CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AND 1155 KELVIN ROAD
EL SOBRANTE, CA 94803
FEBRUARY 21, 2012, 5:30 P.M.

Call to Order
Roll Call

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

JOINT CITY COUNCIL/SUCCESSOR AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA
AND 1155 KELVIN ROAD, EL SOBRANTE, CA 94803

Roll Call: Agency Members/Chairman

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

JOINT CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:

During Closed Session, the joint meeting will adjourn to a meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A 30.57 mile line of railroad between Strathmore, CA milepost 268.60 and Jovista, CA milepost 299.17 in Tulare County, particularly that portion of the railroad line within the limits of the City of Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad Company. Under Negotiation: Terms and Price.
5. Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning facts not yet known to potential plaintiff.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Ronald L. Irish
Invocation

PRESENTATIONS
  Comprehensive Annual Financial Report
  New Fairgrounds Development

REPORTS
  This is the time for all reports pursuant to AB 1234; committee/commission/board reports; subcommittee reports; and other informational reports.

I. City Council Committee and Commission Meetings:
   2. Consolidated Waste Management Authority (CWMA) – February 16, 2012 (Cancelled)
   3. Tulare County Association of Governments (TCAG) – February 21, 2012
   4. Internal City Audit Committee – February 21, 2012

II. City Commission and Committee Meetings:
   1. Youth Commission – February 13, 2012
   2. Library and Literacy Committee - February 14, 2012

III. City Quarterly Reports
   1. Attendance Report for City Commissions and Committees – 2nd Quarter Report
      Re: Member attendance for City Commissions and Committees during the 2nd Quarter of Fiscal Year 2011/2012

   2. Code Enforcement Update
      Re: Code enforcement activities for the 2nd Quarter of Fiscal Year 2011/2012.

   3. Report on Charitable Car Washes
      Re: Charitable car washes for the period of July 1, 2011 through December 31, 2011.

   4. Street Performance Measure – 2nd Quarter Report
      Re: Street reconstruction, overlay, micro-overlay and pothole repair efforts for the 2nd quarter in FY 2011/2012.

IV. Informational Reports
   1. Appointments to Serve on the Successor Agency Oversight Board
      Re: The composition of the Successor Agency Oversight Board and appointments pursuant to AB1X26.
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.


2. Purchase of Four CNG Refuse Trucks – Resolution of Support and Budget Adjustment
Re: Considering approval of a budget adjustment in an amount of $1,080,000 to purchase four compressed natural gas (CNG) refuse trucks.

3. Authorization to Advertise for Bids – Olive Avenue Courthouse Bus Turnout
Re: Considering approval of staff’s Plans and Project Manual for the project consisting of the construction of a bus stop west of Plano Street on Olive Avenue.

4. Acceptance of Project – Jaye Street Improvements (From the Easterly Extension of Brown Avenue to Gibbons Avenue)
Re: Considering accepting project as complete from Mitch Brown Construction, and authorizing the filing of the Notice of Completion for the project consisting of the reconstruction of Jaye Street to collector standards.

5. Authorization to Negotiate a Contract for Design & Engineering Services for the Chase Avenue Park
Re: Considering authorization to define a scope of professional services and negotiate a contract with Quad-Knopf, Inc., for landscape architectural and engineering design services for the Chase Avenue Neighborhood Park.

6. Approval of Measure ‘R’ Supplemental Agreement – Rails to Trails Extension Project (CMAQ Funded Project)
Re: Considering approval of a resolution affirming the Council’s support of the Rails to Trails Extension Project, and authorizing the execution of the proposed supplement agreement for acquisition of properties.

7. Approval of Measure ‘R’ Supplemental Agreement – Tule River Parkway, Phase III – Property Acquisition
Re: Considering approval of a resolution affirming the Council’s support of the Tule River Parkway, Phase III Project, and authorizing the execution of the proposed supplement agreement for acquisition of properties.

8. Approval of the Second Amendment to the Agreement for Transit Services for College of Sequoia Students
Re: Considering approval of the proposed Second Amendment to Agreement for Transit Services between Tulare County Association of Governments and the City of Porterville to provide transit services for College of the Sequoias students during the Spring 2012 semester.
9. **Installation of “No Parking” Signs Along Kessing Street Adjacent to Home Depot and the Installation of Twenty-Minute Parking Signs Along Westwood Street and Morton Avenue Adjacent to Burton Elementary School**  
Re: Considering approval of the installation of “No Parking” signs along Kessing Street, and the installation of a 20-minute parking zone near the intersection of Morton Avenue and Westwood Street.

10. **Community Clean Up Events**  
Re: Considering approval of two clean up events; “Spring Clean-Up Day” on April 14, 2012, and “Fall Clean-Up Day” on October 20, 2012, 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.

11. **Adoption of Findings to Allow a Public Improvement Within an Agricultural Preserve on the Former Moe Property**  
Re: Considering approval of a resolution adopting findings pursuant to Government Code Section 51292 regarding locating a public improvement within an agricultural preserve.

12. **Redevelopment Agency Annual Report to Legislative Body**  
Re: Acceptance of the Redevelopment Agency Annual Report for 2010-2011, which contains the financial audit for FY 2010-2011 and a report of the Agency’s programs.

13. **CDBG Citizens’ Advisory and Housing Opportunity Committee and Citizen Participation Plan**  
Re: Considering adoption of the 2012 Citizen Participation Plan and the appointment of Citizen’s Advisory and Housing Opportunity Committee members for a one-year term.

14. **Acceptance of Grant /Approval of Dispatching Services for Other Police Agencies**  
Re: Considering acceptance of the Homeland Security Grant from the Tulare County OES in the amount of $100,000 to provide police dispatching services to the communities of Woodlake and Lindsay on weekends and during after-business hours.

15. **Purchase of Additional Police Service Dog**  
Re: Considering authorization to purchase an additional police service dog and related training from Adlerhorst International, Inc. for an approximate cost of $14,544.00.

16. **Interim Financial Status Reports**  
Re: Acceptance of the interim financial status reports and grants summary report for the second fiscal quarter ended December 31, 2011, in accordance with Council Minute Order Nos. 13-041602 and 10-011607.

17. **Quarterly Portfolio Summary**  
Re: Informational report in compliance with Government Code Sec. 27000 et. seq., Sec. 53600 et. seq., and the City’s Statement of Investment Policy for 2nd Quarter of Fiscal Year 2011/2012.

18. **Consideration of Proposed Budget Calendar for Fiscal Year 2012-2013**  
Re: Considering approval of the proposed budget calendar for the 2012-2013 Fiscal Year.
Re: Considering approval of an event to begin at Centennial Park at 9:00 a.m. and end at Veteran’s Park on February 25, 2012.

Re: Considering approval of an event to take place in front of the Porterville Family Apartments at 93 E. Date Avenue on March 15, 2012, from 3:30 p.m. to 8:30 p.m.

21. Review of Local Emergency Status
Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8690 of the California Emergency Services Act.

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

PUBLIC HEARINGS

22. Commercial Crop Cultivation Ordinance: An Amendment to the Development Ordinance to Accommodate Interim Agricultural Use of Lands Within Multiple Zone Districts
Re: Consideration of an ordinance amending the development ordinance to allow commercial crop cultivation in residential and commercial zones as an interim use through a conditional use permit process.

Re: Considering adoption of a resolution approving Conditional Use Permit PRC-2011-29-C to allow for the sale of beer and wine under a Type 20 off-sale license.

24. Conditional Use Permit/Variance PRC 2011-24-CV for the Development of an AM/PM Convenience Store with Alcohol Sales, Quick Serve Restaurant, Arco Gasoline Station and Automated Car Wash
Re: Considering adoption of a resolutions approving Conditional Use Permit PRC 2011-24-C and Variance PRC 2011-24-V, and authorizing a letter of Public Convenience or Necessity for the proposed alcohol sales.

SCHEDULED MATTERS

25. Amendment to the City’s Contract with CalPERS Local Safety and Local Miscellaneous Group
Re: Authorizing amendments to the City’s contract with CalPERS to provide future public safety employees with a 2% at 50 full formula retirement benefit, and to provide future miscellaneous employees with a 2% at 55 full formula retirement benefit, to become effective July 1, 2012.

26. Environmental Review of the Island Annexation Sewer Project
Re: Considering adoption of a resolution approving the Negative Declaration for the Island Annexation Sewer Project consisting of the installation of sewer mains and laterals, and appurtenant facilities in several areas that were annexed in 2006 under the Island Annexation Program.
27. Parks and Leisure Services Commission’s Recommendation for the Murry Park Extension
   Re: Considering the recommendations of the Parks and Leisure Services Commission regarding the
development of the property located at 604 N. Henry Street.

28. Consideration of Ballot Measure to Move the General Municipal Election
   Re: Consideration of a ballot measure to move the General Municipal Election from June of even
   numbered years to November of even numbered years.

Adjourn to a meeting of the Successor Agency.

SUCCESSOR AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA
AND 1155 KELVIN ROAD, EL SOBRANTE, CA 94803

Roll Call: Agency Members/Chairman

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS

CONSENT CALENDAR
SA-01. Successor Agency – Adoption of the Recognized Obligation Payment Schedule
   Re: Considering approval of a resolution adopting the Recognized Obligation Payment
   Schedule.

Adjourn the Successor Agency Meeting to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
OTHER MATTERS

ADJOURNMENT - to the meeting of March 6, 2012.

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

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: At the Council’s request, staff is herein providing for informational purposes the attendance records as of the Second Quarter FY 2011/2012 for the following City Commissions and Committees:

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

Further, pursuant to Council direction on November 1, 2011, staff has contacted TUTOC and CDBG Advisory and Housing Opportunity Committee members with repeated absences to determine their continued interest in serving. Due to calendaring conflicts, Mr. Rudy Roman of the CDBG Advisory Committee and Mr. Kent Hopper of TUTOC have indicated an inability to continue serving. Staff has publicized the CDBG vacancy and will bring all received Requests for Appointment to the Council for consideration at the meeting of March 6th. With regard to the TUTOC vacancy, five seats will be expiring in May (including that of Mr. Hopper) for which staff will issue a press release announcing the vacancies.

RECOMMENDATION: Informational report only.

ATTACHMENTS: Attendance Reports

Report No. III-1
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Re-appt. 10/10</td>
</tr>
<tr>
<td>Rebecca Ybarra</td>
<td>P</td>
<td>E</td>
<td>P</td>
<td>P</td>
<td>A</td>
<td>P</td>
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<tr>
<td>Joseph Carter</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<td></td>
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<td>Appt. 11/09; resigned 7/11</td>
</tr>
<tr>
<td>Mary Leavitt</td>
<td>P</td>
<td>P</td>
<td>E</td>
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<td></td>
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<td></td>
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</tr>
<tr>
<td>Stephanie Cortez</td>
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<td>Allan Bailey</td>
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<td>E</td>
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<td>P</td>
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</tr>
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</table>

*Special session called by the Chair.

**No meeting due to lack of a quorum.
Transactions and Use Tax Oversight Committee
Attendance Records

<table>
<thead>
<tr>
<th></th>
<th>2010</th>
<th>2010</th>
<th>2011</th>
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<th>2011</th>
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<tbody>
<tr>
<td></td>
<td>27-Jun</td>
<td>26-Aug</td>
<td>16-Jun</td>
<td>21-Jul</td>
<td>18-Aug</td>
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<tr>
<td>Gary Mekeel</td>
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<tr>
<td>Michael Pavone</td>
<td>P</td>
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<td>A</td>
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<td>Adrian Monte Reyes</td>
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<td>Charles Webber</td>
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<td>John Simonich</td>
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<td>Michael MacDonald</td>
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<tr>
<td>Gail Lemmen</td>
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<td>P</td>
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<tr>
<td>John Dennis</td>
<td>N/A</td>
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<td>P</td>
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<tr>
<td>Kent D. Hopper</td>
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Apptd 04/2010 thru 05/2014
Apptd 04/2010 thru 05/2014
Apptd 04/2010 thru 05/2012
Apptd 04/2010 thru 05/2012
Apptd 04/2010 thru 05/2014
Apptd. 01/2011 thru 05/2014.
Apptd 01/2011 thru 05/2014.
Apptd 09/2010 thru 05/2012.
Apptd 09/2010 thru 05/2012.
Apptd. 7/2011 thru 05/2012.

No Meetings have taken place during this reporting period.
CDBG Citizens' Advisory and Housing Opportunity Committee
Attendance Report as of December 31, 2011

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Pat Contreras</td>
<td>1988</td>
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<td>P</td>
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<tr>
<td>Linda Olmedo</td>
<td>1997</td>
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<td>P</td>
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<td>Grace Munoz-Rios</td>
<td>1992</td>
<td>P</td>
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<td>Rudy Roman</td>
<td>1997</td>
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<td>A</td>
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<td>John Dennis</td>
<td>1998</td>
<td>A</td>
<td>P</td>
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<td>Rebecca Vigli</td>
<td>2006</td>
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<td>A</td>
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<td>Kelle Jo Lowe</td>
<td>2009</td>
<td>P</td>
<td>A</td>
<td>P</td>
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</tbody>
</table>

*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, 2011

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

X = In attendance

No Meetings were held during this reporting period.
The Code Enforcement Division has been busy 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 the Code Enforcement Division addresses and the impact that the program has in making this a safer community.

(See attached Code Enforcement Stats for October 1 – December 31, 2011.)

Attachment 1: Code Enforcement Statistics for October 1 – December 31, 2011
Attachment 2: Code Enforcement Exploded Pie Graph
Attachment 3: Code Enforcement Statistics Explanation
CODE ENFORCEMENT STATS FROM 10-1-2011 TO 12-31-2011

**General Complaints**

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contacts and follow ups</td>
<td>169</td>
</tr>
<tr>
<td>Complaints received</td>
<td>23</td>
</tr>
<tr>
<td>Notice of Violation issued</td>
<td>13</td>
</tr>
<tr>
<td>Administrative Citations issued</td>
<td>6</td>
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</tbody>
</table>

**Weed Abatement**

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weed Abatement Properties Reviewed</td>
<td>61</td>
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</tbody>
</table>

**Business License**

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business License checks</td>
<td>41</td>
</tr>
<tr>
<td>Itinerant Vendor and Peddler Permit checks</td>
<td>8</td>
</tr>
</tbody>
</table>

**Building Division**

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Permit checks</td>
<td>21</td>
</tr>
</tbody>
</table>
CODE ENFORCEMENT STATS FROM 10-1-2011 TO 12-31-2011

To add some clarity to the code enforcement stats, the number of 169 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 6 Administrative Citations during the quarter in question for violations of the Municipal Code. They were all issued no building permits.

Of the 13 Notice of Violations that were issued, 8 were for business license violations, 4 of which also required a peddler permit, 2 were for building violations, 1 for a continuous yard sale, the remaining were for zoning violations.
COUNCIL AGENDA: FEBRUARY 21, 2012

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, 2011, 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>February 26, 2011</td>
<td>Porterville Gleaners Seniors, Inc</td>
<td>El Gallito Market – 283 W Olive Ave</td>
</tr>
<tr>
<td>March 5, 2011</td>
<td>Porterville High School ASB</td>
<td>PHS Science parking lot – 465 W Olive Ave</td>
</tr>
<tr>
<td>March 5, 2011</td>
<td>* Christine Nadine Hill</td>
<td>Ray's Smog Auto Repair - 381 W Henderson</td>
</tr>
<tr>
<td>March 12, 2011</td>
<td>Victory Outreach Porterville</td>
<td>Victory Outreach - 129 N 'D' St</td>
</tr>
<tr>
<td>March 12, 2011</td>
<td>Porterville Iglesia Del Nazareno</td>
<td>Martinez Family Automotive – 755 N Main St</td>
</tr>
<tr>
<td>April 2, 2011</td>
<td>Harmony Magnet Academy</td>
<td>O'Reilly Auto Parts - 1236 W Olive Ave</td>
</tr>
<tr>
<td>April 2, 2011</td>
<td>Porterville Iglesia Del Nazareno</td>
<td>Iglesia del Nazareno – 137 E Morton Ave</td>
</tr>
<tr>
<td>April 22, 2011</td>
<td>Central Family Crisis Center</td>
<td>El Gallito Market – 283 W Olive Ave</td>
</tr>
<tr>
<td>April 23, 2011</td>
<td>Granite Hills High School</td>
<td>El Gallito Market – 283 W Olive Ave</td>
</tr>
<tr>
<td>May 4, 2011</td>
<td>Fraternal Order of Eagles</td>
<td>Asia Garden – 895 W Henderson</td>
</tr>
<tr>
<td>May 14, 2011</td>
<td>AYSO</td>
<td>Roscoe Melton's Discount Tires – 921 W Olive</td>
</tr>
<tr>
<td>May 14, 2011</td>
<td>First Assembly of God Church</td>
<td>Point's Glass Inc – 1580 W Olive Ave</td>
</tr>
<tr>
<td>May 14, 2011</td>
<td>First Missionary Baptist Church</td>
<td>First Missionary Baptist Church – 165 E Putnam</td>
</tr>
<tr>
<td>May 14, 2011</td>
<td>Grizzly Football Team (GHHS)</td>
<td>Family Mini-Mart – 575 N Main St</td>
</tr>
<tr>
<td>May 21, 2011</td>
<td>El Granito Foundation</td>
<td>O'Reilly Auto Parts – 1236 W Olive Ave</td>
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<tr>
<td>May 21, 2011</td>
<td>Granite Hills High School</td>
<td>Napa Auto Parts – 300 W Henderson Ave</td>
</tr>
<tr>
<td>May 21, 2011</td>
<td>PHS Student Council</td>
<td>PHS Admin Parking Lot – 465 W Olive Ave</td>
</tr>
<tr>
<td>May 28, 2011</td>
<td>Porterville United Soccer FC</td>
<td>Roscoe Melton's Discount Tires – 921 W Olive</td>
</tr>
<tr>
<td>May 28, 2011</td>
<td>Victory Outreach Porterville</td>
<td>Victory Outreach – 129 N 'D' St</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>June 10, 2011</td>
<td>Helping Hands</td>
<td>First Assembly of God Church – 135 E Olive Ave</td>
</tr>
<tr>
<td>June 11, 2011</td>
<td>Burton Middle School Band</td>
<td>Smith's Flowers – 55 N 'D' St</td>
</tr>
<tr>
<td>June 11, 2011</td>
<td>Monache High School Clubs</td>
<td>Monache High School – 960 N Newcomb</td>
</tr>
<tr>
<td>June 12, 2011</td>
<td>Porterville United Soccer FC</td>
<td>Quiznos – 1280 #B West Henderson Ave</td>
</tr>
<tr>
<td>June 25, 2011</td>
<td>Strathmore Alumni Association</td>
<td>O'Reilly Auto Parts – 1236 W Olive Ave</td>
</tr>
<tr>
<td>July 2, 2011</td>
<td>Palabra de Victoria Church</td>
<td>Roscoe Melton's Discount Tires – 921 W Olive</td>
</tr>
<tr>
<td>July 2, 2011</td>
<td>Porterville React</td>
<td>Kragen's Auto Parts – 1236 N Olive Ave</td>
</tr>
<tr>
<td>July 16, 2011</td>
<td>Monache High School</td>
<td>Monache High School – 960 N Newcomb</td>
</tr>
<tr>
<td>July 16, 2011</td>
<td>Palabra de Victoria Church</td>
<td>El Gallito Market – 283 W Olive Ave</td>
</tr>
<tr>
<td>July 16, 2011</td>
<td>El Granito Foundation</td>
<td>Express Mart &amp; Gas – 1060 W Olive Ave</td>
</tr>
<tr>
<td>July 23, 2011</td>
<td>First Missionary Baptist Church</td>
<td>First Missionary Baptist Church - 165 E Putnam</td>
</tr>
<tr>
<td>July 23, 2011</td>
<td>Porterville Iglesia Del Nazareno</td>
<td>Porterville Iglesia Del Nazareno - 137 E Morton</td>
</tr>
<tr>
<td>July 23, 2011</td>
<td>El Granito Foundation</td>
<td>Express Mart &amp; Gas – 1060 W Olive Ave</td>
</tr>
<tr>
<td>August 6, 2011</td>
<td>Porterville React</td>
<td>Pick-em Up Truck Store – 788 W Olive Ave</td>
</tr>
<tr>
<td>August 7, 2011</td>
<td>Porterville React</td>
<td>Pick-em Up Truck Store – 788 W Olive Ave</td>
</tr>
<tr>
<td>August 13, 2011</td>
<td>Palabra de Victoria Church</td>
<td>Express Mart &amp; Gas – 1060 W Olive Ave</td>
</tr>
<tr>
<td>August 13, 2011</td>
<td>La Mision de Jesus of Porterville</td>
<td>La Mision de Jesus – 765 W Henderson Ave</td>
</tr>
<tr>
<td>August 13, 2011</td>
<td>New Life Center</td>
<td>New Life Center - 2012 W Morton Ave</td>
</tr>
<tr>
<td>September 10, 2011</td>
<td>Porterville React</td>
<td>Pick-em Up Truck Store – 788 W Olive Ave</td>
</tr>
<tr>
<td>September 10, 2011</td>
<td>BMS Student Leadership</td>
<td>Burton Middle School – 1155 N Elderwood St</td>
</tr>
<tr>
<td>September 10, 2011</td>
<td>Palabra de Victoria Church</td>
<td>Brake &amp; Wheel Service Center – 330 W Olive Ave</td>
</tr>
<tr>
<td>September 17, 2011</td>
<td>Porterville High School ASB</td>
<td>PHS Admin parking lot – 465 W Olive Ave</td>
</tr>
<tr>
<td>September 24, 2011</td>
<td>Monache High School AVID</td>
<td>Monache High School – 960 N Newcomb</td>
</tr>
<tr>
<td>December 18, 2011</td>
<td>Helping Hands</td>
<td>Express Mart &amp; Gas – 1060 W Olive Ave</td>
</tr>
</tbody>
</table>

*No application for car wash was received. Individual was cited at the event by the code enforcement officer. Individual came in to pay for the permit fee after the event.

RECOMMENDATION: For information only.
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 2011/2012.

The W. North Grand Avenue Reconstruction Project is the next project slated for reconstruction. Staff anticipates an early fourth quarter construction start date. The Street Performance chart indicates no micro-overlay activity. Cold weather prevented the contractor from performing any micro-overlay work in 2011. The contractor has committed to completing all micro-overlay work in late April to early May 2012.

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

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

P:\pubworks\General\Council\Street Performance Measure - 2nd Quarter Update - 2012-02-21.doc

Dir Appropriated/Funded N/A CM Report No. III - 4
## 1. Street Repaving Progress
- Each square represents 500 LF of repaved street lane.

<table>
<thead>
<tr>
<th>Task</th>
<th>1/1/11</th>
<th>2/28/11</th>
<th>3/31/11</th>
<th>4/30/11</th>
<th>5/31/11</th>
<th>6/30/11</th>
<th>7/31/11</th>
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</tr>
</tbody>
</table>

## 2. Overlay Progress
- Each square represents 500 LF of street lanes.

<table>
<thead>
<tr>
<th>Task</th>
<th>1/1/11</th>
<th>2/28/11</th>
<th>3/31/11</th>
<th>4/30/11</th>
<th>5/31/11</th>
<th>6/30/11</th>
<th>7/31/11</th>
<th>8/31/11</th>
<th>9/30/11</th>
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</tr>
</tbody>
</table>

## 3. Micro Surfacing Progress
- Each square represents 500 LF of street lane.

<table>
<thead>
<tr>
<th>Task</th>
<th>1/1/11</th>
<th>2/28/11</th>
<th>3/31/11</th>
<th>4/30/11</th>
<th>5/31/11</th>
<th>6/30/11</th>
<th>7/31/11</th>
<th>8/31/11</th>
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</tbody>
</table>

## 4. Pavement Repair Progress
- Each square represents 15 SF of pavement repairs.

<table>
<thead>
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<th>Task</th>
<th>1/1/11</th>
<th>2/28/11</th>
<th>3/31/11</th>
<th>4/30/11</th>
<th>5/31/11</th>
<th>6/30/11</th>
<th>7/31/11</th>
<th>8/31/11</th>
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<td></td>
</tr>
</tbody>
</table>

**Total amount to be completed:** 10,000 SF of street lanes.

Completions as of December 30, 2011.
CITY COUNCIL AGENDA: FEBRUARY 21, 2012

REPORT

SUBJECT: APPOINTMENTS TO SERVE ON THE SUCCESSOR AGENCY OVERSIGHT BOARD

COMMENT: As per AB1X26 (Dissolution of all Redevelopment Agencies), each successor agency shall have an Oversight Board composed of seven members. Members shall be selected as follows:

1. One member appointed by the county board of supervisors.
2. One member appointed by the mayor for the city that formed the redevelopment agency.
3. One member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is of the type of special district that is eligible to receive property tax revenues pursuant to Section 34188.
4. One member appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.
5. One member appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.
6. One member of the public appointed by the county board of supervisors.
7. One member representing the employees of the former redevelopment agency appointed by the mayor or chair of the board of supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time.

As stated in numbers 2 and 7 above, the Mayor shall appoint two of the seven members of the oversight board. Following are the Mayor’s appointments to the Oversight Board:

1. Steve Tree: Mr. Tree has served and/or chaired the Redevelopment Advisory Committee since its inception in 1989. This appointment fulfills the appointment by the Mayor for the City that formed the Redevelopment Agency pursuant to number 2 above.
2. Denise Marchant: Ms. Marchant has been employed as staff to the Redevelopment Agency since 1991. In addition, she served on the Redevelopment Advisory Committee before being employed with the City. This appointment fulfills the appointment of a member representing number 7 above.

RECOMMENDATION: Informational only.
Call to Order at 5:30 p.m.
Roll Call: Council Member Ward (arrived late), Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA
JANUARY 17, 2012

Roll Call: Agency Member Ward (arrived late), Vice Chairman Hamilton, Agency Member Shelton, Agency Member McCracken, Chairman Irish

ORAL COMMUNICATIONS
None

JOINT CITY COUNCIL/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 meeting adjourned to a meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A 30.57 mile line of railroad between Strathmore, CA milepost 268.60 and Jovista, CA milepost 299.17 in Tulare County, particularly that portion of the railroad line within the limits of the City of Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad Company. Under Negotiation: Terms and Price.


7- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Sipple, et al. v. City of Alameda, et al., Los Angeles Superior Court Case No. BC462270

8- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases concerning facts not yet known to potential plaintiffs.

9- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that the following action took place:


On a motion made by Council Member McCracken, and seconded by Vice Mayor Hamilton, the Council approved the execution of the donation agreement between Wells Fargo Bank, N.A. and the City of Porterville for the acquisition of foreclosed property at 371 S. “G” Street, APN 260-173-009; adopted the draft resolution accepting the quitclaim deed from Wells Fargo Bank, N.A.; approved executing an agreement and affordability covenants to donate the property to the Porterville Unified School District for rehabilitation and sale to a low income household; adopted the draft resolution opening escrow and granting the quitclaim deed to the Porterville Unified School District; authorized the Mayor to execute all necessary documents; and authorized recording of all documents with the County Recorder.

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

On a motion by Vice Mayor Hamilton, Seconded by Council Member McCracken, the Council unanimously authorized staff to begin escrow, with the City paying the escrow fees; authorized staff to make payment to Edward Bueno and Ruth Bueno, in the amount of $19,628.00 after completion of escrow; authorized the Mayor to sign all necessary documents; and authorized staff to record all documents with the County Recorder.

B5- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIMS: CLAIMANT: JOSEPH NASH. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

On a motion by Council Member McCracken, seconded by Vice Mayor Hamilton, the Council unanimously approved rejecting the claim filed by Mr. Joseph Nash for an undetermined amount, referred the matter to the City’s insurance adjustor, and directed the City Clerk to give the Claimant proper notification.

B6- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIMS: CLAIMANT: LISA DUNCAN. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

On a motion by Vice Mayor Hamilton, seconded by Council Member McCracken, the Council unanimously approved rejecting the claim submitted by Ms. Lisa Duncan, and directed the City Clerk to give the Claimant proper notification.

PRESENTATIONS
Employee of the Month – Mark Knox
Project Homeless Connect – Certificates of Recognition were presented to Development
Associate Denise Marchant and Administrative Aide Lupe Diaz for their efforts on the Project.

Mayor Irish advised that staff had requested that the Council consider adding an emergency item onto the agenda, being “Consideration of Street Closure for Porterville ‘Step Up’ Neighborhood Outreach Event.” He advised that the item required Council action prior to the next regular Council Meeting.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, that the Council add, “Consideration of Street Closure for M.O. 18-011712 Porterville ‘Step Up’ Neighborhood Outreach Event” onto the evening’s agenda as Item No. 21. The motion carried unanimously.

Disposition: Item added as Item 21.

**REPORTS**

• Council Member Shelton spoke of recent events he had attended, including: a Toys for Tots Republican Association event; a Christmas Eve dinner; a Tulare City Council Meeting; a Friends of the Library book sale; and a train show at the Porterville Museum.

**ORAL COMMUNICATIONS**

• Barry Caplan, requested that the Council removed Item 12 from the Consent Calendar; and spoke of the suicide of a COS student in Visalia.
• Felipe Martinez, 195 Putnam Avenue, came forward on behalf of the Mural Committee, and advised that the Historical Band Mural at Centennial Park would be dedicated on April 21\textsuperscript{st} and that planning was underway for a Spring Fling event to mark the occasion.
• Brock Neeley, requested that the Council removed Item 12 from the Consent Calendar; noted a typographical error on page two of the draft Minutes of December 20, 2011; and spoke of the suicide of Mr. Borges of Visalia.
• (Name inaudible), requested that the Council consider amending the Municipal Code to permit the keeping of hens within the City limit, and referred the Council to thecitychicken.com website for samples of ordinances.
• Tillie Tagarino, spoke in favor of Item Nos. 5 and 6 and requested the Council’s approval.
• Darrel Taylor, spoke of the recent suicide of the young man from Visalia, rehabilitation, and the importance of pedestrian safety in crosswalks.

**CONSENT CALENDAR**

Item Nos. 2, 3, 4, 5, 6, 7 10, 12, and 15 were removed for further discussion.

1. CITY COUNCIL MINUTES OF DECEMBER 7, 2011 AND DECEMBER 20, 2011

Recommendation: That the City Council approve the Minutes of December 7, 2011, and December 20, 2011.
8. FY2011 HOMELAND SECURITY GRANT

Recommendation: That the City Council:
1. Authorize staff to purchase the equipment under the negotiated bid process;
2. Authorize the disbursement of fund from the Fire Department’s “Firefighting and Rescue Equipment Replacement Fund #EL-2997” for initial costs; and
3. Authorize grant reimbursement funds to be deposited in account #EL-2997.

Documentation: M.O. 04-011712
Disposition: Approved.

9. 2011 TULARE COUNTY MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN

Recommendation: That the City Council adopt the draft resolution authorizing the 2011 Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan.

Documentation: Resolution 04-2012
Disposition: Approved.

11. STATUS REPORT – DEVELOPER IMPACT FEES


Documentation: M.O. 05-011712
Disposition: Approved.

13. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN - UNREPRESENTED MANAGEMENT

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan for all unrepresented management employees.

Documentation: Resolution 05-2012
Disposition: Approved.

14. REVIEW OF LOCAL EMERGENCY STATUS
Recommendation: That the Council:
1. Receive the status report and review of the designated local emergency; and
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.

Documentation: M.O. 06-011712
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1, 8, 9, 11, and 13-14. The motion carried unanimously.

2. ACCEPTANCE OF PROJECT – VETERANS PARK BOOSTER PUMP PROJECT

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

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton indicated that he had pulled the item in order to commend the Public Works staff for completion of the project both on time and below budget.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed. The motion carried unanimously.

Disposition: Approved.

3. ACCEPTANCE OF PROJECT – POLICE SHOOTING RANGE IRRIGATION WELL

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

City Manager Lollis introduced the item, and the staff report was waived at the Council’s
request. Council Member Shelton took a moment to recognize staff’s efforts, and laud the Tribe for their assistance.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed. The motion carried unanimously.

**M.O. 08-011712**

Disposition: Approved.

4. **REQUEST FOR APPROVAL TO REPAIR SPECIALIZED EQUIPMENT**

Recommendation: That the City Council approve the repair of the JWC Screenings Cutter Cartridge for $12,100.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. The Public Works Director then elaborated on the equipment in need of repair.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Mayor Irish that the City Council approve the repair of the JWC Screenings Cutter Cartridge for $12,100. The motion carried unanimously.

**M.O. 09-011712**

Disposition: Approved.

5. **MOTOCROSS RACE PROPOSAL FOR FEBRUARY 2012 THROUGH DECEMBER 2012**

Recommendation: That the City Council:

1. Approve the Motocross Race Proposal for February 2012 through December 2012, with Central Valley Racing at the OHV Park; and
2. Approve overnight camping for the event.

City Manager Lollis introduced the item, and the staff report was waived by the Council. Council Member Shelton spoke favorably of the promotion aspect and inquired about concessions. The Parks and Leisure Services Director elaborated on past practice.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council approve the Motocross Race Proposal for February 2012 through December 2012, with Central Valley Racing at the OHV Park; and approve overnight camping for the event. The motion carried unanimously.

**M.O. 10-011712**

Disposition: Approved.
6. MONSTER ENERGY DRINK MOTOCROSS RACE PROPOSAL

Recommendation: That the City Council:
1. Approve the Motocross Race Proposal for March 10–11, 2012, with 2x Promotions at the OHV Park; and
2. Approve overnight camping for this event.

City Manager Lollis introduced the item, and the staff report was waived by the Council. Council Member Shelton voiced his support and inquired about the impetus. Parks and Leisure Services Director credited the efforts of volunteers.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council approve the Motocross Race Proposal for March 10–11, 2012, with 2x Promotions at the OHV Park; and approve the overnight camping for this event. The motion carried unanimously.

Disposition: Approved.

7. SCE COOLING CENTERS

Recommendation: That the City Council:
1. Approve the budget proposal to enter into contractual services with SCE for the operation of a Cooling Center to be located at the Santa Fe Center; and
2. Approve the request for funds and the budget adjustment.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. At Council Member Shelton’s request, Parks and Leisure Services Director Stowe elaborated on the staff hours needed for operation.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council approve the budget proposal to enter into contractual services with SCE for the operation of a Cooling Center to be located at the Santa Fe Center; and approve the request for funds and the budget adjustment.

Disposition: Approved.

10. COMMUNITY DEVELOPMENT BLOCK GRANT BUSINESS ASSISTANCE PROGRAM UPDATE

Recommendation: For information only.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s
request. In response to a Council inquiry, staff elaborated on one account in default. Disposition: No action required.

