Call to Order
Roll Call

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

**CITY COUNCIL CLOSED SESSION:**
A. Closed Session Pursuant to:
   5- Government Code Section 54956.9(b)(1) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case.

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

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

Pledge of Allegiance Led by Vice Mayor Cameron Hamilton

Invocation

**PRESENTATIONS**
Sequoia Valley Enterprise Zone

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

I. City Council Committee and Commission Meetings:
   a. Tulare County Local Agency Formation Commission (LAFCO) – March 7, 2012
   b. Tulare County Association of Governments (TCAG) – March 19, 2012
II. City Commission and Committee Meetings:
   a. Community Development Block Grant Advisory and Housing Committee – March 12, 2012
   c. Library and Literacy Committee – March 13, 2012
   d. Youth Commission – March 19, 2012

ORAL COMMUNICATIONS
   This is the opportunity to address the Council on any matter of interest, whether on the agenda or not.
   Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by
   the Council, all commentary shall be limited to three minutes.

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

1. City Council Minutes of March 13, 2012

2. Award Contract – Wrought Iron Fencing Materials
   Re: Considering awarding a contract in the amount of $6,765.57 to Harris Steel Fence Co., Inc., of
   Los Angeles, CA, for ornamental black wrought iron fencing materials for Murry Park.

2a. Authorize Staff to Act on Behalf of the City of Porterville for the Purpose of Issuing a Request
   for Proposal for the Transit Operations and Management Contract
   Re: Considering authorizing staff to issue a request for proposals for professional services to operate
   and manage the transit services.

2b. Authorize Staff to Act on Behalf of the City of Porterville for the Purpose of Issuing a Request
   for Proposal for the Transit Administration Professional Services Contract
   Re: Considering authorizing staff to issue a request for proposals for professional services to
   administrate the transit program.

3. Intent to Set a Public Hearing for Reimbursement Agreements for Concrete Improvement
   Construction by the City – Jaye Street Improvements Project, Easterly Extension of Brown
   Avenue to Gibbons Avenue
   Re: Considering approval of the scheduling of a public hearing for April 17, 2012, for the
   establishment of the concrete reimbursement fee; and authorizing notification of all affected property
   owners.

4. Authorize Transit Staff to Apply for Transit Security Grant Program Funding
   Re: Considering authorizing staff to apply for Transit Security Grant funds in the amount of $42,959
   for Fiscal Year 2011/2012.

5. Authorize Transit Staff to Apply for Two Transit Bus and Bus Facilities Program Funds
   Re: Considering authorizing staff to apply for funds under the Bus and Bus Facilities Capital
   Program for Fiscal Year 2012/2013 for funding of the expansion of the CNG fueling facility, design
   and construction of a new bus maintenance facility, and procurement of various electronic farebox
   equipment upgrades.
6. **Authorize Staff to Approve the Purchase of RouteMatch Transportation Management System**  
   Re: Considering authorizing staff to begin negotiations for the purchase of RouteMatch Software, a Demand Response, Fixed Route and Traveler Information System.

7. **Revised Schedule for Review of Development Ordinance Revisions**  
   Re: Considering approval of a revised schedule for completion of the Porterville Development Ordinance.

8. **Airport Lease Renewal – Lot 46B**  
   Re: Considering approval of the extension of the Lease Agreement between the City of Porterville and Travis Bierman of Rapid City, SD, for Lot 46B at the Porterville Municipal Airport.

9. **Approval for Community Civic Event – Porterville Breakfast Rotary Cancer Run, May 5, 2012**  
   Re: Considering approval of an event to take place on Saturday, May 5, 2012, from 6:00 a.m. to 11:00 a.m., at Tulsa Street and Putnam Avenue.

10. **Approval for Community Civic Event – Porterville Chamber of Commerce – Iris Festival, April 28, 2012**  
    Re: Considering approval of an annual event to take place in Downtown Porterville on April 28, 2012, from 9:00 a.m. to 5:00 p.m.

11. **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**

12. **First Reading – Ordinance Creating General Fund Reserve Policy and Authorizing the Establishment of “Budget Stabilization,” “Catastrophic/Emergency,” “Capital Maintenance,” “Capital Construction/Improvement,” “Infrastructure Maintenance/Improvement,” and “Special Purposes” Dedicated Reserve Funds**  
    Re: Consideration of a draft ordinance establishing a General Fund Reserve Policy and amending the City’s current regulations regarding the Fund.

**SECOND READINGS**

13. **Second Reading – Ordinance No. 1785, 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**  
    Re: Second Reading of an ordinance authorizing an amendment to the PERS Contract, which was given first reading on February 21, 2012.

14. **Second Reading – Ordinance No. 1786, 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**  
    Re: Second Reading of an ordinance amending the Development Ordinance to accommodate interim agricultural use of lands within Multiple Zone Districts, which was given first reading on March 6, 2012.
SCHEDULED MATTERS

15. Housing-Related Parks Program
Re: Considering authorization to apply for the Housing-Related Parks Program and funding of projects for the Housing-Related Parks Program per the priority list from the Parks and Leisure Services Commission; and considering approval of a resolution authorizing the execution of the Standard Agreement and any other documents necessary to secure a Housing-Related Parks Program.

16. Environmental Review of the OHV Park Enhancement Project
Re: Considering approval of a draft resolution approving the Mitigated Negative Declaration for the OHV Enhancement Project.

17. Approval of Economic Development Strategic Plan
Re: Considering approval of the Economic Development Strategic Plan prepared by Chabin Concepts and authorizing the implementation of the strategies listed within the report.

18. Authorization of a Ten-Year Development Fee Payment Plan

19. Consideration of Amending Order of Business to be Followed at Regular City Council Meetings
Re: Considering the order of business currently set forth in Resolution No. 101-2010.

ORAL COMMUNICATIONS

OTHER MATTERS

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

ADJOURNMENT - to the meeting of April 3, 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.
PORTERVILLE CITY COUNCIL/PARKS & LEISURE SERVICES COMMISSION
JOINT MEETING MINUTES
MUNICIPAL LIBRARY
COMMUNITY ROOM, 2ND FLOOR
41 WEST THURMAN AVENUE, PORTERVILLE, CALIFORNIA
MARCH 13, 2012, 5:30 P.M.

Called to Order at 5:30 p.m.
Roll Call: Porterville City Council: Council Member Ward, Council Member Shelton, Council Member McCracken, Vice Mayor Hamilton, and Mayor Irish
Parks and Leisure Services Commission: Commissioner Lupio, Commissioner Rankin, Commissioner Moore, Commissioner Calantine, and Chair Lok
Absent: Commissioner Carson, Commissioner Land, and Vice Chair Vafeades

Pledge of Allegiance Led by Council Member Brian Ward
Invocation – none.

ORAL COMMUNICATIONS
None.

SCHEDULED MATTER
1. DISCUSSION OF OPTIONS PERTAINING TO MURRY PARK EXTENSION

Recommendation: None.

Parks and Leisure Services Director Milt Stowe introduced the item. He explained that the purpose of the joint meeting was to discuss the development of the property located at 604 N. Henry Street, and added that staff was available to answer any questions.

The Council and Commissioners shared their ideas for the development of the property which included:
1. A low scale renovation of the building to make it adequate for meetings, to include air conditioning/heating, and a refrigerator for food;
2. The construction of additional park pavilions in lieu of renovating the building; and
3. Teaming up with the Porterville Unified School District to have the house renovated.

There were concerns raised regarding the cost of paved parking, the geese, and the condition of the pond. Mayor Irish stressed the importance of adhering to the standards imposed on the general public with regard to parking areas. Parks and Leisure Services Director Stowe indicated that the pond would benefit from being drugged, but that initially two aerators could be placed to improve the quality of the water.

Commission Chair Lok showed a presentation regarding various options for development of the property, which he indicated had been updated since it had been shown at the Parks and Leisure Services Commission meeting. Some of the ideas presented included, but were not limited to: installation of paved parking, removal of garage structure, construction of a bridge to the pond island, installation of picnic tables on concrete slabs, an aviary, fencing, an overnight camping area,
and renovation of the house.

Commissioner Lupio raised the issue of funding, and Vice Mayor Hamilton stated that there was currently no budget for the development of the property.

Mayor Irish recommended that the Council and Commission identify five or so priorities, which staff could then research and prepare cost estimates.

There was some discussion regarding the development of a plan, which could be broken up into phases. Improvements such as sidewalk and new fencing were also discussed to improve access, safety, and renting of the property for special events.

Commissioner Calantine suggested the following priorities: 1) pavilions; 2) parking; 3) renovation of the house; 4) the pond; and 5) walkway access for the perimeter. Council Member Ward then suggested that irrigation for landscaping be included, and the Council and Commissioners agreed. Staff was then directed to review the list of priorities identified, determine the costs associated with each item, and provide the information to the Parks and Leisure Services Commission for consideration in approximately two months time. Staff was also directed to keep in mind that prompt use of the property was desired by both the Council and the Commission.

ORAL COMMUNICATIONS

- Monte Reyes, Porterville resident, stated that he liked the suggestions made at the meeting, and requested that the Council and Commission consider the history of Murry Park for inspiration.
- Myron Lord, Porterville resident, stated that he lived on the east side of the Henry property and was pleased the City had acquired it. He expressed concern with overnight activities, and his appreciation of the efforts being made.
- Shawn Cable, Porterville resident, inquired about curb and gutter along Putnam Avenue.

ADJOURNMENT

The City Council adjourned at 6:25 p.m. to the meeting of March 20, 2012, at 5:30 p.m.; and the Parks and Leisure Services Commission adjourned at 6:25 p.m. to the meeting of April 5, 2012, at 5:30 p.m.

SEAL

Luisa Herrera, Deputy City Clerk

__________________________
Ronald L. Irish, Mayor

__________________________
Case Lok, Chair
COUNCIL AGENDA: MARCH 20, 2012

SUBJECT: AWARD CONTRACT – WROUGHT IRON FENCING MATERIALS

SOURCE: Finance Department/Purchasing Division

COMMENT: Staff solicited sealed bids for ornamental black wrought iron fencing materials for Murry Park. In response to solicitation, two (2) bids were received, both of which meet the City’s minimum specifications. They are as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harris Steel Fence Co., Inc.</td>
<td>$6,765.57</td>
</tr>
<tr>
<td>Los Angeles, CA</td>
<td></td>
</tr>
<tr>
<td>Anderson Fence Co.</td>
<td>$8,670.35</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has reviewed the low bid and finds it to be responsive to the specifications. The cost for the materials was estimated to be $7,000. The low bid is 3.3% below Staff’s estimate. In accordance with the City’s code, the solicitation was advertised, and additionally, bid packages were mailed to local fence companies and suppliers. A total of eight (8) companies expressed interest in bidding. The wrought iron fence will be installed by crews from the City’s Parks & Leisure Services Department and will replace the block wall at the north end of Murry Park adjacent to the pond. Funds for this project are available from the Community Development Block Grant.

RECOMMENDATION: That Council award the contract for wrought iron fencing materials for Murry Park to Harris Steel Fence Co., Inc., of Los Angeles, CA, in the amount of $6,765.57. Further, that Council authorize payment upon satisfactory acceptance of the materials.

D.D. ☑ Appropriated/Funded ☑ C.M. ☑ Item No. 2
SUBJECT: AUTHORIZE STAFF TO ACT ON BEHALF OF THE CITY OF PORTERVILLE FOR THE PURPOSE OF ISSUING A REQUEST FOR PROPOSAL FOR THE TRANSIT OPERATIONS AND MANAGEMENT CONTRACT

SOURCE: Public Works Department - Transit

COMMENT: On July 18, 2006, the City of Porterville and Sierra Management executed an Agreement to provide operational and management services for the fixed-route and demand-response services for the period of July 1, 2006 through June 30, 2010, with an option to extend through June 30, 2012. The agreement as written does not specifically state any other available options or extensions past the June 30, 2012 expiration date.

Although there are no FTA administrative limitations on the number of years that service contracts may be awarded for, nor for the period of any extensions, there remains the requirements in FTA Circular 4220.1F that grantees comply with (1) the principle of "full and open competition," as required by 49 U.S.C. §5325(a), (2) the requirement to justify any sole source procurement, and (3) the requirements regarding the exercise of options. Regardless of the term of the original services contract, any extensions to that contract must comply with the above Circular. This means, for example, that if the extended period was not included in the original competition (i.e., priced by the competitors and considered in the original contract award decision), it cannot be considered a part of the original competitive award. It must be processed as a sole source (non-competitive) action, which means the grantee's management official responsible for approving non-competitive contracts must review the rationale and approve the award.

Staff is very pleased with the current transit contractor, who has successfully managed the transit operations since 1995; however, the City must comply with FTA procurement requirements to bid this project.
The purpose of the operations and management RFP is to provide day-to-day operational management of the transit services. The maintenance of the transit system will continue to be provided by City staff. Administration of the Transit System would be provided under a separate contract.

A copy of the Request for Proposals is available in the City Manager's office for review.

RECOMMENDATION: That the City Council:

1. Authorize staff to issue a request for proposals for professional services to operate and manage the transit services.
AUTHORIZE STAFF TO ACT ON BEHALF OF THE CITY OF PORTERVILLE FOR THE PURPOSE OF ISSUING A REQUEST FOR PROPOSAL FOR THE TRANSIT ADMINISTRATION PROFESSIONAL SERVICES CONTRACT

PUBLIC WORKS DEPARTMENT - TRANSIT

On January 1, 2011, the City amended the Transit Service Agreement with Sierra Management to provide administration of the transit system for the remainder of the contract which will expire June 30, 2012. The agreement as written, does not specifically state any other available options or extensions past the June 30, 2012, expiration date.

In order to comply with FTA Circular 4220.1F, the City must comply with: (1) the principle of "full and open competition," as required by 49 U.S.C. §5325(a), or (2) the requirement to justify any sole source (non-competitive) procurement.

Since the expiring agreement does not provide any additional options to extend the contract, staff recommends the City Council authorize the issuance of a request for proposals for the administration of the transit system.

Staff is pleased with the work that the contractor performed during the short duration of the contract. The contractor has worked diligently applying for and securing new transit funding in the short year of work. The Transit System is currently in the middle of the 2012 Short Range Transit Plan, the Southeast Tulare County Mobility Study, the Triennial Review of the FTA, and numerous grant applications, which includes an estimated $10 million transit facility and maintenance expansion grant application. Staff believes it is important that the City issue this RFP as quickly as possible in order to continue the ongoing transit projects.

A copy of the Request for Proposals is available in the City Manager's office for review.

RECOMMENDATION: That the City Council:

1. Authorize staff to issue a request for proposals for professional services to administer the transit program.
COUNCIL AGENDA: MARCH 20, 2012

SUBJECT: INTENT TO SET A PUBLIC HEARING FOR REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY – JAYE STREET IMPROVEMENTS PROJECT, EASTERLY EXTENSION OF BROWN AVENUE TO GIBBONS AVENUE

SOURCE: Public Works Department - Engineering Division

COMMENT: The concrete improvements for the Jaye Street Improvements Project, Easterly Extension of Brown Avenue to Gibbons Avenue, are complete. City Council accepted the Jaye Street Improvements Project during the February 7, 2012, Council meeting. Section 20-40.1 of the Municipal Code stipulates that these improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code also stipulates that remodeling permits exceeding a $18,421 valuation within a two (2) year period will also trigger the reimbursement.

The City has complied with Section 20-40.8 of the Municipal Code on the Jaye Street Improvements Project by notifying affected property owners and holding Public Hearings addressing the City’s intentions to seek reimbursement for the concrete improvements constructed as a part of this project. Section 20-40.8 requires that City Council hold at least one additional Public Hearing prior to the establishment of a fee. Once the fee is established, the City will record a general notice of “reimbursement fee” with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

Staff has calculated the cost of the concrete improvements constructed along the frontages of undeveloped properties and/or developed properties that lacked these public improvements for the Jaye Street Improvements Project. The calculations are based on actual costs incurred by the City. A map of the affected property owners and the associated concrete reimbursement fee is attached for Council’s reference.

RECOMMENDATION: That the City Council:

1. Set a Public Hearing for April 17, 2012, according to the Mitigation Fee Act, for the establishment of the concrete reimbursement fee; and

2. Authorize staff to notify all affected property owners of the Public Hearing, via certified mail, including the concrete reimbursement amount.

ATTACHMENTS: Locator Map
Fee Spreadsheet

[Signature]
CM

Item No. 3
### Exhibit "B"

#### Jaye Street Improvements Project

**Reimbursement for City Installed Improvements**

<table>
<thead>
<tr>
<th>APN</th>
<th>OWNER-Property Address</th>
<th>Owner Address</th>
<th>Curb\Gutter</th>
<th>Sidewalk</th>
<th>Driveway</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>269-060-049</td>
<td>Martin &amp; Betty L. Maxwell - 310 W. Gibbons Ave.</td>
<td>32740 Greene Dr., Springville, CA 93265</td>
<td>$6,536.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$6,536.00</td>
</tr>
<tr>
<td>269-060-050</td>
<td>Wal-Mart Stores East LP - No address listed</td>
<td>702 SW 8th St. Prop Tax Dept 8013 RE: 6021</td>
<td>$5,323.40</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$5,323.40</td>
</tr>
<tr>
<td>269-120-007</td>
<td>City of Porterville - No address listed</td>
<td>Porterville CA, Bentonville, AR 72716-8013</td>
<td>$2,769.20</td>
<td>$3,189.90</td>
<td>$1,360.82</td>
<td>$7,339.92</td>
</tr>
<tr>
<td>269-120-008</td>
<td>Richard J &amp; Margaret Hardaway (TRS)</td>
<td>24658 La Paloma Dr., Springville, CA 93265</td>
<td>$6,364.00</td>
<td>$7,553.80</td>
<td>$829.87</td>
<td>$14,547.77</td>
</tr>
<tr>
<td>269-120-009</td>
<td>1065 S. Jaye St.</td>
<td>1027 S. Jaye St., Porterville, CA 93257</td>
<td>$894.40</td>
<td>$916.30</td>
<td>$1,299.60</td>
<td>$3,110.30</td>
</tr>
<tr>
<td>269-120-004</td>
<td>Alma Macatee - 1009 S. Jaye St.</td>
<td>1009 S. Jaye St., Porterville, CA 93257</td>
<td>$172.00</td>
<td>$46.55</td>
<td>$451.54</td>
<td>$670.09</td>
</tr>
<tr>
<td>269-120-003</td>
<td>Juan R Gonzalez - 1011 S. Jaye St.</td>
<td>1011 S. Jaye St., Porterville, CA 93257</td>
<td>$774.00</td>
<td>$703.15</td>
<td>$1,543.40</td>
<td>$3,020.42</td>
</tr>
<tr>
<td>269-130-007</td>
<td>Wal-Mart Stores East LP - 1300 S. F St.</td>
<td>702 SW 8th St. Prop Tax Dept 8013 RE: DC 6021</td>
<td>$6,364.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$6,364.00</td>
</tr>
</tbody>
</table>

| Totals     |                                         |                                  |             |          |          | $57,089.48 |

Note: Totals are calculated for each category and then summed to reflect the total reimbursement amount.
COUNCIL AGENDA: MARCH 20, 2011

SUBJECT: AUTHORIZE TRANSIT STAFF TO APPLY FOR TRANSIT SECURITY GRANT PROGRAM FUNDING

SOURCE: Public Works Department - Transit

COMMENT: The Transit Security Grant Program (TSGP) provides funding to owners and operators of transit systems to protect critical surface transportation infrastructure and the traveling public from acts of terrorism, major disasters and other emergencies.

The TSGP is one of five grant programs that constitute the Department of Homeland Security (DHS) fiscal year focus on transportation infrastructure security activities. These grant programs are part of a comprehensive set of measures implemented by the Department of Transportation to help strengthen the Nation’s critical infrastructure against risks associated with potential terrorist attacks. The TSGP is an important component of the Department’s effort to enhance the security of the Nation’s critical infrastructure. The program provides funds to owners and operators of transit systems (which include intercity bus, commuter bus, ferries, and all forms of passenger rail) to protect critical surface transportation infrastructure and the traveling public from acts of terrorism, major disasters, and other emergencies.

The City of Porterville’s apportionments for the Transit Security Grant Program for FY 11/12 will be $42,959. City staff has recommended using these funds for various transit security projects, including the installation of security cameras at the City’s Corporation Yard, Porterville Transit Center, and City Hall.

RECOMMENDATION: That the City Council authorize City staff to apply for the Transit Security Grant funds for fiscal years 11/12.

ATTACHMENT: 1. Governing Body Resolution
               2. Authorized Agent Signature Authority
               3. Grant Assurances

P:\pubworks\General\Council\Transit_Safety_and_Security_Grant_ COUNCIL AGENDA - 2012-03-20.doc

DD  MB  Appropriated/Funded  CM  Item No. 4
RESOLUTION NO. ____-2012

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AUTHORIZING STAFF TO ACT ON BEHALF
OF CITY FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE FROM
CALIFORNIA EMERGENCY MANAGEMENT AGENCY

WHEREAS, the City of Porterville is required to identify and authorize an agent for the
purpose of executing for and on behalf of the City for the purpose of obtaining financial
assistance provided by the California Emergency Management Agency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville
that Baldomero Rodriguez, Public Works Director, or Richard Tree, Transit Manager, is hereby
authorized to execute for and on behalf of the City of Porterville, the named applicant, a public
entity established under the laws of the State of California, any actions necessary for the purpose
of obtaining financial assistance provided by the California Emergency Management Agency.

