment Project No. 1 by the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1, for the Purpose of Providing Affordable Housing Outside the Amended Project Area, Will be of Benefit to the Added Territory and the Overall Redevelopment Project;

2. Adopt a Draft Resolution of the City Council of the City of Porterville Certifying the Final Program Environmental Impact Report for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1; Making Written Findings Pursuant to the California Environmental Quality Act; Adopting a Statement of Overriding Considerations; and Adopting a Mitigation Monitoring Program; and

3. Unless written objections are received, approve the proposed Ordinance of the City Council of the City of Porterville Approving and Adopting the 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and give first reading of the draft Ordinance; and

4. Waive further reading of the draft Ordinance, approve Ordinance and order to print.
City Attorney Lew indicated that Council/Agency Members Hamilton and Irish owned property within the area; Vice Mayor/Chair Ward had no property within the area or within 500 feet of the area; Council/Agency Member Martinez owned property just within the 500 feet; and Mayor/Chair McCracken no longer had any interest within the area, but had a remote interest just within the 500 feet. She stated that the three members sitting would be Mr. McCracken, Mr. Martinez and Mr. Ward.

Agency Secretary Lollis introduced the item, and Project Consultant John Huffman of Urban Futures, Inc. presented the staff report. Mr. Huffman noted for the record that he would be discussing and referencing the contents of the binder titled, “Joint Public Hearing Evidentiary Record – Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1”.

AGENCY ACTION: MOVED by Vice Chair Ward, SECONDED by Agency Member Martinez that the Redevelopment Agency adopt a draft resolution of the Porterville Redevelopment Agency approving its report to the City Council concerning the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and authorizing transmittal of said report and the Amended Plan to the City Council of the City of Porterville.

AYES: Martinez, Ward, McCracken
NOES: None
ABSTAIN: Hamilton, Irish
ABSENT: None

Mayor/Chair McCracken explained the purpose of the joint public hearing and identified documents that would be under consideration.

The public hearing was opened at 8:56 p.m.

- Jake Raper, Director of Resource Management for Tulare County, provided a summary of correspondence relative to the proposed amendment; spoke in opposition of the amendment, citing inadequacies of the Environmental Impact Report, long-term fiscal impacts to the County and procedural errors regarding notification of the public hearing.
- Greg Shelton, 888 N. Williford Drive, spoke against the proposed amendment citing a lack of Redevelopment funds available due to the State taking funds; and commented on the City’s selection of projects for use of redevelopment funds and the use of the term “blight”.

- Perley Gilbert, 157 So. Williams Drive, indicated that she was supportive of redevelopment in the city, but was not in favor of the inclusion of the Williams Drive area as it did not meet the necessary criteria.
- Rose Marie Wiggins, 166 So. Williams Drive, spoke against the inclusion of Corona Heights in the amendment and requested that the area be removed.
- Dorothy Martin, 141 So. Williams Drive, spoke in favor of the exclusion of the Williams Drive area in the redevelopment project area; communicated concerns regarding traffic; and presented
a petition signed by her neighbors who were also opposed to their inclusion in the redevelopment project area.

- Dave Hall, no address given, indicated that the written communication he submitted to the Council reiterated previously made comments in opposition to the inclusion of Corona Heights.
- Dick Eckhoff, 197 N. Main, spoke of experience and familiarity with the topic of redevelopment; addressed comments made in opposition of the inclusion of Corona Heights; and spoke of ways the city would benefit from approval of the proposed amendment.
- Donnette Silva Carter, Porterville Chamber of Commerce, Redevelopment Advisory Committee Member, spoke in favor of the proposed amendment and identified ways in which the City could benefit from expansion of the redevelopment area.
- Rebecca Gervaise, 1156 Westside Street, urged the Council to consider that the children would have to pay back the money in taxes; and advised the City to consider costs of litigation.
- Linda Hazelwood, Westwood Village #121, spoke of gang problems and safety issues in her former neighborhood.

The public hearing was closed at 9:34 p.m.

Mayor/Chair McCracken noted that written communications had been received by the Council/Agency and indicated that a written response was required.

COUNCIL/AGENCY ACTION: MOVED by Council/Agency Member Martinez, SECONDED by Vice Mayor/Chair Ward that the City Council/Redevelopment Agency continue consideration of the Item to June 15, 2010.

AYES: Martinez, Ward, McCracken
NOES: None
ABSTAIN: Hamilton, Irish
ABSENT: None

Disposition: Item continued.

The City Council/Redevelopment Agency adjourned at 9:34 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member Hamilton spoke of recent Memorial Day activities he attended.
- Council Member Felipe Martinez spoke of Memorial Day activities he also attended.
- Vice Mayor Brian Ward thanked City staff for their efforts in making the Porterville section of Stage Five of the AMGEN Tour of California a success; and spoke of the opening of the Murry Park pool.
- Mayor McCracken lauded the AMGEN Tour of California event.
ADJOURNMENT
The Council adjourned at 9:38 p.m. to the meeting of June 8, 2010 at 6:00 p.m.

Luisa Herrera, Deputy City Clerk

SEAL

Pete V. McCracken, Mayor
SUBJECT: ACCEPTANCE OF PROJECT – MUNICIPAL POOL COMPLEX WATER SLIDE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Webb & Son has completed the Municipal Pool Complex Water Slide Project per plans and specifications. The project consisted of the installation of a 140-foot length flume water slide, related mechanical equipment, plumbing and electrical. The water slide was installed on the existing pool deck at the Municipal Pool Complex.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council's direction, staff has commenced with the reporting of project construction expenditures. January 19, 2010 City Council authorized expenditure of $205,000 for construction, construction management and quality control services for the Murry Pool Water Slide Project. The following itemizes the construction-related cost in two categories; 1) the construction contract, and 2) a combination of construction management and quality control:

1) Final construction cost is $198,898.20.