12. JUNE 5, 2012 CITY OF PORTERVILLE MUNICIPAL ELECTION: CALL FOR ELECTION; REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTIONS; AND SETTING SPECIFIED SERVICES

Recommendation: That the City Council:

1. Allow candidates' statements, at no cost to the candidate, for 200 words or less with no additional mailings; that County services be used as designated above; and that the County Election Department, 5951 S. Mooney, Visalia, California, be designated as the Central Counting Place for the June 5, 2012, General Municipal Election;
2. Adopt the draft resolution calling the election for June 5, 2012; requesting and consenting to the consolidation of the election; and setting specifications of the election order;
3. Adopt the draft resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, for the June 5, 2012 Election;
4. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services; and
5. Provide direction to staff relative to a potential ballot measure moving the City’s general election from June of even years to November of even years.

City Manager Lollis introduced the item, and clarified that staff was not recommending that the Council move the election (No. 5), only to provide direction if the Council wished to do so. A discussion ensued regarding the past invoice for services for the previous election, and the pros and cons for moving the election to November of even years.

Council Member McCracken MOVED to approve staff recommendations Nos. 1-4, and continue discussion of No. 5 to a future meeting. The motion was SECONDED by Vice Mayor Hamilton.

COUNCIL ACTION: MOVED by Mayor Irish, SECONDED by Council Member McCracken that the City Council amend the motion to require candidates to pay the fees associated with candidate statements.

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

COUNCIL ACTION: Resolution 06-2012 MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council allow candidates' statements of 200 words
Resolution 07-2012 or less with no additional mailings, the cost of which shall be the responsibility of the candidates; that County services be used as designated above; and that the County Election Department, 5951 S. Mooney, Visalia, California, be designated as the Central Counting Place for the June 5, 2012, General Municipal Election; adopt the draft resolution calling the election for June 5, 2012; requesting and consenting to the consolidation of the election; and setting specifications of the election order; adopt the draft resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, for the June 5, 2012 Election; authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services; and direct staff to bring back an item to consider placing a measure on the June 5, 2012 ballot to move the general municipal election to November of even years.

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

Disposition: Approved.

15. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO SCHEDULE THE CONSIDERATION OF ALLOWING THE PARTICIPATION OF A REPRESENTATIVE OF THE CITY’S YOUTH COMMISSION AT CITY COUNCIL MEETINGS

Recommendation: Council Member Shelton makes the motion that the City Council authorize the scheduling of the February 7th Council Agenda the consideration of allowing the participation of a representative of the City’s Youth Commission at City Council meeting.

City Manager Lollis introduced the item. A brief exchange took place on the dais regarding the Council’s legal inability to discuss the item prior to it being considered on a future agenda.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council authorize scheduling the consideration of allowing the participation of a representative of the City’s Youth Commission at City Council meeting on the February 7, 2012 agenda.

AYES: Ward
NOES: McCracken, Hamilton, Irish, Shelton
ABSTAIN: None
ABSENT: None
Disposition: Denied.

The Council recessed for ten minutes.

PUBLIC HEARINGS

16. CONDITIONAL USE PERMIT TO ALLOW FOR AN UPGRADE OF AN OFF-SALE TYPE 20 (BEER AND WINE) LICENSE TO AN OFF-SALE TYPE 21 (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE WAL-MART LOCATED AT 1250 W. HENDERSON AVENUE

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit PRC-2011-30-C subject to conditions of approval.

The City Manager introduced the item, and the staff report was presented by City Planner Bill Nebeker.

The public hearing opened at 7:56 p.m.

- Brett McManigal, on behalf of the applicant, spoke in favor of approval and indicated that he was available for questions.

The public hearing closed at 7:57 p.m.

A brief discussion ensued relative to the location of the alcohol within the store, and the store’s proximity to Monache High School.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council adopt the draft resolution approving Conditional Use Permit PRC-2011-30-C subject to conditions of approval.

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

Disposition: Approved.

17. MULTIFAMILY HOUSING REVENUE BOND ISSUANCE BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR VILLA ROBLES APARTMENTS, 450 W. SPRINGVILLE DRIVE

Recommendation: That the City Council:

1. Hold a Public Hearing for the sale of tax-exempt obligations for the financing of the acquisition and rehabilitation of Villa Robles Apartments;
2. Approve the draft resolution approving the issuance and sale of bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition and rehabilitation of Villa Robles Apartments within the City of Porterville pursuant to the Internal Revenue Code of 1986; and

3. Authorize the Mayor to execute all documents related to the City’s approval of the issuance of the tax-exempt bonds.

The City Manager introduced the item, and the staff report was presented by Community Development Director Dunlap.

- Katelyn Montel, representative of California Statewide Communities Development Authority, addressed questions from the Council regarding payment of the bonds and the estimated project costs.

The public hearing was opened at 8:10 p.m. and closed at 8:11 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve the draft resolution approving the issuance and sale of bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition and rehabilitation of Villa Robles Apartments within the City of Porterville pursuant to the Internal Revenue Code of 1986; and authorize the Mayor to execute all documents related to the City’s approval of the issuance of the tax-exempt bonds.

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

Disposition: Approved.

18. COMMERCIAL CROP CULTIVATION ORDINANCE: AN AMENDMENT TO THE DEVELOPMENT ORDINANCE TO ACCOMMODATE INTERIM AGRICULTURAL USE OF LANDS WITHIN MULTIPLE ZONE DISTRICTS

Recommendation: That the City Council:
1. Approve the proposed ordinance for the Development Code and give first reading to the draft ordinance; and
2. Waive further reading and order the ordinance to print.

City Manager Lollis introduced the item, and the staff report was presented by City Planner Nebeker.
The public hearing was opened at 8:22 p.m.

- Jim Winton, on behalf of Greg Woodard who could not attend, spoke in favor of approval.
- Brock Neely, Porterville resident, voiced concern with the use of contaminating chemicals.

The public hearing was closed at 8:26 p.m.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council continue the public hearing to the meeting of February 7, 2012. The motion carried unanimously.

Disposition: Item continued.

SCHEDULED MATTERS
19. CONSIDERATION OF DESIGNATION OF WALL OF FAME HONOREES

Recommendation: That the City Council consider the nominations for the designation of “Wall of Fame” Honorees.

City Manager Lollis introduced the item, and the staff report was presented by Administrative Services Manager Patrice Hildreth. A brief discussion ensued regarding the establishment of the Wall of Fame and the initial intent for honoring individuals. Staff was requested to provide copies of the Minutes reflecting the discussion and action establishing the Wall of Fame.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve Waltraut Wilson, Bill Rogers, Teresa Jackson, Orlin Hudson Shires and Helen Louise Shire, and Estha May Hinton for Wall of Fame designation.

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

Disposition: Approved.

20. CONSIDERATION OF JOINING THE “COALITION TO SAVE JOBS AND NEIGHBORHOOD RENEWAL” IN SUPPORT OF S.B. 659 (PADILLA) AND POSTPONING THE DISSOLUTION OF REDEVELOPMENT

Recommendation: That the City Council consider joining the “Coalition to Save Jobs and Neighborhood Renewal” in support of S.B. 659 (Padilla) and postponing the dissolution of Redevelopment.
City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council join the “Coalition to Save Jobs and Neighborhood Renewal” in support of S.B. 659 (Padilla) and postponing the dissolution of Redevelopment.

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

Disposition: Approved.

21. CONSIDERATION OF STREET CLOSURE FOR PORTERVILLE “STEP UP” NEIGHBORHOOD OUTREACH EVENT

Recommendation: That the City Council authorize the temporary closure of Ishom Avenue between Leggett and Sierra Vista Streets on January 19, 2012, in support of the neighborhood “Step-Up” outreach event.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council authorize the temporary closure of Ishom Avenue between Leggett and Sierra Vista Streets on January 19, 2012, in support of the neighborhood “Step-Up” outreach event. The motion carried unanimously.

Disposition: Approved.

The Council adjourned at 9:15 p.m. to a Joint Meeting of the City Council and the Porterville Redevelopment Agency.
JOINT PUBLIC HEARING

PRA-01. PUBLIC HEARING TO AUTHORIZE A PURCHASE AND SALE AGREEMENT BETWEEN THE PORTERVILLE REDEVELOPMENT AGENCY AND SOCIAL VOCATIONAL SERVICES, INC. (APN 253-138-001)

Recommendation: This item is being pulled due to the recent Supreme Court ruling concerning Redevelopment.

Disposition: No action required.

The Joint City Council/Redevelopment Agency Meeting adjourned at 9:19 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS

• Council Member Shelton, spoke of upcoming events, including: a Step Up meeting; a PARA meeting; Tule River Tribal elections; a Chamber Mixer; a Special City Council Meeting; a Tea Party Rally; and a Step Up event.

• Council Member Ward commented that Council Members should not be denied the opportunity, regardless of who is making the request, to discuss the merits of an agenda item a member is requesting.

ADJOURNMENT
The Council adjourned at 9:25 p.m. to the meeting of January 31, 2012 at 5:30 p.m.

___________________________
Luisa Herrera, Deputy City Clerk
SEAL

_________________________
Ronald L. Irish, Mayor
Call to Order at 5:30 p.m.
Roll Call: Council Member Ward, Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish

Pledge of Allegiance Led by Council Member Brian Ward
Invocation – one individual participated.

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA
JANUARY 31, 2012

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

ORAL COMMUNICATIONS
None

JOINT SCHEDULED MATTER
PRA-01 OVERVIEW OF REDEVELOPMENT AGENCY STATUS

Recommendation: Informational Report only.

City Manager/Agency Secretary John Lollis presented the item, and Community Development Director/Executive Director Brad Dunlap presented the staff report. Mr. Dunlap provided an overview of the impact of AB IX 26, Porterville Redevelopment Agency actions both preceding and subsequent to the bill’s passage, and of the uncertainty relative to various issues with the Agency including, debt repayment, a Cooperation Agreement between the City and the Agency, covenants, loan to the Agency, and the Agency’s budget.

In response to questions posed by the Council, staff elaborated on the Operation, Use and Maintenance Covenants recorded on Agency owned improved parking lots and vacant properties; and the structure of the administration costs and oversight committee.

Disposition: Report received.

AGENCY SCHEDULED MATTER
PRA-02 ADOPTION OF AMENDMENTS TO THE AGENCY’S ENFORCEABLE OBLIGATION PAYMENT SCHEDULE AND INITIAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Recommendation: That the Agency adopt a Resolution of the Porterville Redevelopment Agency amending the Enforceable Obligation Payment Schedule and the Initial Recognized Obligation Payment Schedule and transmit the Initial Recognized Obligation Payment Schedule to the City, acting as successor agency.

City Manager/Agency Secretary John Lollis presented the item, and Community Development Director/Executive Director Brad Dunlap presented the staff report.

AGENCY ACTION: MOVED by Agency Member Ward, SECONDED by Vice Chairman Hamilton, that the Redevelopment Agency adopt a Resolution of the Resolution PRA 2012-01 Porterville Redevelopment Agency amending the Enforceable Obligation Payment Schedule and the Initial Recognized Obligation Payment Schedule and transmit the Initial Recognized Obligation Payment Schedule to the City, acting as successor agency. The motion carried unanimously.

Disposition: Approved.

CITY COUNCIL SCHEDULED MATTERS
1. FORMATION AND DECLARATION OF NEED FOR PORTERVILLE HOUSING AUTHORITY AND DESIGNATION OF PORTERVILLE HOUSING AUTHORITY AS HOUSING SUCCESSOR AGENCY, TO ASSUME ALL HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE PORTERVILLE REDEVELOPMENT AGENCY, PURSUANT TO HEALTH & SAFETY CODE SECTION 34176

Recommendation: That the City Council:
1. Adopt a Resolution of the City Council of the City of Porterville declaring that there is a need for a housing authority to function in the City, declaring that the members of the City Council shall be the Commissioners of the housing authority and designating the mayor as the first interim Chairperson of the housing authority; and
2. Adopt a Resolution of the City Council of the City of Porterville declining that the City assume the housing assets and functions of the Porterville Redevelopment Agency and recommending that the Porterville Housing Authority assume the housing assets and functions previously performed by the Agency pursuant to Health & Safety Code Section 34176.

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

A brief discussion ensued, during which the Council voiced support for local control. In response to inquiries, staff elaborated on budgetary impacts and agency administration.
COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward, that the Council adopt a Resolution of the City Council of the City of Porterville declaring that there is a need for a housing authority to function in the City, declaring that the members of the City Council shall be the Commissioners of the housing authority and designating the mayor as the first interim Chairperson of the housing authority; and adopt a Resolution of the City Council of the City of Porterville declining that the City assume the housing assets and functions of the Porterville Redevelopment Agency and recommending that the Porterville Housing Authority assume the housing assets and functions previously performed by the Agency pursuant to Health & Safety Code Section 34176. The motion carried unanimously.

Disposition: Approved.

2. RECONSIDERATION OF OPTIONS FOR THE JUNE 5, 2012 GENERAL MUNICIPAL ELECTION

Recommendation: That the City Council:

1. Reaffirm its action on January 17, 2012 via Resolution No. 06-2012. This would require that the candidates pay the entire pro rata cost, estimated at $1,300 per candidate, of printing and distributing the candidates' statements of 200 words or less; OR
2. Approve the draft resolution rescinding Resolution 06-2012; and
3. Approve and adopt the draft resolution calling the general municipal election of June 5, 2012 and requesting and consenting to consolidation of elections; and setting specifications of the election order, and setting forth the determination that City will:
   a. Pay the entire cost for candidate statements; OR
   b. Pay a portion of the cost for candidate statements; OR
   c. Prohibit candidate statements.

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

A discussion ensued, during which at the Council’s request, staff elaborated on how other agencies handled campaign statements and options available to candidates who could not afford the approximate $1,300 cost.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council reaffirm its action on January 17, 2012 via Resolution No. 06-2012 requiring that the candidates pay the entire pro rata cost, estimated at $1,300 per candidate, of printing and distributing the candidates' statements of 200 words or less.

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

Disposition: January 17, 2012 action reaffirmed.

The City Council Meeting adjourned at 6:35 p.m. to a Joint Meeting of the City Council and the Porterville Redevelopment Agency.

JOINT CITY COUNCIL/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 meeting adjourned to a meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:

RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
   It was reported that no reportable action took place.

ADJOURNMENT
   The Council adjourned at 6:52 p.m. to the meeting of February 7, 2012.

_____________________________________________________
Patrice Hildreth, Chief Deputy City Clerk

SEAL

_____________________________________________________
Ronald L. Irish, Mayor
SUBJECT: PURCHASE OF FOUR CNG REFUSE TRUCKS – RESOLUTION OF SUPPORT AND BUDGET ADJUSTMENT

SOURCE: Public Works Department - Engineering Division

COMMENT: In 2009, Public Works applied for and was successful in securing a $1,080,000 Congestion Mitigation & Air Quality Grant (CMAQ) to purchase four compressed natural gas (CNG) refuse trucks. Tulare County Association of Governments (TCAG) staff assigned the funding to the 2013/2014 fiscal year.

TCAG asked and City staff accepted the challenge to accelerate the project to FY 2011/2012. TCAG has already agreed to implement the adopted "Expedited Project Selections Procedures" (EPSSP, copy attached) which is TCAG’s notice to Caltrans that TCAG supports accelerating this particular project. Staff has completed the specifications for the refuse trucks. Copies of the specifications are available in the Purchasing Agent’s office and in the office of the Public Works Director.

To formally conclude this transaction, the City Council must execute a "Resolution of Support" affirming staff’s decision to accelerate the CNG Refuse Truck project from FY 2013/2014 to FY 2011/2012. Further, the City Council must authorize a budget adjustment in the amount of $1,080,000 with the understanding that 88.53% of the actual expended amount will be reimbursed back to the City.

Staff proposes that the City’s “local” match ($123,876) and the federal share ($956,124) come from the City’s Solid Waste Equipment Replacement Fund. Further, staff recommends that all reimbursed funds be deposited back to the Solid Waste Equipment Replacement Fund.

RECOMMENDATION: That the City Council:

1. Authorize the Mayor to execute the attached “Resolution of Support” affirming the City’s intent to initiate the purchase of four CNG refuse trucks in FY 2011/2012;
2. Direct the Finance Director to implement a budget adjustment to the 2011/2012 Annual Budget in the amount of $1,080,000 and that the Solid Waste Equipment Replacement Fund be the source from which to draw these funds; and
3. Direct the Finance Director to replenish the Solid Waste Equipment Replacement Fund with the funds received through the reimbursement process.

ATTACHMENT: Resolution
P:pubworks\General\Council\Purchase of Four CNG Refuse Trucks - Resolution of Support and Budget Adjustment - 2012-02-21.doc

Dir Appropriated/Funded CM Item No. 2
RESOLUTION NO. ________ - 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE
ACCELERATION OF THE FOUR (4) CNG REFUSE TRUCKS
TO FISCAL YEAR 2011/2012

WHEREAS, the Tulare County Association of Governments (TCAG) has
programmed $1,080,000 in Congestion Mitigation & Air Quality (CMAQ) grant funds for
the purchase of four (4) Compressed Natural Gas (CNG) refuse trucks; and
WHEREAS, these funds have been programmed for FY 2013/2014; and
WHEREAS, TCAG and the City of Porterville have an interest in accelerating
program funding to FY 2011/2012; and
WHEREAS, TCAG has provided the City of Porterville and Caltrans an expedited
Project Selections Procedures (EPSP) letter affirming its support to accelerate this
particular project; and
WHEREAS, staff has completed specifications for the four (4) CNG refuse trucks;
and
WHEREAS, to formally conclude this transaction, the City Council must execute
a “Resolution of Support” affirming staff’s decision;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
Porterville does hereby support and affirm the acceleration of the purchase of four (4)
CNG Refuse Trucks project from FY 2013/2014 to FY 2011/2012.

PASSED, APPROVED and ADOPTED this 21st day of February, 2012.

__________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21st day of February, 2012.

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>McCracken</th>
<th>Shelton</th>
<th>Ward</th>
<th>Hamilton</th>
<th>Irish</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES:</td>
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<td>NOES:</td>
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<td>ABSTAIN:</td>
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<td>ABSENT:</td>
<td></td>
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</tbody>
</table>

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
January 17, 2012

Ms. Susan Kawate  
District 6 Local Assistance  
Caltrans, Office of Local Assistance  
855 M. Street, Suite 200  
Fresno, CA 93721

Re: TUL 10-026 / CTIPS ID: 2150000529 Request CMAQ Funding Transfer from FY 13/14 to FY 11/12 for the City of Porterville- Purchase Four (4) CNG Refuse Trucks

Dear Ms. Kawate:

The Tulare County Association of Governments (TCAG), in concurrence with the City of Porterville, authorizes to expedite the appropriate changes to TUL 10-026 / CTIPS ID: 2150000529 to move funding for the City of Porterville- Purchase Four (4) CNG Refuse Trucks from fiscal year 2013/14 to 2011/12. This project is part of the Congestion Mitigation and Air Quality (CMAQ) program.

In response to this request, TCAG agrees to implement the adopted Expedited Project Selections Procedures (EPSP) that meet the requirements set forth in Federal Regulations, 23 Code of Federal Regulations (CFR) Part 450 and Title 23 of the United States Code. In accordance with TCAG's EPSP, adopted through TCAG Resolution No. 10-029, this letter serves as confirmation that the request has been accepted via cooperation between the City of Porterville and TCAG.

Please contact Elizabeth Wright at 559-624-7264 with any further questions.

Sincerely,

[Signature]

Elizabeth Wright  
Senior Regional Planner, TCAG

cc: Eddie Wendt, TCAG  
Baldo Rodriguez, City of Porterville
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – OLIVE AVENUE COURTHOUSE BUS TURNOUT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Olive Avenue Courthouse Bus Turnout. The proposed project will improve transit accessibility along a portion of Route 1 to the proposed Courthouse Project along Olive Avenue. This bus stop is west of Plano Street on Olive Avenue. The bus turnout project includes removal of existing concrete improvements and installation of new concrete improvements allowing for a bus to completely pull out of the travel way to access the bus stop location. Concrete pads with bus shelters, provided by the City and installed by the contractor, will be adjacent to the back of new sidewalk.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review. The Engineer’s estimate of probable cost for construction is $36,091.00. An additional $3,609.10 is necessary for construction contingency (10%); an additional $3,609.10 for construction management, quality control and inspection (10%) for a total estimated projected cost of $43,309.20. Funding for this project is from FTA Grant and LTF and was approved in the 2011/2012 Annual Budget for bus turnouts.

RECOMMENDATION: That City Council:

1. Approve Staff’s recommended Plans and Project Manual; and

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

ATTACHMENTS: Locator Map  
Engineer’s Estimate

P:\pubworks\General\Council\Authorization To Advertise for Bids - Olive Courthouse Bus Turnout - 2012-02-21.doc

Dir Appropriated/Funded CM

Item No. 3
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<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
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<td>9</td>
<td>2' Pave-out per City Std. P-4</td>
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<td><strong>$36,091.00</strong></td>
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12/13/11

Project Manager: [Signature] 12/30/12
City Engineer: [Signature] 1/30/12
Public Works Director: [Signature] 1/31/12
City Manager: [Signature] 2/01/12
SUBJECT: ACCEPTANCE OF PROJECT – JAYE STREET IMPROVEMENTS
(FROM THE EASTERLY EXTENSION OF BROWN AVENUE TO GIBBONS AVENUE)

SOURCE: Public Works Department - Engineering Division

COMMENT: Mitch Brown Construction has completed the Jaye Street Improvements Project (from the easterly extension of Brown Avenue to Gibbons Avenue). The project consisted of the reconstruction of Jaye Street to collector standards including storm drain pipeline with catch basins, fire hydrant relocation, new water services, asphalt paving, curb, gutter, sidewalk in designated areas, drive approaches, median island with landscaping and street lighting.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On April 5, 2011, City Council authorized expenditure of $903,141.43 for construction, construction management and quality control services for the Jaye Street Improvements Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $801,169.02.

2) Construction management was performed by staff and quality control by BSK Associates. The cost for both services was $75,355.41, which is 9.18% of the awarded construction contract. This amount is greater than the 7% construction management and quality control amount requested at time of award due to additional testing completed by BSK at the request of City Staff and additional time required for completion of the project. The City will recuperate some of the excess cost by assessment of $4,500.00 in liquidated damages.

Total project construction costs equate to $876,524.43, which is less than the $903,141.43 overall budget approved by Council at the time of award.

Funding for the project is Local Transportation Fees (LTF) and Prop 1B Funds as approved in the 2010/2011 Annual Budget.
Mitch Brown Construction requests that the City accept the project as complete. Staff has concerns with the final appearance of the asphalt concrete, specifically to isolated longitudinal areas along the center of Jaye Street and perpendicularly across Jaye Street at Gibbons Avenue. It was agreed between the City and Contractor to withhold $7,600.00 in a trust and agency account from the project retention to cover the square yard cost for micro-surfacing within these specific areas of concern to seal and lock in aggregates.

The Contractor has submitted a 3-year warranty bond per the project specifications. The 3-year warranty will address the structural integrity of the asphalt concrete inclusive of the areas apparent to staff at the time of final inspection and will correct any deficiencies not yet readily apparent to staff. The City and Contractor will review the project yearly during the 3 year warranty period. Corrective measures will take place immediately should they become necessary and if not, the warranty bond and unused $7,600.00 will be returned to the Contractor.

RECOMMENDATION: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention, less $12,100 in deductions ($4,500 liquidated damages and $7,600 to be held in a Trust and Agency Account), thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map
SUBJECT: AUTHORIZATION TO NEGOTIATE A CONTRACT FOR DESIGN & ENGINEERING SERVICES FOR THE CHASE AVENUE PARK

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: At the October 4, 2011, City Council meeting, Council authorized staff to advertise for request for qualifications (RFQ) for landscape architectural and engineering design services for the Chase Ave, Neighborhood Park.

Staff received nine statements of qualifications for design and engineering for the Chase Avenue Neighborhood Park Project. Staff assembled a committee consisting of the Public Works Director, City Engineer, Leisure Services Superintendent, Park Administrative Analyst and the Parks and Leisure Service Director. The proposals were ranked in accordance with the “Policy for selecting Consultants to provide architectural, engineering and similar services,” adopted by City Council (Resolution 16-2001).

On January 9, 2012, staff interviewed the top three rated firms that were rated according to the aforementioned policy with the following results:

Quad Knopf  
Visalia, CA  
85.6 pts

4 Creeks  
Visalia, CA  
81.8 pts

Community Works Design Group  
Riverside, CA  
74.2 pts

Staff expectation is that the consultant fee will be approximately $135,000 to $150,000 for complete engineering and architectural services. If it is Council’s direction to move forward with the Design Project, staff respectfully requests Council’s authorization to negotiate a contract with the top rated firm. If staff is unsuccessful, staff seeks Council’s authorization to negotiate with the 2nd rated firm, and if unsuccessful, with the 3rd rated firm until a contract has been successfully negotiated.
Funding source for this project comes from the California Department of Parks and Recreation 2006 Parks Bond Act.

RECOMMENDATION: That City Council:

1. Authorize staff to define a scope of professional services and negotiate a contract with Quad-Knopf, Inc.; and

2. If staff is unable to negotiate an acceptable contract with Quad-Knopf, Inc., authorize staff to negotiate a contract with the 2nd or 3rd ranked firm.

ATTACHMENTS: Locator Map
COUNCIL AGENDA: FEBRUARY 21, 2012

SUBJECT: APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENT – RAILS TO TRAILS EXTENSION PROJECT (CMAQ Funded Project)

SOURCE: Public Works Department - Engineering Division

COMMENT: The Tulare County Association of Governments, acting as the Local Transportation Authority (“Authority”) is requesting that the City of Porterville approve and submit a Supplemental Agreement (SA) for the next phase of the Rails to Trails Class I Extension Project. This phase will place concrete over the existing aggregate base trail alignment previously constructed during summer of 2011. A Congestion Mitigation and Air Quality (CMAQ) Grant will fund 88.53% of the construction costs and the remaining 11.47% will be funded by the City’s share of the Measure “R” Alternate Transportation funds.

A locator map identifying the project limits is included in the Council’s packet. The “Authority” requires the processing of a SA for the purpose of reimbursing 100% of the design, construction management and 11.47% of the construction costs.

As stated above, a Supplemental Agreement, Resolution and Exhibit ‘A’ must be received by the “Authority” before the City can seek reimbursement for said design and construction costs. Exhibit ‘A’ provides the project title, project scope, and estimate of probable cost for construction of a concrete trail.

RECOMMENDATION: That the City Council:

1. Approve the attached resolution affirming the City Council’s support of the Rails to Trails Class I Extension Project;

2. Authorize the Mayor and City Manager to execute the Rails to Trails Class I Extension Project Supplemental Agreement for acquisition of properties; and

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

ATTACHMENTS: Locator Map
Supplemental Agreement
Resolution
Exhibit ‘A”

P:\pubworks\General\Council\Approval of Supplemental Agreement - Rails to Trails Extension Project CMAQ Funded Project - 2012-02-21.doc
Dir  Appropriated/Funded  CM  Item No. 6
MEASURE R PROGRAM SUPPLEMENT TO
COOPERATIVE AGREEMENT

This Program Supplement is made and entered into on February 21, 2012, by and between the City of Porterville ("Sponsor") and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

This Program Supplement hereby incorporates the "Measure R Cooperative Agreement" for Measure R Expenditures which was entered into between the Sponsor and the Authority on May 29, 2007, and is subject to all terms and conditions thereof. This Program Supplement is executed under authority of Resolution No. ___-2012, approved by the Sponsor on February 21, 2012 (see copy attached).

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

Covenants of Sponsor

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

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

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

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

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

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

COUNTY OF TULARE
TRANSPORTATION AUTHORITY

By: __________________________
Authority Director

CITY OF PORTERVILLE

By: __________________________
Ronald L. Irish, Mayor

Attest:

By: __________________________
John D. Lollis, City Clerk
RESOLUTION NO. _______ - 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE
TULE RIVER PARKWAY, PHASE III PROJECT

WHEREAS, the City of Porterville Bike and Pedestrian Program is eligible to receive 100% reimbursement for the design, construction management and quality control costs and 11.47% reimbursement for the construction costs associated with the Rails to Trails Class I Extension Project, which meets the Measure R guidelines and City General Plan for alternate modes of travel; and

WHEREAS, The Tulare County Association of Governments is requesting that the City of Porterville approve and submit a Supplemental Agreement that will allow the City to receive reimbursement for all property acquisition costs incurred in Fiscal Year 2011/2012;

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

PASSED, APPROVED and ADOPTED this 21st day of February, 2012.

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

Ronald L. Irish, Mayor
I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21\textsuperscript{st} day of February, 2012.

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

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<thead>
<tr>
<th>Council:</th>
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<tbody>
<tr>
<td>AYES:</td>
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<tr>
<td>NOES:</td>
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<tr>
<td>ABSTAIN:</td>
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<tr>
<td>ABSENT:</td>
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</table>

John D. Lollis, City Clerk

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

Rails to Trails Class I Extension Project

Project Scope:

The project includes the construction of a hard surface (concrete) over the existing aggregate base trail alignment that was established by a prior project primarily funded by a CDBG-ARRA grant. The trail alignment closely resembles the old Atchison Topeka & Santa Fe railroad alignment between Olive Avenue and recently constructed Heritage Center Parking Lot. The project may also include some trail/parkway amenities such as signs, trash receptacles, benches, picnic tables, etc. to the extent the funding sources will allow.

Project Costs

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<thead>
<tr>
<th>Rails to Trails Class I Extension Tasks</th>
<th>Engineer’s Estimate</th>
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<tbody>
<tr>
<td>Construction</td>
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<tr>
<td>Construction Management and Quality Control</td>
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<td>Right of Way</td>
<td>$0.0</td>
</tr>
<tr>
<td>Preparation Plans, Specifications and Estimate, Environmental Documentation and Caltrans Project Approval</td>
<td>$8,000.00</td>
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<tr>
<td><strong>Total Estimated Costs</strong></td>
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Current Funding Sources

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<tr>
<td>CMAQ 88.53% of Construction Only</td>
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<td>Measure “R” Construction Match (11.47%)</td>
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<td>Measure “R” Preliminary Engineering and Construction Management</td>
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<td><strong>Total Funding Available</strong></td>
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Project Schedule

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<td>Authorization to Advertise Project</td>
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<td>Begin Construction</td>
<td>5/21/2012</td>
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<tr>
<td>End Construction</td>
<td>6/30/2012</td>
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SUBJECT: APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENT – TULE RIVER PARKWAY, PHASE III – PROPERTY ACQUISITION

SOURCE: Public Works Department - Engineering Division

COMMENT: The Tulare County Association of Governments, acting as the Local Transportation Authority ("Authority") is requesting that the City of Porterville approve and submit a Supplemental Agreement (SA) for the acquisition of property related to the Tule River Parkway, Phase III Project. A locator map identifying the project limits (Tule River from Main Street to Plano Street) is included in Council’s packet. The “Authority” requires the processing of a SA for the purpose of reimbursing the agency for property negotiation costs.

As stated above, a Supplemental Agreement, Resolution and Exhibit ‘A’ must be received by the “Authority” before the City can seek reimbursement for all property acquisition costs. Exhibit ‘A’ provides the project title, project scope, and estimate of probable cost for property acquisitions.

RECOMMENDATION: That the City Council:

1. Approve the attached resolution affirming the City Council’s support of the Tule River Parkway, Phase III Project;

2. Authorize the Mayor and City Manager to execute the Tule River Parkway, Phase III Supplemental Agreement for acquisition of properties; and

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

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

This Program Supplement is made and entered into on February 21, 2012, by and between the City of Porterville ("Sponsor") and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

This Program Supplement hereby incorporates the “Measure R Cooperative Agreement” for Measure R Expenditures which was entered into between the Sponsor and the Authority on May 29, 2007 and is subject to all terms and conditions thereof. This Program Supplement is executed under authority of Resolution No. ___-2012, approved by the Sponsor on February 21, 2012 (See copy attached).

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

Covenants of Sponsor

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

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

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

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

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

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

COUNTY OF TULARE
TRANSPORTATION AUTHORITY

By: __________________________
    Authority Director

CITY OF PORTERVILLE

By: __________________________
    Ronald L. Irish, Mayor

Attest:

By: __________________________
    John D. Lollis, City Clerk
RESOLUTION NO. _______ - 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE
TULE RIVER PARKWAY, PHASE III PROJECT

WHEREAS, the City of Porterville Bike and Pedestrian Program is eligible to
receive reimbursement of costs for acquiring properties related to the Tule River
Parkway, Phase III Project, which meets the Measure R guidelines and City General
Plan for alternate modes of travel; and

WHEREAS, the Tulare County Association of Governments is requesting that the
City of Porterville approve and submit a Supplemental Agreement that will allow the City
to receive reimbursement for all property acquisition costs incurred in Fiscal Year
2011/2012;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
Porterville does hereby affirm and approve support of the Tule River Parkway Phase III
Project and authorizes the Mayor and City Clerk to execute the Program Supplement
and any other related documents as may be required.

PASSED, APPROVED and ADOPTED this 21st day of February, 2012.

Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
STATE OF CALIFORNIA   )
CITY OF PORTERVILLE   )   SS
COUNTY OF TULARE     )

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21st day of February, 2012.