PASSED, APPROVED AND ADOPTED this 20th day of March, 2012

Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
Authorized Agent Signature Authority

FY 2011-12 Transit System Safety, Security and Disaster Response Account Program

AS THE MAYOR
(Chief Executive Officer / Director / President / Secretary)

OF THE CITY OF PORTERVILLE
(Name of State Organization)

I hereby authorize the following individual(s) to execute for and on behalf of the named state organization, any actions necessary for the purpose of obtaining state financial assistance provided by the California Emergency Management Agency.

BALDOMERO RODRIGUEZ, PUBLIC WORKS DIRECTOR, OR
(Name or Title of Authorized Agent)

RICHARD TREE, TRANSIT MANAGER
(Name or Title of Authorized Agent)

Signed and approved this 20 day of MARCH, 2012

(Signature)
Grant Assurances

FY 2011-2012 Transit System Safety, Security and Disaster Response Account Program

Name of Applicant: RICHARD I. TREE

Address: 291 N. MAIN ST.

City: PORTERVILLE State: CA Zip Code: 93257

Telephone Number: (559) 782-7448

E-Mail Address: rtree@ci.porterville.ca.us

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Has the legal authority to apply for Transit System Safety, Security, and Disaster Response Account funds, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the State of California and administered by the California Emergency Management Agency (Cal EMA).

2. Will assure that grant funds are only used for allowable, fair, and reasonable costs.

3. Will give the State of California generally and Cal EMA in particular, through any authorized representative, access to and the right to examine all paper or electronic records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or Cal EMA directives.

4. Will provide progress reports and other information as may be required by Cal EMA.

5. Will initiate and complete the work within the applicable timeframe after receipt of Cal EMA approval.

6. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.

7. Will comply with all California and federal statutes relating to nondiscrimination. These include but are not limited to:

   a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;

   b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §§ 794) which prohibits discrimination on the basis of handicaps;
d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
g. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290dd-2), as amended, relating to confidentiality of alcohol and drug abuse patient records;
h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
i. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
j. The requirements on any other nondiscrimination statute(s) which may apply to the application.

8. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

9. Will comply with applicable environmental standards which may be prescribed pursuant to California or federal law. These may include, but are not limited to, the following:

b. Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
c. Notification of violating facilities pursuant to EO 11738;
d. Protection of wetlands pursuant to EO 11990;
e. Evaluation of flood hazards in floodplains in accordance with EO 11988;
f. Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
g. Conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
h. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and

10. Will comply, if applicable, with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

12. Will comply with Standardized Emergency Management System requirements as stated in the California Emergency Services Act, Gov Code §§ 8607 et seq. and CCR Title 19, Sections 2445, 2446, 2447 and 2448.

13. Will:
   a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by Cal EMA;
   b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California; and
   c. CTSGP-CTAF funds must be kept in a separate interest bearing account. Any interest that is accrued must be accounted for and used towards the approved Prop1B project approved by Cal EMA.

14. Will comply, if applicable, with the Intergovernmental Personnel Act of 1970 (42 U.S C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM’s Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

15. Agrees that equipment acquired or obtained with grant funds:
   a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant;
   b. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.

16. Will comply, if applicable, with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.

17. Will comply with all applicable requirements, and all other California and federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.

18. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.
   a. The applicant certifies that it and its principals:
1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;

2. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default; and where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

19. Will retain records for three years after notification of grant closeout by the State.

20. Will comply with the audit requirements set forth in the Office of Management and Budget (OMB) Circular A-133, “Audit of States, Local Governments and Non-Profit Organizations.”

21. Grantees and subgrantees will use their own procurement procedures which reflect applicable state and local laws and regulations.

22. Grantees and subgrantees will comply with their own contracting procedures or with the California Public Contract Code, whichever is more restrictive.

23. Grantees and subgrantees will maintain procedures to minimize the time elapsing between the award of funds and the disbursement of funds.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent: ____________________________________________

Printed Name of Authorized Agent: Ronald L. Irish ____________________________

Title: Mayor __________________ Date: ______________________________
COUNCIL AGENDA: MARCH 20, 2012

SUBJECT: AUTHORIZE TRANSIT STAFF TO APPLY FOR TWO TRANSIT BUS AND BUS FACILITIES PROGRAM FUNDS

SOURCE: Public Works Department - Transit

COMMENT: The Federal Transit Administration (FTA) announced the availability of Section 5309 Bus and Bus Facilities Program discretionary funds for Fiscal Year (FY) 2012. There are two initiatives under the Bus and Bus Facilities capital program: (1) State of Good Repair Initiative (SGR) and (2) Bus Livability Initiative. FTA will distribute funds in support of the U.S. Department of Transportation's (DOT) state of good repair, livability, and environmental sustainability efforts.

Subject to funding availability by Congress, FTA will fund the SGR and Bus Livability Initiatives with approximately $775 million ($650 million for SGR and $125 million for Bus Livability) of unallocated Section 5309 Bus and Bus Facilities Program funds, authorized by 49 U.S.C. 5309(b) as amended by Section 3011 of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, August 10, 2005, and its extensions.

With authorization to apply for the funding above, staff will apply for funding to expand the CNG fueling facility, design and construct a new bus maintenance facility, and procure various electronic farebox equipment upgrades.

RECOMMENDATION: That the City Council authorize staff to apply for both initiatives under the Bus and Bus Facilities Capital program for Fiscal Year 2012, and authorize the Mayor to sign the attached governing body resolution.

ATTACHMENT: Resolution - Bus and Bus Facilities Capital Program

P:\pub\work\GeneralCouncil\Transit_Bus_and_Bus_Facilities_COUNCIL AGENDA - 2012-03-20.doc

Appropriated/Funded  

CM  

Item No. 5
RESOLUTION NO. ____-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING STAFF TO ACT ON BEHALF OF CITY FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE FROM THE BUS AND BUS FACILITY CAPITAL PROGRAM FUNDS

WHERAS, the City of Porterville is required to identify and authorize an agent for the purpose of executing for and on behalf of the City for the purpose of obtaining financial assistance provided by the Bus and Bus Facility Capital Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that Baldomero Rodriguez, Public Works Director, or Richard Tree, Transit Manager, is hereby authorized to execute for and on behalf of the City of Porterville, the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining financial assistance provided by the Federal Transit Administration, Section 5309 Bus and Bus Facilities Capital Program.

PASSED, APPROVED AND ADOPTED this 20th day of March, 2012.

_________________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: AUTHORIZE STAFF TO APPROVE THE PURCHASE OF ROUTEMATCH TRANSPORTATION MANAGEMENT SYSTEM

SOURCE: Public Works Department - Transit

COMMENT: The Porterville Transit System has provided transportation services as the public transit operator for the Porterville Urbanized Area since 1980. Porterville Transit provided 437,041 trips during fiscal year 2010/2011. Transportation is provided to the community in the form of local fixed routes and curb-to-curb Dial-A-Ride.

Thirty (30) employees provide transportation services twelve (12) hours a day Monday through Friday with limited Saturday hours. All components necessary to provide public transportation are housed within the Porterville Transit Center and the City’s Corporation Yard. The City maintains and schedules a fleet of nineteen (19) vehicles, including wheelchair accessible mini-vans.

Currently there are only two (2) methods of communication incorporated in the transit vehicles:

- Two-way Radio System
- Limited Global Positioning System (GPS)

The following recommendations were approved by the City Council to improve its intelligent transportation system (ITS).

1) The Porterville Transit Short Range Transit Plan, adopted August 2010 states, “Reduce COLT operational costs through improved trip-planning efforts (service efficiency).”

2) The Tulare County Coordinated Transportation Plan, adopted July 2010 states, “Develop user-friendly information systems that illustrate available services and trip options, including guides/brochures, kiosks, automated routing services, etc.

In September 2011, the City Council approved the Public Transportation Modernization, Improvement & Service Enhancement Program (PTMISEA) allocation plan for the installation of an automatic dispatch system, automatic vehicle locating system, and passenger information system through the State Proposition 1B bond program – PTMISEA.
This project will implement the two (2) recommendations noted in the above discussion with the transitions from a limited demand response scheduling program. The passenger information system project will acquire, install and support a user-friendly information system that illustrates available services and trip options.

Staff researched available intelligent transportation systems and is confident that RouteMatch is the best system applicable to the Porterville Transit system. RouteMatch is a fully integrated Transit Management System that supports all dispatching functions through their support program. RouteMatch interfaces with a single mobile data computer unit, simplifying the integration tasks associated with this project.

Currently Porterville Transit uses an outdated method to collect data. Drivers record mileages and trips by paper trip sheets. At the conclusion of the driver’s shift, he/she submits the trip sheets to dispatch and dispatchers enter the reportable data into Microsoft Excel.

This process is labor intensive and prone to human error. With RouteMatch, drivers input data on a touchpad and reportable data is wirelessly downloaded from each vehicle in real-time. This would minimize staff time and significantly reduce errors and improve reporting accuracy.

The RouteMatch system was found to be the only company that provides an integrated ADA eligibility, ADA certification, incident management, and maintenance module that allows seamless integration into the dispatching software. This will allow staff at City Hall to approve, monitor, and deny eligibility in one complete software package. While staff at the Transit Center would use the eligibility module to seamlessly schedule only approved riders for the Dial-A-Colt system.

The RouteMatch system is also the only available company that provides a hosted software solution. By utilizing a hosted software solution, the Transit Manager located at City Hall can approve ADA eligibility over the internet without a direct connection to the software used at the Transit Center. This would reduce costs that would be required to develop a direct intranet link to the Transit Center as well as support from the IT department.

Staff believes that it is infeasible to go through the time and expense of a competitive proposal process because RouteMatch is the only source that can provide the necessary interface for the complete project. Developing the scope of work and proper specifications would require additional staff time and/or costs to hire a consultant to write the proper specifications. In addition, given that the City currently has the funds and is able to start work on the project immediately, the extreme delay caused by virtue of
the competitive process, in conjunction with the fact that only RouteMatch can really provide the necessary solution, would disadvantage the City and the public.

Given the integration between RouteMatch’s Paratransit, fixed route and traveler information solutions, the cost of this project is greatly reduced. In short, the cost of the software itself is reduced, as many components of the software are inter-related (i.e. Customers, Vehicles, Addresses, etc.). In addition, the City’s users (dispatchers, drivers, administrators) will be trained on one integrated RouteMatch system, and better understand the intricacies of the software. It would be cost-prohibitive to train these same employees on separate systems. RouteMatch has provided a partnership incentive wherein the cost of certain products and services is reduced given the long-standing relationship between the City and RouteMatch.

The staff recommendation would utilize an exemption from competitive bidding as allowed under City’s Purchasing Policy & Procedure Manual, as amended by Resolution No. 122-87, adopted by Council on October 10, 1987. No federal funds will be used in this project therefore, local purchasing rules apply.

Funding sources for this project include $243,017 from Prop 1B and $36,244 from Local Transportation Funding (LTF). The total cost of the project will be $279,261.

Staff estimates that the project will take up to five months to complete.

RECOMMENDATION: That the City Council:

1) Authorize staff to begin negotiations for the purchase of RouteMatch Software; and

2) Authorize payment upon satisfactory delivery of the equipment.

ATTACHMENT: RouteMatch Software Proposal
RouteMatch Software
Proposal

Proposal Response To:
City of Porterville

Request for Proposal for a Demand Response, Fixed Route and Traveler Information System

Submitted By:
Teague Kirkpatrick
Senior Sales Consultant
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Submitted On:
March 3, 2012

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1 Introduction

RouteMatch is pleased to offer City of Porterville the following proposal for a turn-key Paratransit, Fixed Route and real time Traveler Information system. This fully integrated enterprise transportation management solution will be implemented and supported on a single platform for efficiencies in use and deployment, and will be hosted by RouteMatch software's state-of-the-art data center.

1.1 Scope of Services

The scope of services for this engagement consists of the following components:

1. RouteMatch TS Paratransit Management System, licensed for two (2) users and a fleet of four (4) vehicles
   a. RouteMatch Paratransit Mobile Data System, including the RouteMatch Mobility Application installed on cost-effective commercially available mobile data devices with associated mounts and ruggedized cases
   b. RouteMatch Incidents Module, easily manages all your organizations incidents, accidents, complaints, and commendations within the RouteMatch application and database.
   c. RouteMatch Certification Module allows the option to track and maintain all program certification and application requirements.
   d. RouteMatch Vehicle Maintenance Module provides the tracking, maintaining, scheduling, and reporting of any vehicle maintenance tasks.
   e. RouteMatch ADA Eligibility Module verifies ADA eligibility though boundary determination of your fixed route.

2. RouteMatch CA Fixed Route Management System licensed for two (2) users and a fleet of fourteen (14) vehicles
   a. RouteMatch Fixed Route Mobile Data System including:
      i. RouteMatch Mobility Application installed on cost-effective commercially available mobile data devices with associated mounts and ruggedized cases.
      ii. RouteMatch’s VLU, RMVelocity for on-board vehicle device management
      iii. MacKenzie Laboratories automated voice annunciator devices
      iv. Sunrise Systems in-vehicle next-stop signage

3. RouteShout Traveler Information Platform
   i. RouteShout Management Dashboard
   ii. RouteShout Mobile (SMS Text and Smartphone Application)
   iii. RouteShout Web

4. RouteMatch “In-the-Cloud” Hosting Services

5. RouteMatch Implementation Methodology (RIM) - Professional Services for the project management, design, build, training installation and deployment of the solution

6. Premium (24x7) Maintenance and Support Plan, including all software updates and upgrades
2 Product Description

2.1 RouteMatch TS – Paratransit Management System

RouteMatch TS is our flagship solution that incorporates advanced logistics algorithms and geographic information systems to accomplish fully automated scheduling, computer-assisted scheduling, and manual routing and scheduling for the paratransit and demand response industry. With integrated data management, scheduling, routing, dispatching, billing, reporting, and database maintenance functionality, RouteMatch Software enhances customer service while providing greater efficiency and reduced operating costs.

2.1.1 Paratransit Mobile Data System

The RouteMatch Mobile Data System (RMMDS) is a best of breed hardware, software, and communication platform that transforms your transit vehicles into intelligent vehicles for automated data collection and driver workflow. RMMDS creates a real time data collection and communication environment that seamlessly integrates into the RouteMatch Dispatching and Database Systems. RMMDS is extremely scalable, flexible, and innovative. Systems can start with GPS only options and extend their system to more advanced transit peripherals. RMMDS supports multiple mobile data computer vendors, tablet notebooks, SmartPhones, and GPS enabled phones. RMMDS leverages the latest wireless devices and communication innovations to provide the most cost effective and proven solutions to the transit industry.
**RM Mobile Paratransit Application**

RMMDS supports multiple mobile data devices (MDD) and wireless communication protocols. Based on business requirements and budget, RouteMatch can tailor your mobile data environment to specifically meet your unique requirements. The mobile device serves as point of interface for the driver and manages and streamlines the driver experience and automate data communications between the driver and dispatch. The mobile data device (MDD) Windows CE-based device is a fully functional touch screen mobile computer specifically designed for the rugged, demanding transit environment. The RouteMatch Mobile software application that resides on the MDD models the workflow for drivers, providing a single sign on to multiple peripherals and electronic manifest as well as other features like, turn-by-turn voice annunciated directions, automated odometer / mileage collection, fare collection, passenger counting, ETA to next stop, and a mailbox for electronic communication with dispatch.

Mobile Data Computers (MDCs) allow drivers to have accurate, up-to-date information in their vehicles, resulting in increased safety and security. Through Automated Vehicle Location (AVL), an automated tracking system made possible by Global Positioning Systems (GPS), dispatchers can easily and dynamically view and locate drivers and collect trip and route data in real-time. This information provides the ability to locate and track vehicles, perform optimal dispatching, and maximize routing and scheduling efficiency.

**2.1.2 Samsung Galaxy Tab with Paratransit RMMobility App**

Significant advancements with consumer mobile tablet computers in recent years, RouteMatch is able to deliver a fully functioning Mobile Data Computer at a fraction of the cost to both procure and to maintain on an on-going basis.

The Galaxy Tab has a seven inch screen, crisp 1,024x600-pixel resolution, and a responsive multi-touch screen for driver usability. This commercially available device is easily ruggedized for harsh in-vehicle conditions, is easily installed and mounted, and can be replaced in hours, not days. Built on the Android Operating System (OS), the RouteMatch Mobility Application offers 100% of the functionality provided by traditional MDTs, including vehicle tracking, electronic manifests, estimated time of arrival and real-time trip verification. The RouteMatch Mobility Application is 100% controlled and maintained by RouteMatch staff, allowing increased responsiveness in areas of support and development.

Further, the RouteMatch mobile data solution fully supports both fixed route and Paratransit services. The result is a single mobile data solution, integrated to RouteMatch’s single host transit solution for a fully integrated transportation technology system. Integrated technology allows transportation agencies to streamline operations through Paratransit to fixed route service transfers, flexible use of vehicles (para and fixed vehicles are interchangeable because they all have the same technology on board), and deviated fixed route service.
RouteMatch Paratransit Mobility Application

Secure Driver Login

Driver Manifests

Messaging
**Turn-by-Turn Navigation**

**Vehicle Dashboard for Easy Use and Navigation**

**Hundreds of Mounting and Cradle Options**
2.1.3 Incidents Module

Easily manages all your organizations incidents, accidents, complaints, and commendations within the RouteMatch application and database. Users can maintain and manage accidents and complaints relating to your customers, drivers, and vehicles. Users can also add notes and other related incident information to create a single repository of incident data for reporting, analysis, and compliance.

2.1.4 Certification Module

- Track and Maintain all Program Certification and Application Requirements
- Automate Communication and Notification Processes through Email and/or Form Letter Auto Generation
- Detailed Report and Analysis Capabilities
- Leverage Fixed Route Spatial Information for Eligibility Determination
- Apply to Medicaid Eligibility

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2.1.5 Vehicle Maintenance Module

Fleet Maintenance is included as part of the RouteMatch Vehicle Module. This newly added feature provides for the tracking, maintaining, scheduling, and reporting of any vehicle maintenance tasks. All tasks are user defined and tracked on a vehicle-by-vehicle basis. In addition, all data is integrated into the Verification Module, so any tasks that must be completed based on mileage are automatically updated, and users alerted, when the vehicle’s mileage is updated in the Verification Module – either in real time through MDC’s or through manual data entry.

2.1.6 ADA Eligibility Module

RouteMatch ADA Eligibility Module provides system awareness of any fixed-route system – bus, train, ferry, etc. – as long as it operates on a published timetable. All fixed route data is analyzed in relation to the consumers’ origin and destination. RouteMatch TS then offers easy to identify fixed route trip planning tools for a multi-modal approach to mobility options.

- Verify ADA eligibility through boundary determination
- Integrate trip-by-trip eligibility determination based on customer ADA conditions and fixed route service availability
- Provide more mobility options to customers through total system integration
- Reduce costs by integrating Paratransit customers to the fixed-route system
2.2 RouteMatch CA – Fixed Route Management System

The City of Porterville has requested a fully integrated mobile data computing environment for its fixed route services. RouteMatch offers The City of Porterville the unique opportunity for a fully integrated Transit Management System. RouteMatch will be The City of Porterville’s single software vendor and support all dispatching functions through our support program. In addition, RouteMatch will interface to a single automatic vehicle location unit, simplifying the integration tasks associated with this project. In addition, The City of Porterville staff will be trained on and use one system – simplifying and easing the training process and reducing retraining risk in the future should turnover occur.

RouteMatch CA™ Software is an intuitive and highly configurable Computer-Aided Dispatch and Automated Vehicle Location solution designed to dramatically improve fixed-route operations and performance monitoring, as well as, increase customer service and ridership satisfaction. RouteMatch CA integrates advanced dispatching systems with Geographic Information Systems (GIS) and schedule adherence tools to easily identify potential system delays and performance problems. Data is collected on the vehicle using Global Positioning Systems and transmitted to the Dispatch Center in real-time. Integrate into other ITS technologies to improve data collection, customer service and traveler information accessibility.
2.2.1 Samsung Galaxy Tab with Fixed Route RMMobility App

RouteMatch has proposed a commercially available, ruggedized automatic vehicle location and mobile data device (MDD). This device serves as the vehicle control unit and facilitates the exchange of data between RouteMatch CA™ and the vehicle by providing a high bandwidth vehicle tracking device and onboard computer for driver interaction.

2.2.2 RM Velocity Vehicle Logic Unit

RouteMatch’s VLU, RMVelocity, is a central communications platform specifically designed for in vehicle installation. RMVelocity supports all peripherals installed in the vehicle and can provide regulated power to them, bringing more control and protection over your equipment. This enables drivers to capture and send data through their devices even when outside of the vehicle.
2.2.3 Automated Voice Annunciation System

RouteMatch integrates the Mackenzie Labs MB-701 (Automatic Annunciation System). The Mackenzie AAS stores all of the prerecorded announcements and text messages for the next stop voice and sign display for the entire system. These announcements and messages are enumerated using a simple index, and this index is used to associate each announcement/message pair to a stop entry (arrival message) or exit (next stop message) in the route definitions in the CAD/AVL system. The stops (targets) are uploaded to the VLU, so that the stop announcement/messages are triggered based on entry into and exit from the stop (target) in real time. Announcements may be professionally recorded by a voice of the City of Porterville choosing, so male/female voices, tone and dialect are all able to be selected. Additionally, alternate languages and dialects can be easily accommodated as a result of using real human voices.

