Call to Order
Roll Call

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

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA
DECEMBER 7, 2010

Roll Call: Agency Members

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

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

During Closed Session, the Joint Redevelopment/City Council Meeting will adjourn to a City Council Meeting.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.
   4- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis. Employee Organizations: Porterville City Employees Association, Public Safety Support Unit, Porterville Police Officers Association, Porterville City Firefighters Association,
**Management and Confidential Series, and All Unrepresented Management Employees.**

**5- Government Code Section 54957-Public Employee Performance Evaluation- Title: City Manager**

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**6:30 P.M. RECONVENE OPEN SESSION**

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

Pledge of Allegiance Led by Council Member Shelton

Invocation

**PROCLAMATIONS**

Tule River Tribal Council

**PRESENTATIONS**

Employee of the Month – Brian Herrera

Introduction of New Employees

**REPORTS**

This is the time for all reports from the City Council, including but not limited to, reports pursuant to AB1234, reports from subcommittees, committees, commissions and boards on which the Council Members serve, and other miscellaneous informational reports.

**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**

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 April 20, 2010**

2. **Budget Adjustment to Accept HUD-SCI Grant Funds for Smart Valley Places**
   Re: Considering authorization of budget adjustments in the amount of $137,460 to the Community Development Department, and $62,540 to the Public Works Department for the HUD-SCI grant.

3. **Award of Contract Revisited – CNG Powered Refuse Collection Trucks**
   Re: Awarding of contract in the amount of $242,611.51 for the purchase of one new CNG powered front load refuse collection truck, and $796,358.20 for the purchase of three new CNG powered side load refuse collection trucks to Tharp’s of Porterville.
4. **Ratification of Expenditure – Street Light Installation for the Indiana Street and Scranton Avenue Reconstruction Project**
   Re: Considering approval of payment to Southern California Edison in the amount of $30,920.89 for the installation of new street lights.

5. **Cooperative Work Agreement (CWA) – Plano Bridge Project**
   Re: Considering approval to enter into a Cooperative Work Agreement which would extend the engineering completion phase for the Plano Bridge Project to September of 2011.

6. **Request for Water Service Outside City (Schmid Family Descendent Trust – Lot 11 of Tract No. 467)**
   Re: Consideration of a request for water service for Lot 11 of Tract No. 467, located at the northeast corner of Holcomb Street and Roby Avenue.

7. **City Easement Conveyance to Burton School District**
   Re: Consideration of a request to have the City convey an easement for the installation and maintenance of a District sanitary sewer lift station along the east side of Lombardi Street.

8. **Interim Financial Status Reports**
   Re: Acceptance of the interim financial status reports and grants summary report for the second fiscal quarter ended December 31, 2010, in accordance with Council Minute Order Nos. 13-041602 and 10-011607.

9. **Quarterly Portfolio Summary**

10. **Street Performance Measure – 2nd Quarter Report**
    Re: Informational report regarding progress made on street reconstruction, overlay, micro-overlay and pothole report efforts for the 2nd quarter in FY 2010/2011.

11. **Code Enforcement Update**

12. **Attendance Records for Commissions and Committees – 2nd Quarter Update**
    Re: An informational report regarding member attendance for City Commissions and Committees during the 2nd Quarter of Fiscal Year 2010/2011.

13. **Report on Charitable Car Washes**
    Re: An informational report regarding charitable car washes for the period of July 1, 2010 through December 31, 2010.
14. CBDG Citizens’ Advisory and Housing Opportunity Committee and Citizen Participation Plan
Re: Considering adoption of the 2011 Citizen Participation Plan and the appointment of Citizen’s Advisory and Housing Opportunity Committee members for a one-year term.

15. Redevelopment Agency Annual Report to Legislative Body
Re: Acceptance of the Redevelopment Agency Annual Report for 2009-2010, which contains the financial audit for FY 2009-2010 and a report of the Agency’s programs.

16. Community Clean Up Events
Re: Considering approval of two clean up events; “Spring Clean-Up Day” on April 9, 2011, and “Fall Clean-Up Day” on October 15, 2011, which will offer City residential refuse customers free disposal of general trash, bulky items, wood-waste, and yard clippings at the City’s Corporation Yard.

17. Airport Lease Renewal - Lot 37
Re: Considering approval of an extension of the Lease Agreement between the City of Porterville and Ernest Freeman, for Lot 37 at the Porterville Municipal Airport.

18. Authorization to Travel
Re: Considering authorization to travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference, May 22-25, 2011.

19. Approval of Council Member’s Travel to Washington D.C.
Re: Considering approval of the proposed out-of-state travel February 28 through March 4, 2011 with other members of the Tulare County Association of Governments (TCAG).

20. Review of Local Emergency Status and Scheduling of Study Session
Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8690 of the California Emergency Services Act, and scheduling a study session for February 24, 2011, at 6:00 p.m. to review staff’s analysis of the response to the local emergency and discuss options for future mitigation of any identified issues.

21. Year-End Review of 2010 City Council Priority Projects and Objectives
Re: Informational report regarding the status of the seven (7) Priority Projects and Objectives identified by the Council for the 2010 calendar year.

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

SCHEDULED MATTERS

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

23. Approval of Zalud Park Concession Building
Re: Considering approval of a proposal to convert the Zalud Park storage rooms to a concession building.
24. **Reclamation Area Lease Land Adjustment**  
   Re: Considering approval of amendments to the Reclamation Area Lease agreement between the City of Porterville and Rick Perigo Roadsiding.

25. **Modifications to Asphalt Specification**  
   Re: Informational report regarding asphalt concrete specifications.

26. **Governor’s Proposed State Budget Impacts**  
   Re: Informational report regarding the proposed State budget and its local impacts.

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

**CLOSED SESSION**

   Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

**ADJOURNMENT** - to the meeting of February 15, 2011 at 5:30 p.m.

   Pursuant to Ordinance No. 1766, the Council Meeting shall adjourn no later than 9:45 p.m., unless otherwise approved by a majority of the Council Members present.

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

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
CALL TO ORDER AT 6:00 P.M.
ROLL CALL: COUNCIL MEMBER HAMILTON, COUNCIL MEMBER FELIPE MARTINEZ, VICE MAYOR WARD, MAYOR MCCracken

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   7- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   8- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Four Cases.
   9- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no reportable action had taken place.
Pledge of Allegiance Led by Mayor McCracken
Invocation – one individual participated.

PROCLAMATIONS
- Arbor Day – April 30, 2010
- Cinco de Mayo Week – April 28-May 5
- Child Abuse Prevention Month – April, 2010
- Denim Day – April 21, 2010
- Iris Festival Day – April 24, 2010

PRESENTATIONS
- Tulare County Child Abuse Prevention Council
- Fill the Boot – Muscular Dystrophy Association

Staff requested that an emergency item be added to the agenda as Item 29 under Scheduled Matters – “Designation of Council Member to serve on Consolidated Waste Management Authority Board.”

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council add to the agenda as Item 29, “Designation of Council Member to Serve on Consolidated Waste Management Authority Board”. The motion carried unanimously.

Disposition: Item added.

ORAL COMMUNICATIONS
- Debbie Estrada, a 2010 Leadership Porterville class member came forward and introduced herself to the Council.
- Sam Cohen, on behalf of the Tule River Tribe, advised that he was available for questions on Item No. 10.
- Joe Moreno, spoke in favor of Item Nos. 27 and 28 and requested Council’s approval.
- Adrian Monte Reyes, a class member of the Leadership Porterville Class of 2010, came forward and introduced himself.
- Richard Sanchez, a class member of the Leadership Porterville Class of 2010, came forward and introduced himself.
- Dick Eckhoff, business address 197 N. Main Street, 1) clarified that his comments in the Minutes of March 16, 2010 regarding the Transactions and Use Tax Oversight Committee’s findings should reflect that he was speaking as a Committee Member; and 2) spoke against the citizen request for tree removal in Item No. 25.
- Augie Gonzalez, requested that he be considered for appointment on the Transactions and Use Tax Oversight Committee; and thanked the community for their support while his son is being treated for Lymphoma.
- Daniel (last name inaudible), a Porterville Youth Council Member, introduced himself to the Council.
- Adrian Martinez, a Porterville Youth Council Member, introduced himself to the Council.
• Lisa Day, a Porterville resident, voiced concern with the Fireworks ordinance recently adopted.

CONSENT CALENDAR
Items 10, 13 and 14 were removed for further discussion.

1. CITY COUNCIL MINUTES OF MARCH 16, 2010
Recommendation: That the City Council approve the Minutes of March 16, 2010.
Documentation: M.O. 02-042010
Disposition: Approved

2. CLAIM – BRIAN HULSTINE
Recommendation: That the City 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. 03-042010
Disposition: Approved

3. CLAIM – CATHY CONNER, RANDALL STEEN, AND DAVID STEEN
Recommendation: That the City 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. 04-042010
Disposition: Approved

4. BUDGET ADJUSTMENTS FOR THE 2009-10 FISCAL YEAR
Recommendation: That the City Council approve the attached budget adjustments, and authorize staff to modify the expenditure estimates as described on the schedule provided.
Documentation: M.O. 05-042010
Disposition: Approved

5. AUTHORIZATION TO ADVERTISE FOR BIDS – JAYE STREET SEWER AND WATER EXTENSION PROJECT
Recommendation: That the City Council:
1. Approve staff’s recommended plans and project manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize staff to appropriate the necessary funds from the Water Replacement Fund during the construction award process.

Documentation: M.O. 06-042010
Disposition: Approved

6. AUTHORIZATION TO REJECT BIDS AND RE-ADVERTISE – CNG PICKUP TRUCKS

Recommendation: That the City Council reject all four (4) bids for the six (6) one-half tone full-size pickup trucks with CNG conversion and authorize staff to re-advertise the equipment.

Documentation: M.O. 07-042010
Disposition: Approved

7. AWARD OF CONTRACT – SOLAR PANEL RADAR SPEED SIGNS

Recommendation: That the City Council:
1. Award the Solar Panel Radar Speed Sign Project to FLASHCO, Inc. in the amount of $20,736.328;
2. Authorize full payment upon delivery of all materials, software and warranties;
3. Authorize an expenditure of $464 for construction administration;
4. Direct the Finance Director to prepare a budget to the 2009/2010 Annual Budget in the amount of $20,736.28; and
5. Direct the Finance Director to reimburse the Street Sign Upgrade Account upon receipt of the SR2S grand funds.

Documentation: M.O. 08-042010
Disposition: Approved


Recommendation: That the City Council adopt the corrected Resolution to Nadine Hardaway, aka Margaret Nadine Hardaway Revocable Living Trust dated October 28, 2000 for purchase of property located at APN 269-120-006.

Documentation: Resolution 45-2010
Disposition: Approved

9. ADOPT RESOLUTION FOR ACQUISITION OF RIGHT OF WAY – PROPERTY LOCATED AT APN 269-130-001 – STANLEY M. NOBLE, SUCCESSOR
TRUSTEE OF THE ISAAC GONZALEZ RESIDENCE TRUST, CREATED UNDER THE EDWARD B. CORNELL AND ELIZABETH F. CORNELL REVOCABLE TRUST DATES APRIL 6, 1989 – JAYE STREET – HWY 190 TO GIBBONS PROJECT

Recommendation: That the City Council adopt the corrected Resolution to Stanley M. Noble, Successor Trustee of the Isaac Gonzalez Residence Trust created under the Edward B. Cornell and Elizabeth F. Cornell Revocable Trust dated April 6, 1989, for the purchase of property located at APN 269-130-001.

Documentation: Resolution 46-2010
Disposition: Approved

11. APPROVE AIRPORT LEASE – LOT 61A

Recommendation: That the City Council approve the draft Lease Agreement between the City of Porterville and Central Valley Mortgage Services, Inc., for Lot 61A at the Porterville Municipal Airport.

Documentation: M.O. 09-042010
Disposition: Approved

12. A RESOLUTION APPROVING THE APPLICATION FOR STATE OFF-HIGHWAY VEHICLE GRANT FUNDS

Recommendation: That the City Council adopt a Resolution approving the application for State Off-Highway Vehicle Grant Funds.

Documentation: Resolution 47-2010
Disposition: Approved

15. REQUEST FOR SPONSORSHIP OF THE THIRD ANNUAL PORTERVILLE MUNICIPAL AIRPORT FLY-IN AND EAGLE MOUNTAIN AIRSHOW

Recommendation: That the City Council authorize the City to provide insurance for the Air Show from Risk Management and General Fund sources in an amount set by the City’s Risk Manager, and allocate the remainder of $7,500 from General Fund sources to support Airshow logistics and operations.

Documentation: M.O. 10-042010
Disposition: Approved

16. APPROVAL FOR COMMUNITY CIVIC EVENT – ANNUAL PORTERVILLE FAIR – MAY 12-16, 2010

Recommendation: That the City Council:
1. Approve the Community Civic Event Application and Agreement from
the Porterville Community Fair Board, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit ‘A’; and

2. Approve the use of the parking lot on the south side of Olive Avenue and bare ground south of that parking lot for fair patron parking and set up from May 12 – 16, 2010.

Documentation: M.O. 11-042010
Disposition: Approved

17. APPROVAL FOR COMMUNITY CIVIC EVENT – 2010 AMGEN TOUR OF CALIFORNIA AND RELATED EVENTS – MAY 20, 2010

Recommendation: That the City Council approve the AMGEN Tour of California and related events, subject to the restrictions and requirements contained in the application, agreement, Exhibit “A”.

Documentation: M.O. 12-042010
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Hamilton that the City Council approve Item Nos. 1 through 9, 11, 12, and 15 through 17. The motion carried unanimously.

10. REPORT – COOPERATION AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND THE TULE RIVER INDIAN TRIBE

Recommendation: Informational Report only.

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

- Sam Cohen, Tribal representative, thanked the City for working with the tribe in a cooperative manner.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council accept the informational report. The motion carried unanimously.

Disposition: Approved

13. VISALIA’S HAZ-MAT RESPONSE TEAM

Recommendation: Informational Report only.

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

City Manager Lollis addressed questions from Council Member Hamilton, who indicated
that he would like the Council to approve a resolution opposing the action of the County regarding the haz-mat service.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council direct staff to draft a resolution opposing the County’s action, and bring back for consideration at the meeting of May 4, 2010. The motion carried unanimously.

Disposition: Direction given.

14. PORTERVILLE YOUTH FOOTBALL PLAYING FIELD DEVELOPMENT

Recommendation: That the City Council accept the informational report, and approve the use of temporary lighting at the Sports Complex by Porterville Youth Football.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council accept the informational report, and approve the use of temporary lighting at the Sports Complex by Porterville Youth Football. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS

18. RECONSIDERATION OF ORDINANCE 1761, PERTAINING TO FIREWORKS

Recommendation: None

City Manager Lollis introduced the item and presented the staff report. City Attorney Lew advised the Council of its procedural options.

The public hearing opened at 8:09 p.m. Seeing no one, the hearing was closed at 8:10 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council reconsider Ordinance 1761, Pertaining to Fireworks. The motion carried unanimously.

A discussion ensued regarding the initial consideration of, and subsequent adoption of Ordinance 1761, and the circumstances which prompted the Council to review the fireworks ordinance. City Manager Lollis spoke of concerns which had been raised regarding the locations and proximity of booths within the city and the county. He identified the issue as specific to Porterville in that there was significant interest amongst non-profit organizations to participate in the annual firework booth lottery. Fire Marshal Loran Blasdell provided the Council with additional information regarding the lottery process and negotiations for booth locations.

- Donnette Silva Carter, Chamber of Commerce CEO, came forward and shared concerns that had
been communicated to the Chamber by other non-profits, and suggested that a meeting of the non-profits be scheduled to allow for feedback.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council adopt Ordinance 1763, give first reading to the ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING ORDINANCE 1761 PERTAINING TO FIREWORKS, waive further reading, and order the ordinance to print. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Ordinance 1761 repealed.