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

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<tr>
<th>Council:</th>
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<td>AYES:</td>
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John D. Lollis, City Clerk

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

TULE RIVER PARKWAY, PHASE III

Project Scope:

The project includes the acquisition of six (6) parcels and one (1) easement parcel for a trail and parkway improvements in and along the Tule River floodway that will begin at Main Street and extend easterly to Plano Street. The last parcel listed below is an acquisition that will link the Tule River Parkway with the Proposition 84 funded Chase Avenue Neighborhood Park. The actual hard surface trail and parkway amenities are future improvements that will be constructed when additional funding sources are available, such as another possible EEM grant with a Measure “R” Alternative Transportation funding match or other potential funding sources. The following is a table of parcels, owners, square footage, estimated acquisition costs, property negotiation costs and funding plan:

<table>
<thead>
<tr>
<th>Portion of Assessor Parcel Number</th>
<th>Owner(s)</th>
<th>Acquisition Area (S.F.)</th>
<th>Amount per S.F. (Title Interest)</th>
<th>Acquisition Amount ($)</th>
<th>Consultant, Appraiser and Staff Time ($)</th>
<th>Total ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>261-020-011</td>
<td>Reeder/Odom</td>
<td>106,721</td>
<td>$0.29 (fee)</td>
<td>$30,949.09</td>
<td>$7,650.00</td>
<td>$38,599.09</td>
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<tr>
<td>261-070-004</td>
<td>Poplar Ditch Co.</td>
<td>164,208</td>
<td>$0.36 (fee)</td>
<td>$59,114.88</td>
<td>$7,650.00</td>
<td>$66,764.88</td>
</tr>
<tr>
<td>261-020-010</td>
<td>Mouton</td>
<td>167,188</td>
<td>$0.36 (fee)</td>
<td>$60,187.68</td>
<td>$7,650.00</td>
<td>$67,837.68</td>
</tr>
<tr>
<td>261-020-010</td>
<td>Mouton</td>
<td>8,624</td>
<td>$0.18 (easement)</td>
<td>$1,522.32</td>
<td>$7,650.00</td>
<td>$9,172.32</td>
</tr>
<tr>
<td>261-070-013</td>
<td>Bueno</td>
<td>666</td>
<td>$2.50 (fee)</td>
<td>$1,665.00</td>
<td>$7,650.00</td>
<td>* $9,315.00</td>
</tr>
<tr>
<td>261-070-013</td>
<td>Bueno</td>
<td>7,185</td>
<td>$2.50 (fee)</td>
<td>$17,962.50</td>
<td>$7,650.00</td>
<td>* $25,612.50</td>
</tr>
<tr>
<td>261-020-011</td>
<td>Reeder/Odom</td>
<td>113,826</td>
<td>$0.30 (fee)</td>
<td>$34,147.80</td>
<td>$7,650.00</td>
<td>* $41,797.80</td>
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</table>

Total Estimated Costs: $259,797.27
Contingencies: $24,870.73
Total Estimated Property Acquisition Costs: $284,000.00

Current Funding Sources

Environmental Enhancement & Mitigation (EEM) Grant: $191,749.82
Grant Match (Measure “R” Alternative Transportation): $15,524.88
Measure “R” Alternative Transportation: $76,725.30
Total Funding Available: $284,000.00

* Denotes potential parcels outside of the EEM Grant project limits
COUNCIL AGENDA: FEBRUARY 21, 2012

SUBJECT: APPROVAL OF THE SECOND AMENDMENT TO THE AGREEMENT FOR TRANSIT SERVICES FOR COLLEGE OF SEQUOIA STUDENTS

SOURCE: Public Works Department - Transit

COMMENT: On December 14, 2010, the College of Sequoia (COS) entered into an agreement between the Tulare County Association of Governments and all Tulare County transit agencies to provide students with an unlimited fixed route transit pass valid on Tulare County fixed route Bus Services and Kings Area Rural Transit fixed routes. The Tulare and Kings County bus service includes the following transit providers: City of Visalia, City of Tulare, City of Dinuba, City of Porterville, Kings Area Rural Transit and the County of Tulare.

The term of the existing agreement expired on December 31, 2011. The amended agreement allows TCAG and the City of Porterville to enter into a renewable agreement for transit services during the Spring semester of 2012 for transit services for College of the Sequoias students which is effective as of January 1, 2012.

All of the transit providers in both the County of Tulare and Kings County reviewed the attached amended agreement. TCAG has requested that each transit agency take this agreement before their respective governing board for approval.

Staff has met with college representatives to open up discussion on the possibility of developing a similar agreement with Porterville College. Staff will continue meeting with college representatives and members of the student body and expects to finalize development of the agreement in the very near future. A vote by the college student body along with Council approval will be required to implement any student pass program.

It will be staff’s recommendation that similar agreements with the other transit providers in the area be included in this student pass agreement to provide county-wide participation and better regional mobility to all Porterville College students.
RECOMMENDATION: That the City Council:

1. Approve the attached Second Amendment to Agreement for Transit Services;
2. Authorize the Mayor, City Clerk and City Attorney to execute the Amended Transit Services Agreement for transit services; and
3. Authorize staff to forward the executed Amended Agreement for Transit Services to TCAG.

ATTACHMENT: Second Amendment to Agreement for Transit Services
SECOND AMENDMENT TO AGREEMENT FOR TRANSIT SERVICES

Tulare County Association of Governments Agreement (effective 1/1/2012) with transit providers to provide transit services for College of Sequoia students (entered into on December 14, 2010) is amended on February 21, 2012, between the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, hereinafter referred to as “TCAG” and “CITY OF PORTERVILLE” hereinafter referred to as “AGENCY” with reference to the following:

WHEREAS, TCAG and AGENCY entered into a renewable agreement for transit services for College of Sequoias students during the Spring 2011 and Fall 2011 semesters; and

WHEREAS, TCAG and AGENCY desire to amend said agreement to provide the same transit services for the Spring 2012 semester; and

WHEREAS TCAG and AGENCY desire to have this amendment be effective as of January 1, 2012.

ACCORDINGLY, IT IS AGREED:

I. Paragraph 1. TERM of AGENCY Agreement entered into on December 14, 2010 is amended to read: The term of the agreement shall commence on January 1, 2012 and shall expire at 11:59 PM on May 31, 2012 unless otherwise terminated as provided in this Agreement. The agreement will be renewable for similar or different terms and conditions upon mutual agreement between TCAG, COS, and AGENCY and between TCAG and the additional agencies: City of Visalia (Visalia Transit, Visalia Towne Trolley), City of Tulare (Tulare Intermodal Express), City of Dinuba (Dinuba Area Regional Transit/Dinuba Connection), City of Porterville (Porterville Transit), Tulare County (Tulare County Area Transit), and Kings Area Rural Transit (KART) for transit service in Tulare and Kings County.

II. Paragraph 3, PAYMENT of AGENCY Agreement is amended to read: COS agrees to transfer all transportation funds collected plus the Board of Trustees contribution to TCAG quarterly on or before the following dates: January 1 and March 1. TCAG agrees to transfer those funds monthly to participating agencies within 10 business days of receiving all COS student ridership data summary of monthly student ridership which is due the 15th day of every month. The first deadline for data submittal by the AGENCY is Wednesday, February 15. If the 15th falls on a weekend or holiday, the data will be due the following Monday. TCAG will disburse the funds to AGENCY based on their proportional share of monthly student ridership. The revised formula to calculate the AGENCY’s percentage share of total program revenues is as follows:

\[
\text{AGENCY COS ridership} \times \text{AGENCY average miles per passenger} \\
\text{The value of total COS passenger miles from all transit operators}
\]
If AGENCY fails to provide the ridership data by the 15th of the month, their distribution for that month will be based on one-half of their previous month’s ridership data. If data is not provided by the AGENCY for the first month of operation, the AGENCY will forfeit that month’s distribution and any subsequent months until a base month is established.

III. Except as provided above, all other terms and conditions of AGENCY Agreement shall remain in full force and effect.

IV. This amendment shall become effective on January 1, 2012

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Date ____________________________  By ____________________________

ATTEST: TED SMALLEY, Executive Director
Tulare County Association of Governments

By ____________________________

Executive Director, TCAG

Approved as to Form, County Counsel

By ____________________________  Date ____________________________

Deputy County Counsel

AGENCY

Date ____________________________  By ____________________________

ATTEST: John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
Approved as to Form, City Counsel

By ____________________________  Date ____________________________

Julia M. Lew, City Attorney
SUBJECT: INSTALLATION OF "NO PARKING" SIGNS ALONG KESSING STREET ADJACENT TO HOME DEPOT AND THE INSTALLATION OF TWENTY-MINUTE PARKING SIGNS ALONG WESTWOOD STREET AND MORTON AVENUE ADJACENT TO BURTON ELEMENTARY SCHOOL

SOURCE: Public Works Department - Engineering Division

COMMENT: Article IV, Section 17-4(a) of the City’s Traffic Ordinance No. 1162 authorizes the City Engineer to place and maintain or cause to be placed and maintained traffic control devices as he may deem necessary or proper to regulate traffic. The Traffic Engineer must make such determinations based on traffic engineering principles and traffic investigations. Section 17-4(b) stipulates that the public must be notified of the application of a traffic control device so as to be effective when the traffic control device is installed. Section 17-4(c) of the Traffic Ordinance states that a resolution must be effected prior to the installation of the traffic control devices. Article X Section 17-10.2 of the City’s Traffic Ordinance No. 1162 authorizes the City Engineer to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas.

On April 13, 2011, HD Development of Maryland, Inc. (Home Depot), granted to the City of Porterville portions of Kessing Street and Vandalia Avenue between Jaye Street and Poplar Avenue. As a stipulation for conveying the public street, Home Depot asked if "No Parking" signs could be placed along Kessing Street between Vandalia Avenue and Poplar Avenue.

The City Engineer, after careful consideration, review of field conditions, and review of development proposal(s) along the west side of Kessing Street between Vandalia Avenue and Poplar Avenue, has determined a need to install a dual left lane on Kessing Street within the previously mentioned limits for accessing Home Depot and said vacant land. In doing so, "No Parking" signs are mandatory and warranted.

Traffic Ordinance No. 1162, Traffic Resolution No. 10-2001 defines and establishes certain streets and parts of streets as one way streets, through streets, stop intersections, no parking areas, diagonal parking zones, no parking zones, truck routes and commercial vehicles prohibited streets. An amendment to Traffic Resolution No. 10-2001 is necessary for placement of "No Parking" signs on Kessing Street between Vandalia Avenue and Poplar Avenue.
Article XI Section 17-11 of the City's Traffic Ordinance No. 1162 authorizes the City Engineer to maintain, by appropriate signs or by paint upon the curb surface, twenty-minute parking areas. Burton School District has requested a loading zone or 20-minute parking zone near the intersection of Morton Avenue and Westwood Street.

The City Engineer, after careful consideration and review of field conditions, has determined that a 200 foot long twenty-minute parking zone along the east edge of Westwood Street, and a 40 foot long twenty-minute parking zone along the north edge of Morton Avenue, adjacent to Burton Elementary School, is proper and appropriate.

RECOMMENDATION: That City Council:

1. Pass a resolution amending Traffic Resolution No. 10-2001, designating Kessing Street between Vandalia Avenue and Poplar Avenue as a no parking zone;

2. Authorize the City Engineer to notify the public, by any effective means, of the application of a no parking zone along Kessing Street between Vandalia Avenue and Poplar Avenue;

3. Authorize the City Engineer to notify the public, by any effective means, of the application of a twenty-minute parking zone adjacent to Burton Elementary School along Westwood Street and Morton Avenue; and

4. Authorize the City Engineer to install traffic control devices, namely the "No Parking" signs along Kessing Street, and the twenty-minute parking zone along Westwood Street and Morton Avenue with proper curb painting and signs.

ATTACHMENTS: Resolution
Amended Traffic Resolution #10-2001
Kessing No Parking Exhibit
Westwood/Morton Twenty-Minute Parking Exhibit
RESOLUTION NO.______

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
AMENDING TRAFFIC RESOLUTION NO. 10-2001

WHEREAS, per Traffic Ordinance No. 1162, Traffic Resolution No. 10-2001 defines and establishes certain streets and parts of streets in the City of Porterville as one way streets, through streets, stop intersections, no parking areas, diagonal parking zones, no parking zones, truck routes and commercial vehicles prohibited streets; and

WHEREAS, the Traffic Resolution needs to be amended;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the following change is made to Section 22 of Traffic Resolution No. 10-2001:

A. Section 22. No Parking Areas. Add to Section 22 the following:

22-7. The entire Kessing Street frontage between Vandalia Avenue and Poplar Avenue.

PASSED, APPROVED and ADOPTED this 21st day of February, 2012.

Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21st day of February, 2012.

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

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<tr>
<th>Council:</th>
<th>McCracken</th>
<th>Shelton</th>
<th>Ward</th>
<th>Hamilton</th>
<th>Irish</th>
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John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. 10-2001

THE TRAFFIC RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE

Defining and establishing certain streets and parts of streets in the City of Porterville as one way streets, through streets, stop intersections, no parking areas, diagonal parking areas, no stopping zones, truck routes and commercial vehicles prohibited streets.

Be it resolved by the City Council of the City of Porterville as follows:

Sec. 20. One Way Streets.

The streets or portions of streets in this City hereinafter described in sections numbered 20 in the first two digits are hereby defined and established as One-Way Streets and shall be governed by the provisions of Section 17-6. of Ordinance No. 1162.

20-1. Laurel Street, in an easterly to westerly direction, from its intersection with North Main Street to its intersection with Sunnyside Avenue.
20-2. Sunnyside Avenue, in a northerly to a southerly direction from its intersection with Laurel Street to its intersection with Danner Street.
20-3. Hockett Street, in a southerly to a northerly direction, from its intersection with West Olive Avenue to its intersection with West Oak Avenue.
20-5. Putnam Avenue, in an easterly to westerly direction from its intersection with Hillcrest Street to Ruth Street.
20-6. Mill Avenue, in an easterly to westerly direction from its intersection with Hockett to "D" Street.
20-7. Alley west of Pearson Drive, in a southerly to northerly direction from its intersection with Cleveland Avenue.
20-8. Alley between Main and Second, in a northerly to southerly direction from its intersection with East Morton Avenue to East Olive Avenue.

Sec. 21. Through Streets and Stop Intersections

The streets or portions of streets, intersections or entrances thereto in this City hereinafter described in sections numbered 21 in the first two digits, are hereby defined and established as Through Streets and Stop Intersections and shall be governed by the provisions of Section 17-7.1(a) and 17-7.1(b) of Ordinance No. 1162.

21-2. Belleview from Villa Street to "E" Street.
21-3. "D" Street from Morton Avenue to Orange Avenue.
21-4. Date Avenue from Jaye Street to Park Street.
21-5. Grand Avenue from Prospect Street to "E" Street.
21-6. Henderson Avenue from Newcomb Street to Plano Street.
21-7. Hockett Street from Morton Avenue to Olive Avenue.
21-8. Indiana Street from Morton Avenue to North City Limits and from River Oak Avenue to SR190.
21-10. Main Street from North City Limits to South City Limits.
21-11. Mill Avenue from Third Street to Plano Street.
21-12. Morton Avenue from Newcomb Street to Crestview Street.
21-13. Mulberry Avenue from West City Limits to East City Limits.
21-14. Newcomb Street from Olive Avenue to North City Limits.
21-15. Olive Avenue from Westwood Street to Plano Street and from Ruth Street to Doyle Street.
21-16. Orange Avenue from Jaye Street to Plano Street.
21-17. Pioneer Avenue from West City Limits to East City Limits.
21-18. Plano Street from North City Limits to South City Limits.
21-19. Porter Road from Olive Avenue to Henderson Avenue.
21-20. Prospect Street from Morton Avenue to North City Limits.
21-21. Putnam Avenue from Porter Road to Crestview Street.
21-22. Second Street from Morton Avenue to Danner Avenue.
21-23. Sunnyside Street from Morton Avenue to Olive Avenue.
21-24. Third Street from Morton Avenue to Olive Avenue.
21-25. Villa Street from Olive Avenue to Henderson Avenue.
21-26. Westfield Avenue from Westwood Street to Main Street.
21-27. Westwood Street from Westfield Avenue to the Tule River.
21-28. Springville Avenue from Wisconsin Street to Jaye Street.
21-29. West Street from Scranton Avenue to South City Limits.
21-30. Newcomb Street from 600 feet North of Scranton Avenue to South City Limits.
21-31. Hope Avenue from Newcomb Street to the West end of Hope Avenue.
21-32. Parkway Drive from Indiana Street to Oak View Street.
21-33. North Grand within the City Limits from West City Limits line to North Main Street.
21-34. Mathew Street between Westfield Avenue and Castle Avenue.
21-35. White Chapel Avenue from Westwood Street to the West City Limits.
21-36. Beverly Street from Pioneer Avenue to North Grand Avenue.

*****

21-100. The intersection of Corona Avenue and Park Street.
21-101. The intersection of Douglas Street and Bellevue Avenue.
21-102. The intersection of Esther Street and Mill Avenue.
21-103. The intersection of Harrison Avenue and Fourth Street.
21-104. The intersection of Henderson Avenue and Plano Street.
21-105. The intersection of Isham Street and Corona Avenue.
21-106. The intersection of LaVida Avenue and Milo Street.
21-107. The intersection of Lime Street and Mulberry Avenue.
21-108. The intersection of Lime Street and Olivewood Avenue.
21-109. The intersection of Lime Street and Brightwood.
21-110. The intersection of Putnam Avenue and Crestview.
21-111. The intersection of School Avenue and Division Street.
21-112. The intersection of Scenic Drive and Mulberry Avenue.
21-113. The intersection of Oakmont Avenue and Village Green Street.
21-114. The intersection of Prospect Street and Pioneer Avenue.
21-115. The intersection of Bellevue Avenue and "E" Street.
21-116. The intersection of Orange Avenue and Jaye Street.
21-117. The intersection of Orange Avenue and Leggett Street.
21-118. The intersection of Orange Avenue and Western Street.
21-119. The intersection of Palm Place and Bellevue Avenue.
21-120. The intersection of Villa Street and Grand Avenue. REMOVED
21-121. The intersection of Villa Street and Putnam Avenue. REMOVED
21-122. The intersection of Henderson Avenue and Westwood Street.
21-123. The intersection of Cottage Place and Pioneer Avenue.
21-124. The intersection of Westfield Avenue and Indiana Street.
21-125. The intersection of East Jasmine Drive South and Hillcrest Street.
21-126. The intersection of Mathew Street and Westfield Avenue.
21-127. The intersection of Lu Ann and Westfield Avenue.
21-128. The intersection of Wall Avenue and Mathew Street.
21-129. The intersection of San Lucia Avenue and Mathew Street.
21-130. The intersection of Orange Avenue and Westwood Street.
21-131. The northernmost intersection of Oak Avenue and Crestview Street.
21-132. The intersection of Scranton Avenue and West Road.
21-133. The intersection of Prospect Street and Orange Avenue.
21-134. The intersection of Prospect Street and Forest Avenue.
21-135. The intersection of Memory Lane and Balmoral Drive (North).
21-136. The intersection of Memory Lane and Balmoral Drive (South).
21-137. The intersection of White Chapel and Balmoral Drive.
21-138. The intersection of White Chapel and Mathew Street.
21-139. The intersection of Mathew Street and Monache Avenue.
21-140. The intersection of Castle Avenue and York Street.
21-141. The intersection of Blue Heron Parkway and Worth Avenue.
21-142. The intersection of Elderwood Street and Porter Creek Avenue.
21-143. The intersection of Porter Creek Avenue (eastbound only) at Elderwood
21-144. The intersection of Thurman Avenue and "F" Street
21-145. The intersection of Newcomb Street and Westfield Avenue
21-146. The intersection of Bellevue and Cottage
21-147. The intersection of Morton Avenue and Mathew Street
21-148. The intersection of Olive Avenue and Mathew Street
21-149. The intersection of North Grand Avenue and Newcomb Street
21-150. The intersection of Newcomb Street and Scranton Avenue
21-151. The intersection of "G" Street and Oak Avenue
21-152. The intersection of Leggett Street and Grand Avenue

©Res #63-2002, ÔRes #149-02, ORes #177-2002, ÔRes #118-03, *Res #103-04, ÔRes #89-05 (Temporary), *Res #129-05, ÔRes #60-2006,
Sec. 22. No Parking Areas

The streets or portions of streets in this City hereinafter described in sections numbered 22 in the first two digits are hereby defined and established as No Parking Areas and shall be governed by the provisions of Section 17-10.3(d) of Ordinance No. 1162.

22-1. It shall be unlawful to park any vehicle on Division Street from its intersection with Morton Avenue to its intersection with the bridge over Porter Slough.

22-2. It shall be unlawful to park any vehicle in the alley between Second and Main Streets from its intersection with Olive Avenue to its intersection with Morton Avenue.

22-3. It shall be unlawful to park any vehicle on Oak Avenue from its intersection with Main Street and Division Street.

22-4. It shall be unlawful to park any truck or trailer on the north side of Belleview Avenue between Main Street and Second Street in the area that is 150 feet west of the centerline of Second Street and 215 feet west of the center-line of Second Street.

22-5. It shall be unlawful to park any commercial vehicle, house car, trailer coach, or camper of which the overall length is in excess of 18 feet and 6 inches at any time on Main Street between Morton and Olive Avenues.

22-6. It shall be unlawful to park any vehicle on the south side of Poplar Avenue for the entire frontage of Lone Oak Estates.

22-7. The entire Kessing Street frontage between Vandalia Avenue and Poplar Avenue.

(Res. #155-02; Res. #____-2012)

Sec. 23. Diagonal Parking Zones

The streets or portions of streets in this City hereinafter described in sections numbered 23 in the first two digits are hereby defined and established as Diagonal Parking Zones and shall be governed by the provisions of Section 17-11.4* of Ordinance No. 1162.

23-1. Motor vehicles parking on each side of Main Street from Morton Street to Olive Street shall use angular parking and shall be parked at the angle and within the markings established for such parking.

23-2. Motor vehicles parking on the west side of Hockett Street between Olive Avenue and Vine Avenue, except that portion of the west side of Hockett Street located between a point 293 feet south of the south right of way line of Olive Avenue and the north right of way line of Vine Avenue, shall use angular parking and shall be parked at an angle and within the marking established for such parking.

23-3. Motor vehicles parking on the south side of Mill Avenue between Hockett and "D" Streets shall use angular parking and shall be parked at the angle and within the markings established for such parking.

23-4. Motor vehicles parking on the west side of "F" Street between Vine and Walnut shall use angular parking and shall be parked at the angle and within the markings established for such parking.
23-5. Motor vehicles parking on the south side of Walnut Avenue between "F" and "G" Streets, except for one parallel space east of the alley, shall use angular parking and shall be parked at the angle and within the marking established for such parking.

23-6. Motor vehicles parking on the north side of Walnut Avenue between "C" Street and the alley to the east of "C" Street shall use angular parking and shall be parked at the angle and within the markings established for such parking.

23-7. Motor vehicles parking on the east side of "C" Street between Walnut Avenue and Vine Avenue shall use angular parking and shall be parked at the angle and within the markings established for such parking.

23-8. Motor vehicles parking on the west side of "C" Street from Locust to 250 feet south shall use angular parking and shall be parked at the angle and within the markings established for such parking.

23-9. Motor vehicles parking on the east side of "E" Street between Morton and Bellevue shall use angular parking and shall be parked at the angle and within the markings established for such parking.

23-10. Motor vehicles parking on the south side of Morton Avenue, from a point 45 feet east of the Roche Street curb return to a point 250 feet east, shall use diagonal parking and shall be parked at the angle and within the markings established by the City for such parking.

23-11. Motor vehicles parking on both sides of Walnut Avenue between Main Street and "C" Street shall use angular parking and shall be parked at the angle and within the markings established for such parking.

(Res. #72-04 Removed 23-12)

Sec. 24. **Truck Routes**

The streets or portions of streets in this City hereinafter described in sections numbered 24 in the first two digits are hereby defined and established as truck routes and shall be governed by the provisions of Section 17-13.1 of Ordinance No. 1162.

<table>
<thead>
<tr>
<th>Street/Limit</th>
<th>Time/Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-1. Henderson Avenue between Porter Road and 1000 feet East of Plano Street.</td>
<td>Unlimited exception Sundays and holidays 6:00 a.m. - 7:00 p.m.</td>
</tr>
<tr>
<td>24-2. Plano Street between Henderson Avenue and South City Limits.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-3. North Main Street between Henderson Avenue and North City Limits.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-4. North Grand Avenue between Main Street and State Route 65.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-5. South Main Street between Orange Avenue and South City Limits.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-6. Olive Avenue between &quot;E&quot; Street and West City Limits.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-7. &quot;E&quot; Street between Olive Avenue</td>
<td>Unlimited</td>
</tr>
</tbody>
</table>
and Orange Avenue.

24-8. Orange Avenue between "E" Street and Main Street.
24-9. Jaye Street between State Route 190 and Olive Avenue.

24-10. Springville Avenue between Jaye Street and "E" Street.
24-11. "E" Street between Springville Avenue and Poplar Road.
24-12. Poplar Road between 700 feet East of "E" Street and Jaye Street.
24-13. Tea Pot Dome Avenue between State Route 65 and Newcomb Street.
24-14. Newcomb Street between Tea Pot Dome Avenue and Hope Road.

exception Sundays and holidays

Unlimited

d Exception Sundays and holidays

6:00 a.m. - 7:00 p.m. exception Sundays and holidays

Unlimited

Sec. 25. Streets from Which Commercial Vehicles are Prohibited

The streets or portions of streets in this City hereinafter described in section number 25 in the first two digits are hereby defined and established as streets from which commercial vehicles are prohibited and shall be governed by the provisions of Section 17-13.3 of Ordinance No. 1162.

25-1. Hockett Street from its intersection with Orange Avenue to its intersection with Morton Avenue.
25-2. Division Street from its intersection with Willow Avenue and Hockett Street to its intersection with Morton Avenue.
25-3. Main Street from its intersection with Morton Avenue to its intersection with Orange Avenue.
25-4. "C" Street from its intersection with Orange Avenue to its intersection with Olive Avenue.
25-5. Second Street from its intersection with Olive Avenue to its intersection with Morton Avenue.
Sec. 26. **Surface Transportation Assistance Act (STAA) Truck Routes**

The streets or portions of streets in this City hereinafter described in sections numbered 26 in the first two digits are hereby defined and established as STAA Truck Routes and shall be governed by the provisions of Section 17-13.2 of Ordinance No. 1162.

<table>
<thead>
<tr>
<th>Street Limit</th>
<th>Time/Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>26-1. Henderson Avenue between Porter Road and 1000 feet East of Plano Street.</td>
<td>Unlimited exception Sundays and holidays 6:00 a.m. - 7:00 p.m.</td>
</tr>
<tr>
<td>26-2. Plano Street between Henderson and State Route 190.</td>
<td>Unlimited exception Sundays and holidays 6:00 a.m. - 7:00 p.m.</td>
</tr>
<tr>
<td>26-3. Jaye Street between State Route 190 and Springville Avenue.</td>
<td>Unlimited exception Sundays and holidays 6:00 a.m. - 7:00 p.m.</td>
</tr>
<tr>
<td>26-4. Springville Avenue between Jaye Street and &quot;E&quot; Street.</td>
<td>Unlimited exception Sundays and holidays 6:00 a.m. - 7:00 p.m.</td>
</tr>
<tr>
<td>26-5. &quot;E&quot; Street between Springville Avenue and Poplar Road.</td>
<td>Unlimited exception Sundays and holidays 6:00 a.m. - 7:00 p.m.</td>
</tr>
<tr>
<td>26-6. Poplar Road between 700 feet East of &quot;E&quot; Street and Jaye Street.</td>
<td>Unlimited exception Sundays and holidays 6:00 a.m. - 7:00 p.m.</td>
</tr>
<tr>
<td>26-7. Jaye Street from SR 190 to Montgomery Avenue.</td>
<td>Unlimited exception Sundays and holidays 6:00 a.m. - 7:00 p.m.</td>
</tr>
<tr>
<td>26-8. Montgomery Avenue from Jaye Street to &quot;H&quot; Street.</td>
<td>Unlimited exception Sundays and holidays 6:00 a.m. - 7:00 p.m.</td>
</tr>
<tr>
<td>26-9. &quot;H&quot; Street from Poplar Road to 600 feet south of Montgomery Avenue.</td>
<td>Unlimited exception Sundays and holidays 6:00 a.m. - 7:00 p.m.</td>
</tr>
<tr>
<td>26-10. Poplar Road (south of SR 190) from &quot;H&quot; Street to 300 feet east of &quot;H&quot; Street.</td>
<td>Unlimited exception Sundays and holidays 6:00 a.m. - 7:00 p.m.</td>
</tr>
</tbody>
</table>

ss on file

Pete V. McCracken, Mayor

ATTEST:

ss on file

John D. Lollis, City Clerk
CITY OF PORTERVILLE
ENGINEERING DIVISION

BURTON ELEMENTARY CURBING AND SIGNAGE

DRAWN BY: AV
CHECKED BY: JS
SCALE: 1" = 60'
DATE: 01-24-12

20 MINUTE PARKING 8AM TO 6PM
EXCEPT SUNDAY AND HOLIDAYS

BURTON ELEMENTARY

LEGEND:

EXISTING IMPROVEMENTS (TYP.)

EXISTING PAVEMENT MARKING (TYP.)

TRAFFIC SIGN

REPAINT ±90 LF
OF RED CURBING

PAINT ±40 LF
OF GREEN CURBING

REPAINT ±45 LF
OF RED CURBING

PAINT 200 LF
OF GREEN CURBING

2 3/8" O.D. x 0.085 WALL
THICKNESS GALVANIZED
STEEL ROUND POST

12" SQUARE FORMED TOP WITH
TROMLED AND TOODED FINISH
TO MATCH SIDEWALK

CLASS "C" P.C.C. FOOTING
(2) 3/8" x 3/8" BOLTS
WELDED TO POST

INSTALL TRAFFIC SIGN PER
DETAILED ON THIS SHEET.
(TYPICAL OF 7)

SIGN INSTALLATION

PROPERTY LINE

WESTWOOD ST.

MORTON AVE.

Curb & Gutter

FAGE OF CURB

24" MIN.

7" MIN. TO 8" MAX.

14°

14°

3" MIN.
COUNCIL AGENDA: FEBRUARY 21, 2012

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 67 tons of general refuse received, and an additional 62 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 that the City host two Community Clean Up Events in 2012. The proposed event dates are Saturday, April 14th, and Saturday, October 20th. Staff is unaware of any community event conflicts with these dates. 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.

P:\pubwork\General\Council\Community Clean Up Events - 2012-02-21.doc

Dir B appropriation Funded 4 CM Item No. 10
CONSENT CALENDAR

SUBJECT: ADOPTION OF FINDINGS TO ALLOW A PUBLIC IMPROVEMENT WITHIN AN AGRICULTURAL PRESERVE ON THE FORMER MOE PROPERTY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: On January 12, 2012, a grant deed was recorded acquiring a 3,528 square foot portion of property from Corridor Group LLC for the future widening and improvement of a portion of Newcomb Street, south of Olive Avenue. The property acquired was part of an agricultural contract through the Williamson Act. Government Code Section 51292 requires that a public agency make findings prior to locating a public improvement within an agricultural preserve. The attached draft resolution contains the necessary findings, which have been previously reviewed and accepted by the Department of Conservation.

RECOMMENDATION: That the City Council adopt the proposed resolution adopting findings pursuant to Government Code Section 51292 regarding locating a public improvement within an agricultural preserve.

ATTACHMENTS: 1. Map of land acquisition
2. Draft Resolution
City of Porterville
221 N. MAIN ST.
PORTERVILLE, CA 93257
(559) 782-7462

The East 42 feet of the South half of the Northeast quarter of Section 33, Township 21 South, Range 27 East, Mount Diablo Base and Meridan, in the County of Tulare, State of California.
RESOLUTION NO. 

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING FINDINGS TO ALLOW A PUBLIC IMPROVEMENT WITHIN AN AGRICULTURAL PRESERVE ON THE FORMER MOE PROPERTY LOCATED ON THE WEST SIDE OF NEWCOMB STREET SOUTH OF OLIVE AVENUE

WHEREAS: On March 15, 2011 the City Council adopted Resolution No. 12-2011 which is a Resolution of Necessity requiring the exercise of the power of eminent domain pertaining to the acquisition of property for use by the City of Porterville for the widening and improvement of Newcomb Street in compliance with the requirements of Section 1245.210 et seq. of the Code of Civil Procedure of the State of California; and

WHEREAS: On May 17, 2011, the City Council adopted Resolution No. 22-2011 which is a Resolution of the City Council of the City of Porterville accepting a grant deed in fee for public street and underground utilities purposes from corridor group LLC, a California Limited Liability Company; and

WHEREAS: The property acquired by the City was entered into Williamson Act Land Contract No. 09749 and Agricultural Preserve No. 3304 pursuant to Government Code Section 51200 et seq.; and

WHEREAS: Government Code Section 51292 requires that a public agency make findings prior to locating a public improvement within an agricultural preserve; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville hereby makes the following findings in respect to Government Code Section 51292:

SECTION 1: The decision to acquire this property is based on the public interest and necessity. CMAQ funds have been obtained through a grant program to widen a major arterial street that serves more than 400 homes. The proposed project serves a public purpose to provide safe access to those homes and is planned and located in the manner that will be most compatible with the greatest public good and the least private injury. Accordingly, the purchase of the property is not based primarily on the lower cost of acquiring land in an agricultural preserve

SECTION 2: The shoulder stabilization project includes the installation of pavement, curb and gutter, sidewalk, storm drain pipes and inlets and culvert replacement work along the west side of Newcomb Street. This arterial has been fully constructed on the developed (east) side of the road. To complete the street, the improvements cannot be feasibly located anywhere else. Acquisition of the right of way on the west side is necessary to widen the road, due to the location of street improvements and single-family residential homes on the east side; therefore, there is no other land

Attachment No. 2
within or outside the preserve on which it is reasonably feasible to locate the necessary public improvements.

APPROVED AND ADOPTED this ____ day of February, 2012.

By: ______________________
    Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

__________________________
Patrice Hildreth, Chief Deputy City Clerk
CONSENT CALENDAR

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 2010-2011 and a report of the Agency’s programs.

The 2010-2011 Annual Report was delivered to Council on December 30, 2011 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 2010-2011.
CONSENT CALENDAR

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) 2012 Action Plan to be submitted to the Department of Housing and Urban Development (HUD), the following items are required: 1) the adoption of the 2012 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 2012 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 2011 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 is proposed.

Six of the seven members of the 2011 committee have expressed their willingness to serve as 2012 committee members:

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

DD Approp./Funded MB CM ITEM NO. 13
Mr. Rudy Roman, who has served on the committee since 1997, was still interested in serving; however, due to scheduling conflicts he won't be available for this year's annual meeting in March and understands that his position will need to be filled by someone who will be able to attend the meetings. Therefore, staff is recommending that Rudy Roman not be reappointed at this time and will work with the City Clerk to post the vacant position for interested persons to apply. The appointment will be on the next City Council agenda, provided one or more responses are received.

The 2012 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, which include the Housing Rehabilitation Program, the First Time Low Income Homebuyer Program, the Public Utility Assistance Program, the Homebuyer Education Program, Permanent Supportive Housing Program for the Homeless, the Neighborhood Improvement Program, the Park Improvement Program, the Business Assistance Program, and the Porterville Youth Center. HUD has informed the City that a reduction of 10% in Entitlement funds can be expected this year. As is typical of each year, not all programs in the Consolidated Plan would be allocated funding.

The Citizens' Advisory and Housing Opportunity Committee will meet in March to hold a Public Hearing on the proposed 2012 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 2012 Citizen Participation Plan; and
2. Appoint existing committee members Pat Contreras, Linda Olmedo, Grace Munoz-Rios, John Dennis, Rebecca Vigil, and Kelle Jo Lowe to the Citizens' Advisory and Housing Opportunity Committee for a one-year term.

ATTACHMENTS: 1. Draft 2012 Citizen Participation Plan
CITY OF PORTERVILLE

2012 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 therefore, 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 shall 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 2012

Advisory Committee Meetings
Annually or as deemed necessary by Committee

Public Hearings (2)
March - May 2012

Adoption of Action Plan
May 2012

Submission of Action Plan
May 2012 (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.
SUBJECT: ACCEPTANCE OF GRANT / APPROVAL OF DISPATCHING SERVICES FOR OTHER POLICE AGENCIES

SOURCE: Police Department

COMMENT: The Cities of Woodlake and Lindsay have formally requested Porterville Police Department to provide police dispatching services to their communities on weekends and during after-business hours.