2.2.4 Sunrise Systems In-vehicle Next Stop Signage

The next stop model- nxtp7x962m sign is a 15"x96", single line, 16 character sign with amber text. The program memory holds up to 180 chars coming in 1-15 J1587 packets. The program is erased after execution. Unformatted message can be sent with J1587 protocol, using J1587 techniques to control presentation methods. Formatted programs can also be sent that override J1587 parameters, allowing more precise control of presentation, including speed, delays, and looping. Busy/Ready status is pollable on a sign by sign basis. Forced reset capability exists. These devices have no requirement for scheduled maintenance. They are built to withstand the vehicular environment and are expected to have a service life of ten to twenty years if not abused.
2.3 RouteShout – Traveler Information System

RouteMatch believes that riders' access to real-time bus location information is the best method to improve system awareness, improve the perception of the transit system, improve customer convenience, improve the transit experience and, ultimately, capture the "Non-Dependant" transit rider. To this end, RouteMatch has developed a suite of Traveler Information Systems (TIS) offerings, named RouteShout, to provide access to transit data through multiple methods.

2.3.1 RouteShout Management Portal

Although fixed route data is seamlessly integrated to RouteMatch CA, RouteShout also provides its own set of web-based, intuitive administrative and reporting tools. The reports and administrative functions provide in-depth data into the use of the RouteShout system by numbers, geography, and date.
2.3.2 RouteShout Mobile

RouteMatch proposes a text message and SmartPhone mobile application solution for traveler information. This solution provides a mobile solution to anyone with a cell phone capable of text message and does not require a SmartPhone.

For riders with text only phones, riders simply text the unique code posted on each bus stop to a short code (25252). Immediately, riders will receive a text message with the upcoming buses and routes that serve that stop with the buses estimated time of arrival. To try it now, text DEMO to 25252.

However, for those riders with a SmartPhone, City of Porterville can offer a branded, mobile application for download to their iPhone or Android devices from iTunes or the Droid market. The mobile application assists rider with navigating the bus network and also provides bus arrival information.

In addition, RouteShout technology also integrates a “geo-specific” and “time-specific” advertising platform, allowing transit systems to disseminate additional, customizable information to riders. This information can be civic-related, or the advertising space can be sold directly or through a broker to generate revenue for your transit system.

If the stop has an advertisement booked for it, users receive a teaser ad at the bottom of the message prompting them to request more info. A full ad might display a coupon for a nearby store where they could grab coffee while they wait for their bus to arrive.

RouteShout technology provides a fixed, low cost option for providing non-real-time and real-time bus arrival information to your ridership. In addition it provides a higher level of customer service, as transit systems experience fewer phone calls inquiring about route planning and arrival times. There is no costly hardware to install or tricky zoning approvals to seek. RouteMatch provides the installation of all technology and bus stop sign information.
2.3.3 RouteShout Web

The RouteMatch Web Portal provides a unique opportunity to supply riders with 24/7/365 access to transit information. The proposed technology will support a secure, web portal that provides riders with access to selected information, including information on Foothill Transit's fixed route schedule, a link to the Google Transit Trip Planner, and real-time status of Fixed Route vehicle locations. This information can be accessed through a standard Internet Browser or through mobile phone that supports internet.

The look and feel of the Web portal is completely customizable. So, as riders log on to check the status of routes they feel like they are simply navigating through another page of City of Porterville's Web site.

- Real-Time Vehicle Location
- Speed
- Heading
- Automatic Refresh
- Stop Points
- Scheduled and Estimated Arrival Times
- Subscription Alerts
2.3.4 “In-the-Cloud” Hosting Services

RouteMatch is proposing to host the ITS solution at RouteMatch’s data center in Atlanta, GA. Specifically, RouteMatch will set up, configure, and maintain the hosted web-based environment. City of Porterville’s users would access the software through a Web browser.

RouteMatch’s hosted solution servers are located in a state of the art colocation facility using QTS Atlanta Metro Data Center:

Key Highlights of our Cloud Hosting Option:

- With 990,000 square feet of total space, the QTS Atlanta Metro Data Center is the second largest data center in the world. This massive facility features its own on-site Georgia Power substation and direct fiber access to a wide variety of carrier alternatives. QTS recently completed the third phase of a multi-year expansion initiative increasing the total raised floor space to over 300,000 square feet. Atlanta Metro offers significant growth opportunities for clients across all QTS product lines, including Custom Data Center, Collocation and Cloud Services

  - 990,000 sq. ft. facility
    - Second Largest Data Center in the World
    - 621,000 sq. ft. data center footprint
    - 324,000 sq. ft. of 48" raised floor
    - Office and conference space also on-site
  - Power
    - On-site Georgia Power substation in a high reliability configuration delivers 120 MVA to facility
    - Power fed by two diverse substations and two electrical grids
    - Thirty-six (36) generators support 16 independent UPS systems
  - Cooling
    - N+1 configuration for chiller, pumps and cooling towers
    - Over 280-30-ton Lieberts provide air flow to raised floor space
    - Temperature under floor delivered at 68º ± 5º with humidity at 50% ± 5%
  - Diverse SONET access and dark fiber available
    - In-house carriers and IP providers
    - QTS Metro Connect Service to 56 Marietta (Carrier Hotel)

Fiber connectivity to QTS Suwanee Data Center for business continuity
3 RouteMatch Implementation Methodology (RIM)

The RouteMatch Professional Services Organization (PSO) has institutionalized a standard proven pragmatic and adaptable implementation methodology that capitalizes on our collective experience with Go Lives at over 250 locations across the USA. This internally developed methodology RIM (RouteMatch Implementation Methodology) has evolved through the hundreds of installations that we have completed. RIM takes into account the proper staffing to meet the City of Porterville's timelines and the proper procedures and documentation results in a successful implementation of our systems. RIM Fundamentals include teamwork, structured client involvement, discrete, flexible stages with concrete deliverables.

The stages and components of the RouteMatch Software RIM approach include:

- **Phase 0: Project Initiation** - A structured transition from contract award to project kickoff.
- **Phase 1: Design** - Determines the details required to implement RouteMatch Software solutions in the client’s environment.
- **Phase 2: Build** - Software and hardware install, configuration, and Vendor Assembly Testing; prepares the project teams for operation in the client’s environment.
- **Phase 3: Educate** - End to End system overviews ensures knowledge share of the updated operational inputs and outputs including end user training in distinct levels of training.
- **Phase 4: Deployment** - Integration, regression and user acceptance testing; confirms the solutions ability to execute a production environment in the client’s current IT environment. Integrates the system and operations in a production environment for the client. Includes Go Live.
- **Phase 5: System Acceptance** - happens once the client is fully operational and ready for transition to customer support. Transition to RouteMatch’s Customer Support Organization (CSO)
- **Project Management** - occurs throughout all phases to ensure project goals, objectives, timeline and budget are being met.
- **Account Management** - ensures customer satisfaction is maintained over course of entire project, and that transition into RouteMatch’s Customer Support Organization (software maintenance) is successful through meeting all project objectives.
- **Executive Sponsorship** - aligns the project's objectives to RouteMatch’s corporate goals to ensure that client satisfaction and return on investment meet organizational expectations for all parties.

RouteMatch is dedicated to the highest standards of professional service and support. As a result, RouteMatch is confident that the City of Porterville will find our software provides the tools necessary to expand and enhance current functionality and efficiency in areas such as vehicle tracking, routing, scheduling, and reporting. We look forward to a productive partnership with you.
4 Premium Maintenance & Support

RouteMatch offers post-implementation support through its Client Services Operation department. This department includes 20 consultants and IT professionals working in the following divisions:

- Tier 1 – Tier 1 staff consists of IT and/or Transit professionals with 1 – 2 years prior experience. They are the “front line” contact point for all Customer Support needs. They man our telephone and email case queues and provide training, configuration services, technical assistance, and case processing. Tier 1 staff is primarily responsible for tracking all cases and communicating efforts, resolution plans, and timelines to our customers.

- Tier 2 – Tier 2 staff are IT and/or Transit Professionals with at least 3 years of prior experience who have specific skill sets tied to more complex matters such as database management, report writing, scheduling engines, transit operations, and billing. Tier 2 staff receives cases from the Tier 1 team and work with customers to resolve issues. Tier 2 staff also works directly with software developers and our Product Management team to process and handle matters.

- Educational Services – Educational Service staff members are training professionals with at least 3 years of experience in IT or Transit. These professionals are experts in the use of RouteMatch Software and are trained to identify training needs, develop training programs; and to deliver both individual and classroom based training. The Educational Services division provides training “on demand” for more complex issues and otherwise creates and delivers specific training curriculums as requested and needed as well as routine, general Training Webinars for the general customer population to attend.

- Upgrade Services – Upgrade Services consists of former Implementation Consultants and Tier 2 support staff who are tasked specifically with delivering upgrades to current clients. Their expertise and efforts include version configurations, data and report migrations, training, operations assessments, and hardware configuration. The upgrade services team is also trained in project management so as to insure seamless transitions to new versions.

- Transit ITS Consulting / Complex Account Management – RouteMatch has a team of senior Customer Support Representatives and former Implementation Consultants who are tasked with providing on-going, post implementation consulting services. These services include operations assessments; specific and detailed training on complex software functions such as automated scheduling and billing, reporting, and wireless dispatching; as well as overall complex account management. Their efforts include weekly project status meetings, issue log reporting, and on-site visits when needed. It also includes carrying out our RouteMatch In-the-Field program where we travel to certain locations central to our clients and provide face-to-face customer support and consulting.

Each department operates in conjunction with the others and manages their efforts and information in one consolidated Customer Relations and Support database. The entire department meets bi-weekly to discuss activities and issues to insure that all clients are receiving the most comprehensive and efficient support imaginable.
Problem Reporting and Resolution Procedures

Customers are able to report issues by phone, email, or website.

- **Phone** - We offer toll free phone access which feeds into a call-center staffed from 6:00AM EST—8:00PM EST. Two “On-call” staff members are then connected to the phone system after regular business hours and handle all calls from 8:00PM until 6:00AM. All staff members are equipped with BlackBerry hand held units and are informed of all calls coming in during the “on-call” hours.

- **Email** – Customers are also provided with the option to contact Customer Support through a general email address support@routematch.com. All members of the Customer Support Team receive these emails and are available for support. Tier 1 staff members are primarily responsible for handling these emails and the “on-call” staff are required to ensure the emails are handled in a timely manner.

- **Website** – Routematch provides a “customers only” web portal which provides Customers with access to the status of their current cases. It also allows them to “log” an issue which is sent to the Tier 1 Customer Support team for processing.

Response Time

RouteMatch Customer Support Representatives are required to respond to all issues logged within in two (2) hours. The average response time is less than 15 minutes. All cases are “triaged” based upon the urgency of the issue and severe cases are handled immediately. The prioritization and ultimate response time is determined by a Business Process Impact (BPI) assessment performed as the case is communicated to the team. Issues are assigned one of the following “severity” ratings:

- **Showstopper** - Customer cannot access or use the Software at all.
- **Urgent** - Customer cannot effectively operate a significant, material function in the software which is immediately affecting their “daily” business processes.
- **High** – Customer cannot effectively operate a function of the software which will affect their daily business processes or is immediately affecting their less than daily but routine business processes.
- **Low** – Customer cannot effectively perform any type of process as designed to be used or otherwise needs assistance.

Hours of Operation

- Customer Support is offered 24 hours per day, seven days per week, 365 days per year. The office is staffed Monday through Friday from 6:00AM (EST) to 8:00PM (EST). Customer Support representatives are on-call from 8:00PM (EST) to 6:00AM (EST).

- Our toll free phone number is (866) 653-3629. The phones are “manned” with live personnel from 6:00AM – 8:00PM (EST). A voicemail is provided after hours and all voicemails are emailed to the Customer Support staff. Designated “on-call” personnel are responsible for answering all after hours issues.

- Support is also provided through email and the website at support@routematch.com. All cases logged through these methods are emailed to the customer support staff. The email In-box is manned by the Tier 1 Customer Support staff from 6:00AM – 8:00PM Monday through Friday. It is manned by the “on-call” staff after hours during the week and all weekend.
**Modifications, Upgrades & Enhancements**

RouteMatch maintains its Software primarily through Upgrades and Updates. On occasion we will deliver important or urgent items through “Hot Fix”s or database script releases. Each is implemented by or with the assistance of a qualified RouteMatch staff member and can be delivered remotely, “online”. Each type of release is defined as follows:

- **Upgrade** – means and refers to major changes or to a new release of the Software, including any new major release of the Software. Upgrades to the Software are normally indicated by incremental numeric changes as “1” whole units (i.e. release 1.0 to 2.0).
- **Update** – refers to fixes and minor changes to the Software, which are indicated by internal, incremental numeric changes smaller than “1” unit (i.e. release 1.1 to 1.2).
- **Hotfix** – refers to specific minor changes to a specific aspect of the software which are indicated by incremental letter changes at the end of the version number (i.e. release 1.1a to 1.1b).

**Continuing Education**

Continuing education is an integral part of the RouteMatch Customer Support Program. We provide basic training on an as needed basis through our Tier 1 Customer Support Representatives. We provide more specialized, enhanced training through the Educational Services department of RouteMatch provides comprehensive continuing education through several methods and deliver options, as follows:

- **Training Webinars** – These are on-line, regularly scheduled training classes designed and developed by RouteMatch and offered to the public. Notice of these Training Webinars is provided through emails and on our website.
- **Individualized On-line Training Sessions** – RouteMatch Customers are entitled to up to 5 on-line training sessions each year free of charge. These are training sessions designed by the Customer and RouteMatch together and intended to address specific needs of the agency.
- **RouteMatch In-the-Field** – Periodically RouteMatch Customer Support personnel will go on the road to visit clients locally. These sessions generally occur in a location central to a specific region and involve one-on-one, face-to-face customer support and training for each agency. RouteMatch personnel will set up a consulting room with each customer’s database and dedicate 2 – 3 hours of time for each agency’s needs. This event is generally used for troubleshooting and general education.
- **Annual User Conference** – Annually RouteMatch hosts a user conference in Atlanta, Georgia. All users nationwide are invited to attend. The conference consists of several general and breakout sessions which provide continuing education on current RouteMatch products as well as future innovations and releases and overall business/market needs. The event includes peer-to-peer workshops, user case-studies, and presentations from USDOT, FTA, and State Department of Transportation professionals as well as industry experts in the different areas of Transit ITS. These sessions are designed to provide an intense week of education as well as to create relationships for continuing education all year long. The User Conference has been offered for the last 10 years and has become a “must attend” event for the majority of our clients.
5 Price Proposal

5.1 Price Summary

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>RouteMatch Software (Paratransit, Fixed, Route &amp; Traveler Information System)</td>
<td>$105,996</td>
</tr>
<tr>
<td>3rd. Party Hardware (Mobile Data, VLUs, AVA's, Signs, Mounts and Installation)</td>
<td>$114,068</td>
</tr>
<tr>
<td>RouteMatch Implementation Services, including Travel</td>
<td>$59,197</td>
</tr>
<tr>
<td><strong>Total Capital Cost</strong></td>
<td><strong>$279,261</strong></td>
</tr>
<tr>
<td>Annual Maintenance (First Year)</td>
<td>$90</td>
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<tr>
<td>Annual Maintenance (Ongoing)</td>
<td>$19,100</td>
</tr>
<tr>
<td>Annual Data Fees (estimated)</td>
<td>$6,480</td>
</tr>
</tbody>
</table>

5.2 Price Detail

5.2.1 RouteMatch TS – Paratransit Management Solution

For this scenario, the proposal assumes:
- Two (2) Users & a Fleet of four (4) vehicles
- Mobile Data System with Samsung Galaxy Tablet mobile data devices, Paratransit Mobility App, RAM mounts and ruggedized cases
- Incidents Management Module
- Certification Module
- Vehicle Preventative Maintenance Module
- ADA Eligibility Module
- ASP Hosting Services
- In-vehicle Installation
- Required Implementation and Training
- Premium Annual Maintenance and Support

<table>
<thead>
<tr>
<th>RouteMatch Software – Base License Fees</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>RouteMatch Software TS™</td>
<td>$11,200</td>
</tr>
<tr>
<td>Mobile Data Module</td>
<td>$6,196</td>
</tr>
<tr>
<td>Incidents Module</td>
<td>$1,800</td>
</tr>
<tr>
<td>Certification Module</td>
<td>$1,400</td>
</tr>
<tr>
<td>Vehicle Preventative Maintenance Module</td>
<td>$1,400</td>
</tr>
<tr>
<td>ADA Eligibility Module</td>
<td>$2,000</td>
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<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>$23,996</strong></td>
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## RouteMatch Software Implementation Services

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<thead>
<tr>
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<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>Project Management</td>
<td>$1,760</td>
</tr>
<tr>
<td>Phase 0 – Initiate</td>
<td>$800</td>
</tr>
<tr>
<td>Phase 1 – Design</td>
<td>$3,520</td>
</tr>
<tr>
<td>Phase 2 – Build</td>
<td>$3,520</td>
</tr>
<tr>
<td>Phase 3 – Educate</td>
<td>$5,280</td>
</tr>
<tr>
<td>Phase 4 – Deployment</td>
<td>$1,760</td>
</tr>
<tr>
<td>Phase 5 - System Acceptance</td>
<td>$880</td>
</tr>
<tr>
<td>Software and Training Documentation for 2 Users</td>
<td>$198</td>
</tr>
<tr>
<td>Travel Estimate</td>
<td>$7,000</td>
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<td><strong>Sub-Total</strong></td>
<td><strong>$24,719</strong></td>
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## Required Third Party Mobile Data Hardware

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<thead>
<tr>
<th>Item</th>
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<tbody>
<tr>
<td>Samsung Galaxy Tablet (5 Devices)</td>
<td>$3,347</td>
</tr>
<tr>
<td>RAM Mounts &amp; Ruggedized Cases (4 each)</td>
<td>$941</td>
</tr>
<tr>
<td>Installation</td>
<td>$1,143</td>
</tr>
<tr>
<td>Shipping</td>
<td>$42</td>
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<td><strong>Sub-Total</strong></td>
<td><strong>$5,473</strong></td>
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<td><strong>TOTAL</strong></td>
<td><strong>$54,188</strong></td>
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## Annual Maintenance and Support

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year One Premium (24x7) Maintenance and Support</td>
<td>Included</td>
</tr>
<tr>
<td>Annual Premium (24x7) Maintenance and Support</td>
<td>$4,300</td>
</tr>
<tr>
<td>Annual Hosting Fee</td>
<td>$1,800</td>
</tr>
<tr>
<td>Estimated Annual Data Fees</td>
<td>$1,440</td>
</tr>
</tbody>
</table>

### 5.2.2 RouteMatch CA – Fixed Route Management & Traveler Information Solution

For this scenario, the proposal assumes:

- Two (2) Users & a Fleet of fourteen (14) vehicles
- Mobile Data System with Samsung Galaxy Tablet mobile data devices, Fixed Route Mobility App, RAM mounts and ruggedized cases
- Automated Voice Annunciator and Next Stop Signage Module
- MobiLinQ Vehicle Logic Unit
- Fifteen (15) MacKenzie AVA Devices
- Fifteen (15) Sunrise Systems Next Stop LED Signs
- RouteShout Management Console
- RouteShout Web Portal
- RouteShout Mobile (SMS Text & SmartPhone App)
- ASP Hosting Services
- In-vehicle Installation
- Required Implementation and Training & Premium Annual Maintenance and Support

<table>
<thead>
<tr>
<th>RouteMatch Software -- Base License Fees</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>RouteMatch Software CA™</td>
<td>$58,000</td>
</tr>
<tr>
<td>AVA &amp; Next Stop Module</td>
<td>$10,500</td>
</tr>
<tr>
<td>RouteShout Management Console</td>
<td>$6,500</td>
</tr>
<tr>
<td>RouteShout Web Portal</td>
<td>$3,500</td>
</tr>
<tr>
<td>RouteShout Mobile</td>
<td>$3,500</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>$82,000</strong></td>
</tr>
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</table>

<table>
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<tr>
<th>RouteMatch Software Implementation Services</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Project Management</td>
<td>$5,280</td>
</tr>
<tr>
<td>Phase 0 – Initiate</td>
<td>$1,760</td>
</tr>
<tr>
<td>Phase 1 – Design</td>
<td>$3,520</td>
</tr>
<tr>
<td>Phase 2 – Build</td>
<td>$5,280</td>
</tr>
<tr>
<td>Phase 3 – Educate</td>
<td>$7,040</td>
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<tr>
<td>Phase 4 – Deployment</td>
<td>$2,640</td>
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<tr>
<td>Phase 5 - System Acceptance</td>
<td>$1,760</td>
</tr>
<tr>
<td>Software and Training Documentation for 2 Users</td>
<td>$198</td>
</tr>
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<td>Travel Estimate</td>
<td>$7,000</td>
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<td><strong>Sub-Total</strong></td>
<td><strong>$34,478</strong></td>
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<table>
<thead>
<tr>
<th>Required Third Party Mobile Data Hardware</th>
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<tbody>
<tr>
<td>Samsung Galaxy Tablet (15 Devices)</td>
<td>$12,049</td>
</tr>
<tr>
<td>RAM Mounts &amp; Ruggedized Cases (14 each)</td>
<td>$3,294</td>
</tr>
<tr>
<td>MobiLinQ Vehicle Logic Unit (15 Devices)</td>
<td>$12,176</td>
</tr>
<tr>
<td>Sunrise Systems Internal Next Stop LED Sign (15 Devices)</td>
<td>$21,176</td>
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<tr>
<td>MacKenzie Automated Voice Annunciators (15 Devices)</td>
<td>$49,500</td>
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<tr>
<td>Installation</td>
<td>$9,900</td>
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<tr>
<td>Shipping</td>
<td>$500</td>
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<td><strong>Sub-Total</strong></td>
<td><strong>$108,595</strong></td>
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</table>

| TOTAL                                                        | **$225,073** |

<table>
<thead>
<tr>
<th>Annual Maintenance and Support</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Year One Premium (24x7) Maintenance and Support</td>
<td>Included</td>
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<tr>
<td>Annual Premium (24x7) Maintenance and Support</td>
<td>$14,800</td>
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<tr>
<td>Annual Hosting Fee</td>
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<tr>
<td>Estimated Annual Data Fees</td>
<td>$5,040</td>
</tr>
</tbody>
</table>

Proprietary/Confidential
5.3 Notes & Assumptions

- RouteMatch will invoice goods and services as they are delivered.
- Travel and reimbursable expenses are extra and will be billed separately as incurred. The City of Porterville will reimburse the vendor directly at cost.
- This is a cost proposal, requested by and provided to the City of Porterville. It is based upon the information known to RouteMatch Software, Inc. at the time of this proposal and is subject to change in the event of material differences in the information used to form the proposal.
- The proposal assumes that The City of Porterville will provide all necessary hardware and system software for the scheduling software application, including a local area network connection, internet connections, and computer infrastructure that meet the minimum system requirements. RouteMatch personnel will assist, as needed, to ensure compatibility between the RouteMatch solution and the required hardware and system software.
CONSENT CALENDAR

TITLE: REVISED SCHEDULE FOR REVIEW OF DEVELOPMENT ORDINANCE REVISIONS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT—PLANNING DIVISION

COMMENT: Staff is proposing a revised schedule for completion of the Porterville Development Ordinance. At the December 20, 2011, City Council meeting, staff anticipated a public hearing in March 2012 for review of Segment 1 of the code, which includes the following Series (or chapters):

Segment 1
Series 100: Introductory Provisions
Series 200: Base Districts
Series 300: Additional Use and Development Regulations
Series 600: Administration and Permits

Completion and adoption of the Riverwalk Marketplace Phase II Development, the effort made to update the zoning map and various other projects resulted in delays, necessitating a revised schedule. Staff is proposing to resume meetings of the Porterville Development Ordinance Update committee on March 27, 2012. Several meetings are planned to provide the committee the opportunity to review the changes proposed by staff prior to scheduling the public hearing.