The Council recessed for ten minutes.

19. PORTERVILLE DEVELOPMENT CODE: A REQUEST FOR APPROVAL OF A COMPREHENSIVE DEVELOPMENT CODE INCORPORATING ZONING, SUBDIVISIONS, DOWNTOWN DESIGN, ZONING MAP AND RELATED ORDINANCES

Recommendation: That the City Council:
1. Approve the proposed ordinance for the Development Code and give first reading to the draft ordinance;
2. Waive further reading and order the Ordinance to print; and
3. Adopt the proposed resolution for the Downtown Design Guidelines.

City Manager Lollis introduced the item, and Community Development Director Brad Dunlap presented the staff report with the assistance of Assistant Planner Jenni Byers.

The public hearing was opened at 9:18 p.m.

- Dennis Townsend, Townsend Architectural Group, 633 N. Westwood, thanked the Community Development Director and staff for their significant efforts; and lauded the constructive process taken.

- Jim Winton, 150 W. Morton, voiced appreciation for the inclusive approach taken throughout the process, and commented on the limited amount of time provided to review the document.

The public hearing was closed at 9:23 p.m.

Community Development Director Dunlap advised of community participation in the development process via a Zoning Ordinance Update Advisory Committee comprised of stakeholders in the community, and a Technical Committee comprised of local architects and engineers that utilize the Code.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council
Ordinance 1764  Member Felipe Martinez that the City Council approve the proposed ordinance for the Development Code, give first reading to the draft ordinance being, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING A COMPREHENSIVE DEVELOPMENT CODE INCORPORATING ZONING, SUBDIVISIONS, DOWNTOWN DESIGN, ZONING MAP AND RELATED ORDINANCES, waive further reading and order the ordinance to print; and approve the proposed resolution for the Downtown Design Guidelines. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

20. ADOPTION OF THE CITY OF PORTERVILLE 2009-2014 HOUSING ELEMENT AND NEGATIVE DECLARATION

Recommendation: That the City Council open the public hearing and continue the public hearing to May 4, 2010, allow the Department of Housing and Community Development additional time to complete its review of the Draft City of Porterville 2009-2014 Housing Element.

City Manager Lollis introduced the item, and Community Development Director Dunlap presented the staff report.

The public hearing was opened at 9:30 p.m. Seeing no one, the hearing was continued to the meeting of May 4, 2010 without objection.


SCHEDULED MATTERS

21. CONSIDERATION OF APPOINTMENT TO FILL COUNCIL MEMBER VACANCY

Recommendation: That the City Council consider the appointment to fill the vacant office on Council, including any method or process to be utilized.

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

Council Member Felipe Martinez made a motion to appoint Robert Perez, which died for lack of a second.

COUNCIL ACTION:  MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council appoint Ron Irish to the Council.

AYES: McCracken, Hamilton, Ward
NOES: F. Martinez

Page 9 of 14
Disposition: Ronald L. Irish appointed to fill the unexpired term of Council Member Pedro Martinez.

Mr. Ron Irish was sworn into office by the Chief Deputy City Clerk and took his seat on the dais.

The Council recessed for ten minutes.

22. CONSIDERATION OF APPOINTMENTS TO THE TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE

Recommendation: That the City Council:
   1. Appoint five members of the public to fill five four-year term seats on the Transaction and Use Tax Oversight Committee;
   2. Appoint one member of the public to fill the unexpired term of Member Josef Guerrero; and
   3. Direct the City Clerk to notify all interested individuals of the Council’s action.

City Manager Lollis introduced the item, and Administrative Services Manager Patrice Hildreth presented the staff report.

The Mayor asked that individuals in the audience with an interest of serving on the committee come forward and communicate their interest to the Council.

- Khris Saleh, 1206 W. Westfield, indicated that he was interested in serving.
- Adrian Monte Reyes, 44 S. Park, indicated that he too was interested in serving.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Felipe Martinez that the City Council appoint: Dick Eckhoff, Gary Mekeel, Charles Webber, Mike Pavone, and Augustine Gonzalez to 4-year terms; Khris Saleh to unexpired term of J. Guerrero; and Adrian Monte Reyes to unexpired term of J. Irish. The motion carried unanimously.

Disposition: Members appointed.

23. APPROVAL OF JOINT POWERS AGREEMENT (JPA) – TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG)

Recommendation: That the City Council:
   1. Review the full breadth of amendments as described in Mr. Smalley’s March 24, 2010 memorandum and in particular, the issues highlighted in staff’s report.
2. Consider approval and authorize the Mayor to execute the attached “Tulare County Association of Governments Joint Powers Agreement” resolution; and
3. Authorize the Mayor to execute the Master Agreement when said Master Agreement is made available to the City for signature.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez. Following the report, City Manager Lollis informed the Council that the City of Visalia’s Council had authorized their mayor to sign the agreement providing that the JPA did not authorize TCAG to acquire, maintain and dispose of real property.

Council Member Felipe Martinez reported on the last TCAG meeting and informed the Council that the agreement would have to be approved by all the cities in order to pass.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Hamilton that the City Council approve the Joint Powers Agreement with the exception of 2(j), and authorize the Mayor to sign the agreement if amended to remove 2(j). The motion carried unanimously.

Disposition: Approved, as amended.

24. APPROVAL OF MURRY PARK CONCESSION LICENSE

Recommendation: That the City Council consider approval of the Concession License with Richard Sanchez, and authorize and direct the Mayor to execute same.

City Manager Lollis introduced the item, and Leisure Services Superintendent Donnie Moore presented the staff report.

Mayor McCracken inquired if a provision was included which would require a license from the Tulare County Health Department for operating a concession stand for prepared food. Staff indicated that the applicant had been informed of code requirements and was willing to comply. City Attorney Lew advised that language be added to make the requirement explicit.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Vice Mayor Ward that the City Council approve the Concession License with Richard Sanchez, as amended to require licensee to comply with all state and county statutes and regulations, including but not limited to health regulations. The motion carried unanimously.

Disposition: Approved, as amended.

25. APPEAL OF STREET TREE REMOVAL DENIAL AT 182 N. MAIN

Recommendation: That the City Council uphold the Parks & Leisure Services Commission denial of a request to remove a tree at 182 N. Main.
City Manager Lollis introduced the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.

The Council discussed options and restrictions for signage.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council uphold the Parks and Leisure Services Commission denial of a request to remove a tree at 182 N. Main. The motion carried unanimously.

Disposition: Approved

26. ALERT TC (REVERSE 911)

Recommendation: That the City Council:
1. Enter into an agreement with Tulare County and commit the appropriate funding for the City’s cost share of the Telephone Emergency Notification System; and
2. Identify a funding source in the coming budget development process.

City Manager Lollis introduced the item, and Fire Chief Mario Garcia presented the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council enter into an agreement with Tulare County and commit the appropriate funding for the City’s cost share of the Telephone Emergency Notification System; and identify a funding source in the coming budget development process. The motion carried unanimously.

Disposition: Approved

27. FORMALIZING A YOUTH COMMISSION

Recommendation: That the City Council consider the alternative roles as well as the formal establishment options for a Youth Commission, and direct staff on how to proceed.

City Manager Lollis introduced the item, and Leisure Services Superintendent Moore presented the staff report. At the Council’s request, Mr. Moore provided a brief report regarding the Youth Voice Conference, and addressed questions regarding costs associated with the commission.

- Khris Saleh, address on record, suggested that the City Council continue the item to the next regular meeting when the Youth Commission would be presenting its annual report.

The item was continued, without objection.
28. COUNCIL MEMBER REQUESTED ITEM – 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 requested that the item be continued to allow Council Member Irish the opportunity to review the matter. The item was continued, without objection to the meeting of May 4, 2010.

Disposition: Item continued to May 4, 2010.

29. EMERGENCY ITEM: DESIGNATION OF COUNCIL MEMBER TO SERVE ON CONSOLIDATED WASTE MANAGEMENT AUTHORITY BOARD

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

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor M.O. 23-042010 Ward that the City Council designated Vice Mayor Ward to serve on the Consolidated Waste Management Authority Board; Mayor McCracken to serve at the alternate; and direct staff to notify the CWMA. The motion carried unanimously.

Disposition: Board member designated; and staff direction given.

ORAL COMMUNICATIONS
- Dick Eckhoff, address on record, thanked the Council for upholding the decision against tree removal; and thanked the Council for his reappointment to the Transactions and Use Tax Oversight Committee.

OTHER MATTERS
- Council Member Irish thanked the City Council Members for their support, and former Council Member Pedro Martinez for his confidence.
- Council Member Hamilton spoke of the recently held event at SCICON.
- Council Member Felipe Martinez spoke of the Garden Tea Party held at the Zalud House.
- Vice Mayor Ward, 1) spoke of his daughter’s first birthday; 2) commented on his attendance at the Tea Party recently held at Centennial Park; 3) voiced appreciation for citizen involvement; and 4) lauded the Spring Ball honoring veterans.
- Mayor McCracken lauded Rotary’s Spring Ball.

ADJOURNMENT
The Council adjourned at 11:04 p.m. to the meeting of May 4, 2010 at 6:00 p.m.

____________________________________
SEAL       Luisa Herrera, Deputy City Clerk

____________________________________
Pete V. McCracken, Mayor
SUBJECT: BUDGET ADJUSTMENT TO ACCEPT HUD-SCI GRANT FUNDS FOR SMART VALLEY PLACES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On October 13, 2010 the City was informed that a $4,000,000 grant was approved by the Department of Housing and Urban Development (HUD) for planning projects that promote sustainability in the San Joaquin Valley. Labeled as a Sustainable Communities Initiative (SCI), each of the 14 largest cities in the valley, including Porterville, was awarded up to $200,000 for a variety of planning projects. The overall purpose of the Initiative is to improve regional planning efforts that integrate housing and transportation decisions, and increase capacity to incorporate livability, sustainability and social equity values into land use plans and zoning. The California Partnership for the San Joaquin Valley is the lead applicant for the Consortium and the California State University, Fresno Foundation is the fiscal agent.

Less than the original requested grant amount was ultimately awarded, making it infeasible to achieve all the projects originally proposed. Based on an evaluation of priority and availability of funds, the following three projects are proposed by staff:

Project 1: High Density Housing Upzone program
Implementing Department/Division: Community Development/Planning
Description: A local rezone program to upzone land for higher density residential development and/or affordable housing to implement the vision and principles of the 2030 General Plan and 2010 Housing Element. The goal is to rezone 36 parcels representing 168 acres.
Program Cost: $53,000
HUD Funds: $40,000
City Match (In-Kind): $13,000

Project 2: Economic Development Strategic Plan
Implementing Department: Community Development/Economic Development
Description: This plan refines and implements the City's strategy for economic development as set forth in the 2030 General Plan. The strategic plan is needed to accommodate job growth that keeps pace with population growth that is expected to double in the coming years.
Program Cost: $100,000
HUD Funds: $90,000
City Match (In-Kind): $10,000

DD Appropriated/Funded: CM Item No. 2
Project 3: Design Standards and Specification
Implementing Department: Public Works & Community Development
Description: This project, which is underway, implements the vision and principles contained in the City's 2030 General Plan. City staff is in the process of updating existing design standards and with additional funds will develop new standards to implement hillside development preservation and General Plan related concepts such as developing neighborhood centers. These standards include various types of infrastructure including a variety of streets, bicycle lanes and pathways, landscape and irrigation systems, drainage and other infrastructure.
Program Cost: $140,000
HUD Funds: $70,000
City Match (LTF Funds): $70,000

Grant funds for all projects must be expended by the end of 2012.

RECOMMENDATION: That the City Council authorize a budget adjustment for the following amounts per department for the HUD-SCI grant:

Community Development Dept: $137,460
Public Works Dept: $62,540

ATTACHMENTS: None
SUBJECT: AWARD CONTRACTS REVISITED – CNG POWERED REFUSE COLLECTION TRUCKS

SOURCE: Finance Department/Purchasing Division

COMMENT: On December 7, 2010, Council awarded the Compressed Natural Gas (CNG) Refuse Truck contract to Tharp’s of Porterville. In preparing the “Award Package” to Caltrans, staff noticed that a clerical error had occurred. At the December 7th Council meeting, staff reported that Tharp’s bid on the front end loader was $243,671.75. In fact, the figure should have read $242,611.51. At the December 7th Council meeting, staff reported that Tharp’s bid on 3 side loaders was $799,515.01. In fact, the figure should have read $796,358.20.

For the purpose of accuracy and proper record keeping, staff respectfully asks that Council re-visit the CNG Refuse Truck Award Council item and formally accept the corrected report.

The responsive bids are as follows:

<table>
<thead>
<tr>
<th>Bidder – One Front Load Refuse Truck</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tharp’s</td>
<td>$242,611.51</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>Central Valley Truck Center</td>
<td>$249,029.91</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>Fresno Truck Center</td>
<td>$253,502.61</td>
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<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bidder – Three Side Load Refuse Trucks</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tharp’s (Bridgeport Body)</td>
<td>$796,358.20</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>Tharp’s (Heil Body)</td>
<td>$800,597.06</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>Central Valley Truck Center (Bridgeport Body)</td>
<td>$815,697.66</td>
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<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>Central Valley Truck Center (Heil Body)</td>
<td>$816,595.68</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has reviewed the bids and finds the low bidders to be responsive to the specifications. The purchase of these four CNG powered refuse trucks is authorized by a Federal Congestion Mitigation & Air Quality (CMAQ) grant administered by CalTrans in the amount of $919,799.88, with a local match of $119,169.83 from Equipment Replacement funds.
At the October 2010 Council meeting, staff requested authorization to advertise for the purchase of the CNG refuse trucks. Staff also indicated that the project was budgeted in the 2010/2011 budget. Staff finds that only two of the four CNG trucks were budgeted in FY 2010/2011. The remaining two trucks were originally listed in the 2013/2014 budget but were accelerated to 2010/2011 to take advantage of available TCAG funds.

RECOMMENDATION: That Council:

1. Award the contracts for one (1) new CNG powered front load refuse collection truck in the amount of $242,611.51 and three (3) new CNG powered side load refuse collection trucks in the amount of $796,358.20 to Tharp's of Porterville;

2. Authorize a 1% contingency to allow an upgrade to the axle system of all vehicles purchased, if available;

3. Further, that Council authorize payment upon satisfactory delivery of the equipment; and

4. Direct the Finance Director to prepare a budget adjustment to the 2010/2011 Annual Budget to insure that $119,169.83 from the Equipment Replacement Fund is available to satisfy the City's funding obligation.
SUBJECT: RATIFICATION OF EXPENDITURE - STREET LIGHT INSTALLATION FOR THE INDIANA STREET AND SCRANTON AVENUE RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual are complete for the Indiana Street and Scranton Avenue Improvement Project. The project consists of the reconstruction of Scranton Avenue and Indiana Street to arterial standards (84' wide right of way). The project encompasses all of Indiana Street from Gibbons Avenue to Scranton Avenue and Scranton Avenue from Indiana Street to State Route 65.

The Indiana Street and Scranton Avenue Project requires the installation of new street lights and also the relocation of overhead utility lines. On January 20, 2009, City Council approved the expenditure to relocate the utility poles. Most of the poles have been relocated. However, a portion of the poles on the south side of Scranton Avenue were not relocated due to prolonged right of way negotiations. With the negotiations complete, the pole relocations shall commence once Edison is able to schedule the work.

The cost for the installation of the street lights is as follows:

- **Indiana Street and Scranton Avenue Project:**
  - **New Street Lights:** $30,920.89

Funding for the project was approved in the 2010/2011 Annual Budget and will be paid with "Regional" Measure ‘R’ funds.