In furtherance of this project, staff from the three cities submitted a grant application for funds from the 2011 Department of Homeland Security Grant Program. The application was successful and the three cities were awarded $100,000 to implement this project. Because limited funds were available, the HSGP committee granted only partial funding of the $130,000 requested to install and upgrade the needed equipment. In addition to radio and telephone connections, the Police Department will need to add radio capabilities to two consoles in the Communications Center. The department will also need to hire six part-time police dispatchers to provide adequate dispatch services to the two communities. Woodlake and Lindsay will bear the employment costs of the part-time dispatchers in return for the services rendered.

The department may require additional funds during the installation and implementation process to complete the needed upgrade of equipment in the Communications Center. Should additional funds be necessary, staff requests that Council consider use of Measure “H” funding to complete the needed work. An upgrade of the 9-1-1 Dispatch Center was a component of the Public Safety Sales Tax Measure when presented to the voters. The upgrade of the two dispatch consoles in the Communications Center would seem to be consistent with the provisions of Measure “H.” It should be noted that Porterville will also benefit from the updated dispatch equipment and the extra dispatch personnel, particularly in the event of a large incident occurring in our city.

This grant is administered via the reimbursement process. The department would initially pay for expenditures from the Asset Forfeiture account and return the funds to the account when funds are reimbursed by HSGP.
A Memorandum of Understanding between the three police agencies is being drafted that details the provisions of dispatching services and outlines the responsibilities and requirements of each municipal agency. Upon completion, the MOU will be presented to the Council for review and approval.

RECOMMENDATION: That the City Council:

1. Accept the Homeland Security Grant from the Tulare County OES in the amount of $100,000; and
2. Authorize the Chief of Police to initially expend funds from the Department’s Asset Forfeiture account (to be returned to account upon receiving reimbursement from HSGP).

ATTACHMENT: Tulare County Grant Award Letter
December 15, 2011

Mr. Chuck McMillan
Chief of Police
City of Porterville, Police Department
350 North “D” Street
Porterville, California 93257
cmcmillan@ci.woodlake.ca.us

Dear Chief McMillan,

Please accept this letter as the official award notice for the respective police departments of the Cities of Lindsay, Porterville, and Woodlake from the FY11 Homeland Security Grant Program (HSGP). A summary of your award status follows:

- Project A – Enhance Interoperable and Operable Communications Capabilities: $100,000 for (1) Computer Aided Dispatch (CAD) and (2) Computer Hardware and Operating System. See the attached Grant Award Workbook page for the approved equipment and corresponding AEL number(s). You are only allowed to purchase equipment listed on this workbook. All invoices must be dated between January 31, 2012 and February 28, 2014 for your purchases to be eligible for reimbursement by Tulare County OES. Tulare County OES requests that all required documentation be submitted by February 28, 2014 to ensure sufficient time to process your paperwork.

The CFDA number for this Grant is 97-067. Requests for reimbursement should be submitted to:

Office of Emergency Services
Tulare County HHSA
5957 South Mooney Boulevard
Visalia, California 93277

If you have any questions, please contact me at (559) 624-7498, or by e-mail at alockman@tularchhsa.org.

Sincerely Yours,

Andrew Lockman
Emergency Services Manager
COUNCIL AGENDA: February 21, 2012

SUBJECT: PURCHASE OF ADDITIONAL POLICE SERVICE DOG

SOURCE: Police Department

COMMENT: In January 2010, the City of Porterville retired Zeus, one of the Department's police service dogs. Since that time, the Department has operated with three (3) service dogs which leaves one of the four patrol shifts without an on-duty service dog.

Thorough research was recently completed by Department staff to find a replacement for Zeus. It was determined that there is currently only one kennel in the State of California that provides a selection of police service dogs and the associated training in accordance with the needs of the Department. This vendor is the supplier of police service dogs to agencies throughout the state, including most of the surrounding agencies. The Department's K-9 specialists recently visited that vendor, Adlerhorst International, Inc., to evaluate the dogs and obtain pricing for a service dog and training that would meet our needs.

The Department would like to enter into an agreement with Adlerhorst International, Inc. to acquire a service dog and necessary training for the dog and handler. This vendor provides a full guarantee against any congenital health defects for two years after date of purchase and additionally guarantees the dog for non-health service-related problems.

The total cost for the police service dog and related training is approximately $14,544. POST will refund a portion of this cost when training is completed. The amount to be refunded is estimated to be approximately $4,200 to cover the cost of the training. Funds for this purchase are available in the Asset Forfeiture Account of the current Police Department budget.

RECOMMENDATION: That the City Council:

1. Approve the purchase of an additional service dog and related training from Adlerhorst International, Inc. utilizing funds from the Asset Forfeiture Account; and

2. Authorize the Chief of Police to enter into an agreement with Adlerhorst International, Inc. to acquire the service dog and associated training.

ATTACHMENT: Quote from Adlerhorst International, Inc.
ADLERHORST INTERNATIONAL, INC.
3951 Vernon Avenue
Jurupa Valley, CA 92509
(951) 685-2430

BILL TO
Porterville Police Department
350 North D Street
Porterville, CA 93257

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>ITEM CODE</th>
<th>DESCRIPTION</th>
<th>PRICE EACH</th>
<th>AMOUNT</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Dog Police Service</td>
<td>Police Dog - Service</td>
<td>9,600.00</td>
<td>9,600.00</td>
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<tr>
<td></td>
<td></td>
<td>- Venco, Malinois, NL, PH-1 400, DOB 05/02/08</td>
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</tr>
<tr>
<td>1</td>
<td>Training Basic Ha.</td>
<td>Basic Handlers Course #192: March 19 - April 27, 2012</td>
<td>4,200.00</td>
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<tr>
<td></td>
<td></td>
<td>- Michael Gray</td>
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<td></td>
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</tbody>
</table>

Subtotal                                               $13,800.00

Sales Tax (7.75%)                                       $744.00

Total                                                  $14,544.00

All Merchandise Subject to CA. Sales Tax
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, 2011, 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. 16
# CITY OF PORTERVILLE

## REVENUE STATUS REPORT - GENERAL FUND

FOR THE SIX MONTHS ENDED
DECEMBER 31, 2011 AND DECEMBER 31, 2010

<table>
<thead>
<tr>
<th>REVENUE SOURCE</th>
<th>2011-2012 ESTIMATED REVENUE</th>
<th>2011-2012 YEAR-TO-DATE REVENUE</th>
<th>% OF ESTIMATE</th>
<th>2010-2011 ESTIMATED REVENUE</th>
<th>2010-2011 YEAR-TO-DATE REVENUE</th>
<th>% OF ESTIMATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROPERTY TAXES</td>
<td>$ 6,737,435</td>
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<td>310,000</td>
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<td>25.33%</td>
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<td>PROPERTY TRANSFER TAX</td>
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<td>60,000</td>
<td>21,678</td>
<td>36.13%</td>
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<td>1,476,134</td>
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<td>60,398</td>
<td>52.52%</td>
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<td>LICENSES AND PERMITS:</td>
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<td>BUSINESS LICENSES</td>
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<td>411,000</td>
<td>213,961</td>
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<td>CONSTRUCTION PERMITS</td>
<td>380,000</td>
<td>178,240</td>
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<td>402,700</td>
<td>174,479</td>
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<td>REVENUE FROM AGENCIES-TAXES:</td>
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<td>7.05%</td>
<td>385,948</td>
<td>48,586</td>
<td>12.59%</td>
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<td>32,000</td>
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<td>REVENUE FROM AGENCIES-GRANTS</td>
<td>169,518</td>
<td>125,903</td>
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<td>610,955</td>
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<td>5.01%</td>
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<td>USE OF MONEY AND PROPERTY</td>
<td>219,393</td>
<td>124,129</td>
<td>56.58%</td>
<td>171,600</td>
<td>88,002</td>
<td>51.28%</td>
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<tr>
<td>FINES AND FORFEITURES</td>
<td>63,000</td>
<td>28,683</td>
<td>45.53%</td>
<td>69,000</td>
<td>18,047</td>
<td>26.16%</td>
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<td>CHARGES FOR SERVICES:</td>
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<tr>
<td>PLANNING AND ENGINEERING</td>
<td>80,000</td>
<td>34,750</td>
<td>43.44%</td>
<td>64,350</td>
<td>44,150</td>
<td>68.61%</td>
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<td>POLICE</td>
<td>264,000</td>
<td>79,003</td>
<td>29.93%</td>
<td>217,000</td>
<td>65,592</td>
<td>30.23%</td>
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<td>47,374</td>
<td>205.97%</td>
<td>24,000</td>
<td>16,220</td>
<td>67.58%</td>
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<td>LIBRARY</td>
<td>38,000</td>
<td>27,178</td>
<td>59.79%</td>
<td>35,000</td>
<td>22,449</td>
<td>64.14%</td>
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<td>RECREATIONAL</td>
<td>1,521,949</td>
<td>687,289</td>
<td>45.16%</td>
<td>1,461,500</td>
<td>654,994</td>
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<td>INTERDEPARTMENTAL</td>
<td>1,600,000</td>
<td>850,617</td>
<td>53.16%</td>
<td>1,617,030</td>
<td>855,659</td>
<td>52.92%</td>
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<td>OTHER</td>
<td>9,000</td>
<td>4,104</td>
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<td>6,000</td>
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<td>72,000</td>
<td>37,076</td>
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<td>72,100</td>
<td>38,234</td>
<td>53.03%</td>
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<tr>
<td><strong>SUBTOTALS</strong></td>
<td><strong>$ 21,316,717</strong></td>
<td><strong>$ 9,448,366</strong></td>
<td><strong>44.32%</strong></td>
<td><strong>$ 21,339,888</strong></td>
<td><strong>$ 9,362,814</strong></td>
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<td>OPERATING TRANSFERS</td>
<td>619,212</td>
<td>134,331</td>
<td>21.69%</td>
<td>1,078,846</td>
<td>117,191</td>
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<td>DEBT SERVICE TRANSFERS</td>
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<td>516,542</td>
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<td>654,962</td>
<td>494,175</td>
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<td><strong>TOTALS</strong></td>
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<td><strong>$ 10,099,239</strong></td>
<td><strong>44.79%</strong></td>
<td><strong>$ 23,073,696</strong></td>
<td><strong>$ 9,974,180</strong></td>
<td><strong>43.23%</strong></td>
</tr>
<tr>
<td>--------------------------------------</td>
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<td>-------------------------------</td>
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<tr>
<td>MEASURE H SALES TAX</td>
<td>$2,665,000</td>
<td>$1,228,161</td>
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<td>$2,450,000</td>
<td>$1,131,376</td>
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<td>2,696,439</td>
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<td>LOCAL TRANSPORTATION FUNDS (LTF)</td>
<td>4,522,437</td>
<td>2,341,137</td>
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<td>4,230,100</td>
<td>989,051</td>
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<td>TRAFFIC SAFETY FUND</td>
<td>125,500</td>
<td>78,955</td>
<td>62.9%</td>
<td>200,000</td>
<td>62,303</td>
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<td>ZALUD ESTATE</td>
<td>7,200</td>
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<td>5,336,700</td>
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<td>985,892</td>
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<td>1,449,298</td>
<td>998,476</td>
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<td>GOLF COURSE</td>
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<td>WATER OPERATING</td>
<td>4,836,621</td>
<td>2,899,579</td>
<td>60.0%</td>
<td>5,163,135</td>
<td>3,051,651</td>
<td>59.1%</td>
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<td>RISK MANAGEMENT</td>
<td>4,384,916</td>
<td>2,476,354</td>
<td>56.5%</td>
<td>4,246,075</td>
<td>2,348,983</td>
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<td>EQUIPMENT MAINTENANCE</td>
<td>2,460,000</td>
<td>1,396,778</td>
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<td>1,266,451</td>
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<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>260,000</td>
<td>114,405</td>
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<td>260,000</td>
<td>138,221</td>
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<td>WATER REPLACEMENT</td>
<td>426,699</td>
<td>208,771</td>
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<td>432,080</td>
<td>241,758</td>
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<td>SOLID WASTE RESERVE</td>
<td>374,306</td>
<td>670,808</td>
<td>179.2%</td>
<td>1,386,036</td>
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<td>259,511</td>
<td>108,444</td>
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<td>249,930</td>
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<td>11,620</td>
<td>23.2%</td>
<td>50,000</td>
<td>11,621</td>
<td>23.2%</td>
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<td>TREATMENT PLANT RESERVE</td>
<td>621,480</td>
<td>251,174</td>
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<td>601,544</td>
<td>271,733</td>
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<td>STORM DRAIN DEVELOPMENT</td>
<td>95,000</td>
<td>49,180</td>
<td>51.8%</td>
<td>95,000</td>
<td>32,617</td>
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<td>BUILDING CONSTRUCTION</td>
<td>20,000</td>
<td>40,372</td>
<td>201.9%</td>
<td>50,000</td>
<td>14,210</td>
<td>28.4%</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$43,293,585</strong></td>
<td><strong>$22,002,173</strong></td>
<td><strong>50.8%</strong></td>
<td><strong>$44,926,934</strong></td>
<td><strong>$21,158,291</strong></td>
<td><strong>47.1%</strong></td>
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## CITY OF PORTERVILLE

### EXPENDITURE STATUS REPORT - GENERAL FUND

**FOR THE SIX MONTHS ENDED**

DECEMBER 31, 2011 AND DECEMBER 31, 2010

<table>
<thead>
<tr>
<th></th>
<th>2011-2012</th>
<th>2011-2012</th>
<th>% OF</th>
<th>2010-2011</th>
<th>2010-2011</th>
<th>% OF</th>
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<td>APPROP</td>
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<td>YEAR-TO-DATE</td>
<td>APPROP</td>
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<tr>
<td>CITY COUNCIL</td>
<td>$95,082</td>
<td>$34,766</td>
<td>36.6%</td>
<td>$120,351</td>
<td>$17,913</td>
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<td>COMMUNITY PROMOTION</td>
<td>166,205</td>
<td>102,983</td>
<td>62.0%</td>
<td>170,352</td>
<td>103,951</td>
<td>61.0%</td>
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<td>-</td>
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</tr>
<tr>
<td>CITY MANAGER</td>
<td>250,955</td>
<td>122,270</td>
<td>48.7%</td>
<td>245,912</td>
<td>111,649</td>
<td>45.4%</td>
</tr>
<tr>
<td>CITY CLERK</td>
<td>168,085</td>
<td>73,735</td>
<td>43.9%</td>
<td>197,104</td>
<td>68,188</td>
<td>34.6%</td>
</tr>
<tr>
<td>HUMAN RESOURCES</td>
<td>235,916</td>
<td>117,084</td>
<td>49.6%</td>
<td>235,299</td>
<td>112,267</td>
<td>47.7%</td>
</tr>
<tr>
<td>CITY ATTORNEY</td>
<td>180,000</td>
<td>92,542</td>
<td>51.4%</td>
<td>180,000</td>
<td>84,661</td>
<td>47.0%</td>
</tr>
<tr>
<td>FINANCE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCE &amp; ACCOUNTING</td>
<td>744,420</td>
<td>359,555</td>
<td>48.3%</td>
<td>745,046</td>
<td>344,149</td>
<td>46.2%</td>
</tr>
<tr>
<td>INFORMATION SERVICES</td>
<td>404,003</td>
<td>217,563</td>
<td>53.9%</td>
<td>369,695</td>
<td>179,016</td>
<td>48.4%</td>
</tr>
<tr>
<td>ADMINISTRATIVE SERVICES</td>
<td>419,324</td>
<td>184,799</td>
<td>44.1%</td>
<td>413,666</td>
<td>189,509</td>
<td>45.8%</td>
</tr>
<tr>
<td>POLICE PROTECTION</td>
<td>8,531,742</td>
<td>3,990,723</td>
<td>46.8%</td>
<td>8,231,630</td>
<td>3,617,097</td>
<td>43.9%</td>
</tr>
<tr>
<td>FIRE PROTECTION</td>
<td>3,750,082</td>
<td>1,790,217</td>
<td>47.7%</td>
<td>3,704,061</td>
<td>1,774,010</td>
<td>47.9%</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLANNING &amp; ZONING</td>
<td>523,424</td>
<td>200,544</td>
<td>38.3%</td>
<td>526,886</td>
<td>207,485</td>
<td>39.4%</td>
</tr>
<tr>
<td>ECONOMIC DEVELOPMENT</td>
<td>206,703</td>
<td>113,844</td>
<td>39.4%</td>
<td>290,273</td>
<td>123,385</td>
<td>42.5%</td>
</tr>
<tr>
<td>PUBLIC WORKS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENGINEERING &amp; BUILDING</td>
<td>1,014,432</td>
<td>452,696</td>
<td>44.6%</td>
<td>1,014,432</td>
<td>461,534</td>
<td>45.5%</td>
</tr>
<tr>
<td>STREET MAINTENANCE</td>
<td>405,021</td>
<td>205,155</td>
<td>50.7%</td>
<td>403,375</td>
<td>168,215</td>
<td>41.7%</td>
</tr>
<tr>
<td>SIGNALS, SIGNING &amp; STRIPING</td>
<td>356,428</td>
<td>137,259</td>
<td>38.5%</td>
<td>314,180</td>
<td>121,231</td>
<td>38.6%</td>
</tr>
<tr>
<td>STREET LIGHTING</td>
<td>479,358</td>
<td>204,740</td>
<td>42.7%</td>
<td>509,336</td>
<td>201,841</td>
<td>39.6%</td>
</tr>
<tr>
<td>STORM DRAINS</td>
<td>90,265</td>
<td>43,909</td>
<td>48.6%</td>
<td>90,017</td>
<td>37,454</td>
<td>41.6%</td>
</tr>
<tr>
<td>PARKING LOTS</td>
<td>47,176</td>
<td>20,794</td>
<td>44.1%</td>
<td>58,153</td>
<td>21,418</td>
<td>36.8%</td>
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<tr>
<td>PARKS &amp; LEISURE:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PARK MAINTENANCE &amp; OPERATION</td>
<td>1,768,439</td>
<td>863,292</td>
<td>48.8%</td>
<td>1,736,443</td>
<td>796,708</td>
<td>45.9%</td>
</tr>
<tr>
<td>STREET TREES &amp; PARKWAYS</td>
<td>217,049</td>
<td>78,026</td>
<td>35.9%</td>
<td>218,375</td>
<td>80,872</td>
<td>37.0%</td>
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<tr>
<td>COMMUNITY CENTERS</td>
<td>246,752</td>
<td>114,575</td>
<td>46.4%</td>
<td>247,752</td>
<td>111,346</td>
<td>44.9%</td>
</tr>
<tr>
<td>LEISURE SERVICES</td>
<td>222,030</td>
<td>106,000</td>
<td>47.7%</td>
<td>222,983</td>
<td>104,301</td>
<td>46.8%</td>
</tr>
<tr>
<td>LEISURE SERVICES - SPECIAL PROG</td>
<td>1,429,550</td>
<td>687,096</td>
<td>48.1%</td>
<td>1,429,397</td>
<td>665,644</td>
<td>48.0%</td>
</tr>
<tr>
<td>SWIMMING POOL</td>
<td>185,901</td>
<td>86,015</td>
<td>51.8%</td>
<td>168,161</td>
<td>91,855</td>
<td>54.6%</td>
</tr>
<tr>
<td>LIBRARY OPERATIONS</td>
<td>612,553</td>
<td>311,473</td>
<td>50.8%</td>
<td>602,937</td>
<td>263,758</td>
<td>43.7%</td>
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<tr>
<td>SPECIAL PROJECTS</td>
<td>17,119</td>
<td>11,604</td>
<td>67.8%</td>
<td>88,849</td>
<td>35,625</td>
<td>39.6%</td>
</tr>
<tr>
<td><strong>SUB TOTALS</strong></td>
<td><strong>22,830,014</strong></td>
<td><strong>10,723,260</strong></td>
<td><strong>47.0%</strong></td>
<td><strong>22,535,665</strong></td>
<td><strong>10,145,929</strong></td>
<td><strong>45.0%</strong></td>
</tr>
<tr>
<td>OPERATING TRANSFERS</td>
<td>79,000</td>
<td>34,500</td>
<td>43.7%</td>
<td>111,978</td>
<td>50,990</td>
<td>45.5%</td>
</tr>
<tr>
<td>DEBT SERVICE</td>
<td>1,830,754</td>
<td>879,084</td>
<td>48.0%</td>
<td>1,820,449</td>
<td>874,795</td>
<td>48.1%</td>
</tr>
<tr>
<td><strong>$ 24,739,768</strong></td>
<td><strong>11,636,844</strong></td>
<td><strong>$ 24,468,092</strong></td>
<td><strong>47.0%</strong></td>
<td><strong>$ 11,071,715</strong></td>
<td><strong>45.2%</strong></td>
<td></td>
</tr>
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</table>
CITY OF PORTERVILLE

EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE SIX MONTHS ENDED
DECEMBER 31, 2011 AND DECEMBER 31, 2010

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>MEASURE H SALES TAX</td>
<td>$2,614,439</td>
<td>$1,208,276</td>
<td>46.2%</td>
<td>$2,537,934</td>
<td>$1,084,013</td>
<td>42.7%</td>
</tr>
<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>967,904</td>
<td>359,702</td>
<td>37.2%</td>
<td>998,933</td>
<td>380,651</td>
<td>38.1%</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>27,135</td>
<td>12,556</td>
<td>46.3%</td>
<td>23,208</td>
<td>12,144</td>
<td>52.3%</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>513,868</td>
<td>65,100</td>
<td>16.6%</td>
<td>520,155</td>
<td>64,225</td>
<td>12.3%</td>
</tr>
<tr>
<td>TRANSIT</td>
<td>2,732,089</td>
<td>737,611</td>
<td>27.0%</td>
<td>3,996,165</td>
<td>2,427,421</td>
<td>60.7%</td>
</tr>
<tr>
<td>SPECIAL SAFETY GRANTS</td>
<td>479,331</td>
<td>222,333</td>
<td>46.4%</td>
<td>375,047</td>
<td>235,329</td>
<td>62.7%</td>
</tr>
<tr>
<td>SEWER OPERATING</td>
<td>5,890,132</td>
<td>2,769,177</td>
<td>47.0%</td>
<td>5,430,015</td>
<td>2,379,729</td>
<td>43.8%</td>
</tr>
<tr>
<td>REFUSE REMOVAL</td>
<td>5,355,396</td>
<td>2,414,825</td>
<td>45.1%</td>
<td>5,250,238</td>
<td>2,444,501</td>
<td>46.6%</td>
</tr>
<tr>
<td>AIRPORT</td>
<td>1,561,396</td>
<td>766,006</td>
<td>49.1%</td>
<td>1,447,846</td>
<td>760,701</td>
<td>52.5%</td>
</tr>
<tr>
<td>GOLF COURSE</td>
<td>359,981</td>
<td>198,113</td>
<td>55.0%</td>
<td>379,000</td>
<td>186,961</td>
<td>49.3%</td>
</tr>
<tr>
<td>WATER OPERATING</td>
<td>4,495,070</td>
<td>2,199,221</td>
<td>48.9%</td>
<td>4,826,966</td>
<td>2,193,028</td>
<td>45.4%</td>
</tr>
<tr>
<td>RISK MANAGEMENT</td>
<td>4,924,986</td>
<td>2,976,666</td>
<td>60.4%</td>
<td>5,005,974</td>
<td>2,507,448</td>
<td>50.1%</td>
</tr>
<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>2,435,088</td>
<td>1,262,942</td>
<td>51.9%</td>
<td>2,304,469</td>
<td>1,152,097</td>
<td>50.0%</td>
</tr>
<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>205,969</td>
<td>76,200</td>
<td>37.0%</td>
<td>210,986</td>
<td>82,542</td>
<td>39.1%</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$32,562,784</strong></td>
<td><strong>$15,288,727</strong></td>
<td><strong>47.0%</strong></td>
<td><strong>$33,306,936</strong></td>
<td><strong>$15,910,791</strong></td>
<td><strong>47.8%</strong></td>
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</tbody>
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CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE H
For the Six Months Ended December 31, 2011 and December 31, 2010

<table>
<thead>
<tr>
<th></th>
<th>FY 2011-12</th>
<th>FY 2010-11</th>
</tr>
</thead>
<tbody>
<tr>
<td>REVENUES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales Tax - Measure H</td>
<td>$1,194,443</td>
<td>$1,096,922</td>
</tr>
<tr>
<td>Interest</td>
<td>33,718</td>
<td>34,455</td>
</tr>
<tr>
<td>TOTAL REVENUES</td>
<td>1,228,161</td>
<td>1,131,376</td>
</tr>
<tr>
<td>EXPENDITURES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Department</td>
<td>626,489</td>
<td>581,041</td>
</tr>
<tr>
<td>Fire Department</td>
<td>424,536</td>
<td>365,945</td>
</tr>
<tr>
<td>Library &amp; Literacy</td>
<td>157,251</td>
<td>137,026</td>
</tr>
<tr>
<td>TOTAL EXPENDITURES</td>
<td>1,208,276</td>
<td>1,084,013</td>
</tr>
<tr>
<td>CAPITAL PROJECTS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Safety Station</td>
<td>4,364</td>
<td>311</td>
</tr>
<tr>
<td>REVENUE OVER/(UNDER) EXPENDITURES</td>
<td>$15,521</td>
<td>$47,053</td>
</tr>
</tbody>
</table>
CITY OF PORTERVILLE  
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS  
For the Six Months Ended December 31, 2011 and December 31, 2010

<table>
<thead>
<tr>
<th>FUND</th>
<th>REVENUES</th>
<th>EXPENSES</th>
<th>12/31/2011 NET PROFIT (LOSS)</th>
<th>12/31/2010 NET PROFIT (LOSS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zalud Estate</td>
<td>$5,281</td>
<td>$(12,556)</td>
<td>$(7,275)</td>
<td>$(8,154)</td>
</tr>
<tr>
<td>Sewer Operating</td>
<td>3,317,068</td>
<td>(2,769,177)</td>
<td>547,892</td>
<td>909,239</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>2,725,077</td>
<td>(2,414,825)</td>
<td>310,253</td>
<td>194,652</td>
</tr>
<tr>
<td>Airport</td>
<td>985,892</td>
<td>(766,006)</td>
<td>219,886</td>
<td>237,774</td>
</tr>
<tr>
<td>Golf</td>
<td>109,496</td>
<td>(198,113)</td>
<td>(88,617)</td>
<td>(76,706)</td>
</tr>
<tr>
<td>Water Operating</td>
<td>2,899,579</td>
<td>(2,199,221)</td>
<td>700,358</td>
<td>858,623</td>
</tr>
</tbody>
</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, 2011, 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. 17

<table>
<thead>
<tr>
<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>
<th>MATURITY DATE</th>
<th>DAYS TO MATURITY</th>
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</thead>
<tbody>
<tr>
<td>1234</td>
<td>CERTIFICATE OF DEPOSIT</td>
<td>250,000</td>
<td>250,000</td>
<td>3.070%</td>
<td>6/18/2009</td>
<td>6/18/2012</td>
<td>170</td>
</tr>
<tr>
<td>1235</td>
<td>CERTIFICATE OF DEPOSIT</td>
<td>99,000</td>
<td>99,000</td>
<td>3.050%</td>
<td>6/20/2009</td>
<td>6/20/2012</td>
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</tr>
<tr>
<td>1236</td>
<td>CERTIFICATE OF DEPOSIT</td>
<td>99,000</td>
<td>99,000</td>
<td>3.600%</td>
<td>8/14/2009</td>
<td>8/14/2014</td>
<td>957</td>
</tr>
<tr>
<td>1237</td>
<td>CERTIFICATE OF DEPOSIT</td>
<td>148,000</td>
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<td>3.300%</td>
<td>8/14/2009</td>
<td>8/14/2013</td>
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<tr>
<td>1238</td>
<td>CERTIFICATE OF DEPOSIT</td>
<td>248,000</td>
<td>248,000</td>
<td>2.970%</td>
<td>8/14/2009</td>
<td>8/14/2012</td>
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</tr>
<tr>
<td>1239</td>
<td>CERTIFICATE OF DEPOSIT</td>
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<td>250,000</td>
<td>3.110%</td>
<td>10/2/2009</td>
<td>10/2/2013</td>
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</tr>
<tr>
<td>1241</td>
<td>CERTIFICATE OF DEPOSIT</td>
<td>250,000</td>
<td>250,000</td>
<td>3.290%</td>
<td>11/5/2009</td>
<td>11/5/2013</td>
<td>675</td>
</tr>
<tr>
<td>1242</td>
<td>CERTIFICATE OF DEPOSIT</td>
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<td>250,000</td>
<td>3.050%</td>
<td>11/24/2009</td>
<td>11/25/2013</td>
<td>695</td>
</tr>
<tr>
<td>1243</td>
<td>CERTIFICATE OF DEPOSIT</td>
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<td>99,000</td>
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<td>12/12/2009</td>
<td>6/11/2012</td>
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</tr>
<tr>
<td>1244</td>
<td>CERTIFICATE OF DEPOSIT</td>
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<td>100,000</td>
<td>3.400%</td>
<td>1/13/2010</td>
<td>1/13/2015</td>
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<tr>
<td>1245</td>
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<td>102,050</td>
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<td>1/26/2010</td>
<td>1/26/2013</td>
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</tr>
<tr>
<td>1246</td>
<td>CERTIFICATE OF DEPOSIT</td>
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<td>3.250%</td>
<td>4/18/2010</td>
<td>4/16/2015</td>
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</tr>
<tr>
<td>1247</td>
<td>CERTIFICATE OF DEPOSIT</td>
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<td>100,000</td>
<td>2.230%</td>
<td>4/29/2010</td>
<td>4/30/2012</td>
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</tr>
<tr>
<td>1248</td>
<td>CERTIFICATE OF DEPOSIT</td>
<td>100,000</td>
<td>100,000</td>
<td>2.500%</td>
<td>5/4/2010</td>
<td>5/4/2012</td>
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</tr>
<tr>
<td>1249</td>
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<td>100,000</td>
<td>3.460%</td>
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<td>4/3/2015</td>
<td>1,189</td>
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<tr>
<td>1251</td>
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<td>99,000</td>
<td>99,000</td>
<td>2.270%</td>
<td>6/29/2010</td>
<td>6/29/2013</td>
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</tr>
<tr>
<td>1252</td>
<td>CERTIFICATE OF DEPOSIT</td>
<td>100,000</td>
<td>100,000</td>
<td>2.970%</td>
<td>7/22/2010</td>
<td>10/2/2013</td>
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<tr>
<td>1253</td>
<td>CERTIFICATE OF DEPOSIT</td>
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<td>247,000</td>
<td>3.190%</td>
<td>8/2/2010</td>
<td>8/2/2015</td>
<td>1,310</td>
</tr>
<tr>
<td>1254</td>
<td>CERTIFICATE OF DEPOSIT</td>
<td>100,000</td>
<td>100,000</td>
<td>3.000%</td>
<td>9/3/2010</td>
<td>9/3/2014</td>
<td>977</td>
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<tr>
<td>1255</td>
<td>CERTIFICATE OF DEPOSIT</td>
<td>147,000</td>
<td>147,000</td>
<td>2.750%</td>
<td>9/27/2010</td>
<td>9/27/2015</td>
<td>1,368</td>
</tr>
<tr>
<td>1256</td>
<td>CERTIFICATE OF DEPOSIT</td>
<td>250,000</td>
<td>250,000</td>
<td>1.880%</td>
<td>6/9/2011</td>
<td>6/19/2014</td>
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<tr>
<td>1257</td>
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<td>100,000</td>
<td>100,000</td>
<td>1.240%</td>
<td>10/27/2011</td>
<td>10/27/2013</td>
<td>868</td>
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**TOTALS**

$53,964,929 $54,229,493

<table>
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<tr>
<th>WEIGHTED AVERAGE RATE OF EARNINGS</th>
<th>% OF LIQUID</th>
<th>WEIGHTED AVERAGE DAYS TO MATURITY</th>
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<tr>
<td>2.240%</td>
<td>50.716%</td>
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<td>2.363%</td>
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<td>2.058%</td>
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<td>1.993%</td>
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<td>1.893%</td>
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Comments:

Portfolio holdings as of December 31, 2011, are in compliance with the current investment Policy. With 50.716% 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 first calendar quarter ending March 31, 2012, and will be presented during the August 7, 2012 Council meeting.
COUNCIL AGENDA: February 21, 2012

SUBJECT: CONSIDERATION OF PROPOSED BUDGET CALENDAR FOR FISCAL YEAR 2012-2013

SOURCE: Finance Department

COMMENT: For the Council's consideration, please find enclosed the proposed budget calendar for the fiscal year 2012-2013.

RECOMMENDATION: That the City Council approve the proposed budget calendar for the 2012-2013 fiscal year.

ATTACHMENTS: FY 2012-2013 Budget Calendar

D.D. Appropriated/Funded C.M. Item No. 18
<table>
<thead>
<tr>
<th>Date</th>
<th>Task</th>
<th>Responsibility</th>
</tr>
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<tbody>
<tr>
<td>February 27</td>
<td>Budget worksheets to Departments</td>
<td>Finance</td>
</tr>
<tr>
<td>March 1</td>
<td>Preliminary revenue estimates completed</td>
<td>Finance</td>
</tr>
<tr>
<td>March 14 - 15</td>
<td>10-Year Capital Projects update</td>
<td>CM/Directors</td>
</tr>
<tr>
<td>March 23</td>
<td>Budget planning session</td>
<td>CM/Directors</td>
</tr>
<tr>
<td>April 13</td>
<td>Completed budget worksheets to Finance</td>
<td>Directors</td>
</tr>
<tr>
<td>April 27</td>
<td>Preliminary budget completed</td>
<td>Finance</td>
</tr>
<tr>
<td>April 27</td>
<td>Preliminary budget approved by City Manager</td>
<td>CM</td>
</tr>
<tr>
<td>May 8</td>
<td>Preliminary budget Council study session - Capital Projects</td>
<td>Council</td>
</tr>
<tr>
<td>May 22</td>
<td>Preliminary budget Council study session - Gen Fund / Meas H</td>
<td>Council</td>
</tr>
<tr>
<td>June 5</td>
<td>Preliminary budget presented to Council</td>
<td>Council</td>
</tr>
<tr>
<td>June 19</td>
<td>Final budget public hearing and approval by Council</td>
<td>Council</td>
</tr>
<tr>
<td>July 3</td>
<td>Council reconsideration of final budget</td>
<td>Council</td>
</tr>
</tbody>
</table>

SOURCE: Finance Department

COMMENT: The Central California Family Crisis Center and Porterville Unified School District are requesting approval to hold a Teen Dating Violence Awareness Walk and Rally. Beginning at Centennial Park, at 9:00 a.m. on Saturday, February 25, 2012, participants will begin walking to Veteran’s Memorial Park. The sponsor is requesting the use of the sidewalks listed below.