2) Construction management and quality control costs are $5,850.90, which is 3.1% of the awarded construction contract. This amount is higher than the 1.6% construction management amount requested at the time of award. During the course of construction, staff accepted the responsibility to research and implement the installation of anti-entrapment drains to comply with Federal law. Further, staff spent considerable time and effort reviewing the various designs to allow the slide to be “deck mounted” as opposed to installing 3' deep footings.

Total project construction costs equate to $204,749.10.

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

Webb & Son requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete; and

2. Authorize the filing of the Notice of Completion.

ATTACHMENT: Site Map

Item No. 2
SUBJECT: ACCEPTANCE OF PROJECT – PROSPECT STREET RECONSTRUCTION AND CONCRETE IMPROVEMENTS

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff & Sons has completed the Prospect Street Reconstruction and Concrete Improvements Project per plans and specifications. The project consisted of the installation of curb and gutter, sidewalk, driveways, asphalt concrete paving, fire hydrant assemblies, water services, sewer laterals, storm drain inlets, striping and signing along Prospect Street between Median Avenue and West North Grand Avenue.

City Council authorized expenditure of $423,952.58 for construction. Final construction cost is $417,211.25. Consistent with Council’s direction, Staff carefully tracked additional costs needed for construction management staff time and quality control compaction testing. The additional cost for these services is $44,548.54 (10.7% of final construction cost) and the following is a breakdown:

- Construction Management (staff time) – $34,193.54
- Quality Control (compaction testing) - $10,355.00

At the time of award, construction management and quality control costs were estimated to be 5% of the awarded construction contract ($19,270.57). Additional time by City field services to alleviate unknown underground utility conflicts was required during construction to avoid additional change orders to the contract. Additional quality control testing and staff time were required to remove and replace unsuitable subgrade materials.

Congestion Mitigation and Air Quality (CMAQ) grant, Surface Transportation Program (STP), Sewer Revolving Fund (SRF), Water Revolving Fund (WRF), Storm Drain Reserve Fees, and Refinance of Certificates of Participation (COP Refinance) are the funding sources for this project, as approved by the 2009/2010 Annual Budget.

Halopoff & Sons requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete; and

2. Authorize the filing of the Notice of Completion.

ATTACHMENT: Locator Map
SUBJECT: AWARD OF CONTRACT – BEVERLY STREET WATER PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On June 15, 2010, staff received eight (8) bids for the Beverly Street Water Project. The project consists of installing an 8" water main and related appurtenances along Beverly Street between North Grand Avenue and Castle Avenue.

At the November 24, 2009 City Council meeting, the Council unanimously voted to support the design and construction of the Beverly Street Water Project contingent upon the successful formation of a Water Facility District. Direction was given to the City Attorney to prepare the proper and legal documents supporting the establishment of the Water Facility District. The “District” will be administered by the City with all legal enforcements and remedies thereof contained within the document.

The engineer’s estimate for probable cost of the project is $169,840.00. The low bid for the project is 38.8% below the Engineer’s estimate. An additional $10,386.90 is required for the construction contingency (10%). An additional $10,386.90 is required for construction management, quality control and inspection (10%). The total estimated cost for the project is $124,642.80. Assuming a 30 year loan payback period at 3% interest, the monthly cost per parcel with a single family home will be approximately $15.92. The monthly cost for a parcel with two single family homes will be approximately $31.84.

Funding for this project will be provided through a budget adjustment from the General Fund Reserve to offset the cost of the project. The construction project is contingent upon the successful formation of the water facility district. The “district” will reimburse all design, construction and legal costs associated with the Beverly Street Water Project.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 99 Pipeline Lindsay, CA</td>
<td>$103,869.00</td>
</tr>
<tr>
<td>2. Halopoff and Sons Inc. Porterville, CA</td>
<td>$104,672.07</td>
</tr>
</tbody>
</table>

Dir [Signature] Appropriated/Funded [Signature] CM [Signature] Item No. 4
3. Sierra Construction and Excavation                  $126,170.00
    Bakersfield, CA

4. Superior Pipeline Inc.                             $126,010.00
    Bakersfield, CA

5. GM Engineering                                    $155,823.60
    Bakersfield, CA

6. P&G Contractors                                    $157,986.50
    Visalia, CA

7. Petrosius Construction                            $159,918.00
    Visalia, CA

8. HPS Mechanical                                    $182,757.00
    Bakersfield, CA

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Beverly Street Water Project to 99 Pipeline, in the amount of $103,869.00 upon the successful completion of the Beverly Water Facility District;

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

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

4. Authorize a 10% construction management, quality control and inspection services fee ($10,386.90); and

5. Authorize the appropriation of $124,642.80 from General Fund Reserves to finance the construction and related management services; or

6. If the formation of the Beverly Water Facility District is not successful, do not award the project to the lowest qualified bidder.

ATTACHMENT: Locator Map

P:\pub\works\Engineering\Council Items\Award of Contract - Beverly Street Water - 2010-06-28.doc
SUBJECT: REQUEST FOR ENGINEERING SERVICES TO UPDATE THE FIVE-YEAR BIOSOLIDS MANAGEMENT PLAN AND PRE-APPLICATION

SOURCE: Public Works Department - Wastewater Treatment Facility

COMMENT: The City of Porterville Wastewater Treatment Facility is requesting permission to continue with the services of Carollo Engineers to update the 5-Year Biosolids Management Plan and Pre-Application. Carollo Engineers is uniquely qualified based on their past work with the City of Porterville and understanding of the issues involved to complete both projects.