RECOMMENDATION: That the City Council:

1. Approve the costs associated with the installation of street lights; and

2. Authorize the City Engineer to sign the SCE application and issue a $30,920.89 payment.

ATTACHMENTS: SCE Invoice
              Locator Map

P:\pubworks\General\Council\Ratification of Expenditure - For SCE for Indiana and Scranton Project - 2011-02-01.doc

Dir B82 Appropriated/Funded MB CM [Signature] Item No. 4
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Request Number: 1176709 308380/84123 - INSTALL 14 NEW 22000 HPSV STREETLIGHTS, INDIANA AVE, SCRANTON ST PER CITY</td>
<td></td>
</tr>
<tr>
<td>Project Address: SCRANTON ST/INDIANA AVE XSTRT PORTERVILLE CA 93257</td>
<td></td>
</tr>
<tr>
<td>Item # 99358 149221 308380 - ST LT INSTALLATION</td>
<td>$30,920.89</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 $30,920.89

Please pay total amount now due: $30,920.89

Thank you for paying promptly
Make check payable to Southern California Edison
2425 SOUTH BLACKSTONE AVENUE
TULARE CA 93274
SUBJECT: COOPERATIVE WORK AGREEMENT (CWA) – PLANO BRIDGE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Caltrans is asking that the City enter into a Cooperative Work Agreement (CWA) to extend the engineering completion phase to September 2011. If the City and FHWA both agree to the extension, the City can seek reimbursement on the remaining $5,114 left in the design contract. If either party does not agree to the extension, the engineering phase of the project formally concludes in June 2011.

To date, FHWA has reimbursed the City for 98.8% of engineering costs. The City cannot seek reimbursement of the remaining 1.2% ($5,114) until the environmental documents are re-validated. Staff anticipates all environmental updates to occur prior to May 2011, but Caltrans must agree with the conclusions of the updates before they will re-validate the complete NEPA documents. Once the NEPA documents have been re-validated, staff will ask Caltrans to authorize the City to advertise for construction.

RECOMMENDATION: That the City Council authorize the Mayor to execute the Cooperative Work Agreement (CWA) affirming the City of Porterville’s request for an extension to the Design (Preliminary Engineering) phase of the project.
SUBJECT: REQUEST FOR WATER SERVICE OUTSIDE THE CITY (SCHMID Family Decedent Trust – Lot 11 of Tract No. 467)

SOURCE: Public Works Department – Engineering and Building Division

COMMENT: Roberts Engineering has submitted a request on behalf of their client, Schmid Family Decedent Trust, for water service in the east Porterville area. More specifically Lot 11 of Tract No. 467, which is located on the northeast corner of Holcomb Street and Roby Avenue. Tract No. 467 is a subdivision that was approved by Tulare County Planning Commission in 1968 and partially developed after the approval. 1967 conditions of approval state that East Porterville Water Company will provide water services to all lots within the development. Many years subsequent to the development, the City of Porterville purchased the East Porterville Water Company’s water systems in several isolated areas within the east Porterville area.

The Schmid Family Decedent Family Trust property is within the City’s East Porterville Water System limits and is currently outside the Urban Development Boundary and therefore the property is considered not annexable. The property does lie within the City’s Urban Area Boundary and City Council has the authority to consider approval of the water connection request under Section I A and Section I C of Porterville’s Municipal Services Policy for the Unincorporated Areas hereinafter referred to as MSP. Specifically, the MSP requires that the following conditions be met:

1. Make application for water connection consideration to the City Council.

2. Execute a "Consent to Annex" form by all owners.

3. Proposed uses and improvements must be consistent with the adopted Land Use Element of the Porterville General Plan.

4. Existing uses and improvements not consistent with the Land Use Element shall be considered at the discretion of the City Council and may be subject to other restrictions.

5. The approval may include time restriction as a condition of approval.

Dir BSA Appropriated/Funded N/A CM Item No. 60
Regardless of the stated policy, the City purchased the water system designed to provide water within the boundaries of Tract No. 467 and staff recommends that Council consider this fact when deciding if the City will provide water to Lot 11. What makes this request unique compared to recent requests is the requesting party has property within a service area of a water company, East Porterville Water Company, purchased by the City of Porterville. An initial obligation or commitment by the original water company to provide water to Lot 11 was memorialized in 1967.

RECOMMENDATION: That City Council:

1. Approve the request on the facts presented herein; and

2. Require the requesting party to comply with all herein stated MSP requirements and pay all applicable fees.

ATTACHMENTS: Locator Map
Roberts Engineering Request letter
1967 Tulare County Tract No. 467 Correspondences
December 9, 2010

RECEIVED

DEC - 9 2010

City of Porterville
Public Works Dept.

Mr. Michael K. Reed
City Engineer / Assistant Public Works Director
City of Porterville
291 North Main Street
Porterville, CA  93257

Dear Mr. Reed:

On behalf of our clients, Schmid Family Decedent Trust, we would like to have approval of water service to their property located at the northeast corner of Holcomb Street and Roby Avenue. This property is designated as APN 263-030-041 and described as Lot 11 of Tract No. 467. As per your request, enclosed is a check in the amount of $ 797.00.

As you are aware, water service from the East Porterville Water company for this tract was approved in 1968 by the County Planning Commission. Since the City has purchased that water company, we are asking that the City Council approve service to this lot. We also request that the connection fee and any other City fees be waived for the first connection.

It is the intent of the property owners to seek approval of a 4-parcel map through Tulare County Resource Management Agency. Three (3) of the parcels will be for future residential development and the fourth parcel will be the County’s existing ponding lot which is there under an easement agreement (copy enclosed).

If you have any questions, please contact our office.

Very truly yours,

[Signature]
Donna Shamley

encl.
Mr. Mike Reed
City Engineer
City of Porterville
291 North Main Street
Porterville, CA 93257

Re: Schmid Family Trust
Tract No. 467
Holcomb Street

Dear Mike:

We have finally located the original approval documents for the above referenced site. We have highlighted the pertinent parts of the approval for this subdivision. As you can see, the East Porterville Water Company was to supply water to all 12 lots within this subdivision. It is our opinion that even though the City now owns the subject water company, service must be provided to the lots within this tract.

If you have any questions, please contact our office.

Very truly yours,

[Signature]
Donna Shamley

encl.

xc: Mr. Greg Schmid
March 23, 1967

Re: Tentative Subdivision Tract No. 467

Mr. Loren Schmidt  
P.O. Box 1182  
Porterville, California

Dear Mr. Schmidt:

At its meeting of March 22, 1967, the Tulare County Planning Commission reviewed the Tentative Map of Subdivision Tract No. 467, located between Olive and Nobby Avenue, East of Holcomb Street, one mile East of Porterville.

The Planning Commission found the street design not in conflict with the provisions of the Tulare County Area General Plan and approved the map, subject to the following conditions:

1. That the boundaries of the subdivision extend to the center of the adjacent streets.

2. That the barn located on the East boundary of the subdivision be removed.

3. That the Deed Restrictions of this subdivision be corrected to be applicable to the approved design.

4. That the easements shown be labeled "Easements For Public Utilities".

5. That the recommendations of the Tulare County Health Department and Tulare County Road Commissioner-Surveyor be adhered to.

Very truly yours,

TULARE COUNTY PLANNING COMMISSION

Harry R. Conaway, Director of Planning

HRC:NLB;mjh

cc: Althouse-Strauss Engineering Services  
    Board of Supervisors  
    County Surveyor  
    Health Department  
    Porterville City Clerk  
    State Division of Highways  
    Pacific Telephone and Telegraph  
    Southern California Edison Company  
    Southern California Gas Company  
    Alta Vista School District
March 22, 1967

1. Location: Between Olive and Roby Avenue, East of Holcomb Street, one mile East of Porterville.

2. Acreage: 16.8

3. Number of Lots: 12

4. Use of Lots: S.F.R.-A.

5. Street Design: All lots to front on existing streets. No new streets to be constructed.


7. Lot Design: Lots 6, 7, and 8 have sufficient area to allow animals.

The remaining 9 lots are to be Single-Family Residential.

8. Sewerage: No additional easements for public utilities are necessary.

9. Improvements: As required by Ordinance.


12. City Recommendations: Read

13. Area General Plan: The street design is not in conflict with the provisions of the Area General Plan.

14. The Zone is A-1 (General Agriculture).

15. Staff Recommendations:

   It is recommended that Subdivision Tract No. 467 be "disapproved" and submitted for the following conditions:

   1. That the boundaries of the subdivision extend to the center of the adjacent streets.

   2. That the barn located on the East boundary of the subdivision be removed.

   3. That the Dead Restrictions of this subdivision be corrected to be applicable to the approved design.

   4. That the easements shown be labeled "Easements For Public Utilities".

   5. That the recommendations of the Tulare County Health Department and Tulare County Road Commissioner-Surveyor be adhered to.
STATEMENT OF COUNTY HEALTH OFFICER
CONCERNING TRACT 467

Being a subdivision of a portion of the NW 1/4 NW 1/4 Section 32, T21S, R28E, M.D.B. and M., Tulare County.

Subdivider: Loren Schmid et al
P. O. Box 1182
Porterville, California

The tentative map of the above tract is herewith approved by the Tulare County Health Department.

Sewage disposal systems for this tract shall consist of septic tanks discharging effluent into a minimum of three seepage pits per dwelling.

Such pits shall be instilled to a depth of thirty (30) feet, four feet in diameter, brick lined, or other approved lining material.

In the event that ground water is encountered in the drilling of any pit, the bottom of such pit shall be backfilled with clean coarse sand at least two feet above water table.

The foregoing restrictions shall be considered standard for development in the subject tract, but should be subject to design charge in the event that favorable strata are encountered in the drilling of any facility on any specific lot.

Seepage pits shall be separated by a minimum of one hundred (100) feet from any water well contiguous or adjacent to any of the subject lots of this tract.

The East Porterville Water Company, under permit with this Department, will supply water to this tract.

March 15, 1967
L. F. Chamberlen, M.D.
Tulare County Health Officer

By
George G. Cox, R.S.
Director of Sanitation

G.G.C.:bm
cc: Board of Supervisors
Planning Commission
Division of Real Estate
Loren Schmid
Althouse-Strauss Engineering Services
Building Department
COUNCIL AGENDA: FEBRUARY 1, 2011

SUBJECT: CITY EASEMENT CONVEYANCE TO BURTON SCHOOL DISTRICT

SOURCE: Public Works Department - Engineering Division

COMMENT: Burton School District, a California Public School District is requesting an easement from the City of Porterville for the purpose of installing, operating and maintaining a District sanitary sewer lift station along the east side of Lombardi Street. The lift station along with its related appurtenances is necessary for the orderly development of a 12 acre elementary school site proposed on the west side of Lombardi Street. The proposed easement is a 20 foot by 33 foot area located adjacent to the east right-of-way of Lombardi Street at the northwest corner of a storm drain reservoir site owned by the City and is approximately 1,300 feet north of Westfield Avenue.

RECOMMENDATION: That the City Council:

1. Accept Burton School District's request to have the City convey an easement for the installation and maintenance of a District sanitary sewer lift station;

2. Authorize the Mayor and City Clerk to sign the Grant of Easement; and

3. Authorize the City Clerk to mail the signed Grant of Easement to Burton School District for recordation.

ATTACHMENTS: Resolution
Grant of Easement Document
Exhibit "A" -- Legal Description
Exhibit "B" -- Locator Map

Item No: 7
RESOLUTION NO.____________________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING A GRANT DEED OF EASEMENT TO BURTON SCHOOL DISTRICT

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby grants to Burton School District, its successors and assigns, an easement to install, maintain, operate, repair, and replace a District sanitary sewer lift station and related appurtenances, upon, over, across and within that certain real property in the City of Porterville, County of Tulare, State of California, described as follows:

See Exhibit “A” and shown on Exhibit “B” attached hereto and made a part hereof by reference, consisting of two pages.

BE IT FURTHER RESOLVED that the foregoing has been authorized by the City Council for the City of Porterville.

PASSED, ADOPTED AND APPROVED this 1st day of February, 2011.

Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RECORDING REQUESTED BY 
AND WHEN RECORDED MAIL THIS 
DEED AND TAX STATEMENTS TO:

Burton School District  
264 N. Westwood Street  
Porterville, CA 93257

New Elementary School - Lombardi Street

---

GRANT OF 
EASEMENT

<table>
<thead>
<tr>
<th>Atlas Sheet</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
<th>Street/Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>C 3</td>
<td>21</td>
<td>T 21 S</td>
<td>R 27 E</td>
<td>Lombardi St.</td>
</tr>
</tbody>
</table>

CITY OF PORTERVILLE, a municipal corporation, hereby grants to BURTON SCHOOL DISTRICT, A CALIFORNIA PUBLIC SCHOOL DISTRICT, an EASEMENT for installation, maintenance, operation, repair and replacement of District sewer lift station and appurtenances upon, over, across and within that certain real property in the City of Porterville, County of Tulare, State of California, described as follows:

See Exhibit "A" and shown on Exhibit "B" attached hereto and made a part hereof by reference, consisting of two pages.
EXECUTED this ____ day of __________________, 2011.

GRANTOR

CITY OF PORTERVILLE, a municipal corporation

___________________________________________
Ronald L. Irish, Mayor

[CORPORATE SEAL]

STATE OF CALIFORNIA

County of ____________________________

) ss

On this the _____ day of _______________ 20____, before me, ______________________________________

Name, Title of Officer-E.G., “Jane Doe, Notary Public”

personally appeared ______________________________________

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Notary Public’s signature in and for said County and State) (for notary seal or stamp)
EXHIBIT “A”

LEGAL DESCRIPTION

APN 245-480-052
District Sewer Lift Station and Appurtenances

That portion of Parcel 2 of Waived Parcel Map 3-96, as approved by City of Porterville Resolution No. 330, dated November 6, 1996, and recorded on November 21, 1996, as Document No. 96-084784, Official Records of Tulare County, and also recorded on February 24, 1998, as Document No. 98-012380, Official Records of Tulare County, situated in the Southeast quarter of the Northwest quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

The north 33.00 feet of the east 20.00 feet of the west 50.00 feet of said Parcel 2.

Containing an area of 660 square feet, more or less.

The east right-of-way line of Lombardi Street is assumed to be a line which is parallel with and 30.00 feet east of the west line of the Southeast quarter of the Northwest quarter of said Section 21, said west line also being the west line of said Parcel 2.
SUBJECT: INTERIM FINANCIAL STATUS REPORTS

SOURCE: Finance Department

COMMENT: The City Charter requires financial status reports to be provided to City Council members on a monthly basis. Council Minute Order #13-041602 and #10-011607 established the requirement and parameters for the preparation and presentation of interim financial status reports.

In accordance with Council Minute Order #13-041602 and #10-011607, the interim financial status reports for the 2nd fiscal quarter ended December 31, 2010, are submitted.

RECOMMENDATION: That the City Council accept the interim financial status reports as presented.