SIDEWALK USAGE:
Main Street to Morton Avenue;
Morton Avenue to Prospect Street;
Prospect Street to Henderson Avenue;
Henderson Avenue to Veterans Park.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement and Exhibit ‘A.’

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Central California Family Crisis Center and Porterville Unified School District, subject to the stated requirements contained in the Application, Agreement and Exhibit ‘A.’


DD appropriated/funded C.M. Item No. 19
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 2/3/12  Event date: 2/25/12
Event time: 9:00 am - 12:00 p.m.

Name of Event: Teen Dating Violence Awareness Walk/Rally

Sponsoring organization: Family Crisis Center/USD/PHONE # 568-0347
Address: 857 W. McCarthy #1

Authorized representative: Krystle Contreras PHONE # FCC
Address:

Event chairperson: Krystle Contreras PHONE # 781-7462

Location of event (location map must be attached): Start at Centennial Plaza
and walk to Veteran's Park.

Type of event: Walk/Awareness gathering

Nonprofit status determination:

City services requested (an fees associated with these services will be billed separately)

Barricades (quantity):
Street sweeping  Yes __  No ✓
Police protection  Yes  ?  No  ✓
Refuse pickup  Yes  ___  No  ✓
Other: WALKING FROM CENTENNIAL PARK TO
VETERANS PARK
Parks facility application required: Yes  ✓  No  ___  Attached ___
Assembly permit required: Yes  ___  No  ✓  Attached ___

STAFF COMMENTS (list special requirements or conditions for event):

Approve  Deny

______  ____  Bus Lic Spvr
______  ____  Pub Works Dir
______  ____  Comm Dev Dir
______  ____  Field Svcs Mgr
______  ____  Fire Chief
______  ____  Parks Dir
______  ____  Police Chief
______  ____  Deputy City Mgr
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:
- At least 48” must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council’s approval.

Authorized Representative Initials

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Authorized Representative Initials

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a ‘Temporary Food Facilities’ permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

Authorized Representative Initials

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

PUSD

(Name of Organization)

Krystal Miller

(Signature)

2/3/12

(Date)
CITY OF PORTERVILLE
VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND
AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY
TO BE HELD ON PUBLIC PROPERTY

Name of event: ________________________________

Sponsoring organization: ________________________________

Location: ________________________________ Event date: ____________ Event time: ____________

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

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<th>Vendor name</th>
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**Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT:** All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **Teen Dating Violence Awareness Walk & Rally**

Sponsoring organization: **Family CE, PUSD, COP**

Event date: **2/25/2012**  
Hours: **9AM - 12PM**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
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<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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Sidewalks:  

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<tr>
<th>From</th>
<th>To</th>
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</thead>
<tbody>
<tr>
<td><strong>Henderson</strong></td>
<td><strong>Prospect</strong></td>
<td>Walk</td>
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<tr>
<td><strong>Prospect</strong></td>
<td><strong>Henderson</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Henderson</strong></td>
<td><strong>Veterans Park</strong></td>
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</table>

Parking lots and spaces:  

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<tr>
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<th>Activity</th>
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4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

CENTRAL CALIFORNIA FAMILY CRISIS CENTER
PORTERVILLE UNIFIED SCHOOL DISTRICT

TEEN DATING VIOLENCE AWARENESS WALK AND RALLY

FEBRUARY 25, 2012

Business License Supervisor:  
S. Hartman  

Business License has no requirements.

Public Works Director:  
B. Rodriguez

Community Development Director:  
B. Dunlap

Field Services Manager:  
B. Styles  

No comments.

Fire Chief:  
M. G. Garcia  

No comment.

Parks and Leisure Services Director:  
M. Stowe

Police Lieutenant:  
D. Haynes  

Participants must obey all local and state laws.  
Walk only on sidewalks or areas safe for pedestrian traffic.  
Do not block or obstruct the normal flow of vehicle, bicycle or pedestrian traffic.

Administrative Services Manager:  
P. Hildreth  

All sponsors should provide insurance certificate naming the City as an additional insured.  
See Exhibit 'A,' Page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Central California Family Crisis Center
         Porterville Unified School District
Event: Teen Dating Violence Awareness Walk and Rally
Event Chairman: Krystle Contreras
Location: Centennial Park and Veteran’s Memorial Park
Date of Event: February 25, 2012

RISK MANAGEMENT: Conditions of Approval

That the Central California Family Crisis Center and Porterville Unified School District provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permitted operation and sponsorship of the aforementioned Community Civic Event. If the event is located in the City of Porterville’s Redevelopment Agency area, the same conditions apply.

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an ‘admitted’ insurer in the State of California.
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant:  
   Krystal Miller 801 W. Mulberry
   #1, Porterville Ca 93257

2 Address where amplification equipment is to be used:  
   Veterans #1

3 Names and addresses of all persons who will use or operate the amplification equipment:  
   Marcos Rocha

4 Type of event for which amplification equipment will be used:  
   Teen Awareness gathering

5 Dates and hours of operation of amplification equipment:  
   2/25/12 9:00 am - 12:00 p.m.

6 A general description of the sound amplifying equipment to be used:  
   PA, 4 speakers, lamp

Section 18-6  
It shall be unlawful for any person within the city to use or operate or cause to be used or operated any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.
(Ord. Code § 8311)

Section 18-14  
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected, any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 8312)

Penal Code Section 415 (2)  
Any of the following persons shall be punished by imprisonment in the county (all for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine:  
   (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Signature of Applicant  
Krystal Miller

Date  
2/25/12

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCAATION OF THE PERMIT.

Signature  
City of Porterville, Chief of Police /Designee

Date  
2/25/12
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE STEP UP NEIGHBORHOOD OUTREACH - MARCH 15, 2012

SOURCE: Finance Department

COMMENT: The final “Step-Up” Neighborhood Outreach event is scheduled for March 15, 2012, from 3:30 p.m. to 8:30 p.m. in front of the Porterville Family Apartments at 93 E. Date Avenue. The temporary street closure of Date Avenue, from B Street to A Street has been requested during the event.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached application, agreement and Exhibit ‘A.’

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the City of Porterville, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit ‘A.’

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit ‘A,’ Map and Outside Amplifier Permit.
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE?  Event Flyer?  E-mail address?  Website?

Application date:  2/1/12  Event date:  3/16/12

Event time:  3:30 - 8:30 PM

Name of Event:  NEIGHBORHOOD STEP UP

Sponsoring organization:  CITY OF PORTERVILLE  Phone #: 767-7406

Address:  291 N. MAIN

Authorized representative:  BRIAN WARD  Phone #

Address:

Event chairperson:  JOHN LOLLS  Phone #

Location of event (location map must be attached):  APARTMENTS

936 DATE AVE. PORTERVILLE FAMILY ARTS.

Type of event:  ANTI-BANK EVENT

Non-profit status determination:  

City services requested (fees associated with these services will be billed separately):

Barricades (quantity):  60  Street sweeping  Yes  No  

Police protection  Yes  No  Refuse pickup  Yes  No  

Other:  

Parks facility application required:  Yes  No  Attached

Assembly permit required:  Yes  No  Attached

STAFF COMMENTS (list special requirements or conditions for event):

Appr.  Deny


Pub. Works Dir  

Comm. Dev. Dir.  

Field Svcs. Mgr.  

Fire Chief  

Parks Dir.  

Police Chief  

Admin. Svcs. Dir.  

1 of 4
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code Requirements:
- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council's approval.

Authorized Representative Initials

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Authorized Representative Initials

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities’ permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

Authorized Representative Initials

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

City of Porterville
(Name of Organization)

Signature

Date

2 of 4
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND
AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY
TO BE HELD ON PUBLIC PROPERTY

Name of event: 

Sponsoring organization: 

Location: 

Event date: 

Event time: 

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

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Municipal Code 15:1: ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **NEIGHBORHOOD STEP UP**

Sponsoring organization: **City of Porterville**

Event date: **3/15/12** Hours: **3:30 - 8:30 PM**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE Ave</td>
<td>&quot;B&quot; Street</td>
<td>&quot;A&quot; Street</td>
<td></td>
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<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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</table>

4 of 4
REQUIREMENTS FOR STREET CLOSURE

CITY OF PORTERVILLE
"STEP-UP' NEIGHBORHOOD OUTREACH MEETING

MARCH 15, 2012

Business License Supervisor:  
S. Perkins  
Business License has no requirements.

Public Works Director:  
B. Rodriguez

Community Development Director:  
B. Dunlap  
No comments.

Field Services Manager:  
B. Styles  
Street Division will provide and remove barricades for closure.

Fire Chief:  
M. G. Garcia

Parks and Leisure Services Director:  
M. Stowe  
No requirements.

Police Lieutenant:  
D. Haynes  
Police Department has no concerns.

Administrative Services Manager:  
P. Hildreth  
No comments.
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant: City of Porterville

2 Address where amplification equipment is to be used: DATE Ave., 93 E., DATE

3 Names and addresses of all persons who will use or operate the amplification equipment: Milt Stowe

4 Type of event for which amplification equipment will be used: Neighborhood Step-Up

5 Dates and hours of operation of amplification equipment: 5:30 - 8:30 PM

6 A general description of the sound amplifying equipment to be used: PA System

Section 18-9 It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14 It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and an such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine: (2) Any person who maliciously and wilfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Signature of Applicant

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGEP YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

City of Porterville, Chief of Police/Designee

Date
COUNCIL AGENDA: February 21, 2012

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

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 February 7, 2012, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of $361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately $270,000 was approved. All repair projects are to be completed by no later than July 2012.

As was previously reported, staff made application for almost $2 million in State Office of Emergency Services (OES) grant funds, which would provide financial assistance for mitigating repetitive flooding conditions. Considering the preliminary flood prevention measures previously presented to the Council, staff evaluated the grant application criteria, and made application for mitigation projects, specifically focusing on Downtown, Murry Park, and Zalud Park projects. Staff is pleased to report that its proposed grant-funded projects successfully passed initial screening, with staff having also attended several days of required training in preparation for administering the grant funds.

RECOMMENDATION: That the Council:
1. Receive the status report and review of the designated local emergency; and
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.

ATTACHMENT: None

Dir Approp./Funded CM

Item No. 21
CITY COUNCIL AGENDA: FEBRUARY 21, 2012

PUBLIC HEARING

TITLE: COMMERCIAL CROP CULTIVATION ORDINANCE: AN AMENDMENT TO THE DEVELOPMENT ORDINANCE TO ACCOMMODATE INTERIM AGRICULTURAL USE OF LANDS WITHIN MULTIPLE ZONE DISTRICTS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: On January 17, 2012, the City Council held a public hearing to consider a text amendment filed by Greg Woodard of the Great Western Land Company to consider a development ordinance text amendment to allow commercial crop cultivation beyond that already provided for in the Development Ordinance. After much discussion, the public hearing was continued to February 7, 2012, and then to February 21, 2012 hearing for consideration of a revised draft ordinance. At the direction of Council, staff met with Councilman McCracken on February 3, 2012 to discuss points discussed at the Council meeting as well as his suggestions. In addition to some of the revisions shown below, he suggested that the applicant agree to mitigate impacts on adjoining residential landowners. Also proposed was a penalty structure in the event the applicant failed to comply with the conditions of approval. Penalties were suggested since the type of use is very different than other conditional uses where they could be sanctioned by Council. It’s not realistic to restrict an applicant from farming a field for 30 days. The penalty structure discussed included an escalating fine such as $100 for the first violation, $500 for the second and $5,000 for the third.

Section 2-144 sets forth the violations, penalties and enforcement of provisions of the Municipal Code, which includes the Porterville Development Ordinance. This section, which is provided as an attachment, allows violations to be considered as a misdemeanor or an infraction, each having its own set fines ranging between $100 a day for the first violation up to $1000 and/or imprisonment for up to six (6) months. An administrative citation is also an option for a violation, as well as the revoking of a conditional use permit, with the latter appearing to not be very effective in this case. At the Council’s direction, staff can prepare a resolution for creating a dedicated fee for a violation of this ordinance, if it is determined that existing enforcement options are inappropriate.

Councilman McCracken also suggested use of a matrix to identify probable impacts of a particular crop on neighboring properties. In review of this matrix, staff found that the revisions below should address most of his concerns and allow the Council full discretion to require conditions to mitigate negative impacts to surrounding land uses.
The draft code has been revised to address the concerns raised by the Council at the January 17, 2012 hearing. The size requirement of the agricultural area has been eliminated as well as the set time period for duration of the use due to the variation of crop types and their commercial return rates. Since the size requirement has been eliminated, staff has not provided a map of available sites, as it potentially could include every vacant lot in the city. The Development Standards section (301.21 (b)), which requires mandatory elements of the use, has been modified to prohibit aerial spraying, to require notice to the surrounding property owners when ground spraying occurs, and to require a minimum 20-foot wide drive aisle around the perimeter of the site.

There was significant confusion with the wording of section 301.21 (c), previously titled Conditions of Approval. This section has been revised to clarify that several factors will be considered in determining if a conditional use permit can be granted for a particular use. This section will also be used to frame future conditions of approval as necessary; however, these are not mandatory elements required for each use.

There was also discussion regarding a reduced fee option for this type of use. Although there is currently no such option in place, the code could be revised to include a minor conditional use permit (CUP). The process would generally be the same as the standard CUP but the fee could be reduced. The current fee for a CUP is $1,164. Staff reviewed the code and determined that there are a few uses that could be processed under a minor CUP because they require less staff review time due to less complexity on average. Such uses could include conditional use permits for kennels, offices in a Commercial Retail zone, uses in existing buildings (a sample may be to upgrade an ABC license at an existing use), telecommunication towers and commercial crop cultivation. At Council’s direction, staff can prepare a draft ordinance setting forth a provision for a minor CUP or include it in the current code amendment process and prepare a resolution establishing a fee of $500.00 for the minor modification.

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. Direct staff, if necessary, to draft additional revisions to address enforcement penalties and an alternate fee structure.

ATTACHMENTS:
1. Draft Ordinance
2. Section 2-141 and 2-144 Municipal Code
3. January 17, 2012 staff report and draft ordinance
ORDINANCE NO. __________________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT
ORDINANCE TO ALLOW COMMERCIAL CROP CULTIVATION
ON AN INTERIM BASIS IN CERTAIN ZONE DISTRICTS WITH
A CONDITIONAL USE PERMIT

WHEREAS: There is currently land in the incorporated City programmed for urban
development, much of which will not realize development in the near term due to the slow down
in the economy; and

WHEREAS: In addition to land in the City programmed for urban development, the
City has granted entitlement of urban lands that have not yet been developed; and

WHEREAS: In light of the down turn in the economy, a text amendment has been
requested by a private developer to allow commercial crop cultivation on an interim basis on
lands zoned for urban uses until market conditions improve to construct the intended urban land
use; and

WHEREAS: This proposed text amendment was discussed at a Project Review
Committee meeting on November 16, 2011, and January 11, 2012, where staff expressed support
so long as it is an interim use; and

WHEREAS: The intent of this ordinance is not to encourage land owners to initiate
farming operations within city limits but to allow for a viable interim use of property until such
time as the economic conditions promote ultimate development of the land; and

WHEREAS: A public hearing was held before the City Council on January 17, 2012,
pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of
the City; and

WHEREAS: The public hearing was continued to February 21, 2012 to allow additional
time for consideration of the draft ordinance; and

WHEREAS: Pursuant to State and local environmental regulations, the proposed
ordinance serves to provide greater clarity to uses as identified in the Porterville 2030 General Plan,
and the proposed ordinance is an implementation measure of the policies, goals and objectives of
the Plan; and

WHEREAS: On March 4, 2008, the City Council adopted Resolution 21-2008 certifying
the Final Environmental Impact Report (EIR) for the General Plan; and

WHEREAS: On April 20, 2010, a public hearing was held before the City Council
approving Ordinance 1764 which adopted a Comprehensive Development Code and determined the

Attachment 1
adequacy of an Addendum to the Final Environmental Impact Report to the Porterville General Plan; and

WHEREAS: On December 29, 2011, the Environmental Coordinator made a determination on the basis of substantial evidence that the proposed action is adequately covered under the addendum to the previously certified EIR.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. _______ amending the Porterville Municipal Code to include Commercial Crop Cultivation, as follows:

SECTION 1:

1. Amend Table 200.02 LAND USE REGULATIONS- AGRICULTURAL/CONSERVATION DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>AC</th>
<th>RR</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Raising</td>
<td>P</td>
<td>P(2)</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Mining and Quarrying</td>
<td>C(3)</td>
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<td></td>
</tr>
</tbody>
</table>

2. Amend Table 201.02 LAND USE REGULATIONS- RESIDENTIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

3. Amend Table 203.02 LAND USE REGULATIONS- COMMERCIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>CN</th>
<th>CR</th>
<th>CG</th>
<th>CMX</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
</tbody>
</table>
4. Amend Table 204.02 LAND USE REGULATIONS- COMMERCIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>PO</th>
<th>IP</th>
<th>IG</th>
<th>IA</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation</td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
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<td>P</td>
<td>P</td>
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</tr>
</tbody>
</table>

5. Amend Table 205.02 LAND USE REGULATIONS- COMMERCIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>PS</th>
<th>REC</th>
<th>PK</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
</tbody>
</table>

6. Add Section 301.21 Crop Cultivation as follows:

Commercial Crop Cultivation is a Permitted Use in the AC, RR, IP, IA and IG zones. Commercial Crop Cultivation is allowed in all other City zone districts except downtown districts on an interim basis subject to a Conditional Use Permit, in which the following section applies. This section of the Code does not apply to non-commercial crop cultivation or commercial crop cultivation where allowed as a permitted use.

(a) Purpose and Intent

1. It is the purpose and intent of this section to provide opportunity for interim use of land within city limits until such time as the development market supports the intended development of said lands.
2. Commercial crop cultivation can be allowed with a conditional use permit on an interim basis only where the impacts of an agricultural operation will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the surrounding area.
3. Crop cultivation allowed under the premises of this section is secondary to its availability for urban development and should be available for development as an urban use when market conditions improve for such a use.
4. Use of a subject site for crop cultivation for an interim period does not result in the land being construed as an agricultural resource requiring protection or preservation.
5. If residentially zoned, the land, regardless of the status of its agricultural use, will be considered in the City’s Housing Element and the Regional Housing Needs Assessment (RHNA) as available land for residential use.
6. A key intent of this section is to limit the use to a time period that is appropriate to the type of agricultural crop to be planted, to allow sufficient time for a reasonable profit to be realized while assuring that the use is interim in nature. At
its discretion the City Council may set time periods to limit the use to a specific amount of time.

7. This section shall not be construed to apply to animal confinement.

(b) Development Standards.
Commercial crop cultivation allowed by this section shall comply with the following standards.

1. The aerial application of fertilizers, pesticides, or other agricultural treatments is not allowed.
2. Prior to the application of pesticides, fungicides, or insecticides, notice will be given to all property owners within 300 feet of the parcel(s), and notice shall be posted on site along every 100 feet of street frontage. Notice shall be no smaller than 10” x 12” and with the word “Notice” in 80 point font.
3. A minimum twenty (20) foot wide drive aisle clearance shall be maintained along all property boundaries.
4. The applicant/property owner shall not enter into a Williamson Act contract or other agricultural preservation measure, whether for tax reduction or other purposes.

(c) Considerations.
The following factors will be considered on a project-by-project basis to determine if commercial crop cultivation is an appropriate use for a particular site. The Council may consider the following factors or others as may be appropriate, based on the location of the proposed use and its proximity to urban uses and may consider limiting some crop types due to impacts of excessive noise, dust, vibration, odors or other effects on surrounding uses.

1. No “Right to Farm” is conveyed or otherwise implied with the use.
2. The area to be farmed is of adequate size, dimension and topography to accommodate the proposed use.
3. The burning of agricultural waste/trimmings/etc. on the property will not create a public nuisance or a danger due to the close proximity of urban uses.
4. The site is not intended to allow for the on-site sale of crops unless approved otherwise by the City Council.
5. The use does not involve the installation of underground storage tanks.
6. Best Management Practices to reduce spray drift will be implemented.
7. Wells, as needed to serve the subject site, are subject to California Department of Public Health Services approval and review of the City Engineer.
8. Irrigation water run-off, if any, can be contained on site.
9. The area shall be groomed of weeds and agricultural waste regularly to reduce potential fire hazard, proliferation of pests, and unsightly conditions.
10. Equipment and vehicles related to the active farming operation of the site shall not be parked in the public right of way and vehicular circulation related to the use shall occur on-site.
11. A vector control plan will be submitted and approved with the Conditional Use Permit and implemented for the term of the agricultural use.
12. The applicant shall restore the site to its original condition or a better condition in the event of adverse economic conditions, termination of the agricultural use or failure to develop as an urban use.

7. Amend Section 700.01 List of Terms, to include “Crop Cultivation” alphabetically.

8. Amend Section 701.07 to add the following definitions alphabetically:

   Crop Cultivation – commercial. Results in quantities of crops greater than what could be reasonably consumed in personal use and/or crops that are produced with the intent to sell commercially.

   Crop Cultivation – non-commercial. Includes orchards and flower and vegetable gardens for personal use.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this _____ day of February, 2012.

By: ____________________________  Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: ____________________________  Patrice Hildreth, Chief Deputy City Clerk
2-141: LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE:

A. Alternative Method Of Enforcement: The city council hereby finds that there is a need for an alternative method of enforcement for minor violations of this code, or state codes specifically adopted by reference in the applicable chapters of this code. The city council further finds that an appropriate method of enforcement for minor violations is an administrative citation program as authorized by Government Code section 53069.4.

B. Procedures Additional To Other Remedies: The procedures established in this article shall be in addition to criminal, civil or any other legal remedy established by law, which may be pursued to address violations of this code and state codes specifically adopted by reference in the applicable chapters of this code.

C. City Goals: The city council hereby finds and determines that enforcement of this code, other ordinances adopted by the city, conditions on entitlements and terms and conditions of city agreements are matters of local concern and serve important public purposes. Consistent with its powers as a charter city, the city of Porterville adopts this administrative citation program provision in order to achieve the following goals, and:

1. To protect the public health, safety and welfare of the citizens of the city;

2. To gain compliance with this code and state codes specifically adopted by reference in the applicable chapters of this code in a timely and efficient manner;

3. To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of this code and state codes specifically adopted by reference in the applicable chapters of this code;

4. To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system;

5. To provide for an administrative process to appeal the imposition of administrative citations and fines.

D. Purpose: The purpose of this article is to enable the city, acting as a charter city pursuant to article XI, sections 5 and 7 of the state constitution, to impose and collect civil administrative fines in conjunction with the enforcement of provisions of this code or state codes specifically adopted by reference in the applicable chapters of this code. Notwithstanding the provisions herein, the city has, and shall continue to employ, the philosophy of voluntary compliance when seeking compliance with this code and state codes specifically adopted by reference in the applicable chapters of this code.

E. Voluntary Compliance: Prior to the implementation of the enforcement policies and penalties stated herein, voluntary compliance approaches, when practical, should first be used in order to educate city property owners and businesses concerning the requirements of this code, or state codes.
specifically adopted by reference in the applicable chapters of this code, and the corrective action necessary to correct a violation of this code and state codes specifically adopted by reference in the applicable chapters of this code.

F. Use Of Provisions Discretionary: Use of this article shall be at the sole discretion of the city. (Ord. 1720 § 3, 5-1-2007)

2-144: VIOLATIONS, PENALTIES AND ENFORCEMENT:

The city council of the city of Porterville intends to secure compliance with the provisions of this code, and state codes specifically adopted by reference in the applicable chapters of this code. To the extent that such compliance may be achieved by less drastic methods of enforcement, the following alternate, separate and distinct methods may be utilized. Each method set forth herein is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. Each and every day any such violations exist constitutes a separate offense. Notwithstanding any other provision of this code, and state codes specifically adopted by reference in the applicable chapters of this code, each violation of the provisions of this code may be enforced alternatively as follows:

A. Misdemeanor: Unless otherwise specified in this code, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, and state codes specifically adopted by reference in the applicable chapters of this code, may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by police officers or by nonsafety employees designated by this code. Any person convicted of a misdemeanor under the provisions of this code, and state codes specifically adopted by reference in the applicable chapters of this code, shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

B. Infraction: In the alternative, with the concurrence of the city attorney, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, and state codes specifically adopted by reference in the applicable chapters of this code, may be prosecuted for an infraction. Written citations for infractions may be issued by police officers or nonsafety employees designated by this code. Unless otherwise set forth in this code, fines shall be assessed in the amounts specified as follows:

1. A fine not exceeding one hundred dollars ($100.00) for a first violation;

2. A fine not exceeding two hundred dollars ($200.00) for a second violation of the same ordinance within twelve (12) months, or five hundred dollars ($500.00) for building and safety code violations;

3. A fine not exceeding five hundred dollars ($500.00) for each additional violation of the same ordinance within twelve (12) months, or one thousand dollars ($1,000.00) for building and safety code violations.
C. Civil Action: The city attorney, or an attorney hired for such purposes by and at the request of the city council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this code, or state codes specifically adopted by reference in the applicable chapters of this code, as provided by law, and the city shall be entitled to its attorney fees and costs.

D. Administrative Citation: Upon a finding by the city official vested with the authority to enforce the various provisions of this code, or state codes specifically adopted by reference in the applicable chapters of this code, that a violation exists, he or she may issue an administrative citation under the provisions of this article. (Ord. 1720 § 3, 5-1-2007)
CITY COUNCIL AGENDA: JANUARY 17, 2012

PUBLIC HEARING

TITLE: COMMERCIAL CROP CULTIVATION ORDINANCE: AN AMENDMENT TO THE DEVELOPMENT ORDINANCE TO ACCOMMODATE INTERIM AGRICULTURAL USE OF LANDS WITHIN MULTIPLE ZONE DISTRICTS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

BACKGROUND:

On November 4, 2011, Winton & Associates filed an application on behalf of Greg Woodard and Great Western Land Company to consider a development ordinance text amendment to allow commercial crop cultivation beyond that already provided for in the Development Ordinance. The request was reviewed by staff and discussed at a Project Review Committee meeting on November 16, 2011. As a result of the discussion, a draft ordinance was developed and refined, with input from the applicant, to assure that the intent of the ordinance was to permit crop cultivation as an interim use during the slowed development market. Further applications to initiate commercial crop cultivation on parcels within the city may follow, but none have yet been received. The potential extent of this ordinance would be limited to parcels throughout the city greater than 10 acres. Specific findings would also be set in place for consideration of conditional use permits.

ANALYSIS:

The City of Porterville has previously approved twelve (12) tentative subdivision maps on over three hundred acres in the City; these lands are zoned Very Low Density Residential (RS-1) and Low Density Residential (RS-2), yet are completely undeveloped. While the City's housing goals and the County of Tulare's Regional Housing Needs Assessment (RHNA) show that this amount of available residential land is appropriate, the market for new homes has subsided in recent years. An alternative beneficial use in the interim, until such time as the demand for new single family residences exceeds the availability of existing development, could be the cultivation of crops.

The current development ordinance allows commercial crop cultivation to occur in Agricultural Conservation (AC), Rural Residential (RR), Industrial Park (IP), Airport Industrial (IA) and General Industrial (IG) zone districts. Commercial crop cultivation is also an existing use on certain parcels within the Airport Industrial (IA) zones, including lands currently owned by the City for the disposal of treated effluent.

The proposed ordinance text amendment would serve to define commercial crop cultivation and more importantly, it would allow the City Council to...
approve interim crop cultivation in residential and commercial zones through a conditional use permit process. The proposed ordinance sets forth the purpose and intent of the amendment, which is clearly to provide an interim use of land until such time as the development market supports the intended development of said lands. The conditional use permit would provide a process whereby the City Council can assess the impacts of new or renewed agricultural operations on adjacent land uses, and through conditions, provide standards for the operation of the agricultural use. For example, the aerial application of fertilizers and pesticides may not be appropriate in areas with adjacent residential uses and conditions of approval could prohibit such operations. The conditional use permit process would also allow the public to comment on potential detrimental impacts from new agricultural operations.

ENVIRONMENTAL REVIEW:

The proposed ordinance serves to provide greater clarity to uses as identified in the Porterville 2030 General Plan, and the proposed ordinance is an implementation measure of the policies, goals and objectives of the Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that no additional environmental review is necessary beyond the environmental review already considered for the General Plan and the Development Ordinance.

RECOMMENDATION: That the City Council:
1. Approve the proposed ordinance for the Development Code and give first reading to the draft ordinance; and
2. Waive further reading and order the Ordinance to print.

ATTACHMENTS:
1. Draft Ordinance.
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT
ORDINANCE TO ALLOW COMMERCIAL CROP CULTIVATION
ON AN INTERIM BASIS IN CERTAIN ZONE DISTRICTS WITH
A CONDITIONAL USE PERMIT

WHEREAS: There is currently land in the incorporated City programmed for urban
development, much of which will not realize development in the near term due to the slow down
in the economy; and

WHEREAS: In addition to land in the City programmed for urban development, the
City has granted entitlement of urban lands that have not yet been developed; and

WHEREAS: In light of the down turn in the economy, a text amendment has been
requested by a private developer to allow commercial crop cultivation on an interim basis on
lands zoned for urban uses until market conditions improve to construct the intended urban land
use; and

WHEREAS: This proposed text amendment was discussed at a Project Review
Committee meeting on November 16, 2011, and January 11, 2012, where staff expressed support
so long as it is an interim use; and

WHEREAS: The intent of this ordinance is not to encourage land owners to initiate
farming operations within city limits but to allow for a viable interim use of property until such
time as the economic conditions promote ultimate development of the land; and

WHEREAS: A public hearing was held before the City Council on January 17, 2012,
pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of
the City; and

WHEREAS: Pursuant to State and local environmental regulations, the proposed
ordinance serves to provide greater clarity to uses as identified in the Porterville 2030 General Plan,
and the proposed ordinance is an implementation measure of the policies, goals and objectives of
the Plan; and

WHEREAS: On March 4, 2008, the City Council adopted Resolution 21-2008 certifying
the Final Environmental Impact Report (EIR) for the General Plan; and

WHEREAS: On April 20, 2010, a public hearing was held before the City Council
approving Ordinance 1764 which adopted a Comprehensive Development Code and determined the
adequacy of an Addendum to the Final Environmental Impact Report to the Porterville General
Plan; and

Attachment 1
WHEREAS: On December 29, 2011 the Environmental Coordinator made a determination on the basis of substantial evidence that the proposed action is adequately covered under the addendum to the previously certified EIR.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. ______ amending the Porterville Municipal Code to include Commercial Crop Cultivation, as follows:

SECTION 1:

1. Amend Table 200.02 LAND USE REGULATIONS-AGRICULTURAL/CONSERVATION DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>AC</th>
<th>RR</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Raising</td>
<td>P</td>
<td>P</td>
<td>P(2)</td>
</tr>
<tr>
<td>Crop Cultivation</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Mining and Quarrying</td>
<td>C(3)</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

2. Amend Table 201.02 LAND USE REGULATIONS-RESIDENTIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

3. Amend Table 203.02 LAND USE REGULATIONS-COMMERCIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>CN</th>
<th>CR</th>
<th>CG</th>
<th>CMX</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
</tbody>
</table>

4. Amend Table 204.02 LAND USE REGULATIONS-COMMERCIAL DISTRICTS to add as follows:
Agricultural and Extractive Uses

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>PO</th>
<th>IP</th>
<th>IG</th>
<th>IA</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

5. Amend Table 205.02 LAND USE REGULATIONS-COMMERCIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PS</th>
<th>REC</th>
<th>PK</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
</tbody>
</table>

6. Add Section 301.21 Crop Cultivation as follows:

Commercial Crop Cultivation is a Permitted Use in the AC, RR, IP, IA and IG zones. Commercial Crop Cultivation is allowed in all other City zone districts except downtown districts on an interim basis subject to a Conditional Use Permit, in which the following section applies. This section of the Code does not apply to non-commercial crop cultivation or commercial crop cultivation where allowed as a permitted use.

(a) Purpose and Intent

1. It is the purpose and intent of this section to provide opportunity for interim use of land within City limits until such time as the development market supports the intended development of said lands.

2. Commercial crop cultivation can be allowed with a conditional use permit on an interim basis only where the impacts of an agricultural operation will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the surrounding area.

3. Crop cultivation allowed under the premises of this section is secondary to its availability for urban development and should be available for development as an urban use when market conditions improve for such a use.

4. Use of a subject site for crop cultivation for an interim period does not result in the land being construed as an agricultural resource requiring protection or preservation.

5. If residentially zoned, the land, regardless of the status of its agricultural use, will be considered in the City’s Housing Element and the Regional Housing Needs Assessment (RHNA) as available land for residential use.

6. A key intent of this section is to limit the use to an initial ten (10) year term with the option to consider five (5) year extensions. At the discretion of the City Council these time periods may be modified and/or reviewed.

7. This section shall not be construed to apply to animal confinement.

(b) Development Standards.

The following standards shall be met for each commercial crop cultivation area.
1. The area to be farmed shall be of adequate size, dimension and topography to accommodate the proposed use, and is a minimum of 10 acres, which may be a portion of a single parcel or a composition of multiple contiguous parcels under the same ownership.

2. The applicant/property owner shall not enter into a Williamson Act contract or other agricultural preservation measure, whether for tax reduction or other purposes.

(c) Conditions of Approval.
The following conditions of approval will be considered on a project-by-project basis at the discretion of the City Council.

1. Aerial application of fertilizers, pesticides, or other agricultural treatments is not allowed.
2. Burning of agricultural waste/trimmings/etc. is not allowed.
3. Sale of crops on-site is not allowed.
4. Installation of underground storage tanks is not permitted.
5. At least ten (10) days prior to the application of pesticides, fungicides, or insecticides, notice will be given to all property owners within 300 feet of the parcel(s), and notice shall be posted on site along every 100 feet of street frontage. Notice shall be no smaller than 10” x 12” and with the word “Notice” in 80 point font.
6. Best Management Practices to reduce spray drift will be implemented.
7. Wells, as needed to serve the subject site, are subject to California Department of Public Health Services approval and review of the City Engineer.
8. Irrigation water run-off, if any, shall be contained on site.
9. The area shall be groomed of weeds and agricultural waste regularly to reduce potential fire hazard, proliferation of pests, and unsightly conditions.
10. Equipment and vehicles related to the active farming operation of the site shall not be parked in the public right of way.
11. Vehicular circulation related to the use shall occur on-site.
12. A minimum twenty (20) drive aisle clearance shall be maintained along all property boundaries.
13. A vector control plan must be approved with the Conditional Use Permit and implemented for the term of the agricultural use.
14. The Council may consider other conditions as may be appropriate based on the location of the proposed use and may consider limiting some crop types due to impacts of excessive noise, dust, vibration, odors or other effects on surrounding uses.