It is anticipated that, if the committee can complete their review in three to four meetings, barring any unforeseen circumstances, the revised code for Segment 1 could be ready for Council review by late spring/early summer of 2012. Segment 1 will include revisions to the itinerant vendor regulations in Section 301.19, Temporary Uses, as well as needed changes to the Municipal Code, as previously discussed by the Council. The committee will continue meeting until the remainder of the code is reviewed, which includes the following Series in Segment 2:

Segment 2
Series 400: Land Divisions
Series 500: Overlay Districts
Series 700: General Terms

A public hearing will be scheduled for Segment 2 as soon as the committee is satisfied with the proposed changes, which is anticipated to be Fall of 2012.
RECOMMENDATION: That the City Council accept the revised schedule for the Development Ordinance update.
SUBJECT: AIRPORT LEASE RENEWAL – LOT 46B

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Travis Bierman is the current lease holder of Lot 46B at the Porterville Municipal Airport. The lease will expire on July 31, 2012; however, the lease terms allow for options to extend the lease in five-year periods. We have received a request from Mr. Bierman to exercise his option to extend his lease for an additional five years, expiring on July 31, 2017. This lease was assigned to Travis Bierman from Mr. and Mrs. Donald Matthews on May 21, 2003.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Travis Bierman of Rapid City, SD, for Lot 46B at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Bierman requesting renewal
Paragraph 2 of original Lease Agreement

D.D. Appropriated/Funded C.M. Item No.
23756 Arena Drive
Rapid City, SD 57702
February 13, 2012

Susan Hartman
Purchasing Agent
291 N. Main Street
Porterville, CA 93257

RE: Airport Lease Renewal

Dear Ms Hartman:

This letter is in response to the Airport Lease Renewal. We want to extend our lease for Lot 46B at the Porterville Municipal Airport for another five years. Please obtain approval of the Porterville City Council on our behalf.

Thank you,

Travis Bierman
LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California this 1st day of August, 1992, by and between the CITY OF PORTERVILLE, a political subdivision of the State of California, hereinafter referred to as "City" and DONALD M. AND MARJORIE E. MATTHEWS hereinafter referred to as "Lessee".

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

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

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises:
   
   (a) Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, more particularly described by metes and bounds in Exhibits being attached hereto and by this reference made a part hereof.

   2. Term: The term of this lease shall commence when both parties have executed the same and shall terminate on July 31, 2002. Provided Lessee is not in default with respect to any of the
conditions or covenants of this lease. Lessee shall have an option to request an extension of the terms hereof for additional periods of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five year extension. Lessor is not obligated to grant any extension but such shall not be unreasonably withheld.

3. **Rental and Business Privilege Consideration:** Lessee agrees to pay to City in lawful money of the United States without deduction or offset, to the Finance Director, City of Porterville, P O Box 432, Porterville, California, 93258, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of $.1662 per square foot per year. Inasmuch as the lease site contains approximately 3,220 square feet of land area, said rental rate will be $535.17 per year payable in advance on August 1st of each year of this lease. See Exhibit "A" attached.

At the end of each year of this lease, the rate shall be adjusted by a percentage equal to the percentage increase or decrease in the Consumer Price Index (CPI) for San Francisco in the interval between the date of execution of this Lease or the last date of rate adjustment.

4.a **Purpose:** This Lease is made for the purpose of constructing and operating an aircraft hangar to be used for the parking and storage of aircraft and other activities incidental thereto. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above.

Lessee shall not do or permit any act or thing to be done upon the premises which constitutes nuisance or which may disturb the
COUNCIL AGENDA: MARCH 20, 2012

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE BREAKFAST ROTARY CANCER RUN, MAY 5, 2012

SOURCE: Finance Department

COMMENT: Porterville Breakfast Rotary is requesting approval to hold a 5K Cancer Run on Saturday, May 5, 2012, from 6:00 a.m. to 11 a.m. The 5K run will start at Tulsa Street and Putnam Avenue, head south to Olive Avenue, turn west on Olive Avenue, turn north on Crestview Street, then east on Morton Avenue, turn south on Conner Street, and turn east on Putnam to finish at Tulsa Street. No street closures are requested. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and reviewed by all of the departments involved. All requirements are listed on the attached Exhibit ‘A.’ The application; Exhibit ‘A;’ the agreement; request for street usage; and a map showing the streets to be used are attached.

RECOMMENDATION: That Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the Restrictions and Requirements contained in application, agreement, Exhibit ‘A’ and Exhibit ‘B.’

ATTACHMENT: Community Civic Event Application and Agreement, Vendor List, Request for Street, Sidewalk and Parking Lot Closure/Usage, Map, Exhibit ‘A,’ Outside Amplifier Permit, Certificate of Liability Insurance and Exhibit ‘B.’
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: Jan. 10, 2012  Event date: May 5, 2012
Event time: 6 AM - 11 AM

Name of Event: Porterville Breakfast Rotary Cancer Run

Sponsoring organization: Porterville Breakfast Rotary PHONE # 781-6617
Address: 122 E. Morton, Porterville, CA 93257
Authorized representative: Jackie Witzel PHONE # 781-4876
Address: 14043 Road 200, Porterville, CA 93257
Event chairperson: Marty Lalanne PHONE # 781-6617

Location of event (location map must be attached): Granite Hills High School

Type of event: 5K Run/Walk


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

<table>
<thead>
<tr>
<th>Barricades (quantity):</th>
<th>Street sweeping</th>
<th>Refuse pickup</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Other:

Parks facility application required: Yes No X Attached

Assembly permit required: Yes No X Attached

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

Approve Deny

- Bus Lic Spvr
- Pub Works Dir
- Comm Dev Dir
- Field Svc Mgr
- Fire Chief
- Parks Dir
- Police Chief
- Deputy City Mgr
What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

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

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

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

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559.788.1199, orfax information to, 559.788.1313.

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

(Name of organization) [Signature] 1/10/2023 (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: Porterville Breakfast Rotary 5K Run/Walk

Sponsoring organization: Porterville Breakfast Rotary

Location: Granite Hills High School  Event date: May 5, 2012  Event time: 6am-11am

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porterville Breakfast Rotary</td>
<td>122 E. Morton, Porterville 781-6617</td>
<td>Running Event</td>
<td></td>
</tr>
</tbody>
</table>

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3 of 4
CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY/CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Porterville Breakfast Rotary 5K Run

Sponsoring organization: Porterville Breakfast Rotary

Event date: May 5, 2012       Hours: 6am-11am

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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</thead>
<tbody>
<tr>
<td>Putnam Ave.</td>
<td></td>
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<td>5K Run/Walk</td>
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<tr>
<td>Olive Ave.</td>
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<td>Crestview Ave.</td>
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<td>Morton Ave.</td>
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<td>Conner St.</td>
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<tr>
<td>Sidewalks</td>
<td>From</td>
<td>To</td>
<td>5K Run/Walk</td>
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<tr>
<td>Putnam Ave.</td>
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<td>Olive Ave.</td>
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<td>Crestview Ave.</td>
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<td>Conner St.</td>
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<td>Parking lots and</td>
<td>Location</td>
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<td>Participant Parking</td>
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<td>spaces</td>
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<td>Granite Hills</td>
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<tr>
<td>High School</td>
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</tbody>
</table>

4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE BREAKFAST ROTARY
CANCER RUN
MAY 5, 2012

Business License Supervisor:
   S. Perkins
   No requirements.

Public Works Director:
   B. Rodriguez

Community Development Director:
   B. Dunlap
   No comments.

Field Services Manager:
   B. Styles
   No comment.

Fire Chief:
   M. G. Garcia
   No comment.

Parks and Leisure Services Director:
   M. Stowe

Police Captain:
   S. Rodriguez
   See Conditions/Requirements for Special Event in 'Exhibit B.'

Administrative Services Manager:
   P. Hildreth
   See attached 'Exhibit A,' page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Breakfast Rotary  
Event: 5 K Cancer Run  
Event Chairman: Marty Lalanne  
Location: Granite Hills High School  
Date of Event: May 5, 2012  
Time of Event: 6:00 a.m. to 11:00 a.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Breakfast Rotary provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.

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

a. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A: VII, and the insurance company must be an ‘admitted’ insurer in the State of California.

Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-14 & 18-9)

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

1. Name and home address of the applicant:
   Marty Lalanne
   Phone # 781-6617
   1345 N. Lotas Way, Porterville, CA 93257

2. Address where amplification equipment is to be used:
   Granite Hills High School
   Phone # 359-9815

3. Names and addresses of all persons who will use or operate the amplification equipment:
   John Lollis

4. Type of event for which amplification equipment will be used:
   5K Run/Walk

5. Dates and hours of operation of amplification equipment:
   May 5, 2012 6am-11am

6. A general description of the sound amplifying equipment to be used:
   Announcement of run – 8am-11am
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]
Applicant
1/10/2012
Date

[Signature]
Chief of Police
3/7/12
Date

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

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

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

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

cc:


3/27/01
CERTIFICATE OF LIABILITY INSURANCE

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: LOCKTON COMPANIES, LLC - CHICAGO
525 W. Monroe, Suite 600
CHICAGO IL 60661
(312) 669-0000

CONTACT NAME: Lockton Companies, LLC
PHONE: 1-800-921-3172
FAX: 1-312-681-6769
EMAIL: Rotate@lockton.com

INSURED: All Active US Rotary Clubs & Districts
Attn: Risk Management Department
1560 Sherman Ave.
Evvanston, IL 60201-3698

INSCRIBED ENDORSEMENTS AFFECTING COVERAGE
INSURER A: ACE American Insurance Company
INSURER B: ACE Property & Casualty Insurance Co
INSURER C:
INSURER D:
INSURER E:
INSURER F:

COVERAGE

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

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<td>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER</td>
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES

The Certificate Holder is included as Additional Insured where required by written contract or permit subject to the terms and conditions of the General Liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER

City of Porterville
Attn: Anita Gustason
RE: Event on 5/5/12
P.O. Box 432, Porterville, CA 93257

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

[Signature]

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PORTERVILLE POLICE DEPARTMENT

Conditions/Requirements for Special Event

Porterville Breakfast Rotary Cancer Run
May 5, 2012

► Aid stations and check points must be out of the roadway and not in a position to interfere with traffic.

► Staff at aid stations and check points should have a means of communication by which they may summon assistance in the event of an emergency.

► Event staff on the race route should wear highly visible attire.

► Participants should be directed to stay to the side of the roadway and not disrupt the normal flow of traffic.

► Event organizers should contact the Police Dept. (Special Events Coordinator) to obtain police support and/or assistance, with the goal of ensuring a safe event. Please contact Officer Carl Jordan at 782-7408 if you have any questions or require further assistance.

Dan Haynes, Lieutenant
Porterville Police Department
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE - IRIS FESTIVAL, APRIL 28, 2012

SOURCE: Finance Department

COMMENT: The Porterville Chamber of Commerce is requesting approval to hold its 13th Annual Iris Festival on Saturday, April 28, 2012, from 9:00 a.m. to 5:00 p.m. This year's festival will include a Chili-Cook-Off, Beer Booth and Car Show along with the usual entertainment and food and craft booths. The following street/sidewalk/parking lot/park closures/uses are requested from 3:30 a.m. to 7:30 p.m.:

STREETS:
Main Street from Morton Avenue to Olive Avenue;
Garden Avenue from Main Street to the alley east of Main Street;
Oak Avenue from Division Street to Second Street;
Mill Avenue from Division Street to the alley east of Main Street;
Putnam Avenue from Division Street to the alley east of Main Street;
Cleveland Avenue from Division Street to the alley east of Main Street;
Thurman Avenue from Hockett Street to the alley east of Main Street; and
Harrison Avenue from Division Street to the alley east of Main Street.

SIDEWALKS:
Main Street from Olive Avenue to Cleveland Avenue;
Oak Avenue from Main Street to Second Street;
Mill Avenue from Hockett Street to Main Street; and
Putnam Avenue from Hockett Street to Main Street.

PARKING LOT:
Former J.C. Penney parking lot.

PARK:
Centennial Park on Main Street.

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.' The application, agreement, exhibit 'A,' request for street closures, and a map showing the desired street closures are attached.

RECOMMENDATION: That City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit 'A' and Exhibit 'B' of the Community Civic Event forms.

ATTACHMENT: Community Civic Event Application and Agreement, Vendor List, Request for Street Closure, Exhibit 'A,' Map, Outside Amplifier Permit, Certificates of Liability Insurance and Exhibit 'B.'

D.D. Appropriated/Funded C.M. Item No. 10
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: 3/27/2012  Event date: 4/28/2012
Event time: 9am - 5pm

Name of Event: Iris Festival

Sponsoring organization: Porterville Chamber
Address: 93 North Main Street, Porterville
Authorized representative: Donnette Silva Carter
Address: 93 North Main Street, Porterville
Event chairperson: Augie Gonzalez

Location of event (location map must be attached): Main Street, Olive to Morton,
Division to East Alley

Type of event: Festival, food, craft booths, stage entertainment
Chili cook-off, kid's zone, car show, beer booth, nonprofit info stalls

Nonprofit status determination: 501c6

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

Barricades (quantity): 60  Street sweeping  Yes  No  X
Police protection  Yes  No  X
Refuse pickup  Yes  X  No
Other:

Parks facility application required:  Yes  X  No
Assembly permit required:  Yes  X  No

Attatched

Centennial Park

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 Chief
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.

Porterville Chamber
(Name of Organization) [Signature] [2/27/2012]
(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: Iris Festival
Sponsoring organization: Porterville Chamber
Location: Main Street

Event date: 4/28/2012
Event time: 9am-5pm,
Street closure 3am-7:30pm.

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vendor list will be submitted prior to event, once finalized</td>
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</tbody>
</table>

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: __Fris Festival__

Sponsoring organization: __Porterville Chamber__

Event date: __4/28/2012__  

Hours: __9am-5pm__  

Street closure __3:45-7:30pm__

**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>Main Street</td>
<td>Olive</td>
<td>Morton</td>
<td>Booths, Kids Zone</td>
</tr>
<tr>
<td>Garden</td>
<td>main</td>
<td>East Alley</td>
<td>Entertainment, Car Show</td>
</tr>
<tr>
<td>Oak</td>
<td>Division</td>
<td>Second</td>
<td>Chili Cook-off, Vendor Booths</td>
</tr>
<tr>
<td>Mill</td>
<td>Division</td>
<td>East Alley</td>
<td>Pedestrian</td>
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<tr>
<td>Putnam</td>
<td>Division</td>
<td>East Alley</td>
<td>Traffic, Beer Booth</td>
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<tr>
<td>Cleveland</td>
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<td>Harrison</td>
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<td>Truman</td>
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**Sidewalks**

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<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Main</td>
<td>Olive</td>
<td>Cleveland</td>
<td>Sidewalk Sales</td>
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<tr>
<td>Oak</td>
<td>main</td>
<td>Second</td>
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<td>Mill</td>
<td>Hockett</td>
<td>main</td>
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<td>Putnam</td>
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**Parking lots and spaces**

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Parking Lot</td>
<td>Booths &amp; Car</td>
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<tr>
<td>JC Penny site</td>
<td>Shuttle Stop</td>
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</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

PORTERVILLE CHAMBER OF COMMERCE

IRIS FESTIVAL

APRIL 28, 2012

Business License Supervisor: S. Hartman

Business License Department requires vendor list prior to event.

Public Works Director: B. Rodriguez

Community Development Director: B. Dunlap

No comment.

Field Services Manager: B. Styles

Call Field Services at 782-7513 to arrange for temporary refuse bins. The event committee sets up and removes the barricades, which may be obtained at 555 N. Prospect.

Fire Chief: M. G. Garcia

Parks and Leisure Services Director: M. Stowe

Try to keep patrons out of planters.

Police Lieutenant: D. Haynes

Please see Exhibit ‘B.’

Administrative Services Manager: P. Hildreth

Please see Exhibit ‘A,’ page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Chamber of Commerce
Event: Iris Festival
Event Chairman: Augie Gonzalez
Location: Main Street
Date of Event: April 28, 2012
Time of Event: 9:00 a.m. to 5:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Chamber of Commerce and the Porterville Elks Lodge provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

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

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: Porterville Chamber
   93 North Main Street

2 Address where amplification equipment is to be used: Main Street

3 Names and addresses of all persons who will use or operate the amplification equipment:
   Vincent Reyes, Rene Espino

4 Type of event for which amplification equipment will be used: Iris Festival

5 Dates and hours of operation of amplification equipment: 4/28/2018 9am-5pm

6 A general description of the sound amplifying equipment to be used: 300 watts

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 § 8511)

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 or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, 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 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 be 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 § 8512)

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 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

Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGEE 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 REVOCAION OF THE PERMIT.

City of Porterville, Chief of Police/Chief

Date

CONCERNS APPEARED
CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 2/27/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONBERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Walter Mortensen Insurance
CA License #0044424
89 East Mill Ave.
Porterville CA 93257

INSURED
Porterville Chamber of Commerce
93 N. Main St.
Porterville CA 93257-3711

CONTACT NAME: Jacqueline Madrigal
PHONE (A/C, No. Ext): (559) 781-5200
FAX (A/C, No. Ext): (559) 781-3229
E-MAIL ADDRESS: 00110327
PRODUCER CUSTOMER ID:
INSURER(S) AFFORDING COVERAGE
NAIC #

Porterville A: Travelers Property Casualty

COVERAGES CERTIFICATE NUMBER: CL1161452670 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

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<thead>
<tr>
<th>INSR LTR</th>
<th>TYPE OF INSURANCE</th>
<th>ADDL SUBRIS</th>
<th>W/YD</th>
<th>POLICY NUMBER</th>
<th>POLICY EFF (MM/DD/YYYY)</th>
<th>POLICY EXP (MM/DD/YYYY)</th>
<th>LIMITS</th>
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<td>WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)</td>
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Certificate Holder is Added As Additional Insured. Certificate issued as evidence of General Liability Insurance Coverage maintained by the Named Insured. Coverage is subject to "all" policy terms, conditions, limitations and/or exclusions:
Re: Iris Festival dated April 28, 2012

CERTIFICATE HOLDER
City of Porterville
291 N Main Street
Porterville, CA 93257

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Ronald Burcham/JMADRI

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INS025 (2009/09) The ACORD name and logo are registered marks of ACORD.
This endorsement changes the policy. Please read it carefully.