ATTACHMENTS: Interim financial reports

D.D. Appropriated/Funded C.M. Item No. 8
<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>2010-2011 Estimated Revenue</th>
<th>2009-2010 Year-to-Date Revenue</th>
<th>% of Estimate</th>
<th>% of Estimate</th>
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</thead>
<tbody>
<tr>
<td>Revenue Status Report - General Fund</td>
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<td></td>
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<tr>
<td>For the Six Months Ended December 31, 2010 and December 31, 2009</td>
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<td></td>
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<tr>
<td>Property Taxes</td>
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<td>Utility Users Tax</td>
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<td>11.7%</td>
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<tr>
<td>Transient Occupancy Tax</td>
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<td>610,000</td>
<td>6.1%</td>
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<td>Property Transfer Tax</td>
<td>524,000</td>
<td>524,000</td>
<td>5.2%</td>
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</tr>
<tr>
<td>Sales Tax, Public Safety</td>
<td>60,000</td>
<td>120,000</td>
<td>1.2%</td>
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<tr>
<td>Licenses and Permits</td>
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<td>1.1%</td>
<td>1.1%</td>
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<tr>
<td>Business Licenses</td>
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<td>174,000</td>
<td>17.4%</td>
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<tr>
<td>Construction Permits</td>
<td>349,000</td>
<td>349,000</td>
<td>34.9%</td>
<td>34.9%</td>
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<td>Revenue from Agencies-Grants</td>
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<td>32,000</td>
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<tr>
<td>Other Taxes</td>
<td>115,000</td>
<td>115,000</td>
<td>11.5%</td>
<td>11.5%</td>
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<tr>
<td>Revenue from Agencies-Grants</td>
<td>9,000</td>
<td>9,000</td>
<td>0.9%</td>
<td>0.9%</td>
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<tr>
<td>Use of Money and Property</td>
<td>61,000</td>
<td>61,000</td>
<td>6.1%</td>
<td>6.1%</td>
</tr>
<tr>
<td>Fines and Forfeitures</td>
<td>18,000</td>
<td>18,000</td>
<td>1.8%</td>
<td>1.8%</td>
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<tr>
<td>Planning and Engineering</td>
<td>1,000</td>
<td>1,000</td>
<td>0.1%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Police</td>
<td>5,000</td>
<td>5,000</td>
<td>0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Fire</td>
<td>5,000</td>
<td>5,000</td>
<td>0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Recreation</td>
<td>18,000</td>
<td>18,000</td>
<td>1.8%</td>
<td>1.8%</td>
</tr>
<tr>
<td>Interdepartmental</td>
<td>5,000</td>
<td>5,000</td>
<td>0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Operating Transfers</td>
<td>1,078,000</td>
<td>1,078,000</td>
<td>10.7%</td>
<td>10.7%</td>
</tr>
<tr>
<td>Debt Service Transfers</td>
<td>654,962</td>
<td>654,962</td>
<td>6.5%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Totals</td>
<td>$ 6,712,085</td>
<td>$ 6,712,085</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>2010-2011 Estimated Revenue</th>
<th>2009-2010 Year-to-Date Revenue</th>
<th>% of Estimate</th>
<th>% of Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Taxes</td>
<td>4,013,500</td>
<td>4,013,500</td>
<td>40.1%</td>
<td>40.1%</td>
</tr>
<tr>
<td>Sales and Use Tax</td>
<td>1,282,500</td>
<td>1,282,500</td>
<td>12.8%</td>
<td>12.8%</td>
</tr>
<tr>
<td>Utility Users Tax</td>
<td>1,175,000</td>
<td>1,175,000</td>
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<td>11.7%</td>
</tr>
<tr>
<td>Transient Occupancy Tax</td>
<td>610,000</td>
<td>610,000</td>
<td>6.1%</td>
<td>6.1%</td>
</tr>
<tr>
<td>Property Transfer Tax</td>
<td>524,000</td>
<td>524,000</td>
<td>5.2%</td>
<td>5.2%</td>
</tr>
<tr>
<td>Sales Tax, Public Safety</td>
<td>60,000</td>
<td>120,000</td>
<td>1.2%</td>
<td>1.2%</td>
</tr>
<tr>
<td>Licenses and Permits</td>
<td>110,000</td>
<td>110,000</td>
<td>1.1%</td>
<td>1.1%</td>
</tr>
<tr>
<td>Business Licenses</td>
<td>174,000</td>
<td>174,000</td>
<td>17.4%</td>
<td>17.4%</td>
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<tr>
<td>Construction Permits</td>
<td>349,000</td>
<td>349,000</td>
<td>34.9%</td>
<td>34.9%</td>
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<tr>
<td>Revenue from Agencies-Grants</td>
<td>32,000</td>
<td>32,000</td>
<td>3.2%</td>
<td>3.2%</td>
</tr>
<tr>
<td>Other Taxes</td>
<td>115,000</td>
<td>115,000</td>
<td>11.5%</td>
<td>11.5%</td>
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<tr>
<td>Revenue from Agencies-Grants</td>
<td>9,000</td>
<td>9,000</td>
<td>0.9%</td>
<td>0.9%</td>
</tr>
<tr>
<td>Use of Money and Property</td>
<td>61,000</td>
<td>61,000</td>
<td>6.1%</td>
<td>6.1%</td>
</tr>
<tr>
<td>Fines and Forfeitures</td>
<td>18,000</td>
<td>18,000</td>
<td>1.8%</td>
<td>1.8%</td>
</tr>
<tr>
<td>Planning and Engineering</td>
<td>1,000</td>
<td>1,000</td>
<td>0.1%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Police</td>
<td>5,000</td>
<td>5,000</td>
<td>0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Fire</td>
<td>5,000</td>
<td>5,000</td>
<td>0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Recreation</td>
<td>18,000</td>
<td>18,000</td>
<td>1.8%</td>
<td>1.8%</td>
</tr>
<tr>
<td>Interdepartmental</td>
<td>5,000</td>
<td>5,000</td>
<td>0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Operating Transfers</td>
<td>1,078,000</td>
<td>1,078,000</td>
<td>10.7%</td>
<td>10.7%</td>
</tr>
<tr>
<td>Debt Service Transfers</td>
<td>654,962</td>
<td>654,962</td>
<td>6.5%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Totals</td>
<td>$ 6,712,085</td>
<td>$ 6,712,085</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### CITY OF PORTERVILLE

#### REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE SIX MONTHS ENDED
DECEMBER 31, 2010 AND DECEMBER 31, 2009

<table>
<thead>
<tr>
<th>REVENUE SOURCE</th>
<th>2010-2011 ESTIMATED REVENUE</th>
<th>2010-2011 YEAR-TO-DATE REVENUE</th>
<th>% OF ESTIMATE</th>
<th>2009-2010 ESTIMATED REVENUE</th>
<th>2009-2010 YEAR-TO-DATE REVENUE</th>
<th>% OF ESTIMATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEASURE H SALES TAX</td>
<td>$2,450,000</td>
<td>$1,131,376</td>
<td>46.2%</td>
<td>$2,850,000</td>
<td>$1,088,094</td>
<td>38.2%</td>
</tr>
<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>1,033,261</td>
<td>514,749</td>
<td>49.8%</td>
<td>1,193,009</td>
<td>487,825</td>
<td>40.9%</td>
</tr>
<tr>
<td>SPECIAL GAS TAX</td>
<td>2,696,439</td>
<td>811,152</td>
<td>30.1%</td>
<td>1,881,700</td>
<td>318,498</td>
<td>16.9%</td>
</tr>
<tr>
<td>LOCAL TRANSPORTATION FUNDS (LTF)</td>
<td>4,230,100</td>
<td>989,051</td>
<td>23.4%</td>
<td>6,420,000</td>
<td>896,786</td>
<td>14.0%</td>
</tr>
<tr>
<td>TRAFFIC SAFETY FUND</td>
<td>200,000</td>
<td>62,303</td>
<td>31.2%</td>
<td>160,200</td>
<td>174,226</td>
<td>108.8%</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>7,000</td>
<td>3,990</td>
<td>57.0%</td>
<td>7,500</td>
<td>5,368</td>
<td>71.6%</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>1,666,540</td>
<td>900,223</td>
<td>54.0%</td>
<td>2,415,416</td>
<td>448,902</td>
<td>18.6%</td>
</tr>
<tr>
<td>TRANSIT</td>
<td>3,629,616</td>
<td>1,793,052</td>
<td>49.4%</td>
<td>4,446,554</td>
<td>1,107,731</td>
<td>24.9%</td>
</tr>
<tr>
<td>SPECIAL SAFETY GRANTS</td>
<td>100,000</td>
<td>107,170</td>
<td>107.2%</td>
<td>269,550</td>
<td>68,831</td>
<td>25.5%</td>
</tr>
<tr>
<td>SEWER OPERATING</td>
<td>6,560,800</td>
<td>3,288,968</td>
<td>50.1%</td>
<td>6,420,304</td>
<td>3,473,747</td>
<td>54.1%</td>
</tr>
<tr>
<td>REFUSE REMOVAL</td>
<td>5,336,700</td>
<td>2,693,153</td>
<td>49.5%</td>
<td>5,449,450</td>
<td>2,613,193</td>
<td>48.0%</td>
</tr>
<tr>
<td>AIRPORT OPERATIONS</td>
<td>1,449,298</td>
<td>998,476</td>
<td>68.9%</td>
<td>1,333,040</td>
<td>488,464</td>
<td>36.8%</td>
</tr>
<tr>
<td>GOLF COURSE</td>
<td>304,000</td>
<td>110,255</td>
<td>36.3%</td>
<td>310,398</td>
<td>138,380</td>
<td>44.6%</td>
</tr>
<tr>
<td>WATER OPERATING</td>
<td>5,163,135</td>
<td>3,051,651</td>
<td>59.1%</td>
<td>5,056,365</td>
<td>3,037,911</td>
<td>60.1%</td>
</tr>
<tr>
<td>RISK MANAGEMENT</td>
<td>4,246,075</td>
<td>2,346,593</td>
<td>55.3%</td>
<td>4,038,915</td>
<td>2,259,401</td>
<td>56.2%</td>
</tr>
<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>2,315,000</td>
<td>1,266,451</td>
<td>54.7%</td>
<td>2,300,320</td>
<td>1,177,905</td>
<td>51.2%</td>
</tr>
<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>260,000</td>
<td>138,221</td>
<td>53.2%</td>
<td>216,000</td>
<td>98,212</td>
<td>45.5%</td>
</tr>
<tr>
<td>WATER REPLACEMENT</td>
<td>432,080</td>
<td>241,758</td>
<td>56.0%</td>
<td>493,744</td>
<td>213,632</td>
<td>43.3%</td>
</tr>
<tr>
<td>SOLID WASTE RESERVE</td>
<td>466,236</td>
<td>227,546</td>
<td>48.8%</td>
<td>572,742</td>
<td>291,330</td>
<td>50.0%</td>
</tr>
<tr>
<td>SEWER REVOLVING</td>
<td>249,930</td>
<td>125,740</td>
<td>50.3%</td>
<td>272,880</td>
<td>121,699</td>
<td>44.6%</td>
</tr>
<tr>
<td>TRANSPORTATION DEVELOPMENT</td>
<td>210,000</td>
<td>80,234</td>
<td>38.2%</td>
<td>210,000</td>
<td>119,559</td>
<td>56.9%</td>
</tr>
<tr>
<td>PARK DEVELOPMENT</td>
<td>50,000</td>
<td>11,621</td>
<td>23.2%</td>
<td>50,000</td>
<td>33,682</td>
<td>67.4%</td>
</tr>
<tr>
<td>TREATMENT PLANT RESERVE</td>
<td>601,544</td>
<td>271,733</td>
<td>45.2%</td>
<td>672,680</td>
<td>374,056</td>
<td>55.6%</td>
</tr>
<tr>
<td>STORM DRAIN DEVELOPMENT</td>
<td>95,000</td>
<td>32,617</td>
<td>34.3%</td>
<td>160,000</td>
<td>50,423</td>
<td>31.5%</td>
</tr>
<tr>
<td>BUILDING CONSTRUCTION</td>
<td>50,000</td>
<td>14,210</td>
<td>28.4%</td>
<td>50,000</td>
<td>19,778</td>
<td>39.8%</td>
</tr>
</tbody>
</table>

**TOTALS**                                      | **$43,802,754**             | **$21,158,291**               | **48.3%**     | **$47,251,757**             | **$19,117,630**               | **40.5%**     |
## CITY OF PORTERVILLE

### EXPENDITURE STATUS REPORT - GENERAL FUND

**FOR THE SIX MONTHS ENDED**

**DECEMBER 31, 2010 AND DECEMBER 31, 2009**

<table>
<thead>
<tr>
<th></th>
<th>2010-2011 AMENDED</th>
<th>2010-2011 YEAR-TO-DATE</th>
<th>2009-2010 % OF AMENDED</th>
<th>2009-2010 % OF EXPEND</th>
<th>LEGISLATIVE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY COUNCIL</td>
<td>$105,351</td>
<td>$17,913</td>
<td>17.0%</td>
<td>$186,474</td>
<td>$80,074</td>
</tr>
<tr>
<td>COMMUNITY PROMOTION</td>
<td>170,352</td>
<td>103,951</td>
<td>61.0%</td>
<td>196,259</td>
<td>100,460</td>
</tr>
<tr>
<td>EMERGENCY OPERATIONS</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>ADMINISTRATIVE &amp; LEGAL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER</td>
<td>246,912</td>
<td>111,649</td>
<td>45.4%</td>
<td>244,441</td>
<td>128,398</td>
</tr>
<tr>
<td>CITY CLERK</td>
<td>156,446</td>
<td>68,188</td>
<td>43.6%</td>
<td>184,875</td>
<td>66,172</td>
</tr>
<tr>
<td>HUMAN RESOURCES</td>
<td>229,328</td>
<td>112,267</td>
<td>49.0%</td>
<td>219,847</td>
<td>63,009</td>
</tr>
<tr>
<td>CITY ATTORNEY</td>
<td>180,000</td>
<td>84,661</td>
<td>47.0%</td>
<td>191,115</td>
<td>87,740</td>
</tr>
<tr>
<td>FINANCE:</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>FINANCE &amp; ACCOUNTING</td>
<td>736,046</td>
<td>344,149</td>
<td>46.8%</td>
<td>731,216</td>
<td>332,293</td>
</tr>
<tr>
<td>INFORMATION SERVICES</td>
<td>379,695</td>
<td>179,016</td>
<td>47.1%</td>
<td>367,730</td>
<td>201,116</td>
</tr>
<tr>
<td>ADMINISTRATIVE SERVICES</td>
<td>413,666</td>
<td>189,509</td>
<td>45.8%</td>
<td>413,866</td>
<td>197,361</td>
</tr>
<tr>
<td>POLICE PROTECTION</td>
<td>8,231,630</td>
<td>3,617,097</td>
<td>43.9%</td>
<td>7,923,828</td>
<td>3,905,466</td>
</tr>
<tr>
<td>FIRE PROTECTION</td>
<td>3,882,461</td>
<td>1,774,010</td>
<td>48.2%</td>
<td>3,660,685</td>
<td>1,766,769</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLANNING &amp; ZONING</td>
<td>526,886</td>
<td>207,485</td>
<td>39.4%</td>
<td>516,040</td>
<td>244,287</td>
</tr>
<tr>
<td>ECONOMIC DEVELOPMENT</td>
<td>280,273</td>
<td>123,385</td>
<td>42.5%</td>
<td>285,606</td>
<td>142,169</td>
</tr>
<tr>
<td>PUBLIC WORKS:</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>ENGINEERING &amp; BUILDING</td>
<td>1,014,432</td>
<td>461,534</td>
<td>45.5%</td>
<td>960,221</td>
<td>428,390</td>
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<tr>
<td>STREET MAINTENANCE</td>
<td>403,375</td>
<td>168,215</td>
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<td>403,375</td>
<td>209,228</td>
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<tr>
<td>SIGNALS, SIGNING &amp; STRIPING</td>
<td>355,180</td>
<td>121,231</td>
<td>34.1%</td>
<td>355,180</td>
<td>186,161</td>
</tr>
<tr>
<td>STREET LIGHTING</td>
<td>479,336</td>
<td>201,841</td>
<td>42.1%</td>
<td>404,328</td>
<td>199,878</td>
</tr>
<tr>
<td>STORM DRAINS</td>
<td>90,017</td>
<td>37,454</td>
<td>41.6%</td>
<td>90,017</td>
<td>36,078</td>
</tr>
<tr>
<td>PARKING LOTS</td>
<td>47,153</td>
<td>21,418</td>
<td>45.4%</td>
<td>47,154</td>
<td>19,713</td>
</tr>
<tr>
<td>PARKS &amp; LEISURE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PARK MAINTENANCE &amp; OPERATION</td>
<td>1,766,443</td>
<td>796,708</td>
<td>45.1%</td>
<td>1,766,211</td>
<td>850,913</td>
</tr>
<tr>
<td>STREET TREES &amp; PARKWAYS</td>
<td>218,375</td>
<td>80,872</td>
<td>37.0%</td>
<td>251,805</td>
<td>102,695</td>
</tr>
<tr>
<td>COMMUNITY CENTERS</td>
<td>247,752</td>
<td>111,346</td>
<td>44.9%</td>
<td>241,023</td>
<td>111,789</td>
</tr>
<tr>
<td>LEISURE SERVICES</td>
<td>222,993</td>
<td>104,301</td>
<td>46.8%</td>
<td>236,596</td>
<td>103,939</td>
</tr>
<tr>
<td>LEISURE SERVICES - SPECIAL PROG</td>
<td>1,369,397</td>
<td>685,644</td>
<td>50.1%</td>
<td>1,304,682</td>
<td>658,108</td>
</tr>
<tr>
<td>SWIMMING POOL</td>
<td>168,161</td>
<td>91,855</td>
<td>54.6%</td>
<td>161,643</td>
<td>96,554</td>
</tr>
<tr>
<td>LIBRARY OPERATIONS</td>
<td>627,943</td>
<td>263,756</td>
<td>42.0%</td>
<td>634,169</td>
<td>352,300</td>
</tr>
<tr>
<td>SPECIAL PROJECTS</td>
<td>71,361</td>
<td>36,625</td>
<td>49.9%</td>
<td>89,727</td>
<td>20,663</td>
</tr>
<tr>
<td><strong>SUB TOTALS</strong></td>
<td><strong>22,428,954</strong></td>
<td><strong>10,145,929</strong></td>
<td><strong>45.2%</strong></td>
<td><strong>22,089,913</strong></td>
<td><strong>10,697,130</strong></td>
</tr>
<tr>
<td>OPERATING TRANSFERS</td>
<td>111,978</td>
<td>54,726</td>
<td>48.9%</td>
<td>108,892</td>
<td>42,914</td>
</tr>
<tr>
<td>DEBT SERVICE</td>
<td>1,820,449</td>
<td>874,795</td>
<td>48.1%</td>
<td>1,827,584</td>
<td>877,663</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>24,361,381</strong></td>
<td><strong>11,075,451</strong></td>
<td><strong>45.5%</strong></td>
<td><strong>24,006,389</strong></td>
<td><strong>11,617,707</strong></td>
</tr>
</tbody>
</table>
### CITY OF PORTERVILLE
### INTERIM PERFORMANCE REPORT - MEASURE H
### For the Six Months Ended December 31, 2010 and December 31, 2009