7. Amend Section 700.01 List of Terms, to include “Crop Cultivation” alphabetically.

8. Amend Section 701.07 to add the following definitions alphabetically:

Crop Cultivation – commercial. Results in quantities of crops greater than what could be reasonably consumed in personal use and/or crops that are produced with the intent to sell commercially.
Crop Cultivation – non-commercial. Includes orchards and flower and vegetable gardens for personal use.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

ADOPTED this ___ day of ___, 2012.

__________________________________________
Ronald L. Irish, Mayor

ATTEST:

__________________________________________
John D. Lollis, City Clerk

By ________________________
Patrice Hildreth, Chief Deputy City Clerk
CITY COUNCIL AGENDA: FEBRUARY 21, 2012

PUBLIC HEARING


SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the sale of beer and wine under a Type 20 off-sale license. The retail sale of alcohol is proposed by the Walgreens Pharmacy located at 416 W. Olive Ave. in a CG (General and Service Commercial) Zone District. Section 301.03 of the Porterville Development Ordinance requires approval of a CUP for any use involving the sale of alcoholic beverages.

Walgreen’s was constructed and opened in 2011 providing retail products that include home items, personal products, incidental food products and pharmacy services. The proposed Type 20 alcohol license would permit the sale of alcohol in addition to the sale of other retail products and pharmacy services. The current store hours of operation are seven (7) days a week with hours of 8:00 AM-10:00 PM. However staff is not proposing a limit on the time when alcohol can be sold if the hours of operation change in the future, although state law already prohibits alcohol sales between 2:00 AM and 6:00 AM.

Conditions of approval have been placed in the draft resolution to ensure that the business adheres to good business practices and complies with local, state, and federal requirements. Additionally, conditions have been added to insure the public safety and welfare due to surrounding sensitive uses, including the high school across the street, adjacent residential uses, the nearby hospital and church. Signage advertising alcohol on windows and the building exterior, including the digital freestanding sign, is prohibited.

The subject site is located in Census Tract 38.01. The California Department of Alcoholic Beverage Control (ABC) has indicated that Census Tract 38.01 can accommodate up to three (3) off-sale licenses. At present, two (2) off-sale licenses exist.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit PRC-2011-29-C subject to the conditions of approval.

ATTACHMENTS: 1. Complete Staff Report

DDAPPROPRIATED/FUNDED NA CM  ITEM NO. 23
CITY COUNCIL AGENDA: FEBRUARY 21, 2012

PUBLIC HEARING - STAFF REPORT

TITLE: CONDITIONAL USE PERMIT PRC-2011-23-C

APPLICANTS: Paul S. Robich, Evergreen Devco (Agent)                        Walgreens
                      Phoenix, AZ 85016                                                 Porterville, CA 93257

SPECIFIC REQUEST: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the sale of beer and wine under a Type 20 off-sale license. The sale of beer and wine for off-site consumption is proposed at the Walgreens Pharmacy located at 416 W. Olive Ave in a General and Service Commercial (CG) Zone District.

PROJECT DETAILS: Walgreens was constructed and opened in 2011. The store is approximately 14,250 square feet with a general sales area of 9,073± square feet. There are three (3) beer and wine areas for a total of 87± square feet identified on Exhibit A. There are two beer and wine areas that are open and accessible to patrons as they shop: a shelf aisle and cooler/freezer area. The third area is a smaller storage location in the general stock area not accessible to the public.

Beer and wine is a common component of businesses like Walgreens. Comparable businesses, CVS and Rite Aid, in Porterville sell both beer and wine but also include the sale of distilled spirits. Each similar pharmacy in town, with the exception to the CVS on Henderson near Prospect Street, are adjacent to residential districts which provide patrons shorter travel distances from their home for more convenient shopping.

Walgreens is situated in a highly visible location. The intersection of Olive Avenue and Jaye Street is a high traffic area and its well lit parking lot will help discourage potential illegal activity. The Police Department evaluated the project and, in light of other licenses and like business in the area, had no further comment or restrictions.

The subject site is located in Census Tract 38.01. The California Department of Alcoholic Beverage Control has indicated that Census Tract 38.01 can accommodate up to three (3) off-sale licenses without being deemed “over concentrated.” At present, two (2) off-sale licenses exist.

GENERAL PLAN AND LAND USE/ZONING DESIGNATION:

The General Plan Land Use Diagram designates the site as General and Service Commercial and is consistently zoned General and Service Commercial (CG) District on the City’s Zoning Map.
SURROUNDING AREA ZONING AND LAND USE:

NORTH: City RS-2 – Low Density Residential (Single family neighborhood and the Hospital just beyond)
SOUTH: City CG & PS - General and Service Commercial (restaurant and Porterville High School)
EAST: City CG – General and Service Commercial (restaurants and commercial businesses)
WEST: City CG – General and Service Commercial (restaurants and commercial businesses)

STAFF ANALYSIS: On November 23, 2011, the Project Review Committee reviewed the application request and sent correspondence regarding the PRC meeting with comments and additional materials necessary prior to scheduling a public hearing.

Retail stores and pharmacies are permitted by right in the General and Services District, but any use involving the sale of alcohol requires the City Council’s approval of a conditional use permit per Section 301.03 of the Porterville Development Ordinance. Approval of the request would result in the applicants being conditionally allowed to sell beer and wine under an off-sale license.

Conditions of approval have been placed in the draft resolution to ensure that the business adheres to good business practices and complies with local, state, and federal requirements. Additionally, conditions have been placed to maintain the public safety and welfare to surrounding uses including the high school, residential uses, the nearby hospital and church. Signage advertising alcohol on windows and the building exterior, including the digital freestanding sign, is prohibited.

The current store hours of operation are seven (7) days a week with hours of 8:00 AM-10:00 PM. Staff is not proposing a limit on the time when alcohol can be sold if the hours of operation change in the future, although state law already prohibits alcohol sales between 2:00 AM and 6:00 AM.

ENVIRONMENTAL: The project is Categorically Exempt pursuant to Section 15301, Class 1 of the CEQA Guidelines - (Existing Facilities). Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: November 7, 2011

DATE ACCEPTED AS COMPLETE: January 17, 2012

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit PRC-2011-29-C subject to the conditions of approval.

ATTACHMENTS: 1. Locator Map
2. Site plan and interior store layout
3. Draft Resolution
4. City of Porterville ABC Census Tract Active Alcohol Licenses Map
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN
SUPPORT OF APPROVAL FOR CONDITIONAL USE PERMIT PRC-2011-29-C
TO ALLOW THE SALE OF BEER AND WINE UNDER AN OFF-SALE LICENSE TO BE
LOCATED AT 416 W. OLIVE AVENUE

WHEREAS: The applicant is requesting approval of Conditional Use Permit PRC 2011-29-C to allow the sale of beer and wine under an off-sale alcohol license at 416 W. Olive Ave. in the CG (General and Service) Zone District; and

WHEREAS: The City Council of the City of Porterville at its scheduled meeting of February 21, 2012, conducted a public hearing to consider Conditional Use Permit PRC-2011-29-C; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: Section 301.03 of the Porterville Development Ordinance requires conditional use permit approval for any use involving the sale of alcoholic beverages under an on-sale or off-sale license; and

WHEREAS: The City Council made the following findings:

1. Approval of the conditional use permit will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted, as follows:

   LU-G-1 Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.

   LU-G-21 Attract and retain specialty retail and restaurant businesses that will enhance Porterville’s unique character.

   ED-G-5 Retain existing local businesses and foster local start-ups.

   ED-G-7 Create an image for Porterville that will attract and retain economic activity.

2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan and with any other applicable plan adopted by the City Council.

The General Plan and Zoning Map designates the proposed project site as General and Service Commercial (CG). The proposed project promotes

ATTACHMENT
ITEM NO. 3
and implements the specific purposes of this General and Service Commercial use, including the following purposes as set forth in Section 203 of the Development Ordinance and General and Service Commercial Guidelines:
- Provide a full range of commercial uses.
- Provide areas for retail and services uses that meet local and regional demand.

WHEREAS: That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity. Conditions of approval are included to ensure applicable development standards are met; and

WHEREAS: That pursuant to Section 153301, Class 1, - (Existing Facilities) of the California Environmental Quality Act Guidelines, the Conditional Use Permit to allow the sale of beer and wine under an off-sale license in an existing commercial building is Categorically Exempt; and

WHEREAS: The subject site is located in Census Tract 38.01 which allows, according to the Alcoholic Beverage Control, three (3) off-sale licenses. At present, two (2) off-sale licenses exist in this census tract.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit PRC-2011-29-C subject to the following conditions:

1. Any future change in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves sales area expansion.

2. No advertising of alcoholic beverages shall be placed on the exterior of the building nor seen from the public right of way (i.e. no window advertising or digital signage).

3. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.12 of the Porterville Development Ordinance.

4. Compliance with all applicable development and access laws (both State and Federal) is required.
5. The developer/applicant shall keep and maintain the beer and wine in the area as identified on Exhibit A. Any such expansion or relocation shall be approved by the City Council.

6. That the on-site consumption of alcoholic beverages shall be prohibited.

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

8. The conditional use permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year. The Conditional Use Permit will expire when the use ceases to operate for one year or more.

9. The use shall be conducted in compliance with all applicable local, state and federal regulations.

PASSED, APPROVED AND ADOPTED this ____ day of February, 2012.

By: ______________________________________________________
    Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: ______________________________________________________
    Patrice Hildreth, Chief Deputy City Clerk
City of Porterville Active Alcohol Licenses

- Type 21
- Type 20
- Type 40
- Type 41
- Type 42
- Type 47
- Type 48
- Type 50

ATTACHMENT ITEM NO. 4
RECOMMENDATION: That the City Council:
1. Adopt the Draft Resolution approving Conditional Use Permit PRC 2011-24-C, subject to conditions of approval;
2. Adopt the Draft Resolution approving Variance PRC 2011-24-V, subject to conditions of approval; and
3. Authorize the Mayor to sign a letter of Public Convenience or Necessity for the proposed alcohol sales.

ATTACHMENT: Full Staff Report
PUBLIC HEARING

SUBJECT: CONDITIONAL USE PERMIT/VARIANCE PRC 2011-24-CV FOR THE
DEVELOPMENT OF AN AM/PM CONVENIENCE STORE WITH ALCOHOL
SALES, QUICK SERVE RESTAURANT, ARCO GASOLINE STATION AND
AUTOMATED CAR WASH

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit (CUP) and a
variance for PRC 2011-24-CV to allow for the development a 24-hour AM/PM
convenience store including the sale of beer and wine, a quick serve restaurant
(QSR), ARCO gasoline station and an automated car wash to be located at the
southeast corner of Jaye Street and Vandalia Avenue within the Jaye Street
Crossing commercial center. The site has been previously evaluated as Buildings
"E" and "F" in Design "D" Overlay Site Review 02-2008. A service station and
an automobile/vehicle washing facility require a CUP in the Retail Centers (CR)
Zone District, as well as for a Type-20 alcoholic beverage sales license. The
alcoholic beverage sales license will also require a letter of public convenience or
necessity due to an over concentration of licenses within the census tract. A
variance is being requested for certain landscaping and setback requirements of
§301.06 Auto Service Stations and Car Washing.

At the centerpiece of the development stands a large Valley Oak tree located at
the corner of Jaye Street and Vandalia Avenue. The initial site layout, as well as
the proposed development, has been designed around the preservation of this
stately tree. The applicant worked with staff to revise site plans to accommodate
and enhance the preservation of this oak tree. The current layout places the
restaurant close to the tree to provide for a potential patio/picnic area under the
tree and the car wash was moved to the east to avoid a conflict with the tree and a
driveway isle. Due to the fact that the project site has frontage on three (3) public
streets, there are greater setback requirements all around. Due to the need to
design around the tree and the attempt to balance out setbacks along multiple
street frontages, certain landscaping and setback requirements of §301.06 cannot
readily be met resulting in the request for a variance. The overall site, as
evaluated by staff, works better aesthetically and from a circulation standpoint
than earlier designs. Staff finds there are circumstances specific to this site that
support approval of both variances.

The site appears to be an appropriate location for this type of a use and will
compliment the uses already envisioned within the Jaye Street Crossing shopping
center and the adjacent Riverwalk Marketplace. On February 2, 2012, the Project
Review Committee deemed the project consistent with the City of Porterville’s
General Plan Land Use Policies and Guidelines and the Commercial District -
CR Zone and other Development Ordinance requirements.

Items 23-Funded/Approved
CITY COUNCIL AGENDA: FEBRUARY 21, 2012

PUBLIC HEARING - STAFF REPORT

SUBJECT: CONDITIONAL USE PERMIT/VARIANCE PRC 2011-24-CV FOR THE DEVELOPMENT OF AN AM/PM CONVENIENCE STORE WITH ALCOHOL SALES, QUICK SERVE RESTAURANT, ARCO GASOLINE STATION AND AUTOMATED CAR WASH

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

APPLICANT: Mr. Basem Sabbah
5101 W. Merlot Ct.
Visalia, Ca 93291

AGENT: Mr. Richard LaRowe
Stantec
3875 Atherton Road
Rocklin, Ca 95765

SPECIFIC REQUEST: To construct a 24-hour AM/PM convenience store with alcohol sales, quick serve restaurant (QSR), ARCO service station and automated car wash for PRC 2011-24-CV (the Project).

1. The following uses require the approval of a conditional use permit:
   a. Construct an automobile service station and automobile/vehicle washing as required in §301.06 within the CR Retail Centers zone.
   b. Allow beer and wine sales as required by §301.03 Alcoholic Beverage Sales.
   c. Authorize the Mayor to sign a Letter of Public Convenience or Necessity for the alcohol sales.

2. The following deviations from development standards require a variance:
   a. Reduce the landscape requirement of §301.06(a)(2) to provide a six hundred (600) square-foot planter with a minimum dimension of twenty (20) feet to be provided at the corner of intersecting streets (unless a building is located at the corner). While the project proposes more than the minimum area, the dimension at the corner of Vandalia Avenue and Kessing Street is a minimum of seventeen (17) feet.
   b. Reduce the setback requirement of §301.06(e); Auto Service Stations and Car Washes require a minimum setback of thirty (30) feet to a public street. The applicant has proposed a setback of sixteen (16) feet to Kessing Street and complies with all other setbacks.

SIZE OF PROPERTY: 1.24± acres

GENERAL PLAN AND ZONING: The General Plan designates the site as Retail Centers. The subject site is zoned CR – Retail Centers.

PRESENT USE: Vacant, undeveloped land, a portion of the approved Jaye Street Crossing commercial center.
SURROUNDING ZONING AND LAND USE:
  North: CR (Retail Centers) – Vacant land, portion of Jaye Street Crossing
  South: CR (Retail Centers) – Vacant land, portion of Jaye Street Crossing
  East:  CR (Retail Centers) – Home Depot
  West:  PD (Planned Development) – Riverwalk Marketplace

ENVIRONMENTAL REVIEW: On February 20, 2007, the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report (EIR) evaluating the environmental impacts, mitigation measures and land use changes necessary to facilitate the development of a 10.7± acre site with a 75,000± square foot commercial center known as Jaye Street Crossing.

The Draft EIR addressed the removal of the large Valley Oak tree located at the corner of Jaye Street and Vandalia Avenue. Since the community felt that the oak tree was a centerpiece for the development, its preservation was made an element of design within the shopping center, which included an open patio area as part of the approved Design Review Overlay.

BACKGROUND: On June 3, 2008, the City Council adopted Resolution 49-2008 containing findings and conditions in support of Design “D” Overlay Site Review 02-2008 to facilitate the development of the 75,000± square foot Jaye Street Crossing commercial center. Included in the resolution were design and architectural features as well as colors and tones of materials to be used. The architectural style for the commercial center would be Spanish-Mediterranean with plastered walls, columns and a flat roof. Jaye Street Crossing includes two Major Buildings (“A” & “B”) and six (6) building pads. This site is located within building pads E and F.

STAFF ANALYSIS: On October 20, 2011, the applicant submitted an application to the Project Review Committee (PRC) to consider the Project, which is to be located on the building pads identified as “E” & “F” within the Jaye Street Crossing. The final layout included the location of Building “F” (the carwash) to be adjacent to Kessing Street rather than Jaye Street to reduce vehicular conflicts near the existing oak tree. A service station and an automobile/vehicle washing facility require a conditional use permit (CUP) in the CR zone, as well as for alcoholic beverage sales.

The proposed project includes three (3) structures: the convenience store and QSR is 4100± s.f., the car wash tunnel is 1500± s.f. and the gas canopy is 3276± s.f. of covered area. The architectural style and colors are consistent with the approved architectural theme required in Resolution 49-2008. The proposed colors and renderings are identified as Attachment 5. The convenience store and QSR will be oriented towards the interior of the commercial center facing State Route 190, backing up to Vandalia Avenue and continues the unified architectural theme of the Jaye Street Crossing commercial development with large windows and columns. The car wash tunnel is adjacent to Kessing Street with the entrance being from the north and exiting the south side of the tunnel. In order to keep drainage onsite and to prevent circulation conflicts of vehicles at the ingress/egress of Kessing Street, exiting of the tunnel will require a right turn.

The landscaping areas on the property and in public parkway would be permanently maintained with healthy, growing plant material. Section 301.06(a) of the Development Ordinance requires that at least ten (10) percent of the site be landscaped. The project has identified 27 percent of the gross area to be landscaped. Based on the proposed uses, 28 parking spaces are required. The
project exceeds this requirement with 36 parking spaces, including two (2) ADA accessible spaces. The building height does not exceed the allowed height of 50 feet. The proposed refuse enclosure and loading zone meets City Municipal Code requirements and the circulation within the facility meets Engineering standards. Access to the facility would be from common ingress/egress accessibility from Jaye Street and Kessing Street, with no access available from Vandalia Avenue. As the project utilizes portions of the surrounding parcel for access, the applicant and adjacent property owner must have a signed reciprocal ingress/egress agreement recorded prior to issuance of a building permit.

The applicant for this project worked with staff to design a site that compliments the location and use of the oak tree as a feature of the site, rather than just an obstacle to plan around. Design of the site was further hampered with its location along the frontages of three (3) public streets, where there are greater setback requirements all around. The current layout places the restaurant close to the tree to provide for a potential patio/picnic area under this large shade tree and the car wash was moved to the east along Kessing Street to avoid a conflict of the queuing aisle with pedestrian access to the street. However, due to this change in design and the attempt to balance out setbacks along multiple street frontages, certain landscaping and setback requirements of §301.06 cannot readily be met resulting in the request for a variance. The three (3) street frontages and the preservation of the oak tree are the site specific conditions that justify the granting of a variance for this site which do not apply to other properties in the vicinity. The overall site, as determined by staff, works better aesthetically and from a circulation standpoint than what was originally designed.

Section 301.06 of the Development Ordinance provides provisions and guidance for development of Auto Service Stations and Car Washing facilities that include landscaping and the location of washing facilities. Section 301.06(a)(2) requires a six hundred (600) square-foot planter with a minimum dimension of twenty (20) feet to be provided at the corner of intersecting streets unless a building is located at the corner. The subject site has a large planter area but the minimum dimension is seventeen (17) feet. To provide a twenty (20) foot dimension the site would have to be redesigned to provide a larger turning radius to enter the washing tunnel, which would force the structures to be shifted to the west which will encroach upon the drip line of the oak tree. In this case, the carwash was moved off the main arterial to the minor street and the oak tree has become the landscaping centerpiece of the development, reducing the need for an additional large landscaped area at Vandalia and Kessing.

Additionally, a variance is requested to reduce the required setback of the washing facility to be thirty (30) feet from any public street. The layout of the lot with public streets being located on three sides of the lot and the previously approved layout of the remaining development of Jaye Street Crossing precludes placement of the washing facility in an alternate location without impacting vehicular circulation or protection of the oak tree. Also staff is in the process of revising the Development Ordinance and anticipates recommending that the Council modify this standard by reducing the setback because it singles out carwashes with an onerous landscaping requirement. However, staff findings support a variance from this Code provision for this site without the future amendment.

The California Department of Alcoholic Beverage Control (ABC) has indicated that Census Tract 41.01, where the project is located, can accommodate up to eight (8) off-sale licenses without being deemed “over concentrated.” At present, nine (9) off-sale licenses exist. (It should
be noted that recently a conditional use permit was granted for the Riverwalk Marketplace Walmart store to obtain an additional off-sale license. However, since that license has not been applied for it is not included in the nine (9) licenses listed above.) As a result, a letter requesting approval of Finding of Public Convenience or Necessity for the off-sale license is required from the ABC.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: October 20, 2011

DATE ACCEPTED AS COMPLETE: February 2, 2012

STAFF RECOMMENDATION: Staff recommends that the City Council approve the draft resolution for Conditional Use Permit PRC 2011-24-C and draft resolution for the variance for PRC 2011-24-V.

ATTACHMENTS
1. Locator Map
2. Environmental Impact Report Certification (Resolution 8-2007)
4. Site Plan
5. Elevations/ Color Renderings
6. Draft Resolution for Conditional Use Permit PRC 2012-24-C
7. Draft Resolution for Variance PRC 2012-24-V
8. Proposed Letter of Public Convenience or Necessity
9. Active Alcohol Licenses
RESOLUTION NO. 8-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF CERTIFICATION OF AN
ENVIRONMENTAL IMPACT REPORT FOR GENERAL PLAN AMENDMENT 1-2007
(FORMERLY 1-2006 (A)) AND ZONE CHANGE 3-2007 (FORMERLY 1-2006) FOR THAT
10.7± ACRE VACANT SITE LOCATED ON THE NORTHEAST CORNER OF
SOUTH JAYE STREET AND STATE ROUTE 190

WHEREAS: The Final Environmental Impact evaluates the development and land use
changes necessary to facilitate the development of a 10.7± acre site with a 75,000± square foot
shopping center;

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
February 7, 2006, conducted a public hearing to consider General Plan Amendment 1-2007 and Zone
Change 3-2007 for that 10.7± acre vacant site located on the northeast corner of South Jaye Street
and State Route 190; and

WHEREAS: General Plan Amendment 1-2007, proposes to change the land use map of the
Land Use Element of the General Plan from Industrial to General Commercial, and

WHEREAS: Zone Change 3-2007 proposes to change the present zoning from M-1 (Light
Manufacturing) to C-2 "D" (General Commercial with Design Review Overlay) Zone contingent
upon approval of General Plan Amendment 1-2007; and

WHEREAS: Development of a 75,000± square foot commercial center was evaluated in the
Environmental Impact Report and will subsequently be brought to the City Council for approval.
Prior to the applicant/agent submitting any final map or Conditional Use Permit for processing,
General Plan Amendment 1-2007, and Zone Change 3-2007 would have to be approved; and

WHEREAS: A reconnaissance-level field survey was conducted on September 10, 2004 by
Quad Knopf biologist James W. Jones, Jr. to determine whether special-status plant and animal
species occur on an area which includes the subject site (area between State Route 190 to the south,
Springville Avenue to the north, Jaye Street to the west and an existing Home Depot store and vacant
lot to the east) or if habitats for such species are present in the project area. No Elderberry shrubs,
wetland habitat, or Kit Fox dens were found to exist on the subject site. The biological study was
included by reference into the Initial Study for this project; and

WHEREAS: The City Council considered the following findings in its review of the
environmental circumstances for this project:

1. That an Environmental Impact Report was prepared in accordance with the California
Environmental Quality Act.

ATTACHMENT
ITEM NO. 2
2. That the subject project will not create unmitigatable adverse environmental impacts.

The Environmental Impact Report was evaluated in light of the prepared technical reports, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

3. That the City Council is the decision-making body for the project.

4. That the Environmental Impact Report prepared for this project was made available for public review and comment for a thirty (30) day review period from November 11, 2005 to December 11, 2005. The agencies and parties that responded were: Matthew Francois, Esq. of Cassidy Shimko Dawson Kawakami; Porterville Parks and Leisure Services; California Department of Water Resources Floodway Protection Section; Caltrans District 6, Office of Transportation Planning; and the San Joaquin Valley Air Pollution Control District. Comments were received at the public hearing in December from John Hale, Daryl Nicholson, Greg Shelton, Ben Ennis, Boyd Leavitt, Dick Eckhoff, and Felipe Martinez. All comments have been responded to in the Final EIR.

5. That the mitigation measures contained in the Environmental Impact Report were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.

6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.

The reconnaissance-level field survey conducted on September 10, 2004 by Quad Knopf biologist James W. Jones, Jr. determined that there are no Elderberry shrubs, wetland habitat, or Kit Fox dens located on the subject site. Potential impacts to migratory birds associated with the removal of one oak tree on site will be mitigated as described in the mitigation monitoring reporting program or will be avoided through incorporation of the oak tree into site design.

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

8. That the analysis prepared for this project supporting the Environmental Impact Report reflects the independent judgment of the City of Porterville.

9. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Environmental Impact Report for this project. The
developer/applicant will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Environmental Impact Report prepared for General Plan Amendment 1-2007 and Zone Change 3-2007, and that the mitigation measures defined in Attachment A shall be implemented by the applicant or his/her successors with project implementation.

Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
Table 3-1  
Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Impact Number</th>
<th>Developer Initial</th>
<th>Responsible Party</th>
<th>Mitigation Measure</th>
<th>City Approval</th>
<th>Time Span</th>
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<tr>
<td>Impact #3.1.1: Visual Compatibility</td>
<td></td>
<td>City of Porterville</td>
<td>Mitigation Measure #3.1.1: The north and west elevations of the Porterville Commercial Center will be designed to minimize views of urban development and will be landscaped with trees and shrubbery. A licensed landscape architect will design a landscaping plan to achieve these goals. Outdoor billboards shall be excluded from the site. The design and appearance of retail stores, restaurants, and fueling station structures shall be in conformance with the City’s Building codes.</td>
<td>Completed prior to issuance of building permit.</td>
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<td>Impact #3.1.2: Light and Glare</td>
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<td>City of Porterville</td>
<td>Mitigation Measure #3.1.2: A lighting plan will be developed by a registered illumination engineer so that lighting levels comply with generally accepted standards. Lighting will be designed to avoid direct exposure of lighting elements and associated glare into adjacent areas. No more than a 0.25 footcandle increase shall be detected offsite on adjacent properties.</td>
<td>Completed prior to issuance of building permit.</td>
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| Impact #3.3.1: PM10 From Construction Activities | San Joaquin Valley Air Pollution Control District | | * Mitigation Measure #3.3.1: The optional dust control measures in Tables 3.3-4 and 3.3-5 will be implemented. Enhanced Control Measures – The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts (note these measures are to be implemented in addition to Regulation VIII requirements)  
  * Limit traffic speeds on unpaved roads to 15 mph; and  
  * Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent. Additional Control Measures – The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reduction.  
  * Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site  
  * Install wind breaks at windward side(s) of construction areas  
  * Suspend excavation and grading activity when winds exceed 20 mph*; and  
  * Limit area subject to excavation, grading, and other construction activity at any | During construction period | |

Porterville Commercial Center
Final Environmental Impact Report

January 2006
3-2

ATTACHMENT A
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<tr>
<th>Impact Number</th>
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<td>* Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.</td>
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<td>Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002</td>
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<td>Heavy duty equipment (scrapers, graders, trenchers, earth movers, etc.)</td>
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<td>• Use of alternative fueled or catalyst equipped diesel construction equipment</td>
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<td>• Minimize idling time (e.g., 10 minute maximum)</td>
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<td>• Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use</td>
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<td>• Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)</td>
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<td>• Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways</td>
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<td>• Implement activity management (e.g. rescheduling activities to reduce short-term impacts)</td>
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<td>Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002</td>
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<td>Impact #3.4.1: Special Status Species – Migratory Birds</td>
<td>City of Porterville</td>
<td>Mitigation Measure #3.4.1: The nesting season for avian predators and other migratory birds generally occur sometime between February 1 and September 15. A pre-construction survey for migratory birds will be conducted prior to construction. If nesting is occurring, construction activities within 250 feet of the nest will not occur.</td>
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<td>Impact #3.5.1:</td>
<td>City of Porterville</td>
<td>Mitigation Measure #3.5.1: Should buried cultural resources be discovered during construction, the project contractor shall immediately halt all work within 50-feet of the find until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation measures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American</td>
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Porterville Commercial Center  
Final Environmental Impact Report  

January 2006  
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<th>Impact Number</th>
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<tr>
<td>Impact #3.11.1: Construction Noise</td>
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<td>City of Porterville</td>
<td>Mitigation Measure #3.11.1: Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday and Sunday. Also, effective mufflers shall be fitted to gas- and diesel-powered equipment.</td>
<td>Before opening day of project</td>
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| Impact #3.15.1: Increased Traffic |                  | City of Porterville | Mitigation Measure #3.15.1: The following mitigation measures are recommended to reduce traffic impacts to a less than significant level: Under “Existing plus Approved/Pending Projects plus Project Only” conditions, the following mitigation measures are recommended:  
1. Springville Avenue/Jaye Street intersection: Install a traffic signal. This intersection is projected to operate at LOS “F” conditions during the AM and PM peak hour periods. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a “gap” to enter or cross Jaye Street (major street). This intersection is also projected to meet the Caltrans’ Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS “B” conditions during the AM and PM peak hour periods.  
2. Vandalia Avenue/Jaye Street intersection: Install a traffic signal and widen the southbound approach to accommodate a dedicated left turn lane. This two-way stop-controlled intersection, which currently provides access to a home improvement store and garden center, is projected to operate at LOS “P” conditions during the AM and PM peak hour periods under this scenario. This intersection is also projected to meet the Caltrans’ Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS “C” conditions during the AM and PM peak hour periods.  
3. State Route 190/Jaye Street intersection: Widen the southbound approach of this signalized intersection to include dual right turn lanes. Under “Existing plus Approved/Pending Projects” conditions this intersection is projected to operate at LOS “E” conditions during the PM peak hour period. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS “D” conditions during the AM and PM peak hour periods. | Before opening day of project | |
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<th>Impact Number</th>
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<td>City of Porterville</td>
<td>Mitigation Measure #3.15.2: The following mitigation measures are recommended to reduce traffic impacts to a less significant level:</td>
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<td>4. Project Driveways: It is recommended that the project driveways along Springville Avenue contain shared movements as shown in Figure 8. The project driveway on Jaye Street between State Route 190 and Vandalia Avenue is recommended to be a &quot;right turn only&quot; driveway and should provide for a deceleration lane no less than 100 feet in length.</td>
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<td>For recommended phasing of these mitigation measures please refer to the TIS (Appendix H).</td>
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<td>Impact #3.15.2: Exceeds traffic threshold needed to maintain level of service</td>
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<td>5. Springville Avenue/Jaye Street intersection: Install a traffic signal. This intersection is projected to operate at LOS &quot;P&quot; conditions during the AM and PM peak hour periods. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a &quot;gap&quot; to enter or cross Jaye Street (major street). This intersection is also projected to meet the Caltrans' Peak Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS &quot;B&quot; conditions during the AM and PM peak hour periods.</td>
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<td>6. Vandalia Avenue/Jaye Street intersection: Install a traffic signal and widen the southbound approach to accommodate a dedicated left turn lane. This two-way stop-controlled intersection, which currently provides access to a home improvement store and garden center, is projected to operate at LOS &quot;P&quot; conditions during the AM and PM peak hour periods under this scenario. This intersection is also projected to meet the Caltrans' Peak Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS &quot;C&quot; conditions during the AM and PM peak hour periods.</td>
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<td>7. State Route 190/Jaye Street intersection: Widen the southbound approach of this signalized intersection to include dual right turn lanes. Under &quot;Existing</td>
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Porterville Commercial Center
Final Environmental Impact Report

January 2006
3-5
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<td>plus Approved/Pending Projects conditions this intersection is projected to operate at LOS &quot;E&quot; conditions during the PM peak hour period. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS &quot;D&quot; conditions during the AM and PM peak hour periods.</td>
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8. **Project Driveways**: It is recommended that the project driveways along Springville Avenue contain shared movements as shown in Figure 8. The project driveway on Jaye Street between State Route 190 and Vandalia Avenue is recommended to be a “right turn only” driveway and should provide for a deceleration lane no less than 100 feet in length.

For recommended phasing of these mitigation measures please refer to the TIS (Appendix H).
STATE OF CALIFORNIA   )
CITY OF PORTERVILLE  )    SS
COUNTY OF TULARE     )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 20th day of February, 2007.

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>McCRACKEN</th>
<th>P. MARTINEZ</th>
<th>F. MARTINEZ</th>
<th>HERNANDEZ</th>
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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. 49–2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF “D” OVERLAY REVIEW 2-2008 TO FACILITATE THE DEVELOPMENT OF A ±75,000 SQUARE FOOT COMMERCIAL CENTER TO BE LOCATED AT THE NORTHEAST CORNER OF JAYE STREET AND STATE ROUTE 190 IN THE C-2 (D) (CENTRAL COMMERICAL – DESIGN OVERLAY REVIEW) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 3, 2008, reviewed and considered “D” Overlay Site Review 2-2008, to facilitate development of a ±75,000 square foot commercial center to be located at the northeast corner of Jaye Street and State Route 190 in the C-2 (D) (Central Commercial – “D” Overlay Site Review) Zone; and

WHEREAS: On February 7, 2007 the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report evaluating the development, mitigation measures and land use changes necessary to facilitate the development of a ±10.7 acre site with a ±75,000 square foot shopping center.

WHEREAS: Pursuant to Article 18 (Supplemental “D” – Design Review Overlay Zone) of the Porterville Ordinance, the City Council made the following findings:

1. That the proposed project is consistent with the General Plan (designated as Retail Centers) and Zoning for the site (C-2 (D) Central Commercial – Design Overlay Site Review).
2. That the design and architectural features of the project are compatible with that of surrounding uses. The commercial center is located along Jaye Street, Vandalia Avenue and Springville Avenue with access from those streets. The landscaping and pedestrian access has been designed for appeal, convenience and ease of access. The colors and tones of materials used are neutral and blend and transition well with the surrounding uses.
3. That the site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaping areas either meet or exceed the minimum requirements which will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Design Review Site Overlay 2-2008 subject to the following conditions:

ATTACHMENT
ITEM NO. 3
1. That the project shall be constructed in accordance with the approved plans and elevations, attached and incorporated herein by reference as Attachments 4-10 to the staff report. Prior to making any modification of exterior design, materials or colors, plans and/or color samples showing the proposed modifications shall be submitted to the Zoning Administrator for approval, and any modifications shall comply with the approved building plans.

Additionally, the architectural design of buildings “C, G, Major A, and Major B” shall be approved by consent of the City Council if the design is architecturally compatible and in compliance with all applicable codes. A unified theme shall be established and maintained for all buildings, signage and accessory amenities to be constructed within the commercial center.

2. The developer is required to implement all mitigation measures incorporated into the project approval as contained in the certified Final EIR (Resolution 8-2007) for the project. A copy of the mitigation measures is attached.


4. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

5. The developer/applicant shall convey right of way along Jaye Street and Springville Avenue consistent with the fully executed Right of Entry dated August 21, 2007. The developer/applicant shall also convey additional right of way for the drive approaches constructed on the east side of Jaye Street, north and south of Vandalia Avenue. The City will pay the applicant the fair market value for the right of way described in the Right of Entry dated August 21, 2007 and the additional right of way necessary for the constructed Jaye Street drive approaches.

6. The developer/applicant shall comply with Appendix J of the 2007 California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/ applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable. Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.
7. The developer/applicant shall provide a Preliminary Soils Report in accordance with the City’s Municipal Code and Standard Specifications prior to issuance of building permits.

8. The developer/applicant shall construct the remaining Springville Avenue frontage improvements in accordance with the adopted Circulation Element and City Standards (arterial width standards) upon development of the northern vacant parcel (APN-260-300-009).

9. The developer/applicant shall construct a looped water system that provides fire flow in accordance with the California Fire Code upon development of the property.

10. The developer/applicant shall repair previously constructed street frontage improvements in accordance with City Ordinance No. 1306. The ordinance will become effective once the Jaye Street Corridor Project guarantees lapse.

11. The developer/applicant shall pay their “Pro Rata” share of all off-site road improvements, including project related traffic signals, modifications to the State Route 190/Jaye street intersection and proportional share of the future State Route 190/Plano Street intersection improvements, as defined in the traffic study (Omini-Means, November 2005) or as otherwise mutually agreed upon by all parties and returned to the City Council for approval. A Reimbursement Agreement, adopted by City Council, shall act as the instrument that describes in detail how the developer or assignees will reimburse the City for the completed improvements described in said traffic study.

12. The developer/owner shall proportionally reimburse the City for constructed frontage improvements serving the subject development should the property develop in phases. The formula is as follows:

\[
\text{Phased development (acres)/Entire Commercial Site (acres) \times "Pro Rata" Share ($)} = \text{Reimbursement amount}
\]

The “Pro Rata” share will be defined after City Council accepts the completed off-site improvements related to this commercial development and the adjacent westerly commercial project. Staff anticipates an April 15, 2008 acceptance date.

13. Developer/applicant shall pay their proportional share of the sidewalk constructed along Jaye Street, Kessing Street, Poplar Avenue, Vandalia Avenue, and Springville Avenue. The project will require the extension of Springville Avenue sidewalk to the eastern property line.

14. Prior to issuance of any permits, the developer/applicant shall submit for City review and approval a precise grading and drainage plan and dedicate a drainage
easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50).

15. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS0000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than one acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

17. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust by obtaining a Dust Control Permit, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

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

Effective March 1, 2006, the San Joaquin Valley Air Pollution Control District will enforce the Indirect Source Rule (ISR). ISR applies to projects that are at least:

- 50 residential units
• 2,000 square feet of commercial space
• 9,000 square feet of educational space
• 10,000 square feet of government space
• 20,000 square feet of medical or recreational space
• 25,000 square feet of light industrial space
• 39,000 square feet of general office space
• 100,000 square feet of heavy industrial space
• Or, 9,000 square feet of any land use not identified above.

Projects that meet the above thresholds but are found through the application process to have mitigated emissions of less than two tons per year each of nitrogen oxides and PM10 (particulate matter 10 microns and smaller) will not be subject to the emission-reduction requirements of the rule.

a. It is the applicants’ responsibility to file an application (found at http://www.valleymair.org/ISR/ISR.htm) with the District. The application must be filed with the District no later than concurrent with an application for final discretionary approval with a public agency. An application maybe filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the benefits of the ISR program emission reductions in their environmental documents.

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

c. ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.

d. The District will be responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District will enforce those measures through a Monitoring and Reporting Schedule (MRS).
e. The District will notify the local agency when a project’s application is
deemed complete, and when it is approved. The District will send copies
of the preliminary and finalized MRS to the local agency for voluntary
review for consistency with local regulations and programs.

f. If the local agency, or applicant or district determines that a measure on
the MRS is not consistent with local agency regulations and programs, that
measure will be removed from the MRS and the project will be re-
assessed.

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

h. The ISR Rules and Program does not place any requirements upon the
agency. For more information regarding the Indirect Source Rule, please
contact the San Joaquin Valley Air Pollution Control District at (559) 230-
6000. The Central Region office in Fresno is leading the ISR enforcement.

19. The developer/applicant shall move utility structures that exist within the current
and ultimate rights of way (For example, poles, splice boxes, vaults, etc.) to a
position that provides a minimum of four feet (4') of clear space in the sidewalk
area and a minimum of two feet (2') of clear space from the curb face to the
structure, unless they are below grade (Title 24 OSA).

20. The developer/applicant shall provide street lights on Marbelite poles following
Southern California Edison Company specifications, as approved by the City
Engineer. Do not use wood poles without prior written approval of the City
Engineer. 16000 H.P.S.V. street lights are to be installed along the south side of
Springville Avenue at 320 foot intervals. 9500 H.P.S.V. street lights shall be
installed along the both sides of Vandalia Avenue at maximum spacing of 160
feet and on the west side Kessing Street at a maximum spacing of 320 feet.

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

22. Provide a barrier curb or other physical barrier acceptable to the Community
Development Director between the developed portions of the site and the
undeveloped portions of the site. No parking or vehicular circulation is allowed
on unpaved portions of the site.

23. The developer/applicant shall construct the pipe connecting to on-site fire
hydrants to City water main standards and shall provide easements for
maintenance of on-site water mains and fire hydrants for systems not isolated by a
detector check valves. Otherwise, the developer/applicant shall construct the pipe
connecting to on-site fire hydrants to City water main standards, detector check included, and shall provide easements for maintenance of the fire hydrants only.

24. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

25. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.

26. The developer/applicant shall comply with Ordinance No. 1288 regarding Waste Water Discharge requirements and shall complete and submit a Wastewater Discharge Permit Application, Part “A”. If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee.

27. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health.

The developer/applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.

28. If underground storage tank(s) are to be used for storage of hazardous substances, the developer/applicant shall follow California Health and Safety Code, Division 20, Chapter 6.7, Section 25280 through 25299.6, governing the underground storage of hazardous substances prior to issuance of Certificate of Occupancy.

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

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

31. The developer/applicant shall install a refuse container enclosure according to City Standards. The enclosure location to be approved by City prior to issuance of building permit. The enclosure should be oriented for direct pick up. The
developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. Developer is encouraged to install an enclosure that would accommodate a solid waste and recyclable container for collection. Trash enclosure shall be architecturally treated to blend with the development.

32. The heritage oak tree at the southeast corner of Jaye & Vandalia is to be retained. An evaluation and report on recommendations for preserving the oak is to be obtained from a qualified arborist. All work within at least twenty-five (25) feet of the trunk is to be included within the arborist evaluation and monitored to ensure the health and vitality of the oak.

33. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.

34. A minimum of 5% of parking lot and driveway areas are to be landscaped with live plant materials. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per 8 parking spaces distributed throughout the paved area. Parking lot tree wells are to be a minimum of twenty (20) square-feet in size within the curbed perimeter.

35. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping.

36. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway and State Route 190 frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway/highway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks. The selection of planting locations, and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.

37. Provide consistent landscaping within the area between Kessing and Jaye to provide a minimum of eight (8) feet of planting area for trees and shrubs exceeding four (4) feet in height.

38. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance.

39. Provide designated pedestrian routes between all building storefronts, linked to all
roadway frontage public sidewalks, and through parking lots. Pedestrian routes are to be apart from walking within the vehicular travel ways and compliant with Americans with Disability act requirements. Provide for at least 50% shading of site pedestrian routes, within seven years by tree canopies, or approved architectural features. The project must provide low-level illumination of the walkways.

40. Provide bicycle-parking facilities at each building site to encourage employee and patron use, and provide at least one location of bicycle storage lockers for employees of the site businesses.

41. The project must comply with latest applicable codes.

42. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.

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

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

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

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

47. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

48. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

49. Fire hydrant spacing shall be as follows:
   In Commercial development, one hydrant shall be installed at 300-foot intervals.

50. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.
51. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

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

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

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

55. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000 feet per California Fire Code Appendix C Table C105.1, Note Number c.

56. That architectural detail be included on all building elevations.

57. That all secondary doors facing Jaye Street and Springville Avenue be painted to match the background color of the building wall in which the door is located and public streets.

58. The developer shall incorporate ground cover, shrubs and trees between buildings and public streets to help soften the transition between buildings and the public right-of-way.

59. All mechanical and electrical equipment must be inside the building and/or screened from public view (ex. #30 and #33 from legend) in a manner that is architecturally compatible with the building. Care must be given to screening equipment, and panels.

60. This project shall conform to the C-2 Zone development standards contained in the Porterville Zoning Ordinance Section 800.

61. Exterior materials and colors shall be specified on the architectural elevations submitted to the Building Division for building permits. Samples of these materials and colors shall also be provided at time of building permit submittal and approved by the Zoning Administrator prior to issuance of building permits.

62. Each trash receptacle shall be stored within a trash enclosure so as not to be visible to public view. The location and access of the receptacles shall be clearly shown on the plans submitted for building permits. The Zoning Administrator shall approve of receptacle storage locations prior to the issuance of building
permits. Trash enclosure shall be architecturally treated to blend with the development.

63. Landscaping plans for all of the commonly maintained areas shall be included in the plans submitted for building permits. The Zoning Administrator shall approve the landscaping plans prior to the issuance of building permits.

64. The detailed site landscaping plan shall substantially comply with the conceptual landscape plan shown on Attachment 4B, and 4C, incorporated herein by reference.

65. Construction activities shall be limited to the hours between 7:00 a.m. and 6:00 p.m. Monday through Saturday.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

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

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 3rd day of June, 2008.

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

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<th>McCRAKEN</th>
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<th>F. MARTINEZ</th>
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JOHN LONGLEY, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
South Elevation

West Elevation
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT
PRC 2011-24-C TO ALLOW THE CONSTRUCTION OF AN AM/PM CONVENIENCE
STORE WITH ALCOHOL SALES, QUICK SERVE RESTAURANT,
ARCO GASOLINE STATION AND AUTOMATED CAR WASH

WHEREAS: On February 20, 2007, the City Council adopted Resolution 8-2007
certifying the Final Environmental Impact Report (EIR) evaluating the environmental impacts,
mitigation measures and land use changes necessary to facilitate the development of a 10.7± acre
site with a 75,000± square foot commercial center known as Jaye Street Crossing; and

WHEREAS: On June 3, 2008, the City Council adopted Resolution 49-2008 containing
findings and conditions in support of Design “D” Overlay Site Review 02-2008 to facilitate the
development of the 75,000 square foot Jaye Street Crossing commercial center. Included in the
resolution were design and architectural features as well as colors and tones of materials to be
used; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled
meeting of February 21, 2012, reviewed and considered the application material for the proposed
AM/PM convenience store, quick serve restaurant, ARCO gasoline station and automated car
wash to be located on the southeast corner of Jaye Street and Vandalia Avenue, in the Jaye Street
Crossing commercial center. Pursuant to Chapter 203 of the Porterville Development Ordinance
a service station and an automobile/vehicle washing facility require a conditional use permit
(CUP) in the CR zone and pursuant to §301.03 a conditional use permit is required for alcoholic
beverage sales as well; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of and is consistent with
   the policies of the General Plan and any other applicable plan that the City has adopted.

   a. The project supports and complies with the following General Plan guiding
      policies:

      LU-G-1: Promote a sustainable, balanced land use pattern that responds to
      existing needs and future needs of the City.

      LU-G-3 Promote sustainability in the design and development of public and
      private development projects.

      LU-G-21 Attract and retain specialty retail and restaurant businesses that will
      enhance Porterville’s unique character.

ATTACHMENT
ITEM NO. 0
ED-G-7 Create an image for Porterville that will attract and retain economic activity.

b. All structures on the site are consistent with the approved architectural theme required in the Jaye Street Crossing master conditions of approval as found in Resolution 49-2008.

2. That the location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan and with any other applicable plan adopted by the City Council.

a. The site complies with all standards of the Development Ordinance except those for which variances are sought.

b. With the exception of the minimum dimension of the landscape planter on the corner of Vandalia Avenue and Kessing Street, the design of the site exceeds Development Ordinance requirements for parking and landscaping.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit PRC 2011-24-C subject to the following conditions:

1. The following conditions are specific to the Alcoholic Beverage license:

a. Any future change in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves sales area expansion.

b. No advertising of alcoholic beverages shall be placed on the exterior of the building, nor seen from the public right of way (i.e. no window advertising or digital signage) and shall further comply with the Jaye Street Crossing Master Sign Program.

c. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.12 of the Porterville Development Ordinance.

d. No more than twenty-five (25) percent of the sales floor area may be dedicated to the sales of alcoholic beverages.

e. That the on-site consumption of alcoholic beverages shall be prohibited.
f. The conditional use permit, approving off-site alcohol sales, will be subject to modification or revocation if the off-sale license is sanctioned by the State of California.

g. The use shall be conducted in compliance with all applicable local, state and federal regulations.

2. That the applicant/owner shall implement the mitigation measures incorporated into the project approval of the certified Final EIR (Resolution 8-2007) for the project.

3. The project requires a parcel merger and lot line adjustment. No building permits will be issued prior to recordation.

4. The applicant and adjacent property owner must have signed a reciprocal ingress/egress agreement recorded prior to issuance of a building permit.

5. Any exterior mechanical or utility equipment must be screened from public view in a manner that is architecturally integrated into the building, and automated car wash openings shall be screened from public streets to a height of forty (40) inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.

6. **Landscaping Plan.** A full size print (22 x 34) of a landscaping plan of the site, including the size and species of plants, a layout of the sprinkler system for maintaining the landscaping, and a maintenance and watering schedule, shall be submitted to the Community Development Department for approval prior to issuance of the building permit, and the approved plan shall be implemented prior to occupancy of the premises under the permit. The landscape plan shall be in accordance with the requirements of the Municipal Code and Chapter 303 of the Porterville Development Ordinance. Landscaping should be of a low water demand nature. Backflow prevention devices shall be screened with plant material and located to maximize aesthetics. An automatic irrigation system incorporating time clocks and/or moisture sensors shall be installed.

7. **Landscape Maintenance.** All landscaping areas on the property and in the public parkway shall be permanently maintained with healthy, growing plant material, free from weeds, as shown on the approved landscape plan. Landscaping shall be watered in accordance with the approved maintenance and watering schedule that is incorporated into the landscape plan. At no time shall landscape areas be permitted to show lack of fresh green color or a loss of resilience due to lack of water. Lawn areas shall be mowed and maintained so that the grass does not exceed four (4) inches in height, and/or does not develop seed.

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

Lawn areas shall be edged to prevent grass from overhanging public or private sidewalks. Litter and plant trimmings shall be removed from the site within one week of date of
notice by Community Development Department. Dead or dying plant material shall be replaced within one month of notice by Community Development Department. Failure to comply with this condition is a public nuisance and is subject to the adopted Citation Ordinance of the City of Porterville.

8. The developer/applicant shall design and improve the parking lot in conformance with Chapter 304 of the Development Code.

9. Jaye Street Crossing has a Master Sign Program in place and all signage must comply accordingly.

10. The project shall comply with the additional requirements of §301.06 Auto Service Stations and Car Washing.

11. A pre-construction survey for migratory birds shall be performed if construction occurs between February 1 and September 15.

12. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2009 Edition), and Standard Plans and Specifications (2007 Edition), except where they are in conflict with the Americans with Disabilities Act and the 2010 California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, or the Tulare County Congestion Management Program.

13. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

14. The developer/applicant shall comply with Appendix J, “Grading” of the 2010 California Building Code, including provision of a grading and drainage plan signed by a licensed civil engineer or architect.


16. A Soils Report is on file with the Chief Building Official in conformance with Chapter 18 of the California Building Code. The developer/applicant may need to provide additional information prior to the issuance of the building permit should the Engineering and Building Division feel it is necessary to address specific needs of the project.

17. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the Jaye Street, Vandalia Avenue and Kessing Street frontages, except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).
18. The developer/applicant shall comply with driveway vehicular sight distance requirements per Section 300.16 of the Development ordinance.

19. The developer/applicant shall design the parking lot in conformance with Section 304 of the Development Ordinance. Minimum cross slopes within the parking lot shall be 1.5% for asphalt concrete or 1% for concrete paving areas.

20. The developer/applicant shall construct full-width (25 feet minimum) pavement improvements that straddle the south property line in accordance with Section 304 of the Development Ordinance, inclusive of a fully constructed driveway (curb return to curb return) for egress and ingress on Kessing Street. An asphalt concrete dike shall be constructed along the south edge of pavement between Jaye Street and Kessing Street. No parking or vehicular circulation is allowed on unpaved portions of the site.

21. The developer shall construct a driveway aisle that aligns with the existing ingress/egress improvements on Jaye Street.

22. The developer/applicant shall be aware that certain project improvements and existing frontage improvements along Jaye Street, Vandalia Avenue and Kessing Street were previously constructed by the City. Right of way purchases and other pertinent development requirements shall conform to a fully executed agreement between the property owner and the City of Porterville. A copy will be delivered to the developer/applicant upon request.

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

24. The developer/applicant shall provide streetlights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. The use of wood poles is prohibited without prior written approval of the City Engineer. A map was provided during the PRC meeting illustrating a single 16000 lumen street light on the east side of the property to be developed (Kessing Street frontage).

25. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items to the satisfaction of the City Engineer before the issuance of a certificate of occupancy (for example: foundations, septic tanks, irrigation pipes, etc.).

26. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the Tulare County Environmental Health Department and provide the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.

27. The developer/applicant is advised that he/she is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for
Discharges of Storm Water Associated with Construction Activity (except operations that result in disturbance of less than one acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

28. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust by obtaining a Dust Control Permit, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations, the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

The project must also comply with Rules 9510 and 3180 – Indirect Source Review (ISR). Effective March 1, 2006, the San Joaquin Valley Air Pollution Control District will enforce the Indirect Source Rule (ISR). ISR applies to projects that are at least: 2,000 square feet of commercial space.

It is the applicants’ responsibility to file an application (found at http://www.valleyair.org/ISR/ISR.htm) with the District. For more information regarding the Indirect Source Rule, please contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. The Central Region office in Fresno is leading the ISR enforcement.

29. The developer/applicant shall comply with Ordinance No. 1636 regarding Wastewater Discharge requirements and shall complete and submit the following: Wastewater Discharge Permit Application, Part "A"; and if monitoring is required, based on the responses to questions in Part "A" of the Wastewater Discharge Permit, then the
developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

30. An oil, sand, and silt separator with a capacity of at least 1,000 gallons will be required for this car wash development. Calculations will be required at the building permit submittal stage to verify that the interceptor is correctly sized.

31. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

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

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

34. A back-flow device is required on the water meter. The developer/applicant shall comply with the City standard for “backflow” prevention pursuant to Resolution No. 9615.

35. A grease trap or grease interceptor is required if the store has a hot deli.

36. The developer/applicant shall install a refuse container enclosure which will accommodate solid waste and recyclable materials removal or collection according to City standards (Sec 13-15). Enclosure location is to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

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

38. Compliance with all applicable codes is required.

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

40. Restrooms and main entrance must comply with disabled access laws.

41. Plan check fees are required at time of building permit submittal.
42. Soil and compaction reports required at the time of building permit submittal.

43. School Development fees and all other City fees are due as determined by City Ordinance.

44. One (1) Van & one (1) regular ADA parking stalls are required.

45. Bike racking required per Green Code. (Minimum five (5) bikes).

46. One (1) Clean Air parking stall shall be required per Green Code.

47. Compliance forms and worksheets required on plans. (Green Code)

48. All construction offices, storage containers, etc. for temporary use must receive Chief Building Official approval.

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

50. There are no deferred items allowed.

51. Based on the occupancy classification, an automatic fire sprinkler system may be required.

52. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

53. The City will test and maintain all fire hydrants in the City whether on private property or not. This requires an easement from the owner.

54. Fire hydrant spacing shall be as follows:
   In Commercial development, one hydrant shall be installed at 300-foot intervals;
   In Residential development, one hydrant shall be installed at 500-foot intervals.

55. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

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

57. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code. Fire flow for the project as proposed would be 1,750 GPM.
58. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.

59. A Knox box shall be required. An application may be obtained from the Fire Department.

60. The Conditional Use Permit shall become null and void if not undertaken within two years of approval.

61. That the subject site will be developed/maintained in accordance with the plans labeled Exhibit A through E.

PASSED, APPROVED AND ADOPTED this _____ day of February 2012.

By: __________________________
    Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

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

A RESOLUTION OF THE CITY OF PORTERVILLE 
CONTAINING FINDINGS IN SUPPORT OF A VARIANCE (PRC 2011-24-V) 
TO ALLOW THE CONSTRUCTION OF AN AM/PM CONVENIENCE STORE WITH 
ALCOHOL SALES, QUICK SERVE RESTAURANT, ARCO GASOLINE STATION 
AND AUTOMATED CAR WASH 

WHEREAS: The City Council of the City of Porterville at its regularly scheduled 
meeting of February 21, 2012, conducted a public hearing to consider a request by Mr. Basem 
Sabbah to construct an AM/PM convenience store with alcohol sales, quick serve restaurant, 
ARCO gasoline station and a automated car wash (PRC 2011-24-V) to be located on the 
southeast corner of Jaye Street and Vandalia Avenue, in the Jaye Street Crossing commercial 
center; and 

WHEREAS: The applicant requested variances to reduce the landscape requirement of 
§301.06(a)(2) which requires a minimum landscape area dimension of twenty (20) feet to be 
provided at the corner of intersecting streets (unless a building is located at the corner). The 
dimension at the corner of Vandalia Avenue and Kessing Street is seventeen (17) feet; and 

WHEREAS: The applicant also requesting a reduction in the setback requirement of 
§301.06(e), Auto Service Stations and Car Washing from thirty (30) feet to sixteen (16) feet 
between the proposed automated car wash and Kessing Street; and 

WHEREAS: The City Council made the following findings with respect to the request for the 
Variance per §607.03: 

1. There are special circumstances applicable to the property, including its size, shape, 
topography, location, or surroundings, whereby the strict application of the Ordinance 
will deprive such property of privileges enjoyed by other property of the same 
classification in the same zoning district. The special circumstances applicable to this 
property are as follows: 

Location and Shape: The site has three street frontages; therefore, two corner landscape 
areas are required, which are in excess of what the code envisioned for a large corner 
landscaped area adjacent to a carwash. One of the corners includes a large Valley Oak 
tree that the site is being designed around, not only for its preservation, but for 
enhancement to the site. Due to the presence of this oak tree, site improvements (i.e. the 
car wash) are being pushed to the east which then encroach upon the required 
landscaping area at the corner of Vandalia and Kessing and the frontage landscaping area 
for the car wash along Kessing Street. Although variances would not be required if the 
car wash was located along Jaye Street as originally proposed, the new location 
emphasizes the oak tree, provides a useful public benefit due to its proximity to the 
restaurant and removes the carwash from the view of the major arterial. 

2. Such special circumstances were not created by the owner or applicants: 

The requirement to preserve the tree was made a condition of approval of Resolution 49-
2008 adopted by the City Council on June 3, 2008. The applicant has worked with staff
to design the site around the preservation and enhancement of the tree and to balance the setback requirements for the project resulting from three (3) street frontages.

3. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

The site is being developed with more landscaping that what is required in the Development Ordinance; the amount of landscaping is just not being provided in the specific areas required by the Code. No grant of special privilege is being made because most sites do not have three (3) street frontages nor contain significant oak trees that require development buffers.

4. The authorization of the variance will substantially meet the intent and purpose of the zoning district in which the subject property is located and will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

Authorization of the variance allows the site to be constructed as designed with the oak tree not only being preserved but being incorporated into the design of the site so its shade can be enjoyed. An alternative plan also preserved the tree but separated it from the restaurant by a driveway queuing aisle and placed the car wash directly adjacent to the view corridor of a major arterial street. The reduced landscape areas at the corner of Vandalia and Kessing and along Kessing are adjacent to commercial areas and a larger landscaped area here would serve little purpose. The public welfare in general is enhanced with the proposed design of the site.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the aforementioned variances contained within application PRC 2011-24-V, subject to the following condition:

The development of the proposed project and related improvements shall comply with the conditions imposed in Resolution No. ________________.

PASSED, APPROVED AND ADOPTED this ____ day of February 2012.

By: __________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: __________________
Patrice Hildreth, Chief Deputy City Clerk
February 21, 2012

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

RE: AM/PM Convenience Store – Southeast corner of Jaye Street and Vandalia Avenue  
Permit, Porterville, CA

Dear Ms. Knodel:

The City Council of the City of Porterville has approved submittal of this letter regarding the public convenience or necessity to be served through issuance of a Type 20 off-sale beer and wine license for the AM/PM convenience store to be located at the southeast corner of Jaye Street and Vandalia Avenue.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the “Business and Professions Code,” the subject site is located within Census Tract 41.01 which allows eight (8) off-sale beer and wine licenses. At present there are nine (9) issued licenses.

2. On February 21, 2012, the City Council conditionally approved Conditional Use Permit PRC 2011-24-CV (see attached resolution) to allow the off-sale of beer and wine in conjunction the AMPM convenience store and car wash to be constructed at the referenced above. The City Council authorized the mayor to sign this Letter of Public Convenience or Necessity.

3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of an off-sale beer and wine license for consumption off the premises only.
Further issuance of an off-sale license allowing only beer and wine sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The majority of the alcohol sales from the AM/PM are to be in small quantities and ancillary to the store’s other retail sales, gasoline services and carwash.

For these reasons, the City Council of the City of Porterville supports issuance of an off-sale beer and wine license for the AM/PM convenience store to be constructed in Porterville.

Sincerely,

Ronald L. Irish, Mayor
COUNCIL AGENDA – FEBRUARY 21, 2012

SUBJECT: AMENDMENT TO THE CITY’S CONTRACT WITH CALPERS LOCAL SAFETY AND LOCAL MISCELLANEOUS GROUP

SOURCE: ADMINISTRATIVE SERVICES/HUMAN RESOURCES

COMMENT: At the conclusion of the 2009-2011 Meet and Confer Sessions on matters within the scope and purview of the Meyers-Milias Brown Act, Memorandums of Understanding (M.O.U.’s) with recognized employee organizations were executed. Recognizing the need to address increasing costs with the California Public Employees Retirement System (CalPERS), specified within the M.O.U.’s were provisions to amend the City’s contract with a second tier formula which will provide future public safety employees with a 2% @ 50 full formula retirement benefit, and future public miscellaneous employees with a 2% @ 55 full formula retirement benefit.

As authorized by Council Resolution number 110-2010, 23-2011 and 71-2011, staff requested actuarial valuations and obtained the necessary documents to proceed with amendments to the City’s contract with CalPERS for future public safety and local miscellaneous employees. The procedures for the plan amendments are stated in the attached letter from CalPERS dated January 24, 2012. Also attached are Summaries of Major Provisions for 2% @ 50 formula for future local safety members and 2% @ 55 formula for future local miscellaneous members, and the contract amendment cost analysis (actuarial valuation) for each group.

RECOMMENDATION: That the City Council:

1) Approve the attached draft Resolution of Intent authorizing the amendments to the City’s contract with CalPERS to provide future local safety members with a 2% @ 50 formula and future local miscellaneous members with a 2% @ 55 formula;

2) Approve the draft ordinance authorizing an amendment to the contract between the Board of Administration of the California Public Employees’ Retirement System, give first reading by title only and order the ordinance to print; and

Item No. 25
3) Authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

Attachments: 1) CalPERS letter dated January 24, 2012
2) Summaries of Major Provisions
3) Draft Resolution of Intent/Contract Amendment Exhibit A
4) Draft Enabling Ordinance
5) Contract Amendment Cost Analyses
January 24, 2012

Mr. John Lollis
City Manager
City of Porterville
291 North Main Street
Porterville, CA 93257

Dear Mr. Lollis:

Enclosed are two copies of the Resolution of Intention and Exhibit Amendment to Contract to amend the agency's contract to provide Section 20475 (Different Level of Benefits). Section 21354 (2% @ 55 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract, and Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full formula) is applicable to local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract.

Also enclosed are the following documents:

1. Form CON-12, Certification of Governing Body's Action.
2. Form CON-12A, Certification of Compliance with Government Code Section 7507.
3. Summary of Major Provisions (2% @ 55 Formula) for local miscellaneous members.
4. Summary of Major Provisions (2% @ 50 Formula) for local safety members.
5. Form CON-30, Certification of Compliance With Government Code Section 20475.
6. Form CON-11A, Sample Ordinance.

The sample Ordinance is a guide only and is included to allow sufficient time to prepare the Ordinance for a first and final reading. The Resolution of Intention and accompanying documents should not be held pending final reading of the Ordinance.
Any change in the employee or employer contribution rates will become effective after the effective date of this contract amendment.

Disclosure of the Cost of this Contract Amendment

We require that the agency disclose the following for local miscellaneous members:

"Decreases in the employer rate will occur as employees are hired into the Second Tier."

Disclosure of the cost of this Contract Amendment

We require that the agency disclose the following rates identified in the amendment actuarial valuation for the adoption of this plan amendment:

The employer contribution rate will be 20.040% of reportable earnings for local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract.

Government Code Section 7507 requires that the future annual costs of the proposed contract be made public at a public meeting at least two weeks prior to the adoption of the final Ordinance. The agency is to certify compliance on the enclosed Certification of Compliance with Government Code Section 7507.

- The local miscellaneous member contribution rate will be 7% of reportable earnings for those miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to the contract.

An agency can only amend its contract to provide a different level of benefits once every three years with respect to each of the member categories.

When amending for Section 20475 (Different Level of Benefits), it is the employer’s responsibility to ensure compliance with any Memorandum of Understanding in effect at the time of the contract amendment.

In summary, the following documents must be returned to this office before we can forward the actual contract and other final documents necessary to complete the proposed amendment. DO NOT HOLD THESE DOCUMENTS PENDING ADOPTION OF THE FINAL ORDINANCE.

ORIGINAL SIGNATURES ARE REQUIRED

1. Resolution of Intention, original or certified copy.

2. Certification of Governing Body’s Action (CON-12), original.
3. Certification of Compliance with Government Code Section 7507, (CON-12A),
original or certified copy.

4. Certification of Compliance with Government Code Section 20475 (CON-30),
original or certified copy.

If your agency adopts the Resolution of Intention on February 21, 2012, the earliest date
the final Ordinance may be adopted is March 12, 2012. There must be a 20 day period
between the adoption of the Resolution of Intention and the adoption of the final
Ordinance pursuant to Government Code Section 20471. THERE ARE NO
EXCEPTIONS TO THIS LAW.

The effective date of this amendment cannot be earlier than the first day of a payroll
period following the effective date of the final Ordinance.

Please do not retype the Amendment to Contract and/or agreement documents.
Only documents provided by this office will be accepted. If you have a problem
with any of the documents, please contact this office prior to presenting to your
governing body for adoption. Another contract amendment cannot be started
until this amendment is completed or cancelled.

If you have any questions regarding this letter or the enclosed material, please call
(888) CalPERS (225-7377).

Sincerely,

David Peeples
Employer Representative
Public Agency Contract Services

DP:rj

Enclosures
SUMMARY OF MAJOR PROVISIONS

2% @ 55 Formula (Section 21354)
Local Miscellaneous Members

SERVICE RETIREMENT

To be eligible for service retirement, a member must be at least age 50 and have five years of CalPERS credited service. There is no compulsory retirement age.

The monthly retirement allowance is determined by age at retirement, years of service credit and final compensation. The basic benefit is 2% of final compensation for each year of credited service upon retirement at age 55. If retirement is earlier than age 55, the percentage of final compensation decreases for each quarter year of attained age to 1.426% at age 50. If retirement is deferred beyond age 55, the percentage of final compensation increases for each quarter year of attained age to 2.418% at age 63.

Final compensation is the average monthly pay rate during the last consecutive 36 months of employment, or 12 months if provided by the employer's contract, unless the member designates a different period of 36 or 12 consecutive months when the average pay rate was higher.

DISABILITY RETIREMENT

Members substantially incapacitated from performing the usual duties for the position for his/her current employer, and from performing the usual duties of the position for other CalPERS covered employers (including State agencies, schools, and local public agencies), and where similar positions with these other employers with reasonably comparable in pay, benefits, and promotional opportunities are not available, would be eligible for disability retirement provided they have at least five years of service credit. The monthly retirement allowance is 1.8% of final compensation for each year of service. The maximum percentage for members who have between 10,000 and 18,518 years of service credit is one-third of their final compensation. If the member is eligible for service retirement the member will receive the highest allowance payable, service or disability. If provided by the employer's contract, the benefit would be a minimum of 30% of final compensation for the first five years of service credit, plus 1% for each additional year of service to a maximum benefit of 50% of final compensation.

INDUSTRIAL DISABILITY RETIREMENT

If provided by the employer's contract, members permanently incapacitated from performing their duties, as defined above under Disability Retirement, and the disability is a result of a job-related injury or illness may receive an Industrial Disability Retirement benefit equal to 50% of their final compensation. If provided in the employer's contract and the member is totally disabled, the disability retirement allowance would equal 75% of final compensation in lieu of the disability retirement allowance otherwise provided. If the member is eligible for service retirement, the service retirement allowance is payable. The total allowance cannot exceed 90% of final compensation.

PRE-RETIREMENT DEATH BENEFITS

Basic Death Benefit: This benefit is a refund of the member's contributions plus interest and up to six months' pay (one month's salary rate for each year of current service to a maximum of six months).

PERS-CON-50 (Rev. 1/05)
1957 Survivor Benefit: An eligible beneficiary may elect to receive either the Basic Death Benefit or the 1957 Survivor Benefit. The 1957 Survivor Benefit provides a monthly allowance equal to one-half of the highest service retirement allowance the member would have received had he/she retired on the date of death. The 1957 Survivor Benefit is payable to the surviving spouse or registered domestic partner until death or to eligible unmarried children until age 18.

1959 Survivor Benefit: (If provided by the employer's contract and the member is not covered under social security.) A surviving spouse or registered domestic partner and eligible children may receive a monthly allowance as determined by the level of coverage. This benefit is payable in addition to the Basic Death Benefit or 1957 Survivor Benefit. Children are eligible if under age 22 and unmarried.

Pre-Retirement Optional Settlement 2 Death Benefit: (If provided by the employer's contract.) The spouse or registered domestic partner of a deceased member, who was eligible to retire for service at the time of death, may elect to receive the Pre-Retirement Optional Settlement 2 Death Benefit in lieu of the lump sum Basic Death Benefit. The benefit is a monthly allowance equal to the amount the member would have received if he/she had retired for service on the date of death and elected Optional Settlement 2, the highest monthly allowance a member can leave a spouse or registered domestic partner.