The pre-application must be submitted, reviewed and approved by the Regional Water Quality Control Board (RWQCB) prior to the application of biosolids at the Reclamation Area. The 5-Year Biosolids Plan is used to manage the disposal of biosolids and secondary treated effluent in the reclamation area in a manner that does not cause the degradation of groundwater.

Wastewater Treatment Facility Reserve is the funding source as approved in the 2009/2010 Annual Budget.

RECOMMENDATION: That the City Council:

1. Approve obtaining the services of Carollo Engineers to assist in updating the 5-Year Biosolids Plan and Pre-Application at a cost of $17,000; and

2. Authorize the Mayor to sign the agreement.
SUBJECT: APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENT - HERITAGE CENTER TRAILWAY EXTENSION (RAILS TO TRAILS PHASE II) PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Tulare County Association of Governments, acting as the Local Transportation Authority ("Authority") is requesting that the City of Porterville approve and submit a Supplemental Agreement (SA) for the Heritage Center Trailway Extension (Rails to Trails Phase II) Project. A locator map identifying the project limits is included in the Council's packet. The "Authority" requires the processing of a SA for the purpose of reimbursing the agency for design costs. The City of Porterville is the owner of the property and therefore right of way acquisition is not a component of the project.

As stated above, a Supplemental Agreement, Resolution and Exhibit 'A' must be received by the "Authority" before the City can seek reimbursement for all design costs. Exhibit 'A' provides the project title, project scope, design, and estimate of probable cost for design and construction.

RECOMMENDATION: That the City Council:

1. Approve the attached resolution affirming the City Council's support of the Heritage Center Trailway Extension (Rails to Trails Phase II) project;

2. Authorize the Mayor and City Manager to execute the Heritage Center Trailway Extension (Rails to Trails Phase II) Supplemental Agreement; and

3. Direct the City Clerk to transmit the executed Supplemental Agreement to the Tulare County Authority

ATTACHMENTS: Locator Map
Supplemental Agreement
Resolution
Exhibit 'A'
MEASURE R PROGRAM SUPPLEMENT TO 
COOPERATIVE AGREEMENT

This Program Supplement is made and entered into on June 29, 2010, by and between the City of Porterville ("Sponsor") and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

This Program Supplement hereby incorporates the "Measure R Cooperative Agreement" for Measure R Expenditures which was entered into between the Sponsor and the Authority on May 29, 2007 and is subject to all terms and conditions thereof. This Program Supplement is executed under authority of Resolution No. ___-2010, approved by the Sponsor on June 29, 2010 (See copy attached).

Project scope and costs are incorporated herein as Exhibit “A” and agreed upon by Sponsor and Authority.

Covenants of Sponsor

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

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

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

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

1.5. If no costs have been invoiced for a six-month period, SPONSOR agrees to submit for each phase a written explanation of the absence of project(s) activity along with target billing date and billing amount.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

COUNTY OF TULARE 
TRANSPORTATION AUTHORITY

By: ____________________________
Authority Director

CITY OF PORTERVILLE

By: ____________________________
Pete V. McCracken, Mayor

Attest:

By: ____________________________
John Lollis, City Clerk
RESOLUTION NO. _______ - 2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE
HERITAGE CENTER TRAILWAY EXTENSION
(RAILS TO TRAILS PHASE II) PROJECT

WHEREAS, the City of Porterville Bike and Pedestrian Program is eligible to
receive reimbursement of costs related to the design of the Heritage Center Trailway
Extension Project, which meets the Measure R guidelines and City General Plan for
alternate modes of travel; and

WHEREAS, The Tulare County Association of Governments is requesting that
the City of Porterville approve and submit a Supplemental Agreement that will allow the
City to receive reimbursement for all design costs incurred in Fiscal Year 2010/11;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
Porterville does hereby affirm and approve support of the Heritage Center Trailway
Extension (Rails to Trails Phase II) Project and authorizes the Mayor and City Clerk to
execute the Program Supplement and any other related documents as may be required.

PASSED, APPROVED and ADOPTED this 26th day of June, 2010.

____________________
Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By: Patrice Hildreth, Acting Chief Deputy
STATE OF CALIFORNIA  
CITY OF PORTERVILLE  
COUNTY OF TULARE  

I, JOHN LOLLIS, 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 29th day of June, 2010.

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

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John Lollis, City Clerk

By: Patrice Hildreth, Acting Chief Deputy
Project Title: Heritage Center Trailway Extension (Rails to Trails Phase II) Project

Project Description: The design effort will include the following tasks:

1. Project Management
   a. Job walk to review existing improvements and identify potential conflicts including traffic control, pedestrian access, utilities and right of way issues.
   b. Review design and specifications to identify potential construction issues.
   c. Prepare detailed report to be submitted to design team for review.

2. Structural Investigation
   a. Analyze existing railroad trestle
   b. Provide a report to document existing structure materials condition, design criteria used for structural analysis, summary of any structural flaws, any rehabilitation recommendations, and structural calculations.

3. Civil Design
   a. Review compiled data, including the structural evaluation of the existing railroad trestle and develop base drawings.
   b. Identify and plot apparent substructures; determine drainage correction requirements; define limits of curb and gutter, sidewalk, and driveway approach removal and reconstruction; define limits of incorporation of existing structural section into reconstructed structural section if necessary. Analyze the use of pavement grindings as base material for the trail.
   c. Prepare complete construction plans, specifications and estimates incorporating all elements of the design.
   d. Incorporate comments made by City staff and prepare final plan and profile drawings.

4. Landscape Design
   a. Prepare complete construction plans, specifications, and estimates incorporating all landscape, irrigation and hardscape features of the project.
b. Incorporate comments made by City staff and prepare final plans drawings.