<table>
<thead>
<tr>
<th></th>
<th>FY 2010-11</th>
<th>FY 2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales Tax - Measure H</td>
<td>$1,096,922</td>
<td>$1,055,963</td>
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<td>Interest</td>
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<td>32,131</td>
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<td><strong>TOTAL REVENUES</strong></td>
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<td>1,088,094</td>
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<td><strong>EXPENDITURES</strong></td>
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<tr>
<td>Police Department</td>
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<td>596,309</td>
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<tr>
<td>Fire Department</td>
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<td>Library &amp; Literacy</td>
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<td>Capital Projects</td>
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<td>255,754</td>
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<td><strong>TOTAL EXPENDITURES</strong></td>
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<td>1,427,856</td>
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<tr>
<td><strong>TRANSFER FROM OTHER FUNDS</strong></td>
<td>3,736</td>
<td>-</td>
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<td><strong>REVENUE OVER/(UNDER) EXPENDITURES</strong></td>
<td>$50,790</td>
<td>$(339,762)</td>
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### CITY OF PORTERVILLE
### INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
### For the Six Months Ended December 31, 2010 and December 31, 2009

<table>
<thead>
<tr>
<th>FUND</th>
<th>REVENUES</th>
<th>EXPENSES</th>
<th>12/31/2010 NET PROFIT (LOSS)</th>
<th>12/31/2009 NET PROFIT (LOSS)</th>
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</thead>
<tbody>
<tr>
<td>Zalud Estate</td>
<td>$3,990</td>
<td>$(12,144)</td>
<td>$(8,154)</td>
<td>$(5,861)</td>
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<td>Sewer Operating</td>
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<td>(2,444,501)</td>
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<td>Airport</td>
<td>998,476</td>
<td>(760,701)</td>
<td>237,774</td>
<td>82,757</td>
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<tr>
<td>Golf</td>
<td>110,255</td>
<td>(186,961)</td>
<td>(76,706)</td>
<td>(62,055)</td>
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<td>Water Operating</td>
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<td>(2,193,028)</td>
<td>858,623</td>
<td>827,664</td>
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</table>

**NOTE:** The Transit Fund is not included as it does not contain any retained earnings.
SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Finance Department

COMMENT: This report reflects the investment portfolio of the City of Porterville as of December 31, 2010, and is in compliance with California Government Code Section 27000, etc., Section 53600, etc., and the City of Porterville's Statement of Investment Policy. Investments are selected based on the statutory objectives of safety, liquidity and yield.

Items identified in the summary include the portfolio composition, weighted average rate of earnings, weighted average days to maturity, and the percentage of liquid holdings.

RECOMMENDATION: That the City Council accept the quarterly Portfolio Summary.

ATTACHMENTS: Quarterly Portfolio Summary

D.D. Appropriated/Funded C.M. Item No. 9
<table>
<thead>
<tr>
<th>INVESTMENT NUMBER</th>
<th>INVESTMENT OR CUSIP NUMBER</th>
<th>INSTITUTION</th>
<th>PURCHASE PRICE</th>
<th>MARKET VALUE</th>
<th>COUPON INTEREST RATE</th>
<th>PURCHASE DATE</th>
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<th>DAYS TO MATURITY</th>
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<td>1,000,000</td>
<td>1,000,000</td>
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<td>5/28/2015</td>
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<td>MARKET VALUE</td>
<td>COUPON INTEREST RATE</td>
<td>PURCHASE DATE</td>
<td>MATURITY DATE</td>
<td>DAYS TO MATURITY</td>
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<td>4/8/2015</td>
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<td>8/2/2015</td>
<td>1,875</td>
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<td>9/3/2014</td>
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TOTSALS: 55,622,470 $ $55,688,061

WEIGHTED AVERAGE RATE OF EARNINGS % OF LIQUID HOLDINGS

<table>
<thead>
<tr>
<th>ONE YEAR HISTRY</th>
<th>CURRENT PORTFOLIO</th>
<th>DAYS TO MATURITY</th>
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</thead>
<tbody>
<tr>
<td>2.325%</td>
<td>2.276%</td>
<td>50.771%</td>
</tr>
<tr>
<td>6/30/2010</td>
<td>2.212%</td>
<td>640</td>
</tr>
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Comments:
Portfolio holdings as of December 31, 2010, are in compliance with the current investment Policy. With 50.771% of the portfolio being held in liquid instruments, the cash needs of the City will be met. The next portfolio report will be calculated for the fourth calendar quarter ending March 31, 2011, and will be presented during the May 3, 2011 Council meeting.
SUBJECT: STREET PERFORMANCE MEASURE – 2nd QUARTER REPORT

SOURCE: Public Works Department - Engineering Division

COMMENT: The purpose of this staff report is to provide Council with an update on the progress made on street reconstruction, overlay, micro-surfacing and pothole repair efforts for the 2nd quarter in FY 2010/2011.

For Council's information, the light blue bar represents staff's estimated quantity of "work" for each category. The black overlaid bar represents the quantity of work accomplished to date.

RECOMMENDATION: Information Only

ATTACHMENTS: 2nd Quarter Street Performance Chart 1st Quarter Street Performance Chart

P:\pub\works\Engineering\Council Items\Street Performance Measure - 2nd Quarter Update - 2010-11

Dir Appropriated/Funded CM Item No. 10
## 1. Street Reconstruction Progress
Each square represents 200 LF of normal street length

<table>
<thead>
<tr>
<th>Task</th>
<th>10/1/10</th>
<th>11/1/10</th>
<th>12/1/10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## 2. Overlay Progress
Each square represents 200 LF of street lanes

<table>
<thead>
<tr>
<th>Task</th>
<th>10/1/10</th>
<th>11/1/10</th>
<th>12/1/10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## 3. More Surface Repair Progress
Each square represents 100 LF of street lane

<table>
<thead>
<tr>
<th>Task</th>
<th>10/1/10</th>
<th>11/1/10</th>
<th>12/1/10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
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</tbody>
</table>

## 4. Pavement Pavement Progress
Each square represents 125 SF of pavement repair

<table>
<thead>
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<th>Task</th>
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<th>11/1/10</th>
<th>12/1/10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

Total amount of work is 2,000 LF of standard street length

Commenced as of December 1st, 2010
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*Completed as of September 30, 2010*
SUBJECT:  CODE ENFORCEMENT UPDATE

SOURCE:  FIRE DEPARTMENT

COMMENT:  FOR INFORMATION ONLY

The Code Enforcement Division has been busy in dealing with new and outstanding code issues, citizen complaints, and educating the public while obtaining voluntary compliance from the citizens of this community.

At the direction of Council, this quarterly report is prepared for your information concerning the activities and code issues that Code Enforcement Officers address and the impact that the program has on our community.

(See attached Code Enforcement Stats for October 1 – December 31, 2010.)

Attachment 1:  Code Enforcement Stats for October 1 – December 31, 2010
Attachment 2:  Code Enforcement Exploded Pie Graph
Attachment 3:  Code Enforcement Stats Explanation

Dir  Approp./ Funded  CM  Item No. 11
CODE ENFORCEMENT STATS FROM 10-1-2010 TO 12-31-2010

General Complaints

Contacts and follow ups .................................................. 201
Complaints received ...................................................... 43
Notice of Violation issued .............................................. 21
Administrative Citations issued ................................. 8

Weed Abatement

Weed Abatement Properties Reviewed .......................... 39

Business License

Business License checks ................................................ 77
Itinerant Vendor and Peddler Permit checks .......... 8

Building Division

Building Permit checks .................................................. 21
CODE ENFORCEMENT STATS FROM 10-1-2010 TO 12-31-2010

To add some clarity to the code enforcement stats, the number of 201 daily contacts reflects our contacts with the citizens of Porterville. Our contacts range from a single contact providing information to the public for a particular violation, to multiple contacts when following up and working with violators who are hesitant to comply.

We issued 8 Administrative Citations during the quarter in question for violations of the Municipal Code. They were issued primarily for no business license, Fire Code violations, no contractor's license and no building permits.

Of the 21 Notice of Violations that were issued, 15 were for business license violations, 6 of which also required a peddler permit, 3 were for building violations, the remaining 3 were for zoning violations.
COUNCIL AGENDA – FEBRUARY 1, 2011

SUBJECT: ATTENDANCE REPORT FOR CITY COMMISSIONS AND COMMITTEES – 2ND QUARTER UPDATE

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: At its meeting of May 6, 2008, the City Council expressed a desire to be kept apprised of member attendance at City Commission and Committee meetings. As such, staff is herein providing for informational purposes the attendance records as of the Second Quarter FY 2010/2011 for the following City Commissions and Committees:

- Parks & Leisure Services Commission;
- Library and Literacy Commission;
- Transactions and Use Tax Oversight Committee;
- CDBG Advisory and Housing Opportunity Committee; and
- Redevelopment Advisory Committee.

RECOMMENDATION: Informational report only.

ATTACHMENTS: Attendance Reports
### Parks & Leisure Services Commissioner's Record of Attendance

#### 2010

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- **Donald W. Beardsley**: T 2
- **Rocco Calantone**: P P
- **Cathy Capone**: * *
- **Case Lok**: P P
- **Monte Moore**: P P
- **Charles F. Webber**: P P
- **Leticia Lupio**: P P
- **Rick Vafeades**: P P

### Parks & Leisure Services Commissioner's Record of Attendance

#### 2009

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- **Donald W. Beardsley**: P P A A P A P A P P P P FT Exp 10/11
- **Rocco Calantone**: P P P P P A P A P P P P P FT Exp 10/11
- **Cathy Capone**: P T P P A P * * * * * FT Exp 10/13
- **Case Lok**: P P E P P P P P P P P E E FT Exp 10/13
- **Leticia Lupio**: P P P P P P P P P P P P P FT Exp 10/13

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#### P = Present; E = Excused Absence; A = Absent; T = Tardy
# LIBRARY & LITERACY COMMISSION - Attendance Record

As of: December 31, 2010

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CDBG Citizens' Advisory and Housing Opportunity Committee
Attendance Report as of December 31, 2010

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<td>Kelle Jo Lowe</td>
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*This Committee meets on an annual basis in March.*
*No meetings were held during this reporting period.*
Redevelopment Advisory Committee
Attendance Report as of December 31, 2010

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<tr>
<td>Dean Craig</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marlene Marquez</td>
<td>Illness has prohibited attendance. Has indicated desire to continue serving.</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Donnette Silva Carter</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>--</td>
</tr>
<tr>
<td>Steve Tree, Chairman</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Daren Griswold</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Francisco Madrigal</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Renay Sprague</td>
<td>--</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>Janice Castle</td>
<td>--</td>
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<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>Dick Eckhoff</td>
<td>--</td>
<td>--</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

X = In attendance

No Meetings were held during this reporting period.
SUBJECT: REPORT ON CHARITABLE CAR WASHES

SOURCE: Finance Department

COMMENT: In accordance with City Council direction, staff is providing an updated report on charitable car wash permits issued during the year. Article VI, Section 15-130 of the City Code allows up to 4 car washes at any commercial property per calendar year and up to 4 car washes by a charitable organization in a calendar year. For the period January 1 to December 31, 2010, the following car washes occurred within the City.