CHARITY FIRST—AMENDMENT OF COVERAGE—WHO IS AN INSURED

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Person Or Organization (Additional Insured): City of Porterville

Designation Of Premises (Part Leased to You)

Blanket

WHO IS AN INSURED (Section II) is amended to include as an insured:

A. Your members and volunteers but only with respect to their liability for your activities or activities they perform on your behalf;

B. Your trustees or members of the board of governors while acting within the scope of their duties as such on your behalf; and

C. Person(s) or organization(s), whether or not shown in the Schedule above, but only with respect to their liability arising out of:

1. Their financial control over you;
2. Their requirements for certain performance placed upon you, as a non-profit organization, in consideration for funding or financial contributions you receive from them;

3. The ownership, maintenance or use of that part of a premises leased to you; or

4. "Your work" for that insured by or for you.

As respects Part C.3. above, this insurance does not apply to:

(a) Structural alterations, new construction or demolition operations performed by or on behalf of the person(s) or organization(s); or

(b) Any "occurrence" which takes place after you cease to be a tenant in that premises.
# CERTIFICATE OF LIABILITY INSURANCE

**PRODUCER**

Walter Mortensen Insurance  
CA License #0D44424  
410 North Main Street  
Porterville, CA 93257

**CONTACT NAME:** Jacqueline Madrigal  
**PHONE:** (559) 781-5200  
**FAX:** (559) 781-3229

**INSURER**

Benevolent & Protective Order of Elks of USA  
Lodge 1342  
386 N Main Street  
Porterville, CA 93257

**INSURER A:** Mount Vernon Fire Ins. Co.

**CERTIFICATE NUMBER:** CL1231462683  
**REVISION NUMBER:**

---

**COVERAGE:**  
This is to certify that the policies of insurance listed below have been issued to the Insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

<table>
<thead>
<tr>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFF (MM/DD/YYYY)</th>
<th>POLICY EXP (MM/DD/YYYY)</th>
<th>LIMITS</th>
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<td>4/28/2012</td>
<td>4/30/2012</td>
<td>EACH OCCURRENCE $1,000,000</td>
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<td>DAMAGE TO RENTED PREMISES $100,000</td>
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<td>MED EXP (Any one person) $1,000</td>
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<td>PERSONAL &amp; ADV INJURY $1,000,000</td>
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<td>GENERAL AGGREGATE $2,000,000</td>
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<td>PRODUCTS - COM/IP AGG $2,000,000</td>
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<td>Liquor Liability Aggregate $2,000,000</td>
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<td>COMBINED SINGLE LIMIT (EA accident) $</td>
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<td>BODILY INJURY (Per person) $</td>
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<td>BODILY INJURY (Per accident) $</td>
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<td>PROPERTY DAMAGE (Per accident) $</td>
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<td>WC STATUTORY LIMITS (E.L. EACH ACCIDENT)</td>
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<td>E.L. DISEASE - EA EMPLOYEE $</td>
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<td>E.L. DISEASE - POLICY LIMIT $</td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES**

City of Porterville is added as Additional Insured to the General Liability Policy per the attached form #GC 20 11 (01 96) Coverage is subject to "all" the terms, conditions, limitations and/or exclusions of the policy.

Regarding: Iris Festival, April 2012

---

**CERTIFICATE HOLDER**

City of Porterville  
291 N Main Street  
Porterville, CA 93257

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**AUTHORIZED REPRESENTATIVE**

Ronald Burcham/JMADR

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ACORD 25 (2010/05)  
INS025 (2010/05) 01

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The ACORD name and logo are registered marks of ACORD
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You):
   CITY OF PORTERVILLE
   PORTERVILLE CA 93257

2. Name of Person or Organization (Additional Insured):
   CITY OF PORTERVILLE
   291 N MAIN STREET
   PORTERVILLE CA 93257

3. Additional Premium:
   50.00

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.
CITY OF PORTERVILLE/POLICE DEPARTMENT
Community Civic Event Application

PORTERVILLE IRIS FESTIVAL – April 28, 2012

Proposed Conditions/Requirements for Porterville Iris Festival – Downtown Porterville

➢ City Council approval is required for all street closures.

➢ On all streets approved for closure, ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.

➢ If event organizers anticipate the need for removal of parked vehicles from public roadways related to the event, the affected public roadways must be posted with appropriate signage no less than 24 hours in advance of the event. Said signs and associated posting must meet minimum requirements as established by the California Vehicle Code. (Recommend event organizers contact Officer Carl Jordan of the Porterville Police Department/Traffic Unit in order to ensure that signs meet the requirements as established by law).

➢ Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.

➢ A Beer Garden shall be established and alcohol may only be sold and consumed within the designated beer garden. A minimum of two (2) security guards shall be assigned to control the Beer Garden while it is in operation. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden. The consumption of alcohol at any other event site shall be strictly prohibited.

➢ Event organizers shall have applied and been granted a temporary license to sell alcohol, from the CA Dept. of Alcoholic Beverage Control.

➢ An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.

➢ At conclusion of event, event organizers shall ensure streets are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling through this area.

Dan Haynes, Lieutenant
Police Department
March 1, 2012

EXHIBIT B
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 March 6, 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
PUBLIC HEARING


SOURCE: Audit Committee/City Manager/City Attorney's Office

COMMENT: Per the direction of the City Council at the March 6, 2012 City Council Meeting, the proposed Ordinance is before the Council for a public hearing and first reading.

The City Manager has proposed to establish a General Fund Reserve Policy and amend the City's current regulations regarding the Fund, and worked with the Audit Committee to develop the attached Ordinance. On February 21, 2012, the Audit Committee completed its review and revisions of the proposed Ordinance and recommended it submittal to the City Council for its consideration.

Pursuant to Section 2-31 of the Porterville Municipal Code, a permanent revolving General Reserve Fund has been established for the purposes of keeping the payment of the running expenses of the city on a cash basis. A copy Section 2-31 is attached for the Council's reference.

The proposed Ordinance would repeal this section and replace it with six categories of reserve funds, described as follows:

1. Budget Stabilization Reserve Fund: this fund would be established for the purpose of mitigating one-time annual budget revenue shortfalls that could occur due to changes in the economic environment or actions by other governmental entities that have a material effect of the City's revenues, or City expenditures that will result in future efficiencies or budgetary savings. This fund would be required to be maintained at a minimum of 15% of the General Fund annual budgeted operating expenditures. This fund could only be appropriated by formal action (defined as a Resolution with specific findings as required by the new regulations) approved with a 4/5 vote of those voting. If the Fund balance fell below 10% of the annual budgeted operating expenditures, a plan must be established to replenish the Fund within 3 years.
2. Catastrophic/Emergency Reserve Fund: this fund would be established for the purposes of mitigating costs related to unforeseen emergencies, such as natural disasters or other catastrophic events. Expenditure of these funds would require formal Council action with a 4/5 vote of those voting. This fund is proposed to be maintained at a minimum of 10% of the General Fund annual budgeted operating expenditures. If the Fund balance were to fall below the 10%, a plan must be established to replenish the Fund within 5 years.

3. Facility Deferred Maintenance/Equipment Replacement Designated Fund: these funds would be established to support one-time facility deferred maintenance or equipment replacement costs (excluding vehicles). The City Council could modify the specific deferred maintenance or equipment replacement categories by resolution. These funds would have no minimum balance, but would accumulate funds until appropriated by formal action.

4. Capital Construction/Improvement Designated Fund: these funds would be established for the purpose of providing funds to support new capital construction and/or improvement projects identified in the City’s Capital Improvement Plan. These funds would have no minimum balance.

5. Infrastructure Deferred Maintenance/Improvement Designated Fund: these funds would be established for the purpose of supporting one-time infrastructure deferred maintenance or improvement costs, such as streets/alleys, sewer, water, etc. The specific categories could be modified by Resolution. This Fund would have no minimum balance.

6. Special Purposes Reserve Fund: this Fund would be established for the purpose of providing support for one-time City special events, projects or purposes. This fund would be maintained at a minimum of $100,000, and could be appropriated by formal action with a 4/5 vote of those voting.

The new regulations would assist the City in minimizing the effects of an economic or other crisis and would allow better management of unforeseen emergencies. Furthermore, the City Manager’s office and the Audit Committee believe these clarifications to the regulations would benefit the City’s credit worthiness and financial strength.

It is requested that the City Council hold the public hearing and consider all testimony, and approve and give first reading to the Ordinance.

RECOMMENDATION: That City Council:

1. Hold the scheduled public hearing and consider all public testimony.
2. Approve and give first reading to the attached Ordinance.
Attachments:

1) Ordinance No. ____ , An Ordinance of the City Council of the City of Porterville Creating a General Fund Reserve Policy, Authorizing the Establishment of “Budget Stabilization,” “Catastrophic/Emergency,” “Capital Maintenance,” “Capital Construction/Improvement,” “Infrastructure Maintenance/Improvement,” and “Special Purposes” Dedicated Reserve Funds; and Amending Chapter 2, Article VI, By Repealing Section 2-31 and Adding Sections 2-31.1 through 2-31.7 of the Porterville Municipal Code.

2) Chapter 2, Article VI, Section 2-31 of Porterville Municipal Code.
ORDINANCE NO.__________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CREATING A GENERAL FUND RESERVE POLICY; AUTHORIZING THE
ESTABLISHMENT OF "BUDGET STABILIZATION," "CATASTROPHIC/EMERGENCY,"
"CAPITAL MAINTENANCE," "CAPITAL CONSTRUCTION/IMPROVEMENT,"
"INFRASTRUCTURE MAINTENANCE/IMPROVEMENT," AND
"SPECIAL PURPOSES" DEDICATED AND RESERVE FUNDS; AND AMENDING
CHAPTER 2, ARTICLE VI, BY REPEALING SECTION 2-31 AND ADDING SECTIONS
2-31.1 THROUGH 2-31.7 OF THE PORTERVILLE MUNICIPAL CODE

WHEREAS, the City Council of the City of Porterville deems it prudent financial
management to establish a General Fund Reserve Policy to require the accumulation of
General Fund revenues to address future community needs; and

WHEREAS, adequate General Fund balance and Reserve levels are an
important factor in an external agency’s measurement of the City of Porterville’s
creditworthiness and financial strength; and

WHEREAS, General Fund Reserve funds can assist in mitigating the effects of
economic and financial crisis; and

WHEREAS, General Fund Reserve funds are necessary for cash flow
management, and to enable the City of Porterville to manage unforeseen emergencies
or changes in condition; and

WHEREAS, the City Council of the City of Porterville wishes to create a General
Fund Reserve Policy and to authorize the establishment of certain dedicated Reserve
funds;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PORTERVILLE DOES
ORDAIN AS FOLLOWS:

Section 1. Section 2-31 of Chapter 2, Article VI, of the Porterville Municipal Code
is hereby repealed in its entirety.

Section 2. Sections 2-31.1 through 2-31.7 are hereby added to Chapter 2, Article
VI of the Porterville Municipal Code, as follows:

2-31.1 "Budget Stabilization" Reserve Fund

It shall be the policy of the City of Porterville to establish Reserve funds that shall
be used for the purpose to mitigate, should it occur, one-time annual budget
revenue shortfalls (actual revenues less than projected revenues) due to
changes in the economic environment and/or actions by the county/state/federal

ATTACHMENT NO. 01
government that have a material effect on the City's revenues; and/or expenditures that will result in future efficiencies and/or budgetary savings. The “Budget Stabilization” Reserve Fund shall be maintained at a minimum of fifteen percent (15%) of General Fund annual budgeted operating expenditures (excluding one-time expenditures), and may only be appropriated by formal City Council action with not less than 4/5s of those voting in agreement. If the City Council takes action due to making a finding(s) of material effects as stated above, it shall include findings of material effects as further specified in Section 2-31.7 of this Article. Should the Fund’s balance fall below 10% of annual budgeted operating expenditures, then a plan will be established to replenish the Fund to the required level within three (3) fiscal years. An Initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to fifteen percent (15%) of the Budgeted General Fund Expenditures for fiscal 2011-2012.

2-31.2. “Catastrophic/Emergency” Reserve Fund

It shall be the policy of the City of Porterville to establish Reserve funds that shall be used for the purpose to mitigate costs associated with unforeseen emergencies, including natural disasters or catastrophic events. Should unforeseen and unavoidable events occur that require the expenditure of City resources beyond those provided for in the annual budget, formal City Council action with not less than 4/5 of those voting in agreement, is required of a budget amendment confirming the nature of the emergency and authorizing the appropriation of Reserve funds. The “Catastrophic/Emergency” Reserve Fund shall be maintained at a minimum of ten percent (10%) of General Fund annual budgeted operating expenditures (less one-time expenditures). Should the Fund’s balance fall below 10% of annual budgeted operating expenditures, then a plan will be established to replenish the Fund to the required level within five (5) fiscal years. An Initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to ten percent (10%) of the Budgeted General Fund Expenditures for fiscal 2011-2012.

2-31.3 “Facility Deferred Maintenance/Equipment Replacement” Designated Fund

It shall be the policy of the City of Porterville to establish Designated funds that shall be used for the exclusive purpose of providing funds to support one-time City facility deferred maintenance and/or equipment replacement costs (excluding vehicles), such as, but not limited to, HVAC units, roofing, parking lot overlays, painting, plumbing, electrical, and doors/windows. The City Council, by means of a Resolution, may add, modify, or delete specific deferred maintenance or equipment replacement categories. The “Facility Deferred Maintenance/Equipment Replacement” Designated Fund shall have no minimum balance, but shall accumulate funds until appropriated by formal City Council
action. The Fund shall receive an allocation one third (1/3) of audited General Fund unassigned fund balance (actual revenues more than actual expenditures). An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to one-third (1/3) of the current unallocated reserve balance as of the date of adoption of this Ordinance after the funding of the Budget Stabilization Reserve Fund, the Catastrophic/Emergency Reserve Fund, and the initial funding of the Special Purpose Designated Fund, have been deducted from the initial unallocated reserve fund balance.

2-31.4 “Capital Construction/Improvement” Designated Fund

It shall be the policy of the City of Porterville to establish Designated funds that shall be used for the exclusive purpose of providing funds to support new capital construction and/or improvement projects as identified in the City’s 10-year Capital Improvement Plan. The “Capital Construction/Improvement” Designated Fund shall have no minimum balance, but shall accumulate funds until appropriated by formal City Council action. The Fund shall receive an allocation of one third (1/3) of audited General Fund unassigned fund balance (actual revenues more than actual expenditures). An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to one-third (1/3) of the current unallocated reserve balance as of the date of adoption of this Ordinance after the funding of the Budget Stabilization Reserve Fund, the Catastrophic/Emergency Reserve Fund, and the initial funding of the Special Purpose Designated Fund, have been deducted from the initial unallocated reserve fund balance.

2-31.5 “Infrastructure Deferred Maintenance/Improvement” Designated Fund

It shall be the policy of the City of Porterville to establish Designated funds that shall be used for the exclusive purpose of providing funds to support one-time City infrastructure deferred maintenance and/or improvement costs, such as, but not limited to, streets/alleys, bridges, sewer, water, storm drain, and curb/gutter/sidewalk. The City Council, by means of a Resolution, may add, modify, or delete specific infrastructure deferred maintenance/improvement categories. The “Infrastructure Deferred Maintenance/Improvement” Designated Fund shall have no minimum balance, but shall accumulate funds until appropriated by formal City Council action. The Fund shall receive an allocation of one third (1/3) of audited General Fund unassigned fund balance (actual revenues more than actual expenditures). An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance in an amount equal to one-third (1/3) of the current unallocated reserve balance as of the date of adoption of this Ordinance after the funding of the Budget Stabilization Reserve Fund, the Catastrophic/Emergency Reserve...
Fund, and the initial funding of the Special Purpose Designated Fund, have been deducted from the initial unallocated reserve fund balance.

2-31.6 "Special Purposes" Reserve Fund

It shall be the policy of the City of Porterville to establish Reserve funds as a line item of the annual City Council budget that shall be used for the purpose of providing funds to support one-time City special events, projects, and/or purposes that benefit the community. The "Special Purposes" Reserve Fund shall be maintained at a minimum of $100,000, and may only be appropriated by formal City Council action with 4/5 of those voting in agreement. Should the Fund’s balance fall below $100,000 in a fiscal year, then the General Fund will replenish the Fund to the minimum required level at the beginning of the following fiscal year. An initial balance in the amount of One Hundred Thousand and no/100 dollars ($100,000.00) shall be appropriated from the current unallocated reserve as of the date of adoption of this Ordinance.

2-31.7 "Formal City Council Action" for Appropriations

For the purposes of Sections 2-31.1 through 2-31.6 of this Article, formal City Council action shall require adoption of a Resolution. Said Resolution shall contain the basis for a finding (or findings) of materiality if required by any provision in this Article. Additionally, said Resolution shall include finding(s) that the appropriation is within the intent and purpose of the Designated Fund including, where appropriate, one or more findings that the purpose of the appropriation is within the defined purpose of the Designated Fund whether or not explicitly stated in this Ordinance.

Section 3. 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 ____________, 2012.

________________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: ______________________________________
Patrice Hildreth, Chief Deputy City Clerk
CHAPTER 2
ADMINISTRATION

ARTICLE VI. FUNDS OF THE CITY

SECTION:

2-31: General Reserve Fund
2-32: Special Gas Tax Street Improvement Fund; Created
2-33: Special Gas Tax Street Improvement Fund; Created; Monies
      Paid Into Fund
2-34: Special Gas Tax Street Improvement Fund; Created;
      Expenditure Of Monies In Fund

2-31: **GENERAL RESERVE FUND**: There is hereby established, and shall be hereafter maintained, in addition to all funds now provided for by the provisions of this code or other ordinance, or the charter of the city, a permanent revolving fund to be known as the "general reserve fund", for the purpose of keeping the payment of the running expenses of the city on a cash basis. Such fund shall be maintained in an amount sufficient to meet all legal demands against the treasury for the first four (4) months, or other necessary period of each fiscal year prior to the collection of taxes. The city council shall have power to transfer from the general reserve fund to any other fund or funds, such sum or sums as may be required for the purposes of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the city council to provide that all monies so transferred from the general reserve fund be returned thereto on or before the end of the fiscal year in which such transfers are made; provided, that in any fiscal year in which the total balance in the general reserve fund exceeds thirty percent (30%) of the total amount of the general budget for that year, the council may appropriate such excess for any city purposes without returning the same. (Ord. Code § 1632.1)

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1. See charter sections 46, 47, 48 and 53.

*City of Porterville*
COUNCIL AGENDA – MARCH 20, 2012


SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: Ordinance No. 1785, 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, was given first reading on February 21, 2012, and was printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1785, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1785

Item No. 13
ORDINANCE NO. 1785

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 20th day of March, 2012.

Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By:
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: SECOND READING – ORDINANCE 1786, 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

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: Ordinance No. 1786, 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, was given first reading on March 6, 2012, and was printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1786, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1786

Item No. 14

Dir N/A Approp./Funded CM
ORDINANCE NO. 1786

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, and then to March
6, 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
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. 1786 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>
<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>Use Classification</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>Use Classification</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>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>P</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 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.

5. A vector control plan shall be submitted and approved with the conditional use permit and implemented for the term of the agricultural use.

6. The applicant shall indemnify the City of Porterville to the satisfaction of the City Attorney from and against any and all claims or legal recourse resulting from the agricultural operation.

(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. On-site sale of crops is not allowed 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. The applicant shall remove all abandoned crops upon discontinuation of the 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 March, 2012.

By: __________________________________________
    Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: __________________________________________
    Patrice Hildreth, Chief Deputy City Clerk
SCHEDULED MATTER

SUBJECT: HOUSING-RELATED PARKS PROGRAM

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Housing-Related Parks Program (HRP) is an innovative program designed to reward local governments that approve housing for low-income households with grant funds for the costs of Park and Recreation Facility creation, development, or rehabilitation.

The Department of Housing and Community Development (HCD) has issued the Notice of Funding Availability (NOFA) for the 2011 funding round with the application due March 30, 2012. HRP Program funds will be awarded to eligible jurisdictions on a per-bedroom basis for each residential unit affordable to very low- and low-income households with documented housing starts during the Designated Program Year of January 1, 2010, to December 31, 2011.

All applicants must meet the following HRP Program threshold requirements to be eligible for funding:

- Housing Element adopted and found in compliance by HCD
- Submittal of the Annual Progress Report for 2009 and 2010 to HCD
- For each eligible unit, the application must include a documented Housing Start which is defined as a completed foundation inspection report issued between January 1, 2010, and December 31, 2011, and meet the affordability requirements for extremely low-, very low-, or low-income households.

The City has met these threshold requirements with the construction of Villa Siena Apartments within this time frame, and therefore, is in the position to submit an application to the State for these grant funds.

The City anticipates receiving approximately $150,000 for the program. The Parks and Leisure Services Commission recently set project priorities for park funding. In accordance with this list, the following recommendations are being presented for the utilization of the grant funds:

- Master Plan improvements to Murry Park including, but not limited to, lighting, irrigation, a crosswalk, and/or playground shade structure (Murry Park Master Plan is being proposed to be amended to include the addition of the property acquired by the City north of Murry Park) ($60,000)

APPROPRIATED/FUNDED
- Veterans' Park playground shade structure ($30,000)
- Zalud Park playground shade structure ($30,000)
- Sports complex playground shade structure ($30,000)

The grant funds must be expended within four years of the date of award announcement.