5. Utility Coordination
   a. Notify and coordinate with the utility agencies regarding the project-related modification of their facilities. Determine special requirements for utility facilities, including protection, right of way and construction methods within the vicinity of the utility.
   b. Provide a second utility notification letter (Prepare to Relocate) and a third utility notification letter (Notice to Relocate).
   c. If necessary, provide a fourth utility notification letter (Notice to relocate immediately).
   d. Submit a preliminary and final set of plans to each utility company that provides the location, elevation of the utility, and the conflict area clouded to show the utility companies the areas that conflict.
   e. Verify that the project's final design is compatible with known utilities in the project area to be installed, relocated, adjusted or otherwise modified, including adding utility relocation windows into the construction schedule as necessary.

The construction effort will include the following tasks:

1. Purchase of the following items incidental to the overall project; mow strip, drainage inlet, 12" pipe sleeve, 8" PVC Storm Drain Pipe, 6" waterline, Fire Hydrant and Irrigation system for landscaped areas.

Project Limits: South Side of Olive Avenue (right of way line) between A Street and Plano Street at existing pedestrian crossing south to existing sidewalk at Walnut Avenue adjacent to the City of Porterville Heritage Center.

Engineer's Estimate of Design Probable Cost:

1. Project Management $3,360
2. Structural Eval/Surveys $9,810
3. Field Investigation/Research $1,060
4. Utility Coordination $1,290
5. PS&E $31,152
6. QA/QC $1,960
7. Bid Period Assistance $1,300

TOTAL DESIGN $49,932
SUBJECT: APPROVAL OF WILLDAN PROFESSIONAL SERVICE AGREEMENT – HERITAGE CENTER TRAILWAY EXTENSION (RAILS TO TRAILS PHASE II) PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Staff recently asked Willdan to provide the City with a Scope of Services and a fee proposal for the completion of plans and specifications pertaining to the extension of the Rails to Trails project. Willdan is uniquely qualified due to their knowledge of all things pertaining to the project having designed and completed the first phase of work. In addition, there exists an “Authority to Hire” per a Professional Services Master Agreement, providing for On-Call Engineering and Construction Management Services (City Council Minute Order 08-092005 awarded September 20, 2005).

Willdan is a broad based engineering firm with many offices around the state from which assistance can be drawn. Their Visalia office has provided a scope of services and proposal to assist with the Heritage Center Trailway Extension (Rails to Trails Phase II) project. The services and fee have been negotiated by staff in order to arrive at the specific tasks needed to finalize the construction documents. Willdan will maintain a schedule to track the progress towards this goal.

Willdan’s detailed scope of services and fee proposal in the amount of $49,932 will complete construction documents and specifications. Attached are the Service Agreement, Scope of Services and Fee Schedule.

Funding for the design phase of the project will be provided through Measure R “Pedestrian/Bike” funding source, which is available to the City once the Council and TCAG execute the “Supplemental Agreement” that is in tonight’s Council packet. The construction phase of this project has five (5) funding sources. Three (3) of the five (5) funding sources have critical deadlines. A list of the construction funding sources and grant deadlines are indicated as follows:

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Dir  Bp  Appropriated/Funded  mb  CM  

Item No. 7
The most restrictive funding source (Tree Grant-ARRA Funds) dictates that the City must complete the construction process and seek reimbursement by March 30, 2012. In order to meet this critical deadline, the design phase must start as soon as possible.

RECOMMENDATION: That the City Council:

1. Approve the attached Professional Services Agreement with Willdan for the Heritage Center Trailway Extension (Rails to Trails Phase II) project, and;

2. Authorize the Mayor to execute the implementation of the agreement by his signature.

ATTACHMENTS: Locator Map
Professional Services Agreement
Scope of Services
Fee schedule
PROFESSIONAL SERVICES AGREEMENT

DATE: June 29, 2010

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Willdan Engineering, hereinafter referred to as "CONSULTANT".

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

Authority to Hire: Pursuant to City Council Minute Order 08-092005;

Project Name: Heritage Center Trailway Extension Project (Rails to Trails continuation);

Description of Project: CONSULTANT to complete construction documents and technical specifications for the Heritage Center Trailway Extension Project, which is a continuation of the Rails to Trails Project: An extension of the existing trail from its current termination point (north of Olive Avenue) south to the Porterville Heritage Center. The current phase of the Rails to Trails project runs between West Olive Street and the cul-de-sac at the end of East Walnut Avenue. This phase will consist of approximately 1,000-ft of trail and will connect two existing trail segments.

AGREEMENTS:

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

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to
provide the following services and materials, in a timely manner as described in "Rails to Trails – Phase II" of the document "Scope of Services" received May 20, 2010, from CONSULTANT, marked and attached as Exhibit "A", in connection with the above described project.

SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis, not to exceed Forty Nine Thousand Nine Hundred Thirty Two Dollars, ($49,932.00) (refer to attached fee schedule)

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

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement, and to be completed by February 18, 2011.

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

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

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

(ii) Bodily injury and property damage insurance in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence; and

(iii) Errors and Omissions insurance of Five Hundred Thousand Dollars ($500,000) minimum per claim and One Million Dollars ($1,000,000) annual aggregate, if deductible for
Errors and Omissions insurance is Two Hundred Thousand Dollars ($200,000) or more, the City may require a Surety Bond for the deductible; and (iv) Automotive liability in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. CONSULTANT agrees to indemnify, defend (at CITY'S election), and hold harmless CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of CONSULTANT or any of its employees or agents.

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

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

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

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

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

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

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

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

CONSULTANT
Task No. 3 – Field Investigations/Research

Willdan does not anticipate performing any additional geotechnical investigations at this time. The structural section will be based upon the connecting trail sections to the south and north of this segment.

Task No. 4 – Utility Coordination

Willdan will contact utility companies within the project limits and request a current and proposed utility atlas and as-built information.