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Name of Organization</th>
<th>Location of Car Wash</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 7, 2010</td>
<td>Burton Middle School</td>
<td>Burton Middle School – 155 N Elderwood</td>
</tr>
<tr>
<td>March 27, 2010</td>
<td>La Mision de Jesus of Porterville</td>
<td>La Mision de Jesus – 765 W Henderson</td>
</tr>
<tr>
<td>April 3, 2010</td>
<td>Comision Honorifica Mexicana-</td>
<td>Kragen Auto Parts – 1236 W Olive</td>
</tr>
<tr>
<td>May 1, 2010</td>
<td>Monache High School</td>
<td>Monache High School parking lot</td>
</tr>
<tr>
<td>May 14, 2010</td>
<td>La Mision de Jesus of Porterville</td>
<td>La Mision de Jesus – 765 W Henderson</td>
</tr>
<tr>
<td>May 15, 2010</td>
<td>La Mision de Jesus of Porterville</td>
<td>El Gallito Market – 283 W Olive</td>
</tr>
<tr>
<td>May 22, 2010</td>
<td>Porterville High School</td>
<td>PHS Admin parking lot – 465 W Olive</td>
</tr>
<tr>
<td>June 5, 2010</td>
<td>Tule River Education Department</td>
<td>568 W Olive Ave</td>
</tr>
<tr>
<td>June 5, 2010</td>
<td>Landmark Christian Center</td>
<td>Landmark Christian Center – 2380 W Olive</td>
</tr>
<tr>
<td>June 19, 2010</td>
<td>Porterville Rescue Mission</td>
<td>Roscoe Melton’s Discount Tires – 921 W Olive</td>
</tr>
<tr>
<td>June 26, 2010</td>
<td>Centro Familiar Cosecha Abundante</td>
<td>El Gallito Market – 283 W Olive</td>
</tr>
<tr>
<td>July 23, 2010</td>
<td>First Missionary Baptist Church</td>
<td>165 E Putnam Ave</td>
</tr>
<tr>
<td>July 24, 2010</td>
<td>Porterville Breakfast Lions</td>
<td>Pizza Hut – 393 W Olive Ave</td>
</tr>
<tr>
<td>July 24, 2010</td>
<td>Porterville Iglesia del Nazareno</td>
<td>137 E Morton Ave</td>
</tr>
<tr>
<td>July 31, 2010</td>
<td>Fraternal Order of Eagles #3608</td>
<td>Roscoe Melton’s Discount Tires – 921 W Olive</td>
</tr>
<tr>
<td>August 7, 2010</td>
<td>Monache Band Parents Inc</td>
<td>Dr. Berra’s Office – 721 W Olive Ave</td>
</tr>
<tr>
<td>Sept 4, 2010</td>
<td>El Granito Foundation</td>
<td>Napa Auto &amp; Truck Parts – 300 W Henderson Ave</td>
</tr>
<tr>
<td>Event Date</td>
<td>Name of Organization</td>
<td>Location of Car Wash</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>Sept 11, 2010</td>
<td>PHS Student Council</td>
<td>PHS Admin parking lot – 465 W Olive</td>
</tr>
<tr>
<td>Sept 11, 2010</td>
<td>West Coast Believers Center International</td>
<td>765 W Henderson Ave</td>
</tr>
<tr>
<td>Sept 18, 2010</td>
<td>Monache AVID</td>
<td>MHS Admin parking lot – 960 N Newcomb</td>
</tr>
<tr>
<td>Sept 25, 2010</td>
<td>Victory Outreach Porterville</td>
<td>El Gallito Market – 283 W Olive Ave</td>
</tr>
<tr>
<td>Sept 25, 2010</td>
<td>Eagle Mountain Casino</td>
<td>CVS Pharmacy – 1155 W Henderson</td>
</tr>
<tr>
<td>October 2, 2010</td>
<td>El Granito Foundation</td>
<td>O'Reilly Automotive - 1236 W Olive Ave</td>
</tr>
<tr>
<td>October 2, 2010</td>
<td>Victory Outreach</td>
<td>129 N 'D' St</td>
</tr>
<tr>
<td>October 16, 2010</td>
<td>Cornerstone Youth Group</td>
<td>Express Gas Mart – 1060 W Olive Ave</td>
</tr>
<tr>
<td>October 29, 2010</td>
<td>Porterville Iglesia del Nazareno</td>
<td>832 W Olive Ave</td>
</tr>
<tr>
<td>November 6, 2010</td>
<td>Burton Middle School - CJSF</td>
<td>Burton Middle School – 155 N Elderwood</td>
</tr>
<tr>
<td>November 13, 2010</td>
<td>Victory Outreach Porterville</td>
<td>Roscoe Melton’s Discount Tires – 921 W Olive</td>
</tr>
<tr>
<td>November 20, 2010</td>
<td>Porterville Love Inc.</td>
<td>Roscoe Melton’s Discount Tires – 921 W Olive</td>
</tr>
<tr>
<td>December 4, 2010</td>
<td>New Life Center</td>
<td>Roscoe Melton’s Discount Tires – 921 W Olive</td>
</tr>
<tr>
<td>December 5, 2010</td>
<td>New Life Center</td>
<td>Roscoe Melton’s Discount Tires – 921 W Olive</td>
</tr>
</tbody>
</table>

Staff recognizes that one of the property locations, Roscoe Melton’s Discount Tires, where car washes had been permitted during the year was used twice more than what is allowed by the City Code. New Life Center who sponsored the car wash on December 4 and 5 had already printed their tickets at the time of the application for a permit. Staff had relented and issued the car wash permit and the organization was cautioned.

RECOMMENDATION: For information only.
CITY COUNCIL AGENDA: FEBRUARY 1, 2011

SUBJECT: CDBG CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In preparation for the development of the Community Development Block Grant (CDBG) 2011 Action Plan to be submitted to the Department of Housing and Urban Development (HUD), the following items are required: 1) the adoption of the 2011 Citizen Participation Plan and 2) the annual designation and appointment of a Citizens’ Advisory and Housing Opportunity Committee.

HUD requires each jurisdiction that receives formula grants through its Community Development Block Grant Program to prepare and adopt a Citizen Participation Plan. The Plan provides guidelines for the participation of citizens in determining the use of CDBG funds. This Plan is reviewed annually for necessary revisions prior to Council’s adoption of the CDBG Action Plan. In 2000, the adopted Citizen Participation Plan incorporated numerous revisions to bring it into compliance with the Federal regulations. Since 2000, only minor revisions to update the information have been necessary and the same is being recommended for the 2011 Citizen Participation Plan. Revisions are highlighted in bold font in the attachment and consist of changing scheduling dates and additions of program activity (Attachment 1).

The 2010 Citizen Participation Plan adopted by the City Council established a committee of seven (7) members (this has been the number since the original Citizen Participation Plan was adopted in 1981). The Citizen Participation Plan places particular emphasis on obtaining representation of low and moderate income persons residing in slum and blight areas, members of minority groups, the elderly, the disabled, and residents of areas where use of funds are proposed.

The seven members of the 2010 committee were contacted and all seven have expressed their willingness to serve as 2011 committee members:

Pat Contreras
John Dennis
Grace Munoz-Rios
Linda Olmedo
Rudy Roman
Rebecca Vigil
Kelle Jo Lowe

DD 300 Approp./Funded MB CM ITEM NO. 14
The 2011 Action Plan is in the process of being developed by staff in accordance with the Five Year Consolidated Plan (2010 - 2015) adopted by the City Council in May 2010. It is anticipated that expenditures for activities will be consistent with past experience. Almost half of the entitlement will be allocated to the debt service for the Section 108 loan for the Heritage Center and the balance of the entitlement and program income will be allocated between the programs adopted in the Five Year Consolidated Plan.

The Citizens’ Advisory and Housing Opportunity Committee will meet in March to hold a Public Hearing on the proposed 2011 Action Plan. The Plan will then be available for a 30 day public comment period and will be taken to the City Council for final adoption in May.

RECOMMENDATION: That the City Council:

1. Adopt the 2011 Citizen Participation Plan; and

2. Appoint existing committee members Pat Contreras, Linda Olmedo, Grace Munoz-Rios, Rudy Roman, John Dennis, Rebecca Vigil, and Kelle Jo Lowe to the Citizens’ Advisory and Housing Opportunity Committee for a one-year term.

ATTACHMENTS: 1. Draft 2011 Citizen Participation Plan
CITY OF PORTERVILLE

2011 CITIZEN PARTICIPATION PLAN

This Plan describes how the City of Porterville will involve citizens in the planning, implementation, and assessment of the Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) Programs. The funds must be used for projects which benefit low and moderate income persons and/or aid in the elimination or prevention of slum and blight. These programs are intended to assist cities in undertaking neighborhood improvement, economic development, and homeowner assistance programs. Program regulations give ultimate responsibility for the design and implementation of the program to local elected officials, and also require that citizens be given an opportunity to serve in a key advisory role to these elected officials.

ADVISORY COMMITTEE

To ensure that Porterville residents are given a full opportunity to participate in the Program, a Citizens' Advisory Committee was established in 1981 to function in an advisory capacity to the Mayor and Council regarding program design, implementation, and assessment. This Committee consists of seven (7) residents of the City, appointed annually by the Mayor and City Council. Citizens and civic organizations are urged to make recommendations for appointments prior to February 1. The Committee has been responsible for making recommendations on allocation of the City's multi-purpose Community Development Block Grant since 1981/82. The Committee has provided direction in establishing the Housing Rehabilitation Loan Program (HRLP) and other worthwhile projects under the CDBG Entitlement Cities and HOME Programs which have benefitted low and moderate income households within the City of Porterville. In addition to the HRLP, the Committee has recommended the establishment of several revolving loan funds since 1982, including the Sewer and Water Connection Fund, the Underground Utility Connection Fund (merged in 2000 into one fund known as the Public Utilities Revolving Loan Fund), the First-Time Low-Income Home Buyer Program, and the Business Assistance Program. The Committee has also recommended the allocation of funds toward remodeling the Santa Fe Plaza Senior Citizens Center, an inventory of Industrial Land Resources, the Low Income Residential Smoke Detector Installation Program, the Porterville Enterprise Zone Area Infrastructure Improvement Program, the rehabilitation of the Porterville and Glennwood Hotels, the opening of the Porterville Youth Center, and four targeted Curb, Gutter, Sidewalk and Street Light Neighborhood Improvement Projects. In addition, the Committee has supported the establishment of economic development programs and public improvement activities such as the completion of the Heritage Center with Section 108 Loan Guarantee funds. Several years ago, the Committee recommended the establishment of the Homebuyer Education Program and the Murry Park Improvement Project. An expansion to the Park Improvement Program was approved in 2010 to include the Lime Street Neighborhood Park.

The City has taken steps to secure the services of concerned individuals to form the Advisory Committee for the purposes of program model design, implementation, assessment, and
development of the Community Development Block Grant Program under the Entitlement Cities criteria. The City places particular emphasis on obtaining representation of low and moderate income persons residing in slum and blight areas, members of minority groups, the elderly and persons with disabilities, and residents of areas where use of funds are proposed. In continuing its efforts to serve the needs of the public, the City Council has expanded the role of the Committee to incorporate efforts to expand housing opportunities, thereby changing the name to the Citizens’ Advisory and Housing Opportunity Committee.

SCOPE OF CITIZEN PARTICIPATION

Citizens will be involved in all stages of the Community Development Block Grant Program, including the development of the consolidated plan, inclusive of the annual action plan, substantial amendments to the plan, program implementation, assessment of performance, and design of the citizen participation plan. Mechanisms for citizen involvement include: The Citizens’ Advisory and Housing Opportunity Committee, public hearings and ad hoc community meetings, individual citizen efforts in the form of comments, complaints, or inquiries submitted directly to the Mayor and/or Community Development Department, and input through staff conducted neighborhood surveys. The Community Development Department is located in City Hall, 291 N. Main Street, and the telephone number is (559) 782-7460.

Public Hearings

At least two (2) public hearings, open to the entire community, will be held annually. The hearings will provide an opportunity for citizens to identify community development needs, proposed projects, and assist in the development of an overall strategy for Porterville. The hearings will also be used to solicit comments on the citizen participation plan to determine what, if any, amendments may be in order to make the citizen participation plan more sensitive to local needs and to realign the plan with changes in Federal regulations, and to review the HUD annual community assessment, if available. The hearings will be held in February or March and April or May of each program year.

Consolidated Plan

Participation in the development of the consolidated plan, inclusive of the annual action plan, will occur as follows: at least one (1) public hearing will be held before the proposed consolidated plan is published for comment. Before the City adopts a consolidated plan, the City will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the jurisdiction expects to receive and the range of activities that may be undertaken, including the amount that will benefit persons of very low and low income.

The City will ensure that plans will be available to minimize the displacement of persons and to assist any persons displaced according to Federal Regulation standards.
A summary of the proposed use of CDBG funds and, when applicable, HOME funds, will be made available in Spanish, the predominate non-English language spoken in Porterville, at all public hearings.

Advisory Committee proposals and comments, with regard to development of the consolidated plan, will be obtained at Committee meetings or hearings scheduled either at the request of Committee members or program officials. The public is invited to attend these meetings.

The public will be notified of the period, not less than thirty (30) days, in which to receive comments from citizens on the consolidated plan. Any comments or views of citizens received in writing, or orally at the public meetings will be considered. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, will be attached to the final consolidated plan.

Amendments

In the case of proposed substantial amendments to the consolidated plan, the City shall provide reasonable notice and an opportunity to comment on substantial amendments. The public will be notified of the period, not less than thirty (30) days, in which to receive comments on the substantial amendments before the amendment is implemented. The meetings regarding the proposed amendments are not required to be public hearings, but will be open to the public to attend. The City will consider any comments or views of citizens received in writing, or orally at public hearings, if any, in preparing the substantial amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore, will be attached to the substantial amendment of the consolidated plan.

Amendments to the plan will be necessary whenever one of the following decisions is made:

1) To make a substantial change in the allocation priorities or a substantial change in the method of distribution of funds;

2) To carry out an activity, using funds from any program covered by the consolidated plan (including program income), not previously described in the consolidated plan; or

3) To substantially change the purpose, scope, location, or beneficiaries of an activity.

Performance Report

Reasonable notice and an opportunity to comment on performance reports will be given to the public. The public will be notified of the period, not less than fifteen (15) days in which to receive comments from citizens on the performance report that is to be submitted to HUD before its submission. Any comments or views of citizens received in writing, or orally at public meetings will be considered, and a summary of the comments and views will be attached to the performance report.
Citizen Participation Plan

The City will provide citizens a reasonable opportunity to comment on amendments or revisions to the citizen participation plan and will make the plan public.

Other Methods of Participation

Informal, individual contact with citizens, initiated either by citizens or program officials, will also provide input to the consolidated plan. For example, an individual may contact the Community Development Department at (559) 782-7460 to request consideration of a special project; or program officials may seek the opinion of local business persons as to the need for commercial revitalization.

Program officials will also be available to advise citizens of the procedures for filing objections to the consolidated plan with the U.S. Department of Housing and Urban Development Area Office. Citizen participation in program implementation will occur primarily through consultation with the Citizens' Advisory and Housing Opportunity Committee. Citizens will be asked to review and comment on specific strategies for approved projects. They will also meet to review any substantial program amendments. All such changes will be discussed with the committee and their comments considered prior to the City taking final action. These meetings will be held on an as-needed basis.

Program assessment activities by citizens will occur in a variety of ways. Citizens will have the opportunity to comment on the City's performance for the prior program year during the public hearings for the consolidated and action plan adoption. The public will also be notified of the public comment period for the annual performance report before its submission to HUD.

The Citizens' Advisory and Housing Opportunity Committee shall function as a forum for public participation in the City's efforts to affirmatively further fair housing. Prior to the submission of the consolidated plan, the Committee shall discuss and recommend for Council adoption suggested methods of furthering fair housing. As part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of program performance throughout the program year.

Public comments or complaints regarding the consolidated plan, substantial amendments to the plan, the performance report, or the citizen participation plan should be submitted in writing to the Community Development Director, City of Porterville, 291 N. Main Street, Porterville, CA 93257. If a public hearing is held, comments should be submitted within fifteen (15) working days from the date of the public hearing. A timely, substantive written response will be provided by the City within fifteen (15) working days. If the response is unsatisfactory, correspondence may then be addressed directly to the Mayor, City of Porterville, 291 N. Main Street, Porterville, CA 93257. The Mayor shall respond within fifteen (15) working days. If the citizen is still
dissatisfied, he/she should write to the U.S. Department of Housing and Urban Development Area Office, 600 Harrison Street, 3rd Floor, San Francisco, CA 94107-1300 requesting investigation of the issue. Program staff will also be available during normal business hours to respond to citizen inquiries.

TECHNICAL ASSISTANCE

Citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents may propose their own specific program(s). The proposal for a specific program should include the program’s design, its budget, and the scope of proposed activities. Also, the proposal should identify the specific individuals anticipated to carry out activities and provide a summary of their experience and training.

Technical assistance which may be provided by city staff is limited to proposals that are considered eligible uses of CDBG funds, and not intended to assist citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents applying for funding from other grant sources. The Citizens’ Advisory and Housing Opportunity Committee may direct staff to provide technical assistance that may consist of staff or local expert presentations, informational handouts, research of a specific issue, or other short-term efforts.

PUBLIC INFORMATION

The City will also undertake the following public information efforts to promote citizen participation:

- Public notices of all public hearings will be published in the Porterville Recorder at least ten (10) days before the scheduled hearing. These notices will indicate the date, time, location, and topics to be considered. Upon notification, arrangements will be made by the City to accommodate persons with disabilities. The public notices also will be made available in the form of press releases and as a public service announcement to local radio stations. Public hearing notices will indicate that summary statements of projected use of CDBG and/or HOME funds will be available in Spanish, the predominant non-English language spoken within the City.

- Notices will also be published in the Porterville Recorder to notify the public of the period, not less than thirty (30) days for the consolidated plan or substantial amendments to the plan, or fifteen (15) days for the performance report, in which to receive comments from citizens before submission of the plan or report to HUD. All notices will include information that complete copies of the proposed plan or report will be available for public review at City Hall, 291 N. Main Street or at the City Library at 41 W.Thurman Avenue. A reasonable number of free copies of the plan or report will be provided to citizens and groups that request it.
- Orientation information will be provided at the first public hearing conducted by the Citizens’ Advisory and Housing Opportunity Committee. City staff will make a presentation which covers: the total amount of funds available and the basis for award; the range of eligible activities and those previously funded in the community; the planning process and the schedule of meetings and hearings; the role of citizens in the program, a summary of other important program requirements, such as: environmental policies, fair housing provisions, and contracting procedures. Some of these topics will be covered in written materials.