As typical with this type of state contract, the Mayor is authorized to sign the application, the Standard Agreement and all other participation documents, while the Community Development Director is authorized to execute all drawdown requests and other administrative documents for the program.

RECOMMENDATION: That the City Council:

1. Approve funding of projects for the Housing-Related Parks Program per the priority list from the Parks and Leisure Services Commission;

2. Authorize the application submittal to the Department of Housing and Community Development for the Housing-Related Parks Program;

3. Approve the draft resolution authorizing the execution of the Standard Agreement and any other documents necessary to secure a Housing-Related Parks Program from the State of California; and

4. Authorize the Mayor to sign the application, the Standard Agreement and all other participation documents and the Community Development Director to sign all drawdown requests and other administrative documents required for the Housing-Related Parks Program.

ATTACHMENT: Draft Resolution
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING APPLICATION FOR HOUSING-RELATED PARKS GRANT

WHEREAS: The State of California, Department of Housing and Community Development
(the "Department") has issued a Notice of Funding Availability dated December 2, 2011, (the
"NOFA") under its Housing Related Parks (HRP) Program; and

WHEREAS: The City of Porterville ("Applicant") desires to apply for a HRP grant and
submit the Application Package released by the Department for the HRP Program; and

WHEREAS: The Department is authorized to approve funding allocations for the HRP
Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application
Package, and Standard Agreement.

NOW, THEREFORE, BE IT RESOLVED:

1. Applicant is hereby authorized and directed to apply for and submit to the Department the
Application Package released January 2012 for the 2011 Program Year. If the application is
approved, Applicant is hereby authorized and directed to enter into, execute, and deliver a State of
California Standard Agreement (the "Standard Agreement"), and any and all other documents
required or deemed necessary or appropriate to secure a HRP Grant from the Department, and all
amendments thereto (collectively, the "HRP Grant Documents").

2. Application shall be subject to the terms and conditions as specified in the Standard
Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in
Exhibit A of the Standard Agreement. The application in full is incorporated as part of the Standard
Agreement. Any and all activities funded, information provided, and timelines represented in the
application are enforceable through the Standard Agreement. Applicant hereby agrees to use the
funds for eligible capital asset(s) in the manner presented in the application as approved by the
Department and in accordance with the NOFA and Program Guidelines and Application Package.

3. That the Mayor and/or their designee are authorized to execute in the name of the City of
Porterville the Application package and the HRP Grant Documents as required by the Department
for participation in the HRP Program and that the Community Development Director is authorized to
execute in the name of the City of Porterville grant drawdown requests, and all other administrative
documents required by the Department for administration of the HRP program.
APPROVED AND ADOPTED this ___ day of March, 2012

Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: ENVIRONMENTAL REVIEW OF THE OHV PARK ENHANCEMENT PROJECT AND APPROVAL OF A RESOLUTION OF NECESSITY TO ACQUIRE THE 40.5± ACRE SITE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: Staff has completed the preparation of an Initial Study and Mitigated Negative Declaration for the Off Highway Vehicle (OHV) Enhancement Project (Project). The Porterville OHV Park consists of various tracks for youth and adult OHV recreation, and is operated and maintained 12 months of the year. In addition to providing OHV recreational opportunities, the Park also serves as an area-wide storm runoff retention facility for the City’s storm water system. Due to existing and proposed development in the area, storm runoff has the potential to close one or more tracks within the Park for as much as six months out of the year. The Project would include the acquisition of an adjacent 40.5± acre parcel and the relocation and development of an area-wide storm drainage retention facility. The relocation of the retention facility would allow riding opportunities during winter periods which historically have been intermittently restricted due to impounded drainage.

In detail, the Project consists of the acquisition of 40.5± acres for the construction of a storm water runoff retention facility, including construction of a new storm drainage pipeline and appurtenances. The project also includes enhancement of the existing park with landscaping, irrigation, a kiosk, and fencing. The OHV Park site is located within the City of Porterville and the proposed 40.5± acre replacement drainage site is located in the County, within the City’s Planning Area.

The Initial Study prepared for the project identified several environmental factors which could be affected by the project, including biological and cultural resources, but determined that each of the factors could be mitigated to a less than significant level.

ENVIRONMENTAL REVIEW PERIOD: On February 15, 2012, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the OHV Enhancement Project. The Initial Study has been transmitted to interested agencies, groups and individuals for review and comment. The review period ran for thirty (30) days from February 17, 2012, to March 19, 2012. As of this date, no comments have been received.

RECOMMENDATION: That the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the OHV Enhancement Project.
ATTACHMENTS:

1. Project Locator Map
2. Initial Study and Mitigated Negative Declaration
3. Draft Resolution with Exhibit A
Off Highway Vehicle (OHV) Park Enhancement Project

Initial Study & Mitigated Negative Declaration

City of Porterville
Community Development Department
Planning Division

February 2012

Prepared by:

Planning Tree Consulting

ATTACHMENT ITEM NO. 2
1 INTRODUCTION

The City of Porterville (City) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) to address the environmental effects of the proposed OHV Park Enhancement Project (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code §21000 et.seq. The City is the CEQA lead agency for this Project.

The proposed Project involves the acquisition of approximately 40 acres of property for the dual purpose of creating a buffer around the existing Porterville Off-Highway Vehicle (OHV) Park and for the relocation and development of an area-wide storm drainage retention facility. The Project would relocate the area-wide storm drainage facility from OHV Park in order to expand the Park’s riding opportunities during winter months. The Project would also include the enhancement of the OHV Park through the installation of landscaping, irrigation systems, an entry kiosk, crushed rock dust palliative, and the replacement of a damaged fence. The proposed Project is described in detail in Chapter 2, Project Description.

DOCUMENT FORMAT

This IS/MND contains five chapters, and one technical attachment. Section 1, Introduction, provides an overview of the project and the CEQA environmental documentation process. Chapter 2, Project Description, provides a detailed description of project objectives and components. Chapter 3, Initial Study Checklist, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible mitigation measures. If the proposed project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 4, References, provides a list of reference materials used during the preparation of the IS/MND, and Chapter 5, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

The URBEMIS Output File and Cultural Resources Records Search are provided as appendices at the end of this document.

Environmental impacts are separated into the following categories:

Potentially Significant Impact. This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

Less Than Significant After Mitigation Incorporated. This category applies where the incorporation of mitigation measures would reduce an effect from a “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measure(s), and briefly explain how they
would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be
cross-referenced).

**Less Than Significant Impact.** This category is identified when the project would result in impacts below
the threshold of significance, and no mitigation measures are required.

**No Impact.** This category applies when a project would not create an impact in the specific environmental
issue area. “No Impact” answers do not require a detailed explanation if they are adequately supported by the
information sources cited by the lead agency, which show that the impact does not apply to the specific
project (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where
it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive
receptors to pollutants, based on a project-specific screening analysis.)
CITY OF PORTERVILLE
OHV PARK ENHANCEMENT PROJECT

2 PROJECT DESCRIPTION

PROJECT LOCATION

The Project site is approximately 70.5 acres in size and is located in and adjacent to the city of Porterville, in southern Tulare County (County), California, 240 miles southeast of Sacramento. Approximately 40.5 acres of the Project site, the proposed replacement drainage facility, is located within the Tulare County Planning Area of the City of Porterville (outside the City limits), and the remaining 30 acres of the site, the existing Porterville Off-Highway Vehicle (OHV) Park, is located within the City limits of the City of Porterville. The proposed replacement drainage facility would not be annexed as a part of the proposed project.

The Project site is located south of Scranton Avenue (Avenue 136) and east and west of West Street (Road 220) (see Figure 1). The Project is located within the Porterville, CA, United States Geological Survey 7.5 minute quadrangle, in Section 8, Township 22 South, Range 27 East, M.D.B & M.

Latitude: N 36° 1’ 59.2912”
Longitude: W 119° 4’ 52.4629”

The Project site is located on the northern halves of Assessor Parcel Numbers (APNs) 302-110-010 and 302-110-009.

PROJECT BACKGROUND AND OBJECTIVES

The Porterville OHV Park (Park) consists of various tracks for youth and adult OHV recreation and is operated and maintained 12 months of the year. The maximum size of OHVs accommodated by this track is a 50 cubic centimeter engine.

In addition to providing OHV recreational opportunities, the Park also serves as an area-wide storm runoff retention facility for the City's storm water system. The Park receives storm runoff from a large area of semi-developed land adjacent to the Porterville Municipal Airport, which creates nuisance flooding that currently causes limited loss of riding opportunities. However, much of this contributing land is being developed for business park and public facility uses which would increase the storm runoff directed to the Park. The increase in runoff has the potential to close one or more tracks within the Park for as much as six months out of each year.

The proposed Project would serve the dual purpose of creating the desired buffer around the existing Park, through the acquisition of the adjacent 40.5 acre parcel, and relocating and developing an area-wide storm drainage retention facility off of the existing Park site, providing for riding opportunities during winter periods which historically have been restricted due to impounded drainage. The Project would also include enhancements of the existing OHV Park facilities.
FIGURE 1
Project Location
OHV Park
Enhancement Project
ENVIRONMENTAL SETTING

The Project site is approximately 60 miles east of the Coast Range and approximately 10 miles west of the Sierra Nevada Mountain Range. Topographically, the Project site is at an elevation of approximately 420 feet above mean sea level (see Figure 2) and has a gentle slope to the west. The proposed 40.5-acres to be acquired as part of the Project are currently in agricultural use as an orchard while the remainder of the Project site is developed as the existing OHV Park.

The land uses surrounding the Project site include industrial, agricultural, and public uses. To the immediate north is Scranton Avenue beyond which are agricultural uses; to the south are industrial and agricultural uses; to the west are agricultural uses; and to the east is the Sports Complex beyond which is the Porterville Municipal Airport.

North:
Zoning: AE-20 (County)
Land Use: Agriculture

East:
Zoning: PS (Public and Semipublic)
Land Use: Sports Complex & Porterville Municipal Airport

West:
Zoning: AE-20 (County)
Land Use: Agriculture

South:
Zoning: IA (Airport Industrial)
Land Use: Agriculture; Industrial

The nearest water bodies to the Project site are the Poplar Ditch located approximately one mile north and the Friant Kern Canal located approximately one mile west. Lake Success is located approximately 11 miles east of the Project site.
FIGURE 2
Existing Site Topography
OHV Park
Enhancement Project
CITY OF PORTERVILLE
OHV PARK ENHANCEMENT PROJECT

PROJECT DESCRIPTION

The proposed Project includes the acquisition of approximately 40.5 acres of property in Tulare County, California, for the construction of a storm water runoff retention facility, including the construction of a new storm drainage pipeline and appurtenances. The Project also includes the enhancement of the existing 30-acre OHV Park site through the installation of landscaping, irrigation systems, an entry kiosk, crushed rock dust palliative, and the replacement of a damaged fence (see Figure 3). No expansion of the OHV Park use is proposed. A more detailed discussion of the project components follows.

Basin Improvements

The proposed storm water retention basin would be approximately four (4) acres in size, and would be constructed on the west side of West Street within the easternmost 10 acres of the proposed 40.5 acres to be acquired as a part of the Project. The basin would be constructed to a maximum depth of four feet and would provide a maximum of seven and one-half acre feet (af) of storage capacity. Water depth is anticipated to range from zero to three feet, although typical depth is expected to range from one to two feet. If berms are required, they would be approximately 15 feet wide to also serve as an access road for maintenance purposes. An outlet structure would be constructed and approximately 2,500 linear feet of six-foot chain-link fence would be installed around the perimeter of the new basin, along the outer edge of the berm/access road.

An inlet structure, approximately 1,100 linear feet of 30-inch pipeline, approximately 100 linear feet of 60-inch pipeline, and associated manholes would be constructed along the southerly portion of the existing OHV recreation area to redirect the storm water away from the Park to the new basin. The new pipeline would connect to an existing 30" pipeline which currently stubs in to the OHV Park site from the Industrial Park to the south.

Excess soil due to excavation of the basin and trenches would be recycled back into the trenches as backfill, used in the OHV Park for additional track enhancements, and/or be stored by the City at their corporation yard for future use on municipal projects as needed.

OHV Landscape and Park Improvements

Approximately 20 trees would be planted along the perimeter of the OHV Park and in select locations along the drives and within the spectator areas. Approximately one and one-half acres of grass seed would be sown in the parking areas to stabilize soils and cool the site. Irrigation systems would be extended to the landscape planting areas. An approximate 50 square foot entry kiosk would be installed for enhanced shade protection of staff and as an access point for literature to replace the portable shade structure presently utilized. Approximately 500 feet of fence segments that have been damaged as a result of rider collisions would be replaced in a new location a few hundred feet east of the track to increase the safety distance from the track. Approximately 1,500 cubic yards (CY) of the track would need to be reconstructed as a result of both the storm drainage pipeline work and the fence relocation. Approximately 500 CY of crushed rock would be applied to the driveways that link the parking areas to the entrance in order to provide an enhanced dust palliative system, minimize tracking of soils, and reduce the frequency of water application to these driveways. A freestanding BBQ would be added to the spectator area.
Project construction would require the use of backhoes, excavators, earth moving equipment, cranes, and concrete mixers (if needed). The construction of the Project would take approximately two to four months to complete.

Two maintenance personnel would perform most maintenance tasks, including weekly site visits. General maintenance of the retention basin would include weed abatement, trash removal and fence maintenance. When water is not present in the basin, silts would be removed at the bottom of the basins with heavy equipment such as a grader and a tractor with a box scraper.
3 INITIAL STUDY CHECKLIST

1. Project title:                  OHV Park Enhancement Project

2. Lead agency:                  City of Porterville
                                291 North Main Street
                                Porterville, CA 93257

3. Contact person:               Bradley D. Dunlap, AICP
                                Community Development Director
                                (559) 782-7460

4. Project location:             A portion of the Project site is located in the County of
                                Tulare within the Planning Area of the City of Porterville,
                                and the remainder of the site is located within the City
                                limits of the City of Porterville. The Project site is
                                generally located south of Scranton Avenue and west and
                                east of West Street; within Section 8, Township 22 South,
                                Range 27 East, M. D. B. & M.

5. Latitude, Longitude:          N 36° 1' 59.2912", W 119° 4' 52.4629"

6. General plan designation:     Agriculture/Rural/Conservation;
                                Park & Recreation

7. Zoning:                      AE-20 (County); PS- Public and Semi-public (City)

8. Description of project:       See Chapter 2, Project Description

9. Surrounding land uses and setting:     See Chapter 2, Project Description

10. Other public agencies whose approval is required: None
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

- ☐ Aesthetics
- ☒ Biological Resources
- ☐ Greenhouse Gas Emissions
- ☐ Land Use/Planning
- ☐ Population/Housing
- ☐ Transportation/Traffic
- ☐ Agriculture & Forestry
- ☒ Cultural Resources
- ☐ Hazards & Hazardous Materials
- ☐ Mineral Resources
- ☐ Public Services
- ☐ Utilities / Service Systems
- ☐ Air Quality
- ☐ Geology/Soils
- ☐ Hydrology/Water Quality
- ☐ Noise
- ☐ Recreation
- ☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: [Signature]
Date: [2/16/12]
Printed name: Bradley D. Dunlap
City of Porterville
For
CITY OF PORTERVILLE
OHV PARK ENHANCEMENT PROJECT

Issues:

I. AESTHETICS
Would the project:

a) Have a substantial adverse effect on a scenic vista?

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Responses:

a) Less Than Significant Impact. The Project site is located on the San Joaquin Valley floor in southern Tulare County, California. The existing OHV Park site is located within the City of Porterville and the proposed 40.5-acre replacement drainage site is located in the County, within the City’s Planning Area. There are no scenic resources within the Project vicinity. The proposed 40.5-acre expansion area site is currently in agricultural use as an orchard, while the existing OHV Park is developed with a parking lot, multiple tracks, and spectator areas. The Project would modify the existing character of the expansion site through the removal of approximately four acres of orchard for the construction of the storm water retention basin, as well as minor modifications in the form of improvements to the existing OHV Park; however, it would not degrade the visual quality of the site. Construction activities would occur over a two to four month period and would be visible from the adjacent roadways; however, they would be temporary and would not affect a scenic vista. The impact would be less than significant.

b) No Impact. The Scenic Highway Program protects and enhances California’s natural scenic beauty by allowing county and city governments to apply to the California Department of Transportation (Caltrans) to establish a scenic corridor protection program. Two state routes are located near the Project site: State Route 190 (SR 190) and State Route 65 (SR 65). According to Caltrans, a portion of SR 190, beginning at the intersection of SR 65 and SR 190 and travelling west, is an Eligible State Scenic Highway; however that section of SR 190 is located 3 miles northeast of the Project site and to date has not been officially designated. There would be no impact.

c) Less Than Significant Impact. The Project site is surrounded by agricultural uses to the north and west, industrial uses to the south, and the Porterville Municipal Airport to the east. The creation of the storm water drainage basin would be similar in visual character to the existing landscape and are commonplace in the regional setting. The Project would not degrade the existing visual character or quality of the area or its surroundings. The impact would be less than significant.

d) Less Than Significant Impact. Additional water surface, created by the storm water drainage basin, may create a minor source of light or glare, which would not be visible from highways, county roads or residences due to the height of the surrounding berms. No lighting is proposed to be installed as a part of the Project. The impact would be less than significant.
### II. AGRICULTURE & FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

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<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact</th>
<th>Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
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<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
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<td>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 4520), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
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<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
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<td>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</td>
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Responses:

a) Less Than Significant Impact. According to the Soil Survey of Tulare County, Western Part, the Project site contains one soil type: (114) Exeter loam, 0 to 2 percent slopes. This soil mapping unit is a moderately well drained soil that formed in alluvium derived from granite rock sources and meets the requirements for Farmland of Statewide Importance. The Rural Land Mapping Division, Tulare County Important Farmland 2006 Map, California Department of Conservation, Farmland Mapping and Monitoring Program also designates the proposed 40.5-acre portion of the Project site as located in an area of Farmland of Statewide Importance. The existing 30-acre OHV Park site is designated as Urban and Built-Up Land.

Water facilities are a compatible use in agriculturally zoned areas. There would be no conversion of agricultural land to urban purposes and Project construction and operation would not result in the permanent loss of agricultural land. The impact would be less than significant.

b) Less Than Significant Impact. The proposed 40.5-acre site to be acquired as part of the Project is located within the Planning Area of the City of Porterville and is planned for Agriculture/Rural/Conservation use, within the Porterville 2030 General Plan (2008) and is zoned Exclusive Agriculture – 20 Acre Minimum (AE-20). The AE-20 zone district is an exclusive district for agriculture use and for those uses which are necessary and an integral part of the agricultural operation. This portion of the Project site is currently under Williamson Act contracts #07209 and #11253. The existing OHV park site is located within the City limits and is planned for Park and Recreation use within the Porterville General Plan (2008) and is zoned Public and Semipublic (PS). The majority of the County parcels surrounding the Project site to the north and west are also under Williamson Act contracts and considered Farmlands of Statewide Importance.

According to the California Government Code §51238 (a) (1) the construction of water facilities are determined to be compatible uses within any agricultural preserve. The Project would include the construction of facilities which would allow the City to better manage storm water runoff to meet 2030 demands. The impact would be less than significant.

c) No Impact. The project does not infringe upon forest land. There would be no impact.

d) No Impact. Any impact to forest land has been discussed in impact II-c.

e) No Impact. Any impacts to agricultural resources or forest land have been discussed in impact II-a and c.
III. AIR QUALITY
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
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Response:

a) No Impact. The Project lies within the San Joaquin Valley Air Basin, which is managed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) have been established for the following criteria pollutants: carbon monoxide (CO), ozone (O₃), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), particulate matter (PM₁₀ and PM₂.₅), and lead (Pb). The CAAQS also set standards for sulfates, hydrogen sulfide, and visibility.

Areas are classified under the Federal Clean Air Act as either “attainment” or “non-attainment” areas for each criteria pollutant based on whether the NAAQS have been achieved or not. Attainment relative to the State standards is determined by the California Air Resources Board (CARB). The San Joaquin Valley (SJV) is designated as a State and Federal non-attainment area for O₃, and PM₂.₅, and a State and Federal attainment area for CO, SO₂, PM₁₀, NO₂, and Pb (SJVAPCD, 2008).

The Project would not conflict with or obstruct the implementation of the air quality management standards. Standards set by the SJVAPCD, CARB, and Federal agencies relating to the Project would continue to apply. There would be no impact.

b) Less Than Significant Impact. The San Joaquin Valley is designated as a Federal and State non-attainment area for O₃ and PM₂.₅. The SJVAPCD is the regional agency that regulates air permitting and maintains an extensive air quality monitoring network to measure criteria pollution concentrations throughout the San Joaquin Valley air basin.
The Project includes the acquisition of 40.5 acres of land to serve as a buffer for the OHV Park and for the construction of a new four acre storm water retention basin and appurtenances. The Project also includes enhancements to the existing OHV Park site. Project operations would not contribute to criteria pollutant emissions, as storm water retention is a passive process; however, emissions would be associated with construction activities. The operational phases of the Project would generate a maximum of 5 daily trips, and typically fewer, as regular site visits are not required to operate the basin.

The URBEMIS model, Version 9.2.4 2007 was used to estimate construction and operation emissions for the Project. The modeling results are provided in Table 1 and can be seen in Appendix A.