Willdan will mail notices to the utility companies in accordance with the City’s procedures. Documentation of contacts and responses will be copied to the City. Willdan will prepare the utility notices and deliver them to the City for mailing under City letterhead. If so desired by the City, Willdan can transmit these notices under Willdan’s letterhead; however, the City will be responsible for any fees assessed to Willdan by the utility companies.

In either case, responses, questions, and correspondence from the utility companies will be addressed to Willdan’s utility coordinator.

Willdan will also provide utility dispositions identifying existing utility locations above and below ground.

Willdan will be responsible for the following:

- Notify and coordinate with the utility agencies regarding the project-related modification of their facilities. Determine special requirements for utility facilities, including protection, right-of-way, and construction methods within the vicinity of the utility.
- Provide a second utility notification letter (Prepare to Relocate) and a third utility notification letter (Notice to Relocate).
- If necessary, provide a fourth utility notification letter (Notice to Relocate Immediately).
- Submit a preliminary and final set of plans to each utility company that provides the location, elevation of the utility, and the conflict area clouded to show the utility companies the areas that conflict.
- Verify that the project’s final design is compatible with known utilities in the project area to be installed, relocated, adjusted, or otherwise modified, including adding utility relocation windows into the construction schedule as necessary.

Willdan will provide the City with a copy of transmittals, submittals, and letters sent to utilities and agencies regarding the project. Willdan will provide the City with a brief written summary of utility coordination status upon delivery of final construction contract documents to the City.

Task No. 5 – Permitting

Willdan does not anticipate the need for any permits for this project. As such, no time or effort has been allotted to this task.
Task No. 6 – Environmental Services
Wildan understands that environmental clearance for the project has been completed and therefore no environmental effort is anticipated.

Task No. 7 – Final Design: Plans, Specifications, & Estimates (PS&E)
Design plans will be prepared in accordance with the City's drafting standards, format, and conventions. Final plans will be computer-drafted in AutoCAD format for standard 24"x36" plans. The design process will consist of the following procedures and submittals.

**Civil Design**
- Review compiled data, including a structural evaluation the railroad bridge, and develop base drawings at a scale of 1"=40' horizontal for trail improvements and at a scale of 1"=4' vertical for any profiles. Construction details will be prepared at an appropriate scale for clarity.
- Identify and plot apparent substructures; determine drainage correction requirements; define limits of curb and gutter, sidewalk, and driveway approach removal and reconstruction; define limits of incorporation of existing structural section into reconstructed structural section if necessary. Analyze the use of pavement grindings as base material for the trail.
- Prepare complete construction plans, specifications, and estimates incorporating all elements of the design.
- Incorporate comments made by City staff and prepare final plan and profile drawings.

**Landscape Design**
- Prepare complete construction plans, specifications, and estimates incorporating all landscape, irrigation and hardscape features of the project.
- Incorporate comments made by City staff and prepare final plans drawings.

**Project Submittals**
The project will include the following submittals:

**The 35% submittal materials will include the following:**
- Base Mapping with Trail Geometrics

**The 65% submittal materials will include the following:**
- 65% Plans, Specifications, and Estimates
  - Title Sheet with vicinity map, general notes, signature blocks, legend, sheet index, and utility contact information
  - Detail Sheet with construction notes
  - Trail Improvement Plan and Profile Sheets, horizontal and vertical alignments with base mapping including survey and utility locations
  - Signing and Striping Plan
  - Technical specifications
  - Engineer's Estimate, including quantity calculations and cost data
The 95% submittal material will include the following items:

- 95% Plans, Specifications, and Estimates
  - Title Sheet with vicinity map, general notes, signature blocks, legend, sheet index, and utility contact information
  - Detail Sheet with construction notes, and completed quantity tables
  - Street Improvement Plan and Profile Sheets, horizontal and vertical alignments with base mapping including survey and utility locations
  - Signing and Striping Plan (if required)
  - Technical specifications for inclusion by the City in the bid package.
  - Engineer’s Estimate, including quantity calculations and cost data.

The 100% final submittal material will include the following items:

- 100% Improvement Plans on mylar signed and stamped by the Engineer
- 100% Technical Specifications.
- 100% Engineers Estimate, including quantity calculations and cost data.

Final plans, specifications, and estimates will be provided to the City in MS Word and AutoCAD formats.

The schedule for the final design is highly dependent upon the review times. Willdan has allocated a three week period for review by City staff after each submittal. Should the actual review time exceed this allotment, the project schedule will be adjusted to reflect the actual review time.

**Contract Specifications**
Willdan will prepare and deliver to City the project’s technical contract specifications, for City’s use to prepare the project bid documents and specifications, using either the latest edition of the Standard Specifications for Public Works Construction (Greenbook) or the 2006 Edition of the State of California Department of Transportation Standard Plans and Specifications. Willdan will address any traffic control requirements in the contract documents and specifications to construct the improvements.

**Engineer’s Estimate**
Willdan will prepare a detailed cost estimate, which includes bid items described within the contract specifications. The estimate will use the same nomenclature and units of pay as indicated in the specifications. The estimate will reflect current bid prices based on similar projects and the design engineer’s own judgment.

The final construction cost estimates will correspond with the final estimated quantities in the contract specifications. Estimated quantity calculations and costs will be submitted to the City for review.

**Task No. 8 – QA/QC Review**
Willdan will have a supervising engineer or principal engineer check the design prior to each submittal to assure the layout, details, special provisions, and cost estimate conform to the design criteria initially established for the project. The engineer performing the QA/QC review will have extensive experience with both Caltrans and Greenbook standards.
Other Services

Task No. 9 – Bid Period Assistance

Wildan will assist the City during the advertisement period. In addition, Wildan will be available to respond to questions regarding the technical provisions of the contract specifications, the design drawings, or design issues raised during the bidding process. The preparation of addenda regarding omissions or conflicts in the design will be prepared at no charge to the City.