- A public file containing program documentation for the preceding five (5) years will be available for review at City Hall during normal business hours. Included will be copies of the consolidated plan, environmental review record, the citizen participation plan, and the consolidated annual performance evaluation report. Other program documents are also available for citizen review on request at City Hall consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality. Upon request, materials will be made available in a form accessible to persons with disabilities.
CITIZEN PARTICIPATION SCHEDULE 2011

Advisory Committee Meetings

Annually or as deemed necessary by Committee

Public Hearings (2)

March - May 2011

Adoption of Action Plan

May 2011

Submission of Action Plan

May 2011 (date is determined by HUD)

City Council hearings, unless otherwise specified, will be held in the City Hall Council Chambers at 6:30 p.m.

Citizens’ Advisory Committee Meetings and/or hearings, unless specified otherwise, will be held in the Hamamatsu Conference Room in City Hall at 5:30 p.m.
CITY COUNCIL AGENDA: FEBRUARY 1, 2011

SUBJECT: REDEVELOPMENT AGENCY ANNUAL REPORT TO LEGISLATIVE BODY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – REDEVELOPMENT AGENCY

COMMENT: In accordance with California Health and Safety Code (Code) Section 33080.1, the annual report of the Redevelopment Agency is to be delivered to the legislative body within six (6) months of the end of the Agency’s fiscal year. This report contains the financial audit for Fiscal Year 2009-2010 and a report of the Agency’s programs.

The 2009-2010 Annual Report was delivered to Council on December 29, 2010 for review. Additional copies of the report are available for review in the Community Development Department.

After reviewing the report, the legislative body is required by Section 33080.2 of the Code to take any action which it deems appropriate on the report no later than the first meeting of the legislative body occurring more than 21 days from the receipt of the report.

RECOMMENDATION: That the City Council accept the Redevelopment Agency Annual Report for 2009-2010.
SUBJECT: COMMUNITY CLEAN UP EVENTS

SOURCE: Public Works Department - Field Services Division

COMMENT: To encourage property maintenance and beautification, the City sponsors two clean up events every year; one in the Spring and one in the Fall. These events offer City residential refuse customers free disposal of general trash, bulky items, woodwaste and yard clippings at the City's Corporation Yard. Last year's events were well received with approximately 60 tons of general refuse received and an additional 40 tons of recyclable material diverted from the landfill. Total cost of both events, including disposal fees and personnel, was approximately $6,500.

Based on the success of prior events, staff recommends the City host two Community Clean Up Events in 2011. The proposed event dates are Saturday, April 9th, and Saturday, October 15th. As in the past, the events are open to all residents receiving City refuse service. Staff estimates City costs for both events to be approximately $6,500 funded through the Solid Waste Operating Budget.

RECOMMENDATION: That City Council:


2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;

3. Authorize the City to accept trash, litter, and yard clippings delivered by City residents receiving City refuse service to the Spring and Fall Clean Up Events for free disposal; and

4. Authorize the cost of both events be funded from the Solid Waste Operating budget.
COUNCIL AGENDA: FEBRUARY 1, 2011

SUBJECT: AIRPORT LEASE RENEWAL – LOT 37

SOURCE: FINANCE DEPARTMENT/Purchasing Division

COMMENT: Mr. Earnest Freeman is the current leaseholder of Lot 37 at the Porterville Municipal Airport. Staff was advised that Mr. Freeman passed away early last year. His daughter, Connie Hulsey, is keeping the lease payments current. The lease expired on May 31, 2010; however, Staff has been continuing the lease on a month-to-month basis as a courtesy to the family during the pendency of the estate proceedings.

The lease terms allow for an option to extend the lease for an additional five (5) years provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) further states the City’s granting of the option is discretionary, but will not be unreasonably withheld. We received a request from Mrs. Hulsey, acting in her capacity as Executor, dated December 28, 2010, asking to exercise Mr. Freeman’s option to continue the lease on Lot 37. Mrs. Hulsey has indicated to Staff that the hangar contains aircraft and related parts, and a decision is yet to be made on the disposition of both the hangar and the contents. Mrs. Hulsey feels that exercising the option on the lease will make the hangar more assignable if and when they decide to put it up for sale. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to 2015.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Ernest Freeman, for Lot 37 at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Connie Hulsey requesting renewal
Paragraph 2 of original Lease Agreement

D.D. Appropriated/Funded C.M. Item No. 17
To Whom It May Concern,

I, Connie Hulsey as Executor of the estate of Ernest M. Freeman, would like to exercise the five-year option to extend the lease on lot 37.

Connie Hulsey
December 28, 2010
LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the first day of June 1, 2000 by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Mr. Ernest Freeman hereinafter referred to as "Lessee".

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

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

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

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 37 at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this lease shall commence on June 1, 2000, both parties having executed the same, and shall terminate on May 31, 2010. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease, Lessee shall have an option to request an extension of the terms hereof for an additional period of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five (5) year extension. Lessor is not obligated to grant any extension but said option shall not be unreasonably withheld.
SUBJECT: AUTHORIZATION TO TRAVEL

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The International Council of Shopping Centers (ICSC) will be hosting their annual conference in Las Vegas, Nevada, May 22 – 25, 2011. During the 2010 conference staff made contact with fifteen (15) major national retailers, including a meeting between a developer and an interested potential tenant.

Staff continues to communicate with the contacts made at the ICSC conference to promote Porterville and encourage retailers to locate in our community. A continued presence is important while marketing Porterville to retailers and staff would like to continue efforts by attending the 2011 ICSC conference.

The cost for the trip is estimated to be $2,000 and funding is available in the Economic Development budget.

RECOMMENDATION: That the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference.
SUBJECT: APPROVAL OF COUNCIL MEMBER'S TRAVEL TO WASHINGTON D.C.

SOURCE: ADMINISTRATIVE SERVICES

COMMENT: On an annual basis, the Tulare County Association of Governments (TCAG) travels to Washington D.C. to meet with U.S. legislators and officials to address transportation issues impacting Tulare County. During its yearly trips, TCAG endeavors to lobby on behalf of Tulare County with one united voice, and as such, representatives from TCAG member agencies are strongly encouraged to participate. As the Council’s TCAG representative, it is proposed that Mayor Ronald Irish travel to Washington D.C., along with City Manager John Lollis, to represent the City’s interests. The trip is scheduled for February 28th – March 4th, 2011.

TCAG will fund lodging and airfare for one elected official, with per diem and meals costs being paid by the City. It is estimated that the cost for the Council Member’s proposed travel will not exceed $355. Funds are available in the City Council budget to cover this expense.

RECOMMENDATION: That the Council, consistent with past practice, confirm the proposed out-of-state travel for Mayor Ronald Irish on February 28 – March 4, 2011.
SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS AND SCHEDULING OF STUDY SESSION

SOURCE: ADMINISTRATIVE SERVICES

COMMENT: In accordance with the City Council’s Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8690 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review, on January 26, 2010, President Obama declared Tulare County, along with nine other California counties, a federal disaster area. A federal declaration is the first step in making federal funds available for local relief, however it is no guarantee. Further, in follow up to the damage assessment conducted by state and federal representatives on January 5th, while the City’s preliminary estimates of damages have been accepted, receipt of official documentation remains pending. All costs associated with the event continue to be tracked by staff.

In addition, on January 18th, Council proposed that a study session be scheduled during which time staff would provide an analysis of the response to the local emergency, as well as options for mitigating any identified issues in the future. Staff recommends that the Council schedule this study session for February 24, 2011 at 6:00 p.m.

RECOMMENDATION: That the Council:

1. Receive the status report and review of the designated local emergency;
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation; and
3. Schedule a study session for February 24, 2011 at 6:00 p.m. to review staff’s analysis of the response to the local emergency and discuss options for future mitigation of any identified issues.

Item No. 20
COUNCIL AGENDA: February 1, 2011

SUBJECT: YEAR-END REVIEW OF 2010 CITY COUNCIL PRIORITY PROJECTS AND OBJECTIVES

SOURCE: City Manager

COMMENT: At its meeting on February 2, 2010, the Council adopted the selection of seven (7) Priority Projects and Objectives, to serve as major priorities for the City in the dedication of both effort and resources for the 2010 calendar year.

New Public Safety Station
At its meeting on February 16th, the Council authorized the solicitation of architectural and engineering services for the new Public Safety Station, which will be located on Jaye Street, south of El Rancho Avenue. Twenty-one (21) proposals were received to the “Request for Qualifications” for design services, which staff reviewed and narrowed to four for interview. At its meeting on July 20th, with staff’s recommendation to select “Taylor-Teter” to begin design services for the station, the Council acted to postpone the selection indefinitely.

At its budget study session on September 29th, in consideration of the Public Safety Station, the Council directed staff to define annual operating costs of the station, as well as the potential fiscal impact to local constituents due to increased fire insurance policy premiums should the City’s ISO (Insurance Services Office) rating be downgraded from Class 3 in its 2011 ISO decadal review. Staff is still investigating the potential insurance and fiscal impacts.

It is anticipated that the design of the facility will require approximately six (6) months to complete, with construction expected to take up to nine (9) months. If design were to begin during Summer 2011, and construction in Winter 2011, the facility could become operational by Fall 2012.

Measure H funds are the only source of funding to be identified for the facility’s design and construction. The anticipated total project cost is $4 million, with approximately $3 million in Measure H Reserves, of which $2.5 million is allocated between the Fire and Police Departments.

Item No. 21
Porterville Hotel
A significant component of this project was achieved with the approval and beginning of construction of the Villa Siena housing development on the southeast corner of Putnum Avenue and E Street, site of the former Copeland’s Lumber. With the State’s commitment that the Villa Siena project would serve to replace the housing units currently committed to the Porterville Hotel, staff continues to work diligently with both the State and the current property owner in coming to an agreement in resolution of the financial obstacles involved in the State’s affordable housing loan and tax credit programs. A significant recent development has been the State’s concession that the City’s subrogation agreement to the State does not exist, assisting the City in its negotiations with the State in addressing the affordable housing loan debt on the Hotel. It is the objective that formal resolution with both the State and the developer will be achieved as soon as possible, with demolition of the Porterville Hotel to occur within the 2011 calendar year.

Plano Street Bridge
With the design complete and funding secured, environmental certification from the involved Federal and State regulatory agencies remains the final obstacle to beginning construction. With the expectation that the “refreshing” of environmental approvals would be granted by CalTrans this Spring, staff anticipates that authority to begin construction and proceed with bidding the project would begin this Summer.

Heritage Sports Complex
With the Council’s approval at its meeting on February 2, 2010, staff submitted the application for grant-funding for the project under the Proposition 84 Statewide Park Program, seeking approximately $5 million in funds to finish the design and complete the construction of the facility. Unfortunately, the City’s application was not awarded in the first round of funding, with the second round of funding anticipated to be announced either later this year or early next year. A significant obstacle to the City’s application was the proximity of the Fairgrounds, Municipal Ballpark, and Rails to Trails. The Council will want to consider again applying for Prop. 84 grant monies for the project, which the project should be viewed more favorably given the Fairgrounds and Municipal Ballpark will both no longer exist due to acquisition of the property by the State and the construction of the new Courthouse. Beyond the application for grant-funding, and as a component of the Complex plan, the design of the Rails to Trails extension between Olive and
Orange Avenues continues toward beginning construction within the 2011 calendar year.

Range Relocation
At its last meeting on January 18th, the Council gave authorization to award contract to begin construction on the new law enforcement firearms training range, having identified approximately five (5) acres within the southern portion of the reclamation project area for location of the facility. It is anticipated that construction will be complete and the range operational this Summer. Staff is currently researching the most efficient approach in remediating the accumulated lead from the current facility.

Skate Park Lighting
The necessary electrical infrastructure has been installed, with existing lights in the property of the City expected to be installed this Spring in preparation for their extensive use this Summer.

RECOMMENDATION:  None – Information Only

ATTACHMENT: None
CONSIDER ‘WALL OF FAME’ HONOR DESIGNATIONS

An annually, the City Council is to receive and review nominations for ‘Wall of Fame’ honorees. The ‘Wall of Fame’ is along the southerly wall of the main hallway within the Heritage Community Center, 256 East Orange Avenue. Nominations must be submitted by members of the City Council and are to identify a sponsor that is to be responsible for providing the photograph, picture frame, and name plate for placement on the wall. The honorees approved by the City Council retain designation and display honor for a period of five years. Frank “Buck” Shaffer, Carmen Martinez-Eoff, Edward B. “Ted” Cornell, Jim Maples, and Roy Rockholt currently are on the ‘Wall of Fame’.

This year nominations have been filed with the City Clerk’s office by Councilmember Hamilton for Alice Seal and Forrest “Doc” Mock.

RECOMMENDATION: Consider the nominations and designate new ‘Wall of Fame’ honoree(s)

ATTACHMENTS:
1. Nomination Procedures
2. Nomination for Alice Seal
3. Nomination for Forrest Mock

ITEM NO.: 22

Director Appropriated/Funded City Manager
HERITAGE COMMUNITY CENTER “WALL OF FAME”
PLACEMENT PROCEDURE

The “Wall of Fame” is a portion of the hallway wall within the Porterville Heritage Center, located at 256 E. Orange Avenue. Those who are honored on the “Wall of Fame” are posthumously recognized for their significant efforts and service to the Porterville community. The City Council will determine the appropriateness of each nomination for placement on the “Wall of Fame”. Recognition shall consist of a framed five by seven inch portrait and bronze engraved name plate of common and similar style to the “Mayor's Wall of Honor” within City Hall.

Only the Mayor and members of the City Council may submit nominations for this honor. The nomination shall be in writing to the City Clerk stating the type and duration of services the nominated individual provided to the Porterville community prior to their passing. A nomination shall identify a sponsoring contact person willing to assume responsibility for supplying the framed portrait and nameplate, and who shall be responsible for all cost of such. All nominations will be retained by the City Clerk and placed on the agenda for consideration by the City Council at their first regular meeting held in each calendar year.

The City Council shall make the sole determination regarding the worthiness of the nominated individual’s service to the heritage of the community in regards to the honor of being included for placement on the “Wall of Fame”. The honor of recognition on the “Wall of Fame” shall be for a period of five (5) years, at which time the portrait will be returned to the sponsoring contact person. The City Council may at its discretion, consider at any time the removal of the honor and return of the portrait to the sponsor.
HERITAGE COMMUNITY CENTER "WALL OF FAME"
Nomination/Placement Request

Based on a history of service to the Community and in recognition of significant efforts on behalf of the residents of Porterville, I/we request the Porterville City Council posthumously honor the person listed below with inclusion on the City's Wall of Fame located at the Heritage Community Center.

All nominations will be considered and Wall of Fame placements made in accordance with the Placement Procedure stated on the reverse.

Name of Nominee: Alice Stewart Overstreet

Description of Nominee's Community Involvement/Service Activities:
- Fonta's Porterville, 25 years, P.O. Box 198188586
- Chaired dinner and auction for the museum
  - see attached:

Sponsor's Name(s): Patricia Witt, Delores

Telephone: 784-3974

Address: 100 So. Westward Ave.

City/State/Zip: Porterville, CA 93257

Relationship to Nominee: Friend

Nomination Submitted by: Patricia Witt

Mayor/City Council Member Signature __________________________ Date ____________
Alice Stewart Overstreet Seal

Alice lived up to every ideal in Daughters of the American Revolution and Zonta. Her life made a difference. Her contributions were many. This museum was one of her pet projects both in raising funds for its progress and the many displays she designed for its continued success. When she called to tell me she was going to start working on her genealogy I knew she would succeed because I knew Alice. Two or three weeks later she embarked on a Kentucky expedition and she proved to be a great history detective as well as a talented designer and interior decorator. That was in August of 1995 and by February 3rd of '96 her membership number had been assigned in Washington, DC. The day after her membership certificate arrived a phone call summoned me to come by and there it was framed and hanging on the wall in her family room across from the computer.