Table 1  
Proposed Project Construction and Operation Emissions

<table>
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<th></th>
<th>VOC (ROG) (tons/year)</th>
<th>NOx (tons/year)</th>
<th>PM10 (tons/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Project</td>
<td>0.16</td>
<td>1.0</td>
<td>0.78</td>
</tr>
<tr>
<td>Construction &amp;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operation Emissions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Threshold of</td>
<td>10</td>
<td>10</td>
<td>--</td>
</tr>
<tr>
<td>Significance</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: URBEMIS Model, Version 9.2.4 2009

Regulation VIII measures are SJVAPCD mandated requirements for any type of ground moving activity and would be adhered to during the construction of the Project and are listed in Table 2. Implementation of Regulation VIII measures would reduce any construction related PM10 emission impacts to less than significant. As demonstrated in Table 1, Project construction and operation emissions would be under the significance threshold, and are therefore considered less than significant.
Table 2
San Joaquin Valley Air Pollution Control District
Regulation VIII Control Measures for Construction Emissions of PM_{10}

<table>
<thead>
<tr>
<th>Regulation VIII Control Measures. The following are required to be implemented at all construction sites.</th>
</tr>
</thead>
<tbody>
<tr>
<td>All disturbed areas, including storage piles, which are not actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressants, covered with a tarp or other similar cover, or vegetative ground cover.</td>
</tr>
<tr>
<td>All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions during construction using water or chemical stabilizer suppressant.</td>
</tr>
<tr>
<td>All land clearing, grubbing, scraping, excavation, land leveling, grading cut and fill, and demolition activities during construction shall be effectively controlled of fugitive dust emissions utilizing application of water or pre-soaking.</td>
</tr>
<tr>
<td>When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of container shall be maintained.</td>
</tr>
<tr>
<td>All operations shall limit, or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.</td>
</tr>
<tr>
<td>Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</td>
</tr>
<tr>
<td>Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site at the end of each workday.</td>
</tr>
<tr>
<td>Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.</td>
</tr>
</tbody>
</table>

\[c) \text{ Less Than Significant Impact.} \] As discussed in Impact III-b, the Project would result in the generation of criteria pollutants during construction; however, during construction, air quality impacts would be less than SJVAPCD thresholds for non-attainment pollutants and operation of the Project would not exceed the emissions thresholds for criteria pollutants. Accordingly, net increases of non-attainment criteria pollutants would be less than significant.

\[d) \text{ Less Than Significant Impact.} \] Section 3 of the Guide for Assessing and Mitigating Air Quality Impacts defines a sensitive receptor as a location where human populations, especially children, seniors, and sick persons are present and where there is a reasonable expectation of human exposure to pollutants. Sensitive receptors normally refer to people with heightened sensitivity to localized, rather than regional pollutants. Concentrations of pollutants would not pose a hazardous threat to any sensitive receptors as emissions resulting from the Project would be below significance thresholds, as demonstrated in the analysis of Impact III (b). The impact would be less than significant.

\[c) \text{ No Impact.} \] The Project would not be a source of odors; therefore, there would be no impact.
IV. BIOLOGICAL RESOURCES

Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Response:

a) Less Than Significant With Mitigation Incorporation. The Project site is located within the United States Geological Survey (USGS) Porterville 7.5-minute topographic quadrangle. Based on a review of information from the California Department of Fish and Game Natural Diversity Database (CNDDDB) Rare Find2 data (2010, January) for this quadrangle, and the eight adjacent quadrangles (Cairns Corner, Lindsay, Frazier Valley, Woodville, Success Dam, Sausalito School, Ducor, Fountain Springs). There are 13 plant species with federal and state-listed status, and/or California Native Plant Society (CNPS) listed status, six species of wildlife that are federally or state-listed or have other special status, and one sensitive terrestrial natural community or habitat type that are reported from historical information for the nine quadrangles as shown in Table 3.
### Table 3
Federal and State-Listed Status

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Special Status</th>
<th>CNPS</th>
<th>Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Plant Species</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Atriplex erecta</em></td>
<td>Earlham orache</td>
<td>List 1B.2</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Atriplex minuscula</em></td>
<td>Lesser salt scale</td>
<td>List 1B.1</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Atriplex persists</em></td>
<td>vernal pool small scale</td>
<td>List 1B.2</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Atriplex subtilis</em></td>
<td>subtle orache</td>
<td>List 1B.2</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Caulanthus californicus</em></td>
<td>California jewel-flower</td>
<td>FE; SE</td>
<td>List 1B.1</td>
<td>Absent</td>
</tr>
<tr>
<td><em>Clarkia springallensis</em></td>
<td>Springville clarkia</td>
<td>FT; SE</td>
<td>List 1B.2</td>
<td>Absent</td>
</tr>
<tr>
<td><em>Delphinium recurvatum</em></td>
<td>recurved larkspur</td>
<td>List 1B.2</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Eryngium spinosepalum</em></td>
<td>spiny-sepaled button celery</td>
<td>List 1B.2</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Fritillaria striata</em></td>
<td>striped adobe lily</td>
<td>ST</td>
<td>List 1B.1</td>
<td>Absent</td>
</tr>
<tr>
<td><em>Leptosiphon serralatus</em></td>
<td>Madera leptosiphon</td>
<td>List 1B.2</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Mimulus pictus</em></td>
<td>calico monkeyflower</td>
<td>List 1B.2</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Pseudobaria poxonii</em></td>
<td>San Joaquin adobe sunburst</td>
<td>FT; SE</td>
<td>List 1B.1</td>
<td>Absent</td>
</tr>
<tr>
<td><em>Sidalcea keckii</em></td>
<td>Keck's checkerbloom</td>
<td>FE</td>
<td>List 1B.1</td>
<td>Absent</td>
</tr>
<tr>
<td><strong>Wildlife Species</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Antrozous pallidus</em></td>
<td>Pallid bat</td>
<td></td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Branchinecta lynchii</em></td>
<td>Vernal pool fairy shrimp</td>
<td>FT</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Buteo swainsoni</em></td>
<td>Swainson's hawk</td>
<td>ST</td>
<td>Potential</td>
<td></td>
</tr>
<tr>
<td><em>Desmocerus caurinus dimorphus</em></td>
<td>Valley elderberry longhorn beetle</td>
<td>FT</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Dipodomys nitratoides nitratoides</em></td>
<td>Tipton kangaroo rat</td>
<td>FE; SE</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Eumops perulatus californicus</em></td>
<td>Western mastiff bat</td>
<td></td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Gymnogyps californianus</em></td>
<td>California condor</td>
<td>FE; SE</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Lasiurus cinereus</em></td>
<td>Hoary bat</td>
<td></td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td><em>Lyria hoppingii</em></td>
<td>Hopping's blister beetle</td>
<td></td>
<td>Absent</td>
<td></td>
</tr>
</tbody>
</table>
Lygus moesta  | Molestan blister beetle | Absent  
Lygus morisoni | Morrison's blister beetle | Absent  
*Northern Claypan Vernal Pool* | Northern Claypan Vernal Pool | Absent  
*Perognathus inornatus inornatus* | San Joaquin pocket mouse | Absent  
*Rana boylii* | foothill yellow-legged frog | Absent  
*Spea hammondii* | Western spadefoot | Absent  
*Taxidea taxus* | American badger | Absent  
*Vulpes macrotis mutica* | San Joaquin kit fox | FE; ST | Potential  

**Sensitive Vegetation Communities**  
Sycamore Alluvial Woodland  | Sycamore Alluvial Woodland | Absent  

FE: Federally listed as Endangered  
FT: Federally listed as Threatened  
FC: Federal Candidate species (former Category 1 candidate species) where enough data are on file to support listing  
FS: USDA Forest Service “Sensitive Species” recovery program (in cooperation with CDFG and USFWS) identifies and manages species whose populations are declining  
SE: State listed as Endangered  
ST: State listed as Threatened  
SS: State listed as Sensitive  
CSC: California Special Concern species by CDFG  
List 1B: Plants considered by the CNPS to be rare, threatened, or endangered in California and elsewhere  
List 2: Plants considered by the CNPS to be rare, threatened, or endangered in California but more common elsewhere  

As seen in Table 3, the proposed Project site contains potential habitat, including foraging ground, for the San Joaquin kit fox and Swainson's hawk. The impact is potentially significant for the two mentioned species; however, implementation of the following mitigation measures would reduce any impacts to less than significant.

**Mitigation Measures**

1) San Joaquin Kit Fox (*Vulpes macrotis mutica*)

Because there is a potential for kit fox to occur on the Project site, the City of Porterville shall follow the Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 1999). The measures that are listed below have been excerpted from these guidelines.

1. A pre-construction survey shall be conducted by a qualified biologist no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities on the project site, or prior to any project activity likely to impact the San Joaquin kit fox. The surveyor shall thoroughly check the project site for kit fox dens and, if found, exclusion zones shall be placed in accordance with USFWS Recommendations at the following radius:
2. If dens must be removed, they must be appropriately monitored and excavated by a qualified wildlife biologist. Replacement dens will be required. Destruction of natal dens and other “known” kit fox dens must not occur until authorized by USFWS.

3. Project-related vehicles shall observe a 20-mph speed limit in all project areas during construction, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. To the extent possible, nighttime construction should be avoided. Off-road traffic outside of designated project areas should be prohibited during construction.

4. To prevent inadvertent entrapment of kit foxes or other animals during project construction, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under numbers 8 and 9 of this section must be followed.

5. Kit foxes are attracted to den-like structures such as pipes and therefore may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.

6. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project site.

7. No firearms shall be allowed on the project site.

8. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets shall be permitted on project sites during construction.

9. A representative shall be appointed by TID who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual. The representative's name and telephone number shall be provided to the USFWS.
10. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for advice.

11. Any contractor, employee(s), or military or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. The CDFG contact will contact the local warden or biologist.

12. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, 2800 Cottage Way, Suite W2605, Sacramento, CA 95825-1846, (916) 414-6620. The CDFG contact is Mr. Ron Sloroff at 1416 9th Street, Sacramento, CA 95814, (916) 654-4262.

II) Swainson’s Hawk and other birds protected under the Migratory Bird Treaty Act.

A pre-construction nest survey for avian predators and other resident and migratory birds shall be conducted prior to project construction if any heavy equipment operations are to occur during the nesting season (February 15 through September 15). All trees, vegetation, and small mammal burrows on the site shall be inspected for nests. If any occupied nests are observed, heavy equipment operations shall be minimized or avoided until the young have fledged and nesting has ceased. If this is not feasible, the USFWS and CDFG would need to be contacted for guidance on how to proceed. The USFWS would prescribe specific mitigation dependent upon the particular species involved and the manner in which heavy equipment operations are to be conducted.

b) No Impact. No riparian communities or other sensitive natural communities exist on or near the Project site. There would be no impact.

c) Less than Significant Impact. A review of the National Wetlands Inventory (NWI) maps for the respective USGS quads were conducted and one freshwater pond wetland was indicated on the eastern edge of the OHV Park site. Earthmoving activities would take place approximately 1/3 of a mile east of the freshwater pond, therefore, any impacts to the wetland would be less than significant.

d) No Impact. No wildlife corridors or wildlife nursery sites are located on the Project site. The Project site is bordered to the west and north by agricultural land uses, to the south by industrial uses, and to the east by the Sports Pak and the Porterville Municipal Airport. Therefore the proposed Project would not interfere with the movement of any wildlife species or the use of native wildlife nursery sites.

e) No Impact. The Porterville 2030 General Plan (2008) indicates that the City currently does not have a tree preservation ordinance. There is no adopted biological preservation or tree preservation ordinance in Tulare County. There would be no impact.

f) No Impact. No habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan, is in effect for the area of the proposed Project. Therefore, the proposed Project would have no impact.
V. CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

Response:

a) Less Than Significant With Mitigation Incorporation. The Project proposes acquisition of 40.5 acres of property adjacent to the exiting OHV Park for the construction of a four-acre storm water retention basin and associated pipeline. The depth of the basin would be approximately four feet and would have seven and one-half acre-foot (af) capacity. The Project also includes enhancements to the existing OHV Park site including the planting of trees, replacement of fencing, construction of an entry kiosk, and placement of crushed rock dust palliative.

A cultural resources records search (RS#10-008) was conducted by RSO Consulting for the Project on January 6, 2010, at the Southern San Joaquin Valley Historical Resources Information Center at California State University, Bakersfield (See Appendix B). The results of the records search showed that two surveys have been performed within portions of the Project area with negative results for cultural resources. No archaeological or historical sites have been recorded within the Project area or within one mile of the Project area. There would be a potentially significant impact if historical resources were uncovered; however, implementation of the following mitigation measure would reduce potential impacts to historical or archaeological resources to less than significant.

Mitigation Measure

If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall be ceased. A qualified archaeologist shall be contacted and advise the County of the site’s significance. If the findings are deemed significant by the Tulare County Resources Management Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.

b) Less Than Significant With Mitigation Incorporation. Any impacts to archaeological resources have been discussed in Impact V-a.
c) **Less Than Significant Impact.** No known paleontological resources exist within the Project area, nor are there any known geologic features in the Project area. Project construction would not be expected to disturb any paleontological resources not previously disturbed; however, the mitigation measure in Impact V-a would ensure that any impacts would be less than significant.

d) **No Impact.** No formal cemeteries or other places of human internment are known to exist at the site. In the event human remains are encountered during construction activities, all work within the vicinity of the remains would halt in accordance with Health and Safety Code §7050.5, Public Resources Code §5097.98, and Section 15064.5 of the CEQA Guidelines, and the Tulare County coroner's office would be contacted. As such, potential impacts to human remains would not occur as a result of the Project. There is no impact.
VI. GEOLOGY AND SOILS

Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>iv) Landslides?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Response:

a-i) Less Than Significant Impact. No substantial faults are known to occupy Tulare County according to the Alquist-Priolo Earthquake Fault Zoning Maps and the State of California Department of Conservation. The closest known fault likely to affect the Project site is the Owens Valley Fault located about 40 miles to the northeast in the Sierra Nevada Range.

According to the Five County Seismic Safety Element (FCSSE), Tulare County is located in the V-1 zone, defined as an area "of hard rock alluvium on valley floors". The FCSSE further states that, "The distance to either of the faults expected to be a source of shaking is sufficiently great that shaking should be minimal and
the requirements of the Uniform Building Code Zone II should be adequate for normal facilities. The risk of the rupture of a known earthquake fault is less than significant.

a-ii) Less Than Significant Impact. Any impacts regarding strong seismic ground shaking have been discussed in Impact IV-a-i. The impact would be less than significant.

a-iii) No Impact. No subsidence-prone soils or oil or gas production is involved with the Project. There would be no impact.

a-iv) No Impact. No geologic landforms exist on or near the site that would result in a landslide event. There would be no impact.

b) Less Than Significant Impact. Grading activities associated with the construction of the storm water retention basin would involve earthmoving, excavation, stockpiling, and grading. These activities could expose soils to erosion processes. The extent of erosion would vary depending on slope steepness/stability, vegetation/cover, concentration of runoff, and weather conditions.

The proposed Project site has flat terrain with a low potential for soil erosion. However, the site is indicated as having a high erosion susceptibility index, according to Porterville General Plan (2008) (see Figure 7-1 of the General Plan, Geologic and Soil Hazards). To further prevent water and wind erosion during the construction period, a Storm Water Pollution Prevention Plan (SWPPP) would be developed for the Project as required for all projects which disturb more than one acre in size. As part of the SWPPP, the applicant would be required to provide erosion control measures to protect the topsoil. Topsoil materials would be stripped from the ground surface and could be used in part for construction of the earthen berms of the storm water retention basin, if needed. This would ensure that organic matter, the existing seed bank, and topsoil texture are maintained for any future agricultural activities and soil-stabilizing revegetation efforts at the Project site. Any stockpiles soils would also be watered and/or covered to prevent loss due to wind erosion as part of the SWPPP during construction. As a result of these efforts, loss of topsoil and substantial soil erosion during the construction period are not anticipated.

During storm events, the storm water retention basin would contain water, which would inhibit erosion; during non-storm events, the basin would be subject to wind erosion, however, plant cover at the Project site would minimize wind erosion. The impact would be less than significant.

c) No Impact. Substantial grade change would not occur in the topography to the point where the Project would expose people or structures to potential substantial adverse effects on, or offsite, such as landslides, lateral spreading, subsidence, liquefaction or collapse. There would be no impact.

d) Less Than Significant Impact. The soil at the Project site is indicated as (114) Exeter loam, 0 to 2 percent slopes per the Soil Survey of Tulare County, Western Part (Soil Survey). This soil mapping unit is a moderately well drained soil that formed in alluvium derived from granitic rock sources.

The Project site is not located within an area with high soil expansion potential, according to Porterville General Plan (2008) (see Figure 7-1, Geologic and Soil Hazards). The impact would be less than significant.

e) No Impact. The Project does not include the use of septic tanks or other alternative waste water disposal system. There would be no impact.
VII. GREENHOUSE GAS EMISSIONS

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
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</tbody>
</table>

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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</table>

Response:

a), b) Less Than Significant Impact. While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization’s Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy have increased dramatically in recent years. In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and pro-active approach to dealing with GHG emissions and climate change at the state level. AB 1493 requires the Air Resources Board (ARB) to develop and implement regulations to reduce automobile and light truck GHG emissions; these regulations applied to automobiles and light trucks beginning with the 2009 model year.

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order S-3-05. The goal of this Executive Order is to reduce California’s GHG emissions to: 1) 2000 levels by 2010, 2) 1990 levels by the year 2020, and 3) 80% below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 sets the same overall GHG emissions reduction goals while further mandating that ARB create a plan, which includes market mechanisms, and implement rules to achieve “real, quantifiable, cost-effective reductions of greenhouse gases.” Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the state’s Climate Action Team.

Climate change and GHG reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing GHG emissions reductions and climate change. Temporary Project construction emissions would be minimal, as demonstrated in Table 1, and Project operations would not exceed SJVAPCD thresholds of significance. In addition, Regulation VIII measures, as seen in Table 2, would be implemented, further decreasing potential emissions. The Project would not significantly contribute to the emission of GHGs. The impact would be less than significant.
VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
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<td>b)</td>
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<td>c)</td>
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<tr>
<td>d)</td>
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<tr>
<td>e)</td>
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<td>f)</td>
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<td>g)</td>
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<td>h)</td>
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</tbody>
</table>

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?
Response:

a) No Impact. There would be no transport, use or disposal of hazardous materials. There would be no impact.

b) No Impact. The Project would not create a significant hazard to the public or the environment as the Project would not discharge hazardous materials into the environment. There would be no impact.

c) No Impact. The nearest school, Summit Charter Academy, is approximately 2.2 miles northeast of the Project site. The Project involves construction of a storm water recharge basin and enhancement of the OHV Park and would not emit hazardous emissions, involve hazardous materials, or create a hazard to the schools in any way. There would be no impact.

d) No Impact. The Project does not involve land that is listed as a hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by the Department of Toxic Substances Control. There would be no impact.

e) Less Than Significant Impact. The nearest airport, the Porterville Municipal Airport, is approximately one-half mile east of the Project site. Currently the Tulare County Airport Land Use Commission (ALUC) is working to update the Tulare County Comprehensive Airport Land Use Plan (CALUP). The proposed Project would not result in a safety hazard for people working in the Project area. The impact would be less than significant.

f) No Impact. Any impacts regarding private airstrips have been discussed in Impact VII-e. There would be no impact.

g) No Impact. The Project does not cross any publicly accessed routes, and would not interfere with implementation of an emergency response plan or evacuation. There would be no impact.

h) Less than Significant Impact. The Porterville General Plan (2008) includes Figure 7-4, Wildland Fire Hazards Map, which indicates that the Project site has a moderate level of fire hazard severity, based on a surface fuel analysis conducted by California Department of Forestry and Protection. The Project site and the surrounding lands are in agricultural, recreational, or industrial uses and are not considered wildlands. The area is routinely maintained for weed control. The impact would be less than significant.
### IX. HYDROLOGY AND WATER QUALITY

**Would the project:**

<table>
<thead>
<tr>
<th>Would the project</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact</th>
<th>Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
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</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td>☐</td>
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</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
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</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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<td>☐</td>
</tr>
</tbody>
</table>
IX. HYDROLOGY AND WATER QUALITY

Would the project:

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  
☐ ☐ ☒ ☐

j) Inundation by seiche, tsunami, or mudflow?  
☐ ☐ ☐ ☒

Response:

a) Less Than Significant Impact. The Project is located approximately one mile away from the nearest water body. The Project would not violate any water quality standards and would not impact waste discharge requirements. The impact would be less than significant.

b) Less Than Significant Impact. The Project site is located in the Tulare Lake Basin, an area significantly affected by overdraft. The Department of Water Resources (DWR) has estimated the groundwater by hydrologic region and for the Tulare Lake Basin; the total overdraft is estimated at 820,000 acre-feet per year, the greatest overdraft projected in the state, and 56 percent of the statewide total overdraft. The Project site is located within the Tule Subbasin portion of the regional area. Groundwater levels have declined an average of 0.75 feet/year on well hydrographs completed by DWR.