Wildan will review and analyze the construction bids received for the project. Wildan will prepare a tabulation of the bids received in an Excel spreadsheet for the City’s use.

Wildan will also attend the preconstruction conference between the City and the successful bidder to answer any questions regarding the contents of the plans and special provisions.

Task No. 10 – Construction Assistance

Wildan will be available to respond to questions regarding the technical provisions, design drawings, or conflicts in the design during project construction and will assist the City in issuing contract change orders regarding omissions or conflicts in the design at no charge to the City. Wildan will attend the preconstruction meeting.

At the City’s option, Wildan can also provide a full or part-time construction observer during the construction phase of the project.

Sincerely,

Doug Wilson
Vice President/San Joaquin Area Manager
### CITY OF PORTERVILLE
Rails to Trails 2 Project

#### WILLDAN ENGINEERING

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<th>Senior Engineer</th>
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<td>60</td>
<td>$555</td>
<td>$12,095</td>
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<tr>
<td>7(c) 95% Submittal</td>
<td>2</td>
<td>2</td>
<td>12</td>
<td>20</td>
<td>24</td>
<td></td>
<td>3502</td>
<td>60</td>
<td>$525</td>
<td>$12,007</td>
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<tr>
<td>7(d) 100% (Final) Submittal</td>
<td>2</td>
<td>2</td>
<td>6</td>
<td>8</td>
<td>8</td>
<td></td>
<td></td>
<td>26</td>
<td></td>
<td>$3,590</td>
</tr>
<tr>
<td>8 QA/QC</td>
<td>4</td>
<td>8</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10</td>
<td></td>
<td>$1,960</td>
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<td>9 Bid Period Assistance</td>
<td>4</td>
<td>6</td>
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<td>$1,300</td>
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<td>TOTAL DESIGN</td>
<td>14</td>
<td>12</td>
<td>66</td>
<td>0</td>
<td>82</td>
<td>64</td>
<td>0</td>
<td>8000</td>
<td>7202</td>
<td>$2,280</td>
</tr>
</tbody>
</table>

#### TOTAL NOT TO EXCEED FEE

$49,932

Notes:
- Assume four months to prepare final PS&E
- Costs do not take into account the follow items:
  - Modifications to the headwall
  - Extensive modifications to the railroad trestle (anything beyond new decking material and pedestrian railing)

Design fee without Detailed Structural Analysis or Bid Assistance: $39,432.30
SUBJECT: ASPHALT OVERLAY PROGRAM FOR 2010/2011

SOURCE: Public Works Department -- Field Services Division

COMMENT: During the June 15, 2010 City Council meeting, Council postponed the adoption of the 2010/2011 Annual Budget until October 2010. At this time, staff is requesting the expenditure of $250,000 which is proposed in the 2010/2011 Annual Budget for the Asphalt Overlay Maintenance Program; which, is the same amount approved for this program in the 2009/2010 Annual Budget. This request is being made before the adoption of the 2010/2011 Annual Budget due to the fact that this type of maintenance should be completed during summer months.

Staff has surveyed and prepared a list of streets that qualify for this year’s program based on their condition. Proposed treatments include traditional curb to curb overlay and blade patching. The streets selected are as follows:

1. Lombardi from Cleveland to Harrison
2. Argyle from Morton to Cleveland
3. Balmayne from Cleveland 198’ South
4. Balmoral from Cleveland 198’ South
5. Harrison from Walch 394’ east*
6. Thurman from Walch 394’ east*
7. Cleveland from Walch 394’ east*
8. School from York to Patsy
9. Belleview from York to Salisbury
10. W. Olive – 500 block eastbound
11. W. Olive – 500 block westbound
12. E. Olive – 1900 block
13. S. Ohio – 200 block
14. W. Devon – 700 block
15. E. Henderson – 700 block
16. N. Patsy – 400 block
17. N. Villa – 300 block
* Upon completion of subdivision

Surface Transportation Program funds are the source of funding for this project.

RECOMMENDATION: That the City Council approve the 2010/2011 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

ATTACHMENT: Locator Map

Item No. 9
SUBJECT: ACQUISITION OF RIGHT OF WAY - PROPERTY LOCATED AT APN 269-120-004 OWNER JUAN GONZALEZ -JAYE/GIBBONS STREET IMPROVEMENT PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Juan Gonzalez, owner of property located at APN 269-120-004, is making a counter offer of $104,000 for the right of way needed for the Jaye/Gibbons Street Widening Project. The proposed all-inclusive settlement agreement, which includes the purchase price, relocation benefits, and Mr. Gonzalez's counter offer for mitigation costs on the remaining portion of his property is $150,150. A breakdown of the proposed all-inclusive settlement is as follows:

1. Partial take of 1,252 sq. ft. & Severance Damages $ 91,000
2. Mitigation Costs $ 13,000*

$104,000

3. Purchase Price Differential $ 44,000
4. Fixed Moving Expenses $ 2,150
5. Estimated Incidental Expense $ 0

$150,150

The Relocation Plan (Plan), for a full take, was approved during the May 4, 2010 City Council meeting with an estimated cost of $153,925. A breakdown of the purchase price in the Plan is as follows:

1. Full Take $115,000
2. Purchase Price Differential $ 30,000
3. Estimated Moving Expense $ 1,425
4. Estimated Incidental Expense $ 7,500

$153,925

Mr. Gonzalez has decided to rebuild on the remaining portion of his property instead of moving to another location. Due to his decision to rebuild on his remaining property, an additional $13,000 for mitigation cost has been added to his counter offer as indicated above in his counter offer. The mitigation cost covers the necessary removal of the following (additional) improvements:

1. Large Trees (6) $ 6,000
2. Medium Trees (3) $ 2,250
3. Small Trees (4) $ 500

DD: Appropriated/Funded  CM:

ITEM NO. 10
ACQUIRED AREA: ±1,252 SQ FT

OWNER: JUAN R. GONZALEZ, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY

EXHIBIT 'B'

PREPARED BY: Quad Knopf

DRAWN BY: SH
CHECKED 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 REAL PROPERTY AND RELOCATION COST, FOR PUBLIC STREET AND UNDERGROUND UTILITIES PURPOSES FROM JUAN GONZALEZ

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 JUAN GONZALEZ, for real property and relocation cost, for public street and underground utility purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

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

BE IT FURTHER RESOLVED that the purchase price for the real property is $104,000 and relocation cost totaling $46,150 for a total acquisition cost of $150,150 is hereby approved, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

______________________________
Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

______________________________
By: Patrice Hildreth, Chief Deputy City Clerk
“Exhibit A”

The West 12.00 feet, of the East 42.00 feet, of the North 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 1335.1 feet South of
the North quarter corner of said Section 2, and running thence West 417.41 feet, thence
South 208.71 feet, thence East 417.41 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 1,252 square feet, more or less.

End of Description
SUBJECT: ACQUISITION OF RIGHT OF WAY - PROPERTY LOCATED AT APN 269-120-004 OWNER JUAN GONZALEZ - JAYE/GIBBONS STREET IMPROVEMENT PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Juan Gonzalez, owner of property located at APN 269-120-004, is making a counter offer of $104,000 for the right of way needed for the Jaye/Gibbons Street Widening Project. The proposed all-inclusive settlement agreement, which includes the purchase price, relocation benefits, and Mr. Gonzalez’s counter offer for mitigation costs on the remaining portion of his property is $150,150. A breakdown of the proposed all-inclusive settlement is as follows:

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2. Mitigation Costs $ 13,000* $104,000
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5. Estimated Incidental Expense $ 0 $150,150

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2. Medium Trees (3) $ 2,250
3. Small Trees (4) $ 500

DD $ Appropriated/Funded MB CM

ITEM NO. 10
GRANT DEED 2003-0061143
APN 269-120-004

30' ROAD EASEMENT CONVEYED TO
THE COUNTY OF TULARE, PER
DOCUMENT records March 8, 1967,
AS INSTRUMENT NO. 5943,
OK 2701, PG 193, OFFICIAL RECORDS

APN 269-120-005

ACQUIRED AREA: ±1,252 SQ FT

OWNER:
JUAN R. GONZALEZ, A MARRIED MAN, AS HIS
SOLE AND SEPARATE PROPERTY

EXHIBIT 'B'

PREPARED BY:
Quad Knopf

DRAW BY: SH
CHK BY: CK
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED IN FEE FOR REAL PROPERTY AND RELOCATION COST, FOR PUBLIC STREET AND UNDERGROUND UTILITIES PURPOSES FROM JUAN GONZALEZ

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 JUAN GONZALEZ, for real property and relocation cost, for public street and underground utility purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

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

BE IT FURTHER RESOLVED that the purchase price for the real property is $104,000 and relocation cost totaling $46,150 for a total acquisition cost of $150,150 is hereby approved, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

__________________________________________________________

Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
"Exhibit A"

The West 12.00 feet, of the East 42.00 feet, of the North 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
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Beginning at a point on the North-South center section line distant 1335.1 feet South of
the North quarter corner of said Section 2, and running thence West 417.41 feet, thence
South 208.71 feet, thence East 417.41 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 1,252 square feet, more or less.

End of Description
GRANT DEED 2003-0061143
APN 269-120-004

JAYE STREET

SCALE: 1" = 20'

ACQUIRED AREA: ±1,252 SQ FT

CENTER OF SEC 2-22/27

30' ROAD EASEMENT CONVEYED TO
THE COUNTY OF TULARE, PER
DOCUMENT RECORDED MARCH 8, 1967,
AS INSTRUMENT NO. 6943,
BK 2701, PG 193, OFFICIAL RECORDS

OWNER:
JUAN R. GONZALEZ, A MARRIED MAN, AS HIS
SOLE AND SEPARATE PROPERTY

EXHIBIT 'B'

PREPARED BY:
Quad Knopf

DRAWN BY: SH
CHECKED BY: CK
June 17, 2010

Susan Duke
Project Manager
Community Development Department
291 N. Main Street
Porterville, CA 93257

Re: Partial Take (1011 S. Jaye Street, Porterville, CA 93257)

Ms. Susan Duke,

We reviewed our relocation options and are interested in the City of Porterville’s offer for the partial acquisition of my property which includes approximately 1,252 SF of land and a 1,076 SF single-family residence.

We plan to continue residing in the remainder of my property by constructing a new home. To successfully accomplish this task, I must remove six (6) large trees, three (3) medium trees, three (3) small trees, a sprinkler system, a birdhouse that sits on an 8x7 cement slab, and demolish 23x12 single structure.

I valued these items based on appraisal report prepared by James G. Palmer. I ask the City of Porterville to consider the value of these items and I’m requesting the sum of $13,000 in addition to the $91,000 offered to me by the City of Porterville for the partial take of my property.

Below is a breakdown of the items described above and their monetary value.