In May of that same year she was elected Vice Regent of Alta Mira Chapter. Even though her husband Ray became ill she still put out the yearbook. Chaired the chapter by-laws committee, helped plan and write the chapter’s 80-year history for its birthday party and helped design and construct furniture, etc., for the doll house we sold ticket on for funds to promote our 80th party. She finished her two-year term while caring for her husband, running their business, working on museum displays, taking part in Zonta activities, checking on, shopping and cooking for her mother and when she couldn’t sleep getting on the internet and working on her genealogy. Her excitement never dimmed. She found a new ancestor you could hear the enthusiasm in her voice.

She was the chapter librarian for two years and submitted copies of her family history book to the DAR National Library. After Ray died she took care of her mother bringing her into her home.

This community will miss Alice but we are so much better because she was here.
Alice Seal

A part of the Zonta Code to honor my work and consider it an opportunity for service. To increase the measure of that service by consistent self-improvement. Nothing could define Alice's life more. Alice lived a life of service and dedication. She took on the job of Zonta President a year and a half after becoming a member December 1st of 1977. She was president not only from 79 to 81 but also in 85 and 86. During those years Zonta activities included a gala dinner and auction at and for the museum and the Secretary's Day Kidnap Luncheon. When Zonta stopped the Porterville Museum benefit dinner Alice continued it on her own up until last year when the condition of her mother made it impossible. For twenty-five years she has been a devoted member of Zonta International. Her artistic expertise was always available for planning and making decorations for special events. In 1989 the Porterville Club had a big part in the Zonta Western States Convention in Fresno. Alice made Dancing Raisin Dolls for the centerpieces of the tables. She also painted. Sometimes she tied the décor for a home she was decorating together with these paintings. Sometimes she tied history together.
HERITAGE COMMUNITY CENTER "WALL OF FAME"
 NOMINATION/PLACEMENT REQUEST

Based on a history of service to the Community and in recognition of significant efforts on behalf of the residents of Porterville, I/we request the Porterville City Council posthumously honor the person listed below with inclusion on the City's Wall of Fame located at the Heritage Community Center.

All nominations will be considered and Wall of Fame placements made in accordance with the Placement Procedure stated on the reverse.

Name of Nominee:  Forrest "Doc" Mock

Description of Nominee's Community Involvement/Service Activities:

DOC TAUGHT HIGH SCHOOL PHYSICAL EDUCATION
AT PORTERVILLE HIGH SCHOOL AND MONARCH HIGH SCHOOL.

HE WAS A FOOTBALL AND BASKETBALL COACH AND RAN THE
PHYSICAL EDUCATION DEPARTMENT. HE WENT BEYOND THE
REGULAR DUTIES AND HELPED MANY A YOUNG MAN STRAIGHTEN
OUT THEIR LIVES AT HOME AS WELL.

Sponsor's Name(s):  Michael Mock

Telephone:  559-784-8109

Address:  1219 W. Henderson #224

City/State/Zip:  PORTERVILLE, CA. 93257

Relationship to Nominee:  Son

Nomination Submitted by:

Mayor/City Council Member Signature ____________________________ Date ____________________________
COUNCIL AGENDA: FEBRUARY 1, 2011

SUBJECT:  
APPROVAL OF ZALUD PARK CONCESSION BUILDING

SOURCE:  
PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT:  
Mr. Richard Sanchez submitted a proposal to convert the Zalud Park storage rooms to a concession building. The two rooms currently are separated by a temporary wall and have a few custodial supplies as well as some old athletic equipment. Plumbing, electrical outlets, shelving and counters will all be added at Mr. Sanchez' expense.

Mr. Sanchez submitted a similar proposal last year for the concession building at the City Pool. Mr. Sanchez made some renovations to that building and operated the concession stand, Nico's, June through September 2010. He complied with normal City requirements such as acquiring liability insurance and a business license.

Staff views this second proposal as another innovative idea that will provide a beneficial service to the community. An option to approval of the Zalud Park concession building conversion is to conduct an open bid advertisement.

This item went before the Parks and Leisure Services Commission at the January 6, 2011 meeting. Staff and the Parks and Leisure Services Commission recommend the approval of the proposed concession building conversion at Zalud Park with Richard Sanchez. No other individual or local non-profit organization has ever come forward to express an interest in the concession opportunity. A corresponding Zalud Park Concession License Agreement will go before the Commission and City Council at a later date.

RECOMMENDATION:  
That the City Council consider approval of the Zalud Park Concession Building with Richard Sanchez, authorize and direct staff to create a Zalud Park Concession License Agreement for execution.

ATTACHMENTS:  
1. Sketch of Existing Room
2. Sketch of Proposed Room
3. Cost Estimation of Remodel

ITEM NO.: 23

[Signatures: Director, Appropriated/Funded, City Manager]
EXISTING BUILDING

32'

19'

STORAGE ROOM TO BE REMODELED

CONCESSION STAND REMODEL

SHELVES REMOVED AS NEEDED

SHelves

DIVIDING WALL

SHelves

4' x 4' windows covered by metal doors

SHelves

DIVIDING WALL REMOVED

SHelves
**Proposal**

**VAUGHN CONSTRUCTION**

**Job #355776**

**JOHN RESURRECCION 719-0564**

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**Proposal Submitted To:**

**Name:** RICHARD SANCHEZ

**Address:**

**Job Name:** ZALUD CONCESSION STAND

**Job #:**

**Date:** 1/6/11

**Phone #:** 359-4612

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We hereby submit specifications and estimates for:

- **Remodel Storage Room at Zalud Park into a Concession Stand.**
  - **Demo:** Room dividing wall and shelves (as needed)
  - **Plumbing:** Install 2 in-floor sink drains, a 3 basin stainless steel sink, pedestal sink, water and sewer to each (ie: applicable) and 7 gal hot water heater (elect.)
  - **Electrical:** Install 3 outlets above South facing windows controlled by a switch for wall mounted fans (future use)
  - Replace light covers as needed, electric to water heater, outlet for fridge and verify electrical in stand is in proper working order.
  - **Paint inside white,** install plexiglass and screens in opening windows

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We propose hereby to furnish material and labor — complete in accordance with the above specifications for the sum of:

$ Nineteen Thousand Four Hundred Forty and 00/100 Dollars

with payments to be made as follows:

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Note — this proposal may be withdrawn by us if not accepted within 14 days.

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**Acceptance of Proposal**

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Date of Acceptance

Signature

Signature:
We hereby submit specifications and estimates for:

- Convert metal over window to open (match existing one)
- Add security door on one door
- Plans and permits included

$9,440.00

We propose hereby to furnish material and labor — complete in accordance with the above specifications for the sum of:

$ Nine Thousand Four Hundred Forty and 00/100 Dollars

with payments to be made as follows:

Respectfully submitted

Note — this proposal may be withdrawn by us if not accepted within 14 days.

Acceptance of Proposal

Above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Date of Acceptance

Signature
SUBJECT: RECLAMATION AREA LEASE LAND ADJUSTMENT

SOURCE: Public Works Department - Field Services Division

COMMENT: On August 1st, 2009, the City entered into a five year lease agreement with Rick Perigo Roadsiding to lease the City’s reclamation area. The lease stated that it consisted of 693.94 acres with 631.84 acres leveled and under irrigation.

United States Department of Agriculture (USDA) crop mapping indicates that the actual acres under irrigation are 598.16 acres. Additional reductions to the farmable acres in the amount of 3.54 acres occurred at the City’s request because of well setback issues and the installation of a tail-water pond. This brought the farmable irrigated acres down 37.22 acres from 631.84 acres to 594.62 acres. Staff feels that since Rick Perigo Roadsiding based their original bid on the availability of 631.84 irrigated acres, an annual credit in the amount of $5,314 is appropriate. Secondly, the increased maintenance cost on the 37.22 acres is $7,444 or approximately $200 per acre.

The third item requested for adjustment deals with the reduction of available effluent water for irrigation. The RFP on which bids were received stated that the Farmer could expect approximately 5 million gallons of effluent per day. Less water is being transported to the reclamation area, at times as low as 4.3 million gallons per day (14% reduction).

The lower water delivery reduces the productivity of the farming operation. The City’s Water Conservation Program is a major contributor to the reduced water deliveries to the Reclamation Area. The value of this credit has been calculated at $12,630. Staff recommends the annual lease be adjusted from $90,212 to $84,824 for the 3 ½ years remaining on the contract. A new water delivery benchmark can be considered prior to the start of any new contract. It should be noted that the adjusted annual lease would still be approximately 235% greater than the original 2nd rated lease bid amount of $19,430.

Staff met with Rick Perigo Roadsiding and discussed the matter regarding the reduction in farmable irrigated acres and reduction in available effluent. The lessee agreed that, if the City reduces the annual cost of the lease as stated in this staff report, they are willing to still be responsible for the entire 693.94 acres established in the original lease agreement and will maintain the additional non-crop areas created from the reductions.
RECOMMENDATION: City Council:

1) Adjust the Reclamation Area Lease to an annual amount of $64,824;

2) Authorize the reimbursement of $23,272 for the pro-rated 2009/2010 lease year to Rick Perigo Roadsiding; and

3) Authorize the Mayor to sign the attached Amendment #1 to the lease agreement.

ATTACHMENT: City of Porterville Reclamation Area Lease Agreement Amendment No. 1
CITY OF PORTERVILLE RECLAMATION AREA LEASE AGREEMENT
AMENDMENT NO. 1

AMENDMENT TO THE RECLAMATION AREA
LEASE AGREEMENT MADE BY THE CITY OF
PORTERVILLE AND RICK PERIGO ROADSIDING
DATED AUGUST 1, 2009

The parties stated in the above described agreement do hereby agree as follows:

The original lease agreement covered 693.94 acres with 631.84 acres leveled and under irrigation.

United States Department of Agriculture (USDA) crop mapping indicated that the actual acres under irrigation are 598.16 acres. Additional reductions to farmable acres have occurred because of well setback issues and the installation of a tail-water pond. This has brought the farmable irrigated acres down to 594.62 acres.

Since the original bid was based on the availability of 631.84 irrigated acres, an annual credit in the amount of $5,314 for the loss of available farm land and a $7,444 credit for the increased maintenance of the land are appropriate. Additionally, a reduction in the available effluent water amounts to a $12,630 annual credit. The annual lease shall be adjusted from $90,212 to $64,824.

A one-time refund in the amount of $23,272 for the pro-rated 2009/2010 lease year will be made to Rick Perigo Roadsideing.

Except as amended herein, the City of Porterville Reclamation Area Lease Agreement dated August 1, 2009, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 on the 18th day of January 2011 and agree that this amendment shall amend and be incorporated as part of the agreement dated August 1, 2009.

APPROVED AS TO FORM
CITY OF PORTERVILLE
A Municipal Corporation

Julia Lew, City Attorney

Ronald L. Irish, Mayor

ATTEST:

LESSEE:

John Lollis, City Clerk

Rick Perigo, dba Rick Perigo Roadsideing
SUBJECT: MODIFICATIONS TO ASPHALT SPECIFICATION

SOURCE: Public Works Department - Engineering Division

COMMENT: Prior to November 2008, staff recognized that the quality of newly constructed streets was less than acceptable due to premature deterioration. Staff considered two different asphalt concrete specifications. The two specifications reviewed included an American Association of State Highway & Transportation Officials (AASHTO) specification and a “Performance” specification.

The AASHTO specification focused on improving the quality of materials used in preparing asphalt concrete. After considerable thought, it became apparent that the AASHTO spec would severely limit the number of acceptable sites from which to quarry rock which is one of the main components of asphalt concrete.

In November 2008, Engineering determined that the “performance” specification was the proper instrument to ensure proper compliance with regard to asphalt concrete materials and placement. The performance specification for asphalt concrete is now included on all Capital Improvement reconstruction and rehabilitation projects.

Components of the performance specification require the Contractor to warranty the materials and workmanship on all asphalt concrete projects and require that the finished product be free from defects such as, but not limited to shoving, flushing and raveling of the finished surface. In addition, the Contractor must post with the City a bond to warranty the asphalt concrete for a period of 730 calendar days (two years) following completion and acceptance of the project. The warranty bond must be in an amount not less than 100% of the total contract amount for the asphalt concrete.

Should any area of asphalt concrete fail to meet the performance criteria within the warranty period, the performance specification reads that the “Contractor shall repair asphalt concrete pavement in such areas considered defective. In the event the Contractor fails to perform repairs during the warranty period as required, the City may, at its option, determine that the Contractor has abandoned the contract and the warranty bond shall be forfeited and shall become the property of the City”.

RECOMMENDATION: None - Informational Only
SUBJECT: GOVERNOR'S PROPOSED STATE BUDGET IMPACTS

SOURCE: City Manager

COMMENT: On Monday, January 10, 2011, Governor Jerry Brown released his proposed State budget for the remainder of the 2010-2011 fiscal year and approaching 2011-2012 fiscal year. Seeking to address an estimated $25.4 billion deficit over the next eighteen (18) months ($8.2 billion for 2010-2011 and $17.2 billion for 2011-2012), the Governor proposed significant budget cuts to Medi-Cal ($1.7 billion), CalWORKs ($1.5 billion), UC/CSU higher education ($1.0 billion), and Department of Developmental Services ($750 million), while refusing to propose any additional cuts to K-12 education. In addition, the Governor has proposed a June ballot measure where voters will be asked to continue for five (5) years $12 billion in tax measure revenues derived from personal income tax, sales tax, and Vehicle License Fees. However, most significant to the City of Porterville is the Governor's proposal to eliminate Redevelopment Agencies effective July 1, 2011, as well as the elimination of Enterprise Zones effective retroactive to January 1, 2011.

The Governor proposes to eliminate all Redevelopment Agencies within the State to accomplish a projected revenue generation of $2 billion, with $1.7 billion to be allocated in support of Medi-Cal and trial court operations, and the remaining $300 million would be distributed as property tax according to existing County tax-sharing agreements for schools, counties, cities, and special districts (highest to lowest percentage of property tax distribution). With the elimination of Redevelopment Agencies, the supporting governmental entity (City and/or County) would then become responsible for the existing "contracted" indebtedness of the Agency, with the Governor proposing to allow the City/County to retain sufficient property tax revenues to service the "contracted" debt. Due to the Governor's proposal not yet reduced to legislative language for legal interpretation, preliminary interpretations of "contracted" debt would include bonded indebtedness, as well as debt obligated by contract (i.e. loan agreement), which is the case of the Porterville Redevelopment Agency.
In response to the Governor's proposal to eliminate Redevelopment Agencies, the Council is aware that several Agencies have taken preliminary steps to assign "contracted" debt to all revenues currently received by an Agency. Given this action undermines his budget plan, the Governor has verbally protested such Agency actions, to the extent of consideration that legislation may be proposed to make the effective date of elimination effective January 1, 2011. In addition, the California Redevelopment Association cautions against yet committing to such debt, given the Governor's proposal will be subjected to legal challenge. Staff is working to define the level of revenues that would be considered uncommitted to debt, should the Porterville Redevelopment Agency consider similar action.

The Governor has also proposed to eliminate both existing and new Enterprise Zones, seeing the elimination of the tax-benefits afforded the Zones as a potential revenue source. As the Council is aware, the Sequoia Valley Enterprise Zone is scheduled to be implemented effective retroactive to October 1, 2010, which would have essentially a three (3) month effective life given the Governor's proposal. Given the significant unemployment and level of poverty in Tulare County, the elimination of Enterprise Zones would be catastrophic in regards to private sector job creation and business expansion.

RECOMMENDATION: None – Information Only