COST-OF-LIVING ADJUSTMENTS

The cost of living allowance increases are limited to a maximum of 2% compounded annually unless the employer's contract provides a 3, 4, or 5% increase.

DEATH AFTER RETIREMENT

The lump sum death benefit is $500 (or $600, $2,000, $3,000, $4,000 or $5,000 if provided by the employer's contract) regardless of the retirement plan chosen by the member at the time of retirement.

TERMINATION OF EMPLOYMENT

Members who have separated from employment may elect to leave their contributions on deposit or request a refund of contributions and interest. Those who leave their contributions on deposit may apply at a later date for a monthly retirement allowance if the minimum service and age requirements are met. Members who request a refund of their contributions terminate their membership and are not eligible for any future benefits unless they return to CalPERS membership.

EMPLOYEE CONTRIBUTIONS

Miscellaneous members covered by the 2% @ 55 formula contribute 7% of reportable earnings. Those covered under a modified formula (coordinated with Social Security) do not contribute on the first $133.33 earned.

The employer also contributes toward the cost of the benefits. The amount contributed by the employer for current service retirement benefits generally exceeds the cost to the employee. In addition, the employer bears the entire cost of prior service benefits (the period of time before the employer provided retirement coverage under CalPERS). All employer contribution rates are subject to adjustment by the CalPERS Board of Administration.
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Actuarial and Employer Services Branch
Public Agency Contract Services
(888) CalPERS (225-7377)

SUMMARY OF MAJOR PROVISIONS
2% @ 50 Formula (Section 21362)
Local Safety Members

SERVICE RETIREMENT
To be eligible for service retirement, a member must be at least age 50 and have five years of CalPERS credited service. If provided by the employer's contract, mandatory retirement age for local safety members is age 60.

The monthly retirement allowance is determined by age at retirement, years of service credit and final compensation. The basic benefit is 2% of final compensation for each year of credited service upon retirement at age 50. If retirement is deferred beyond age 50, the percentage of final compensation increases for each quarter year of attained age to 2.7% at age 55. The allowance is limited to 90% of final compensation.

Final compensation is the average monthly pay rate during the last consecutive 36 months of employment, or 12 months if provided by the employer's contract, unless the member designates a different period of 36 or 12 consecutive months when the average pay rate was higher. Certain items of special compensation earned during your final compensation period will be included in your final compensation, in accordance with Board regulations.

DISABILITY RETIREMENT
Members substantially incapacitated from performing the usual duties for the position for his/her current employer would be eligible for disability retirement provided they have at least five years of service credit. The monthly retirement allowance is 1.8% of final compensation for each year of service. The maximum percentage for members who have between 10,000 and 18,518 years of service credit is one-third of their final compensation. If the member is eligible for service retirement the member will receive the highest allowance payable, service or disability. If provided by the employer's contract, the benefit would be a minimum of 30% of final compensation for the first five years of service credit, plus 1% for each additional year of service to a maximum benefit of 50% of final compensation.

INDUSTRIAL DISABILITY RETIREMENT
Members permanently incapacitated from performing their duties, as defined above under Disability Retirement, and the disability is a result of a job-related injury or illness may receive an Industrial Disability Retirement benefit equal to 50% of their final compensation. If provided in the employer's contract and the member is totally disabled, the disability retirement allowance would equal 75% of final compensation in lieu of the disability retirement allowance otherwise provided. If the member is eligible for service retirement, the service retirement allowance is payable. The total allowance cannot exceed 90% of final compensation.

PRE-RETIREMENT DEATH BENEFITS
Basic Death Benefit: This benefit is a refund of the member's contributions plus interest and up to six months' pay (one month's salary rate for each year of current service to a maximum of six months).
1957 Survivor Benefit: An eligible beneficiary may elect to receive either the Basic Death Benefit or the 1957 Survivor Benefit. The 1957 Survivor Benefit provides a monthly allowance equal to one-half of the highest service retirement allowance the member would have received had he/she retired on the date of death. The 1957 Survivor Benefit is payable to the surviving spouse or registered domestic partner until death or to eligible unmarried children until age 18.

1959 Survivor Benefit: (If provided by the employer's contract and the member is not covered under social security.) A surviving spouse or registered domestic partner and eligible children may receive a monthly allowance as determined by the level of coverage. This benefit is payable in addition to the Basic Death Benefit or 1957 Survivor Benefit. Children are eligible if under age 22 and unmarried.

Pre-Retirement Option 2W Death Benefit: (If provided by the employer's contract.) The spouse or registered domestic partner of a deceased member, who was eligible to retire for service at the time of death, may to elect to receive the Pre-Retirement Option 2W Death Benefit in lieu of the lump sum Death Benefit. The benefit is a monthly allowance equal to the amount the member would have received if he/she had retired for service on the date of death and elected Option 2W, the highest monthly allowance a member can leave a spouse or registered domestic partner.

Special Death Benefit: A surviving spouse, registered domestic partner, or eligible children or step children may receive a monthly allowance equal to one-half of the final compensation. If the cause of death is due to external violence or physical force while on the job, and there are eligible surviving children in addition to a spouse or registered domestic partner, the allowance may be increased to a maximum of 75%.

COST-OF-LIVING ADJUSTMENTS
The cost of living allowance increases are limited to a maximum of 2% compounded annually unless the employer's contract provides a 3, 4, or 5% increase.

DEATH AFTER RETIREMENT
The lump sum death benefit is $500 (or $600, $2,000, $3,000, $4,000 or $5,000 if provided by the employer's contract) regardless of the retirement plan chosen by the member at the time of retirement.

TERMINATION OF EMPLOYMENT
Members who have separated from employment may elect to leave their contributions on deposit or request a refund of contributions and interest. Those who leave their contributions on deposit may apply at a later date for a monthly retirement allowance if the minimum service and age requirements are met. Members who request a refund of their contributions terminate their membership and are not eligible for any future benefits unless they return to CalPERS membership.

EMPLOYEE CONTRIBUTIONS
Local safety members covered by the 2% @ 50 formula contribute 9% of reportable earnings. Those covered under a modified formula (coordinated with Social Security) do not contribute on the first $133.33 earned.

The employer also contributes toward the cost of the benefits. The amount contributed by the employer for current service retirement benefits generally exceeds the cost to the employee. In addition, the employer bears the entire cost of prior service benefits (the period of time before the employer provided retirement coverage under CalPERS). All employer contribution rates are subject to adjustment by the CalPERS Board of Administration.
RESOLUTION NO. _______ -2012


WHEREAS, the Public Employees’ Retirement Law permits the participation of public agencies and their employees in the Public Employees’ Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full Formula) is applicable to local safety members entering membership for the first time in the safety classification on or after July 1, 2012.

To provide Section 20475 (Different Level of Benefits). Section 21354 (2% @ 55 Full Formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification on or after July 1, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby give notice of intention to approve an amendment to the contract between the City of Porterville and the Board of Administration of the Public Employees’ Retirement System, a copy of said amendment being attached hereto, as “Exhibit A,” and by this reference made a part hereof.
PASSED, APPROVED, AND ADOPTED this 21st day of February, 2012.

ATTEST:

John Lollis, City Clerk

By
Patrice Hildreth, Chief Deputy City Clerk

Ronald L. Irish, Mayor
AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Porterville


A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective June 4, 2010, and hereby replaced by the following paragraphs numbered 1 through 17 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members, age 55 for local safety members entering membership in the safety classification on or prior to the effective date of this amendment to contract and age 50 for local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract.
2. Public Agency shall participate in the Public Employees' Retirement System from and after January 1, 1982 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:

(a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

(b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.

(c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

(d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.

(e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.

(f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.
(g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
   a. Local Fire Fighters (herein referred to as local safety members);
   b. Local Police Officers (herein referred to as local safety members);
   c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
   a. ELECTED OFFICIALS; AND
   b. MEMBERS TO THE LOCAL SYSTEM WHO UPON CONTRACT DATE DID NOT EXECUTE AND FILE A WAIVER OF RIGHTS WITH RESPECT TO SAID LEGAL SYSTEM.

6. Assets heretofore accumulated with respect to members under the local retirement system who waived their rights under that system, have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system have been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after July 1, 2006 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

8. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after July 1, 2006 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).
9. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354 (2% at age 55 Full).

10. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).

11. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after the effective date of this amendment to contract shall be determined in accordance with Section 21362 (2% at age 50 Full).

12. Public Agency elected and elects to be subject to the following optional provisions:

   a. Section 21536 (Local System Service Credit Included in Basic Death Benefit).

   b. Section 20042 (One-Year Final Compensation).

   c. Section 20965 (Credit for Unused Sick Leave).

   d. Section 21024 (Military Service Credit as Public Service).

   e. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local miscellaneous members only.

   f. Section 21574 (Fourth Level of 1959 Survivor Benefits).

   g. Section 20475 (Different Level of Benefits). Section 21354 (2% @ 55 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

   Section 21362 (2% @ 50 Full formula) is applicable to local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract.
13. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.

14. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

15. Public Agency shall also contribute to said Retirement System as follows:
   a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.
   b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
   c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

16. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
17. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the ___ day of ____________, ___.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY
KAREN DE FRANK, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF PORTERVILLE

BY
PRESIDING OFFICER

Witness Date

Attest:

Clerk
ORDINANCE NO._______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY
COUNCIL OF THE CITY OF PORTERVILLE AND THE BOARD OF ADMINISTRATION
OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

Section 1

That an amendment to the Contract between the City Council of the City of
Porterville and the Board of Administration of the California Public Employees' Retirement
System is hereby authorized a copy of said amendment being attached hereto, marked "Exhibit
A," and by such reference made a part hereof as though herein set out in full.

Section 2

The Mayor of the City of Porterville is hereby authorized, empowered, and directed
to execute said amendment for and on behalf of said Agency.

Section 3

This Ordinance shall take effect thirty days after the date of its adoption, and pursuant
to City Charter, three days prior to adoption thereof, shall be published at least once in the
Porterville Recorder, a newspaper of general circulation, published and circulated in the City of
Porterville and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED, AND ADOPTED this 21st day of February, 2012.

________________________________________
Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By

Patrice Hildreth, Chief Deputy City Clerk
November 28, 2011
CALPERS ID: 5259660063
Employer Name: CITY OF PORTERVILLE
Rate Plan: MISCELLANEOUS PLAN

Re: New different level of benefits Second Tier within a Non-pooled Plan (Section 20475: Different Level of Benefits Provided for New Employees) Section 21354, 2%@ 55 Full Formula

Dear Requestor:

As requested, employer contribution rate information on your proposed second tier follows.

If you are aware of others interested in this information (i.e. payroll staff, county court employees, port districts, etc.), please inform them.

The information is based on the most recent annual valuation and is good until the completion of the next annual valuation, that is, the annual valuation as of June 30, 2011. If your agency has not taken action to amend its contract and we have already completed the June 30, 2011 annual valuation report, you must contact the Retirement Contract Services Unit for an updated cost analysis.

If the employee contribution rate changes, that change would take place immediately. There will be no immediate employer contribution rate impact from this amendment. Ultimately, though, your employer normal cost will decrease. If the mix of active member entry ages were the same for both the current continuing first tier employees and the new second tier employees, the decrease in the employer rate would be 2.4%.

* The employee rate reduction of 1% for the second tier would begin immediately after you hire your first employee and last indefinitely.

The employer rate reduction will occur gradually, beginning on July 1, 2014, if there are second tier employees hired on or before June 30, 2012. For fiscal years 2014/2015 and beyond, the projected annual amount of rate reduction you can expect from introducing a second tier is approximately equal to the ratio of your second tier annual payroll to your total plan annual payroll two and a half years earlier. For example if 1/10 of your Miscellaneous Plan members were in second tier on June 30, 2012 and the ultimate expected normal cost decrease was 2.4%, the cumulative rate reduction you can expect by the 2014/2015 fiscal year would be 1/10 x 2.4% = 0.24%.

To initiate an amendment to the contract, please follow the Contract Amendment Request process on MyCalPERS with our Retirement Contract Services Unit, indicating your wish to contract for Section 20475 (Different Level of Benefits) and identifying the group(s) to which the benefit reduction applies.

In sections 20463 (b) and (c), the California Public Employees' Retirement Law requires the governing body of a public agency within five days of receipt of the contract amendment cost analysis, to provide each employee organization with a copy of the analysis. If this cost analysis was requested by an employee organization, the employee organization is also required within five days of receipt of the analysis, to provide a copy of the analysis to the public agency.

If you have questions, please call (888) CalPERS (225-7377).

Kelly Sturm

KELLY STURM, ASA, MAAA
Associate Pension Actuary, CalPERS
December 1, 2011

CALPERS ID: 5259660063
Employer Name: CITY OF PORTERVILLE
Rate Plan: SAFETY PLAN

Re: New Safety Fire Second Tier Plan (Section 20475: Different Level of Benefits Provided for New Employees; Section 21362 2.0%@50 Full Formula)

Dear Requestor:

In the tables below, we show your 2011-2012 and 2012-2013 employer contribution rates before and after opening a second tier.

Of the five rate components, the first three are specific to the pool to which the plan belongs and the last two are specific to your agency. However, the Phase out of Normal Cost Difference will normally be 0% beginning with rates established for 2011-2012, so it has no impact from that time on.

The Side Fund will continue to be paid off by the first tier plan since all the past service on which it is based belongs to those current members who will continue in the first tier. The scheduled dollar amounts payable will continue as before. However, because newly hired Safety Fire members will be covered by the second tier, the number of members and payroll in the first tier will (after several years) gradually decline. The Amortization of Side Fund rate component is the dollars needed to pay off the side fund divided by the payroll. So as long as the Side Fund remains, the first tier rate will increase as its payroll decreases. The first tier side fund is scheduled to be paid off after 8 years from June 30, 2012.

Therefore, in determining the employer contributions savings, Amortization of Side Fund should be excluded. For your agency, the ultimate annual employer savings equals the difference between the Normal Cost and Surcharges rates times the second tier payroll. For 2011-2012 the Normal Cost and Surcharges percentage savings is (15.725% + 0.944%) - (14.014% + 0.871%) = 1.784%. The ultimate employer annual dollar savings is then 1.8% times the second tier fiscal year payroll.

The Risk Pool's Payment on Amortization Bases is a temporary adjustment to the pool's contribution to "get the pool back on schedule". This temporary adjustment varies in amount and duration from pool to pool.

<table>
<thead>
<tr>
<th>As of June 30, 2009</th>
<th>Existing Plan</th>
<th>New Second Tier Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3.0%@55</td>
<td>2.0%@50 for newly hired Safety Fire members</td>
</tr>
<tr>
<td>2011-2012 Employer Contribution Rate:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk Pool's Net Employer Normal Cost</td>
<td>15.725%</td>
<td>14.014%</td>
</tr>
<tr>
<td>Risk Pool's Payment on Amortization Bases</td>
<td>4.583%</td>
<td>5.155%</td>
</tr>
<tr>
<td>One-Year Final Compensation</td>
<td>0.944%</td>
<td>0.871%</td>
</tr>
<tr>
<td>Phase out of Normal Cost Difference</td>
<td>0.000%</td>
<td>0.000%</td>
</tr>
<tr>
<td>Amortization of Side Fund</td>
<td>9.130%</td>
<td>0.000%</td>
</tr>
<tr>
<td><strong>Total Employer Contribution Rate</strong></td>
<td>30.382%</td>
<td>20.040%</td>
</tr>
</tbody>
</table>

2011-2012 Employee Contribution Rate 9.000% 9.000%
For 2012-2013 the percentage savings is (15.524%+0.942%) - (14.215%+0.880%) = 1.371%. The ultimate employer annual dollar savings is then 1.4% times the second tier fiscal year payroll.

The Risk Pool's Payment on Amortization Bases is a temporary adjustment to the pool's contribution to "get the pool back on schedule". This temporary adjustment varies in amount and duration from pool to pool.

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</tr>
<tr>
<td>2012-2013 Employer Contribution Rate:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk Pool's Net Employer Normal Cost</td>
<td>15.524%</td>
<td>14.215%</td>
</tr>
<tr>
<td>Risk Pool's Payment on Amortization Bases</td>
<td>4.533%</td>
<td>4.989%</td>
</tr>
<tr>
<td>One-Year Final Compensation</td>
<td>0.942%</td>
<td>0.880%</td>
</tr>
<tr>
<td>Phase out of Normal Cost Difference</td>
<td>0.000%</td>
<td>0.000%</td>
</tr>
<tr>
<td>Amortization of Side Fund</td>
<td>9.291%</td>
<td>0.000%</td>
</tr>
<tr>
<td><strong>Total Employer Contribution Rate</strong></td>
<td>30.290%</td>
<td>20.084%</td>
</tr>
</tbody>
</table>

To initiate an amendment to the contract, please follow the Contract Amendment Report process on MyCaPERS with our Retirement Contract Services Unit, indicating your wish to contract for Section 20475 (Different Level of Benefits) and identifying the group(s) to which the benefit reduction applies.

In sections 20463 (b) and (c), the California Public Employees' Retirement Law requires the governing body of a public agency within five days of receipt of the contract amendment cost analysis, to provide each employee organization with a copy of the analysis. If this cost analysis was requested by an employee organization, the employee organization is also required within five days of receipt of the analysis, to provide a copy of the analysis to the public agency.

The June 30, 2010 Section 2 Risk Pool actuarial valuation report applicable to your new second tier plan can be viewed on the following website:

If you have questions, please call (888) CaPERS (225-7377).

KELLY STURM, ASA, MAAA
Associate Pension Actuary, CaPERS
COUNCIL AGENDA: FEBRUARY 21, 2012

SCHEDULED MATTER

SUBJECT: ENVIRONMENTAL REVIEW OF THE ISLAND ANNEXATION SEWER PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: Staff has completed the preparation of an Initial Study and Negative Declaration for the Island Annexation Sewer Project (Project). The Project consists of the installation of sewer mains and laterals, as well as appurtenant facilities in several areas that were annexed to the City in 2006 under the island annexation program. The Initial Study determined that the proposed project could not have a significant effect on the environment.

In 2006, the City of Porterville approved the annexation of a series of eleven unincorporated “islands” in six annexation proposals that include Annexation 455A & B, 456A, B & C, 457, 458A & B, 459A & C and 460 as shown on Figures 1-7 of Attachment 1. The Project accomplishes one of the primary objectives of the 2006 Island Annexations, which was to achieve greater efficiency in the delivery of services to unincorporated “islands” within the City of Porterville. Because these areas were within the City’s Urban Development Boundary, extension of municipal services was previously evaluated and planned for in the Sewer System Master Plan (2001). The Project is designed in accordance with the existing Waste Discharge Requirements of Order No. R5-2008-0034, issued by the Central Valley Regional Water Quality Control Board.

The City’s sewer collection system currently consists of approximately 150 miles of 6-inch- to 36-inch-diameter sewer lines and 18 sewage lift stations and associated force mains. The majority of the trunk lines are 12-inch diameter pipes. The proposed project will add an additional 9.6 miles of sewer lines ranging from 6-inch to 8-inches in diameter that connect with existing sewer trunks, and will include approximately 1,670 laterals and 193 sanitary sewer manholes. Maximum depth of trenches necessary to install these lines is fifteen (15) feet, while the maximum trench width is five (5) feet. Minor rights of way and easements to be acquired include sliver segments along the line path. These occur along identified road alignments where the road may not yet be fully developed, specifically in the area south of State Route 190, along the Ohio and Cottage Street alignments.

The entire sewage collection system ties into the Waste Water Treatment Facility (WWTF) located at the southwest corner of West Grand Avenue and North Prospect Street, which has a plant capacity of eight (8) million gallons per day (mgd). The WWTF has received average daily flows as high as 5.1 mgd. Calculations demonstrate that the Island Annexation Sewer Project will generate an additional
487,840 gallons per day or approximately .5 mgd under full buildout. This is well within the 2.9 mgd available capacity.

Existing development in these areas is currently dependent upon individual septic tanks. The City of Porterville requires connection to the sewer system in the case of failed septic systems if the property is within 1,320 feet of a sewer line. Once the sewer lines are installed, property owners will connect to the new facilities as their existing septic systems fail. Property owners will be responsible for work on private property that is necessary to connect to the system.

ENVIRONMENTAL REVIEW PERIOD: On January 30, 2012, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the Island Annexation Sewer Project. The Initial Study has been transmitted to interested agencies, groups and individuals for review and comment. The review period ran for twenty (20) days from February 2, 2012, to February 21, 2012. As of this date, no comments have been received.

Adoption of the draft resolution approving the Negative Declaration is a necessary step before the sewer project can be approved by Council and authorized to be put out to bid, which is expected to occur in March.

RECOMMENDATION: That the City Council adopt the draft resolution approving the Negative Declaration for the Island Annexation Sewer Project.

ATTACHMENTS:
1. Project Locator Maps (Figures 1 – 7)
2. General Plan and Zoning Descriptions per Project Area
3. Initial Study and Negative Declaration
4. Draft Resolution
**Island Annexation Sewer Project**  
**General Plan and Zoning Descriptions**  
Per Project Area as identified in Attachment 1

<table>
<thead>
<tr>
<th>Project Area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project Area No. 1 (Annexation # 455)</strong></td>
<td>Project Area No. 1 was identified as Annexation 455, in two separate areas (A &amp; B) and includes 297 parcels, 225 of which will receive a lateral sewer connector as a part of the proposed project. The Land Use Element of the General Plan designates this project area as a mix of Low Density Residential, Public/Institutional, Education, and Neighborhood Commercial uses. The project area is currently zoned RS-2 (Low Density Residential), PS (Public and Semi-Public) and CN (Neighborhood Commercial). See Figure 2.</td>
</tr>
<tr>
<td><strong>Project Area No. 2 (Annexation # 456)</strong></td>
<td>Project Area No. 2 was identified as Annexation 456, and includes 287 parcels in three geographically detached areas, 202 of which will receive a lateral sewer connector as a part of the proposed project. The Land Use Element of the General Plan designates this project area as a mix of General and Retail Commercial, Medium and Low Density Residential, as well as Park uses. The project area is currently zoned CG (General and Service Commercial), CR (Retail Centers), RM-2 (Medium Density Residential) and RS-2 (Low Density Residential). See Figure 3.</td>
</tr>
<tr>
<td><strong>Project Area No. 3 (Annexation # 457)</strong></td>
<td>Project Area No. 3 was identified as Annexation 457, and includes 119 parcels, all of which will receive a lateral sewer connector as a part of the proposed project. The Land Use Element of the General Plan designates this project area as Low Density Residential. The project area is currently zoned RS-2 (Low Density Residential). See Figure 4.</td>
</tr>
<tr>
<td><strong>Project Area No. 4 (Annexation # 458)</strong></td>
<td>Project Area No. 4 was identified as Annexation 458, and includes 482 parcels in two geographically detached areas, 437 of which will receive a lateral sewer connector as a part of the proposed project. The Land Use Element of the General Plan designates this project area as a mix of Low and Medium Density Residential, and Neighborhood Commercial uses. The project area is currently zoned RS-2 (Low Density Residential), RM-2 (Medium Density Residential), CN (Neighborhood Commercial) and PS (Public and Semi-Public). See Figure 5.</td>
</tr>
<tr>
<td>Project Area No. 5 (Annexation # 459)</td>
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</tbody>
</table>
Project Area No. 5 was identified as Annexation 459, and includes 397 parcels in three distinct areas, 371 of which will receive a lateral sewer connector as a part of the proposed project. The Land Use Element of the General Plan designates this project area as a mix of Education, General Commercial, Neighborhood Commercial and Low and Medium Density Residential uses. The project area is currently zoned CG (General and Service Commercial), CN (neighborhood Commercial), RS-2 (Low Density Residential). See Figure 6.

<table>
<thead>
<tr>
<th>Project Area No. 6 (Annexation # 460)</th>
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Project Area No. 6 was identified as Annexation 460, and includes 88 parcels, 6 of which will receive a lateral sewer connector as a part of the proposed project. The Land Use Element of the General Plan designates this project area as Low Density Residential use. The project area is currently zoned RS-2 (Low Density Residential). See Figure 7.
The Island Annexation Sewer Project Initial Study & Negative Declaration full document is available at the City's website:

http://www.ci.porterville.ca.us/depts/CommunityDevelopment/Planning.cfm

Attachment No. 3
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE ISLAND ANNEXATION SEWER PROJECT.

WHEREAS: In 2006, the City of Porterville approved the annexation of a series of eleven unincorporated "islands" in six annexation proposals that include Annexation 455A & B, 456A, B & C, 457, 458A & B, 459A & C and 460; and

WHEREAS: The primary objectives of the 2006 Island Annexations was to achieve greater efficiency in the delivery of services to unincorporated "islands" within the City of Porterville; and

WHEREAS: The City of Porterville Public Works Department has completed the design for the installation of sewer mains, laterals and appurtenant facilities within these annexed areas under the Island Annexation Sewer program; and

WHEREAS: These areas are within the City’s Urban Development Boundary and extension of municipal services was previously evaluated and planned for in the Sewer System Master Plan (2001); and

WHEREAS: On January 30, 2012, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 21, 2012, conducted a public hearing to consider approval of the Negative Declaration which evaluates the environmental impacts of the installation of sewer mains, laterals and appurtenant facilities to these recently annexed areas.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. That a Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for twenty (20) days from February 2, 2012, to February 21, 2012.

2. That the proposed project will not create adverse environmental impacts. The approved Negative Declaration was evaluated in light of the prepared environmental initial study and comments from interested parties received during the review period.

3. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project.
4. That the City Council is the decision-making body for the project.

NOW THEREFORE BE IT RESOLVED: That the City Council does hereby approve the Negative Declaration for the Island Annexation Sewer Project as described herein.

PASSED, APPROVED AND ADOPTED this ____ day of February 2012.

By:____________________
 Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

By:____________________
 Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: February 21, 2012

SUBJECT: PARKS AND LEISURE SERVICES COMMISSION'S RECOMMENDATION FOR THE MURRY PARK EXTENSION

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: At a previous City Council meeting, the City Council directed staff to seek a recommendation from the Parks and Leisure Services Commission regarding the development of the Murry Park Extension located at 604 N. Henry Street. The property was purchased December 7, 2010, for $250,000 from the Central California Association of the Seventh Day Adventists as Trustee of the Samuel S. & Betty Jean Ruttan Revocable Trust. It sits on 3.9 acres and includes a four bedroom, two bath house built in 1949, and a small pond.

The Parks and Leisure Services Commission accepted several comments from the public regarding the development of the property. Chairman Case Lok provided a power point presentation of his proposals; other commissioners verbally expressed their aspirations for the property.

After several minutes of discussion, the Commission voted unanimously their recommendations to the City Council, which are:

- Create a Master Plan for general park usage;
- Refurbish and remodel the house so it can be used for civic and public events in order to generate revenue that may be used for future improvements on the property;
- Construct a parking lot;
- Have the City staff repair and maintain the grounds until more money is available to develop the property.

RECOMMENDATION: That the City Council give direction to staff regarding the development of the property.

P:\parks\Council Agenda Items\2012\February

Director  Appropriated/Funded  City Manager  ITEM NO.: 27

ACTING P & L DIRECTOR
SUBJECT: CONSIDERATION OF BALLOT MEASURE TO MOVE THE GENERAL MUNICIPAL ELECTION

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: At its meeting on January 17, 2012, the City Council directed staff to bring back an item to consider placing a measure on the June 5, 2012, ballot to move the general municipal election to November of even years.

As was previously discussed with the City Council, a cost savings could be achieved if the City’s general election date was moved to November of even years. The Registrar of Voters estimates that if our upcoming June election were to be held in November, the estimated cost would be approximately $18,970 to $22,764, a savings of approximately $22,764, or 50% to 54%. Changing the date of the City’s general election requires approval by the electorate. The deadline for adding a ballot measure to the June 5, 2012, election is 88 days prior to the election, or March 9th. In the event a ballot measure is added to the election, the cost will slightly increase due to additional printing and publication expenses. At the Council’s direction, City Clerk staff is prepared to work with the City Attorney to develop the ballot measure and resolution calling the election, and present same to the Council for its consideration at the first meeting in March.

RECOMMENDATION: That the City Council Provide direction to staff relative to a potential ballot measure moving the City’s general election from June of even years to November of even years.

ATTACHMENTS: None
SUCCESSOR AGENCY AGENDA: FEBRUARY 21, 2012

CONSENT CALENDAR

SUBJECT: ADOPTION OF THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On January 31, 2012, the Redevelopment Agency adopted a resolution approving the Agency's Initial Recognized Obligation Payment Schedule (IROPS), which identified required expenditure obligations during the period of January 1, 2012 through June 30, 2012. Specifically, the IROPS lists all of the Agency's enforceable obligations to which tax increment revenue will be allocated and describes the sources for all payments to be made by the Successor Agency ("Agency") for the applicable six (6) month period. After adoption of the IROPS, the successor agency is required to adopt a Recognized Obligation Payment Schedule (ROPS) for each subsequent six (6) month period.

It is now time for the Agency to consider a resolution adopting the ROPS for the period of July 1, 2012 through December 31, 2012.

RECOMMENDATION: That the Successor Agency adopt a resolution approving the Recognized Obligation Payment Schedule

Attachments:
1. ROPS
2. Agency Resolution
<table>
<thead>
<tr>
<th>Project Name / Debt Obligation</th>
<th>Payee</th>
<th>Source</th>
<th>Description</th>
<th>Total Outstanding Debt or Obligation (Y2K00)</th>
<th>Total Due During Fiscal Year</th>
<th>Payments by month July through December 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 2008 Tax Allocation Bonds Series A</td>
<td>US Bank</td>
<td>Tax Increment</td>
<td>Bonds Issued to fund nonhousing projects</td>
<td>6,530,368.00</td>
<td>304,345.00</td>
<td>July: 161,773.00</td>
</tr>
<tr>
<td>2 2008 Tax Allocation Bonds Series B</td>
<td>US Bank</td>
<td>Tax Increment</td>
<td>Bonds Issued to fund nonhousing projects</td>
<td>5,183,824.00</td>
<td>163,698.00</td>
<td>July: 101,489.00</td>
</tr>
<tr>
<td>3 2008 Tax Allocation Bonds Series C</td>
<td>US Bank</td>
<td>Tax Increment</td>
<td>Bonds Issued to fund housing projects</td>
<td>1,160,935.00</td>
<td>79,035.00</td>
<td>July: 49,768.00</td>
</tr>
<tr>
<td>4 2008 Tax Allocation Bonds Series D</td>
<td>US Bank</td>
<td>Tax Increment</td>
<td>Bonds Issued to fund housing projects</td>
<td>1,083,158.00</td>
<td>55,001.00</td>
<td>July: 30,001.00</td>
</tr>
<tr>
<td>5 2008 Tax Allocation Bond Reserves</td>
<td>Funded</td>
<td>Funded</td>
<td>Reserve for bonds</td>
<td>635,453.00</td>
<td>4,650.00</td>
<td>July: 4,650.00</td>
</tr>
<tr>
<td>6 2008 Tax Allocation Bond Admin.</td>
<td>US Bank</td>
<td>Tax Increment</td>
<td>Administration of bonds (Nov)</td>
<td>1,024,730.00</td>
<td>1,024,730.00</td>
<td>July: 200,000.00</td>
</tr>
<tr>
<td>7 2008 Tax Allocation Bond Arbitrage</td>
<td>Arbitrage Compliance Spec.</td>
<td>Tax Increment</td>
<td>Arbitrage next payment of approx. $5,000 in 2013</td>
<td>30,000.00</td>
<td>0.00</td>
<td>July: -1</td>
</tr>
<tr>
<td>8 Rural Eco. Dev. Infrastructure Program</td>
<td>St. of Calif Dept of Commerce</td>
<td>Tax Increment</td>
<td>Loan for Infrastructure</td>
<td>125,453.00</td>
<td>27,873.00</td>
<td>July: 13,936.00</td>
</tr>
<tr>
<td>10 Porterville Hotel</td>
<td>To Be Determined</td>
<td>Bond Proceeds</td>
<td>Purchase, demolition and project management.</td>
<td>1,024,730.00</td>
<td>1,024,730.00</td>
<td>July: 200,000.00</td>
</tr>
<tr>
<td>11 Successor Agency Administration</td>
<td>City of Porterville, Strataif, Admin Cost</td>
<td>Operation of Successor Agency, cost to administer</td>
<td>50,000.00</td>
<td>4,166.67</td>
<td>July: 25,000.00</td>
<td>Aug: 25,000.00</td>
</tr>
<tr>
<td>12 Affordable Housing Monitoring</td>
<td>Successor Housing Entity</td>
<td>Admin Cost</td>
<td>Monitor Affordable Housing Agreements and</td>
<td>50,000.00</td>
<td>4,166.67</td>
<td>July: 25,000.00</td>
</tr>
</tbody>
</table>

**Totals - This Page**

| Total | $20,207,043.00 | $2,829,965.00 | $20,033.33 | $20,033.33 | $20,033.33 | $20,033.33 | $25,483.33 | $403,560.33 | $512,377.00 |

**Grand total - All Pages**

| Total | $20,207,043.00 | $2,829,965.00 | $20,033.33 | $20,033.33 | $20,033.33 | $20,033.33 | $25,483.33 | $403,560.33 | $512,377.00 |

* Bond and REDIP payments are due May and November each year. Receipt of funds is needed earlier to allow time to process payments.
RESOLUTION NO. _____

A RESOLUTION OF THE PORTERVILLE SUCCESSOR AGENCY
APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE

WHEREAS: By resolution adopted on September 20, 2011, the Agency adopted an Initial Recognized Obligation Payment Schedule ("IROPS") pursuant to Health & Safety Code Section 34169(h), added by AB 1X 26, and submitted such IROPS to the City, as successor agency; and

WHEREAS: By resolution adopted on January 31, 2012, the Agency adopted an Amended IROPS pursuant to Health & Safety Code Section 34169(g); and

WHEREAS: Health & Safety Code Section 34177(l)(1) requires the successor agency to adopt an updated Recognized Obligation Payment Schedule (ROPS) for each six (6) month operational period and establishes deadlines for said adoption; and

WHEREAS: The Agency now desires to adopt the ROPS for the period of July 1, 2012 through December 31, 2012.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1: The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the Agency.

SECTION 2: Pursuant to Health & Safety Code Section 34177 (1)(2)(A)(B)(C), enacted by AB 1X 26, the Agency hereby adopts the ROPS submitted herewith as Attachment 1, which schedule is incorporated herein by this reference.

SECTION 3: The Agency is hereby authorized and directed to post the ROPS on the City/Agency website pursuant to Health and Safety Code Section 34169(g)(2) and to notify the County Auditor Controller, the State Department of Finance, and the State Controller’s Office concerning this Resolution, the ROPS, and its online publication.

SECTION 5: The Agency Secretary shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this _____ day of February, 2012.

By: Ronald L. Irish, Chair

ATTEST:
John D. Lollis, Agency Secretary

Patrice Hildreth, Chief Deputy Agency Secretary