<table>
<thead>
<tr>
<th>Large Trees (6)</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Paraiso Tree</td>
<td>$1,000</td>
</tr>
<tr>
<td>1 Unknown Name (40 ft tall)</td>
<td>$1,000</td>
</tr>
<tr>
<td>1 Nectarine Tree</td>
<td>$1,000</td>
</tr>
<tr>
<td>1 Pine Tree</td>
<td>$1,000</td>
</tr>
<tr>
<td>1 Lemon Tree</td>
<td>$1,000</td>
</tr>
<tr>
<td>1 Orange Tree</td>
<td>$1,000</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$6,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Medium Trees (3)</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Lemon Tree</td>
<td>$ 750</td>
</tr>
<tr>
<td>1 Tangerine Tree</td>
<td>$ 750</td>
</tr>
<tr>
<td>1 Oleander</td>
<td>$ 750</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$2,250</strong></td>
</tr>
</tbody>
</table>
Small Trees

2 Sago Palms $250
2 Avocado Trees $250
Subtotal $500

Other Losses

<table>
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<tr>
<th>Description</th>
<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Single Structure (23x12)</td>
<td>$8,000</td>
</tr>
<tr>
<td>Bird House (8x7 slab of cement)</td>
<td>$500</td>
</tr>
<tr>
<td>Sprinklers</td>
<td>$800</td>
</tr>
<tr>
<td>Lawn</td>
<td>$200</td>
</tr>
</tbody>
</table>
Sub Total                           $9,500

Total Value of Loss $18,250

Amount Being Requested $13,000

Should you have any questions, I can be reached at home at (559) 781 7843, or by cell at (559) 791 5976. I thank you for your time.

Sincerely

Juan R. Gonzalez

6-17-10
Juan Gonzalez
PUBLIC HEARING

SUBJECT: BEVERLY STREET WATER FACILITY DISTRICT

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place set forth for the public hearing on the formation of the Beverly Street Water Facility District. At the November 24, 2009, City Council meeting, as well as subsequent meetings, the Council unanimously voted to support the design and construction of the Beverly Street Water Project contingent upon the successful formation of a Water Facility District. Direction was given to the City Attorney to prepare the proper and legal documents supporting the establishment of the Water Facility District.

Ballot and information materials were distributed May 11, 2010, to Beverly Street stakeholders. As stated in the ballot information, the official end to the ballot process is at the end of tonight's public hearing. Property owners have until then to submit ballots in support or opposition to the formation of the District and the imposition of the assessment.

Assessments for the District were determined as described in the Engineering Report as accepted by the City Council, by dividing the construction and construction management costs by the number of homes and vacant lots located within the District. A vacant lot is considered to have one single-family home.

Pursuant to the notices provided to the property owners, the total one-time assessment per residence was $5,918.67. The City is proposing that this amount be paid on a monthly basis over a period of 30 years, and that original monthly amount was calculated to be $24.95 per residence. However, the awarded project cost is less than anticipated and the total assessment per residence shall be $3,777.05 (parcels with two residences shall be $7,554.10). Therefore, the proposed cost per month shall be $15.92 per parcel with a single-family home or $31.84 per parcel with two single-family homes, at 3% interest on a 30-year loan payback.

No assessment may be imposed if a "majority protest" exists. A "majority protest" exists if the ballots submitted in opposition exceed the ballots submitted in favor of the assessment.
RECOMMENDATION: That the City Council:

1. Open the Public Hearing and take comments and accept any ballots;

2. Instruct the City Clerk to receive all ballots, count and report to the Council the outcome of the voting; and

3. If there is a majority favorable vote, approve the draft resolution for the formation of the Beverly Street Water Facility District and the levying of the assessments.

ATTACHMENT: Resolution

P:\pub\work\16\Engineering\Council Items\Public Hearing - Beverly Street Water Facility District - 2010-06-28.doc
RESOLUTION NO.: _____ - 2010

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING
THE FORMATION OF A
BEVERLY STREET WATER FACILITY ASSESSMENT DISTRICT,
LEVYING THE ASSESSMENT, AND AUTHORIZING
THE CONSTRUCTION OF THE IMPROVEMENTS

WHEREAS, an area of Beverly Street, between Castle Avenue and W. North
Grand Avenue, was annexed into the City in November, 2006;

WHEREAS, the parcels in this area utilize individual wells that are failing;

WHEREAS, the City Council of the City of Porterville unanimously approved the
design and construction of the Beverly Street Water Project contingent upon the
establishment of the Beverly Street Water Facility District;

WHEREAS, in accordance with California Streets and Highways Code Section
10000 et seq. and other applicable law, the property owners were provided with Notice
of the public hearing and assessment ballot proceeding;

WHEREAS, the public hearing has been held and the ballots from the
proceeding have been tabulated; and

WHEREAS, the property owners with the proposed District have approved, via
ballots cast at the end of the Public Hearing held June 29, 2010, the imposition of the
assessment and the formation of the District;

NOW THEREFORE BE IT RESOLVED,

1) The City Council of the City of Porterville approves the formation of the
Beverly Street Water Facility District establishing an assessment to pay for
the installation of a new water main. A diagram of the District setting forth the
boundaries and parcels located within the District is attached hereto as
Exhibit "A."

2) The City Council of the City of Porterville hereby authorizes the levying of
the assessment of $3,777.05 per residence. The assessment for parcels with
one residence shall be set at $3,777.05, and parcels with two residences
shall be set at $7,554.10.

3) The City Council of the City of Porterville hereby authorizes the City to
permit property owners to pay the total one-time assessment on a monthly
basis over a period of 30 years, with 3% interest. This cost shall be $15.92
per month per parcel with a single-family home, or $31.84 per month per
parcel with two single-family homes. The City Council authorizes the execution of all documents necessary to effect the payment schedule.

PASSED, APPROVED AND ADOPTED this 29th day of June, 2010

Pete V. McCracken, Mayor

ATTEST:
John D. Lollis, City Clerk

By:
Patrice Hildreth, Chief Deputy City Clerk