The proposed Project includes the construction of a storm water drainage basin and enhancements to the existing OHV Park. The Project includes installation of an irrigation system for the proposed landscape enhancements at the Park site. Water service to the Project would be provided by the City of Porterville and water usage on site would be minimal and for irrigation purposes. The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. There would be a less than significant impact.

c) Less Than Significant Impact. Drainage patterns would change as a result of Project build out. The City wide storm drainage retention basin is currently located on the OHV Park site. The proposed Project would relocate the retention basin to the proposed 40.5 acres to be acquired as a part of the Project. The new basin would be approximately four acres in size and approximately four feet deep. Implementation of erosion control measures described by the Tulare County Development Standards and mandated in the Stormwater Pollution Prevention Program would minimize any potential impacts to less than significant.

d) Less Than Significant Impact. Any impacts regarding the alteration of drainage patterns to increase runoff water that would potentially induce flooding have been discussed in the impact analysis for Impact VIII-c.

e) Less Than Significant Impact. Any impacts regarding the creation or contribution to runoff water that would potentially exceed the capacity of existing stormwater drainage systems have been discussed in the impact analysis for Impact VIII-c.

f) Less Than Significant Impact. Any impacts to water quality have been discussed in the impact analysis for Impact VIII-a.
g) **No Impact.** According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Community Number 06107C1637E dated June 16, 2009, Panel No. 1637, the Project site is located within Zone X, areas determined to be outside the 2% annual chance floodplain; however the construction of housing is not a part of the proposed Project. There would be no impact with regard to flood related events.

h) **No Impact.** Any impacts regarding the placement of structures in a 100-year flood hazard area that would impede or redirect flood flows have been discussed in the analysis of Impact VIII-g.

i) **Less Than Significant Impact.** The dam potentially affecting the Project, Success Dam, is approximately 11 miles to the east of the Project site. According to Tulare County’s Geographic Information Systems data, the Project area is located within the 24-hour inundation area of the Success dam in the event of its failure. The impact would be less than significant.

j) **No Impact.** The nearest large body of water is Lake Success, which is located approximately 11 miles to the east of the Project site. Due to the lengthy distance between the lake and the Project site, there would be no potential for seiche or tsunami to occur. There would be no impact.
X. LAND USE AND PLANNING

Would the project:

a) Physically divide an established community? □ □ □ X

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? □ □ X □

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? □ □ □ X

Response:

a) No Impact. The Project is located in an agricultural, recreational and light industrial setting, in southern Tulare County. The existing OHV Park is located within the city limits of the City of Porterville and the 40.5-acres to be acquired for the location of the storm drainage basin is in Tulare County, adjacent to the City limits within the Planning Area of the City of Porterville. The Project would not physically divide any established community. There would be no impact.

b) Less Than Significant Impact. Approximately 30 acres of the Project site is located within the City of Porterville and the remaining 40.5 acres of the Project site is located within the Tulare County. The City of Porterville General Plan (2008) designates the Project site’s 30 acre existing OHV area for Park and Recreation use and designates the 40.5-acres to be acquired as a part of the Project for Agriculture/Rural/Conservation use. The Project property is currently zoned Agriculture Exclusive 20-acre minimum (AE-20) in the County and Open Area (O-A) in the City. The proposed Project is consistent with the underlying zoning. A storm water recharge basin would be considered an allowable agricultural use. The impact would be less than significant.

c) No Impact. The Project would not conflict with any adopted habitat conservation plans or natural community conservation plans. Therefore, there would be no impact.
XI. MINERAL RESOURCES

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Response:

a) No Impact. The Porterville General Plan (2008) includes Figure 6-3 Soil and Mineral Conservation, which indicates the locations of State-designated Mineral Resource Zones or areas possessing minerals which are of state-wide or regional significance. According to the map, the Project site is not located in a Mineral Resource Zone. The nearest Mineral Resource Zone is located along the Tule River, approximately one and one-half miles north of the Project site. Therefore, the Project would not result in the loss of an available known mineral resource. There would be no impact.

b) No Impact. The Project site is not delineated on a local land use plan as a locally important mineral resource recovery site; therefore, the existence of the Project would not result in the loss of availability of any mineral resources. There would be no impact.
CITY OF PORTERVILLE
OHV PARK ENHANCEMENT PROJECT

XII. NOISE

Would the project:

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact With Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
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</table>

Response:

**a) Less than Significant Impact.** Project operation would not generate noise; however, Project construction would involve temporary noise sources and is anticipated to last between two and four months. Typical construction equipment would include small backhoes, small tractors, and miscellaneous equipment (e.g., pneumatic tools, generators, and portable air compressors). During the construction phases of the Project, noise from construction activities would contribute to the noise environment in the immediate Project vicinity. Activities involved in construction would generate maximum noise levels, as indicated in Table 4, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control.
Table 4
Typical Construction Noise Levels

<table>
<thead>
<tr>
<th>Type of Equipment</th>
<th>dBA at 50 ft</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Without Feasible Noise Control</td>
</tr>
<tr>
<td>Dozer or Tractor</td>
<td>80</td>
</tr>
<tr>
<td>Excavator</td>
<td>88</td>
</tr>
<tr>
<td>Scrapper</td>
<td>88</td>
</tr>
<tr>
<td>Front End Loader</td>
<td>79</td>
</tr>
<tr>
<td>Backhoe</td>
<td>85</td>
</tr>
<tr>
<td>Grader</td>
<td>85</td>
</tr>
<tr>
<td>Truck</td>
<td>91</td>
</tr>
</tbody>
</table>

Source: US Environmental Protection Agency 1971

1 Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications.

The City of Porterville’s General Plan Noise Element (2008) sets the standard noise threshold of 60 dBA at the exterior of nearby residences; however, it does not identify a short-term, construction-noise-level threshold. The distinction between short-term construction noise impacts and long-term operational noise impacts is a typical one in both CEQA documents and local noise ordinances, which generally recognize the reality that short-term noise from construction is inevitable and cannot be mitigated beyond a certain level. Thus, local agencies frequently tolerate short-term noise at levels that they would not accept for permanent noise sources. A more severe approach would be impractical and might preclude the kind of construction activities that are to be expected from time to time in urban environments. Most residents of urban areas recognize this reality and expect to hear construction activities on occasion. As these activities would be restricted to daytime hours and be would short-term in nature, the impact would be less than significant.

b) Less than Significant Impact. Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground-born vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (FTA 2006, Caltrans 2002).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The typical background vibration-velocity level in residential areas is approximately 50 VdB. Ground-borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA 2006).

Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day (FTA 2006). Table 5 describes the typical construction equipment vibration levels.

Table 5
CITY OF PORTERVILLE
OHV PARK ENHANCEMENT PROJECT

Typical Construction Vibration Levels

<table>
<thead>
<tr>
<th>Equipment</th>
<th>VdB at 25 ft²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Bulldozer</td>
<td>58</td>
</tr>
<tr>
<td>Jackhammer</td>
<td>79</td>
</tr>
</tbody>
</table>


Vibration from construction activities would be temporary and not exceed the FTA threshold for the nearest residence, approximately one-half mile from the proposed Project site. The impact would be less than significant.

c) Less than Significant Impact. Upon completion of construction activities, the majority of Project operational activity would be passive. Potential noise sources resulting from Project implementation include noise associated with vehicular trips for maintenance/repair activities of the retention basin. Maintenance would involve activities such as weed abatement, clearing debris, trash removal and fence repairs. Maintenance activities would occur infrequently and are not expected to substantially increase ambient noise levels in the area above existing levels without the Project. The impact would be less than significant.

d) Less Than Significant Impact. Any impacts regarding the temporary increase in ambient noise levels have been discussed in the analysis of Impact XI-a. The impact would be less than significant.

e) No Impact. There is one airport located within a two mile radius of the Project site, the Porterville Municipal Airport, located approximately one-half mile east. Currently the ALUC is working to update the Tulare County CALUP, which will include updated noise contours for the airport’s proposed expansion. The Porterville General Plan (2008), indicates in Figure 9-3, Projected Noise Contours 2030, that the Project site is located outside of the 55 dB CNEL noise contour. There would be no impact.

f) No Impact. There are no private airstrips in the project vicinity. There would be no impact.
XIII. POPULATION AND HOUSING

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</table>

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Response:

a) **No Impact.** The proposed Project would construct a new retention basin to replace the existing retention facility currently located on the OHV Park site; allowing public use and access to the Park year round. The Project would not induce population growth. There would be no impact.

b) **No Impact.** No housing or people would be displaced by the Project. There would be no impact.

c) **No Impact.** Any impacts regarding the displacement of people have been discussed in Impact XII-b. There would be no impact.
XIV. PUBLIC SERVICES

Would the project:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<table>
<thead>
<tr>
<th>Service</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact</th>
<th>Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire protection?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Police protection?</td>
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<td>☒</td>
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<tr>
<td>Schools?</td>
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<tr>
<td>Parks?</td>
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<td>☒</td>
</tr>
<tr>
<td>Other public facilities?</td>
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</tr>
</tbody>
</table>

Response:

a) No Impact. The Project would not rely on the addition or alteration of any public services. The subject site is within the City of Porterville, Tulare County and would receive needed services from existing agencies and departments. There would be no impact.

Fire Protection – The City of Porterville would continue to provide fire protection services to the Project site upon development. No residential or commercial construction is identified with this Project and no change in existing land use is associated with this Project, therefore, no additional services would be required. There would be no impact.

Police Protection – The City of Porterville would also continue provide police protection services to the Project site upon development. Emergency response is adequate to the Project site. As discussed in Impact XIII-a, no residential or commercial construction is proposed for this Project. The Project would not impact existing law enforcement services.

Schools – The Project site is located within the Porterville Unified School District; however, as discussed in Impact XIII-a, the Project would not include construction of any residential structures, nor change the existing land use. The Project would not result in an increase of population that would require additional school facilities. There would be no impact.

Parks – As the Project would not induce population growth, the project would not create a need for additional park or recreational services. There would be no impact.
Other public facilities – The proposed improvements would better serve the City of Porterville and surrounding areas by increasing relocating the storm water basin to the proposed location and allowing recreational uses to continue on the OHV Park site. There would be no impact.
XV. RECREATION

Would the project:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?  

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Response:

a) Less Than Significant Impact. As discussed in Impact XIII-a, the Project would not increase the demand for recreational facilities nor put a strain on the existing recreational facilities. The Project would be for the enhancement of the existing OHV park and would therefore not contribute to its’ physical deterioration. The impact would be less than significant.

b) Less Than Significant Impact. This Project would improve the existing OHV recreational facility. It would consist of enhancements and use of an approximate 30 acre site. This Initial Study examines the potential for the Project to have an adverse physical effect on the environment. No impacts have been identified that cannot be mitigated to a level of less than significant.
XVI. TRANSPORTATION/TRAFFIC

Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Response:

a) Less than Significant Impact. The Project would consist of construction of a storm water retention basin and does not require construction of any new road ways. The Project operations and maintenance would require approximately two maintenance personnel at the Project site once a week. Typical construction traffic would be temporary in nature. The permanent impact to local roadways would be less than significant.

b) Less than Significant Impact. The Project does not require construction of any roadways, and would generate less than 5 trips per day for operation. As the project would not generate any new traffic, and based on existing conditions, there is expected to be virtually no change in the operating conditions of the roadways from what currently exists. The impact to the level of service on surrounding roadways due to Project implementation would be less than significant.

c) No Impact. The Project is located approximately one-half mile west of the Porterville Municipal Airport. The construction of a storm water retention facility and park enhancements would not cause an increase in air traffic levels or cause a change in air traffic location. There would be no impact.
d) No Impact. No roadway design features are associated with this Project and there is no change in the existing land use which would result in an incompatible use. There would be no impact.

e) No Impact. No roads would be modified as a result of this Project; therefore, there would be no impact to any emergency access.

f) No Impact. The Project would not generate any additional traffic that would subsequently result in an increased need for parking. There is no impact.

g) No Impact. There are no adopted alternative transportation policies, plans, or programs in the Project area. There would be no impact.
XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Response:

a) No Impact. The Project involves the purchase of property for the purposes of constructing a storm water retention facility and appurtenant structures and involves enhancements to the existing OHV Park. The Project would not result in a change to facilities or operations at existing wastewater facilities. There would be no impact.

b) No Impact. As discussed in Impact VIII-b and Impact XVI-a, Project operation would not generate any wastewater, nor would it require significant amounts of water. No new facilities would be needed. There would be no impact.

c) Less Than Significant Impact. The Project is for the construction of a new storm water retention facility to replace the existing retention facility currently located on the OHV Park site; allowing public use and access to the Park year round. Enhancements to the existing OHV Park would not increase the amount
of runoff at the Project site. This Initial Study examines the potential for the Project to have an adverse physical effect on the environment. No impacts have been identified that cannot be mitigated to a level of less than significant.

d) No Impact. No new or expanded water entitlements would be required for the proposed Project. There would be no impact.

e) No Impact. As discussed in Impact XVI-a, the Project would not generate wastewater. There would be no impact.

f) Less Than Significant. Operation of the Project would generate minimal amounts of solid waste, due to the increased availability of riding tracks. Solid waste from the OHV Park would continue to be received at the Woodville Landfill. Any impacts would be less than significant.

g) No Impact. The proposed Project would continue to comply with any federal, state, and local regulations. There is no impact.
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Response:

a) Less Than Significant Impact. The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the Project would have a less than significant effect on the local environment. The Project includes the acquisition of approximately 40,5 acres of property for the dual purpose of creating a buffer around the existing OHV Park and for the relocation and development of an area-wide storm drainage retention facility. The Project would relocate the area-wide storm drainage facility from OHV Park in order to expand the Park’s riding opportunities during winter months. The Project would also include the enhancement of the OHV Park through the installation of landscaping, irrigation systems, an entry kiosk, crushed rock dust palliative, and the replacement of a damaged fence.

The potential for impacts to biological and cultural resources from the construction and operation of the proposed Project would be less than significant with the incorporation of the mitigation measures stated in the previous impact sections. Accordingly, the Project would involve no potential for significant impacts through the degradation of the quality of the environment, the reduction in the habitat or population of fish or wildlife, including endangered plants or animals, the elimination of a plant or animal community or example of a major period of California history or prehistory. The impact would be less than significant.

b) Less Than Significant Impact. As discussed above, the Project would result in less than significant impacts to biological and cultural resources with mitigation incorporation. The implementation of the identified Project-specific mitigation measures and compliance with applicable codes, ordinances, laws and other required regulations would reduce the magnitude of any impacts associated with construction activities to a less than significant level.
c) Less Than Significant Impact. The Project would not result in substantial adverse effects on human beings, either directly or indirectly. Mitigation measures are provided to reduce the Project's potential effects on biological and cultural resources below the level of significance. No additional mitigation measures would be required. Adverse effects on human beings resulting from implementation of the Project would be less than significant.
Appendix A
URBEMIS Model Output
CONSTRUCTION EMISSION ESTIMATES

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AREA SOURCE EMISSION ESTIMATES

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OPERATIONAL (VEHICLE) EMISSION ESTIMATES

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SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

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<th>PM2.5</th>
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Appendix B
Cultural Resources Records Search
January 6, 2010

Ms. Susan Gladding  
Provost and Pritchard Consulting Group  
286 W. Cromwell Avenue  
Fresno, CA  93711-6162

Ms. Emily Bowen, LEED AP  
Provost and Pritchard Consulting Group  
130 N. Garden Street  
Visalia, CA  93291

Re:  Cultural Resources Records Search for the Porterville OHV Diversion Conceptual Plan

Dear Ms. Gladding and Ms. Bowen:

Per your request, a cultural resources records search (RS#10-008; RSOC Project No. 2010-02) was conducted for the above-referenced project on January 6, 2010, at the Southern San Joaquin Valley Historical Resources Information Center at California State University, Bakersfield. The Project Area (PA) consists of an enhancement to the existing City of Porterville OHV Park and the acquisition of 40 acres for construction of a new 7.5-acre storm basin (see Figure 1). The Project Area is located on Section 8, Township 22S, and Range 27E.

The results of the records search showed that two surveys have been performed within portions of the Project Area with negative results for cultural resources (Alcock 1993 and Meachum 2002). One survey has been conducted within one mile of the Project Area with negative results for cultural resources (Gardner 2003). No archaeological or historical sites have been recorded within the Project Area or within one mile of the Project Area. The records search included an examination of the National Register of Historic Places, the California Register of Historical Resources, California Points of Historical Interest, California Inventory of Historic Resources, California State Historic Landmarks Registry, and the HRIC files of pertinent historical and archaeological data.

The Project Area has not been surveyed since 2002 and the possibility remains that cultural resources may exist there and may be identifiable at this time. We recommend that the Project Area be surveyed by a qualified archaeologist.

The invoice for this records search is enclosed. If you have any further questions or concerns, please feel free to contact me at 661-663-8671 or by email at rso1consulting@gmail.com

Sincerely,

Rebecca S. Orfia, M.A., RPA  
Principal Investigator
References

Alcock, Gwen
1993 Archaeological Assessment of 40 Acres West of Porterville Airport for Tule River Indian Reservation. Report on file at the Southern San Joaquin Valley Historical Resources Information Center, California State University, Bakersfield.

Gardner, Jill K.
2003 A Cultural Resources Assessment of 700 Acres for the Proposed Property Annexation for a Wastewater Treatment Plant in City of Porterville. Report on file at the Southern San Joaquin Valley Historical Resources Information Center, California State University, Bakersfield.

Meachum, G.
2002 City of Porterville, Grant No. RTM-02-002, 4 x 4 Training Facility. Report on file at the Southern San Joaquin Valley Historical Resources Information Center, California State University, Bakersfield.
4 REFERENCES


California Air Pollution Control Officers Association. CEQA and Climate Change, January 2008.

California Department of Transportation, Scenic Highway Routes, [www.dot.ca.gov], June 2011.

City of Porterville 2030 General Plan. March 4, 2008.


United States Department of Agriculture, Natural Resources Conservation Service. Soil Survey of Tulare County, Western Part.

5 LIST OF PREPARERS

The following firms, individuals and agency staff contributed to the preparation of this document:

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Visalia, CA 93277
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE OFF HIGHWAY VEHICLE PARK ENHANCEMENT PROJECT

WHEREAS: On February 17, 2012, the City of Porterville circulated an Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for the Off Highway Vehicle (OHV) Park Enhancement Project; and

WHEREAS: No comments were received from agencies or the public prior to the close of the public comment period; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 20, 2012, conducted a public meeting to consider approval of the Mitigated Negative Declaration which evaluates the environmental impacts of the acquisition of 40.5± acres for the construction of a storm water runoff retention facility, including construction of a new storm drainage pipeline and appurtenances. The project also includes enhancement of the existing park with landscaping, irrigation, a kiosk, and fencing; and

WHEREAS: The existing OHV Park site is located within the City of Porterville and the proposed 40.5± acre replacement drainage site is located in the County, within the City’s Planning Area.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby make the following findings:

1. That a Mitigated 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 thirty (30) days from February 17, 2012, to March 19, 2012.

2. That the proposed project will not create adverse environmental impacts. The approved Mitigated Negative Declaration was evaluated in light of the prepared environmental initial study. 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 Mitigation Monitoring Program attached hereto as Exhibit A.

3. 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 Mitigated Negative Declaration for the OHV Park Enhancement Project as described herein.

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

By: ______________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

By: ______________________
Patrice Hildreth, Chief Deputy City Clerk
MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code § 21081.6 requires that, along with the adoption of the findings specified in a CEQA document approval, the lead agency must also adopt a “reporting/monitoring program to ensure compliance during project implementation.” The mitigation monitoring program has been prepared for the proposed project. This program was developed subsequent to final action by the City of Porterville City Council. Implementation of the Off Highway Vehicle Park Enhancement Project will be subject to the mitigation measures and monitoring program outlined in Table 1.

PROJECT DESCRIPTION

The project consists of the acquisition of approximately 40.5 acres for the construction of a storm water runoff retention facility, including construction of a new short drainage pipeline and appurtenances. The project also includes enhancement of the existing parking with landscaping, irrigation, a kiosk, and fencing.

Table 1- Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Affected Resources</th>
<th>Mitigation Measures</th>
<th>Implementation</th>
<th>Monitoring</th>
<th>Time Span</th>
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<tr>
<td>Biology - San Joaquin kit fox.</td>
<td>Implement standard United States Fish and Wildlife Service pre-construction avoidance measures.</td>
<td>To be the responsibility of the City of Porterville Planning Department.</td>
<td>Construction contractor.</td>
<td>Completed during construction activities.</td>
</tr>
<tr>
<td>Biology - Swainson’s Hawk and other birds</td>
<td>A pre-construction next survey for avian predators and other resident migratory birds prior to construction if any heavy equipment operations are to occur during the nesting season (February 15 through September 15).</td>
<td>To be the responsibility of the City of Porterville Planning Department.</td>
<td>Construction contractor.</td>
<td>Completed during construction activities.</td>
</tr>
<tr>
<td>Cultural Resources-Historical Resources</td>
<td>If, in the course of Project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall be ceased. A qualified archaeologist shall be contacted and advise the City of the site’s significance. If the findings are deemed significant by the Tulare County Resources Management Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the Project.</td>
<td>To be the responsibility of the City of Porterville Planning Department.</td>
<td>Construction contractor.</td>
<td>Completed during construction activities.</td>
</tr>
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</table>
SCHEDULED MATTER

SUBJECT:  APPROVAL OF THE ECONOMIC DEVELOPMENT STRATEGIC PLAN

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT:  In today’s competitive world, economic development entities are vying for job creating businesses. A current and aggressive Economic Development Strategy (Strategy) enables the organization to set initiatives, with measurable goals, for creating employment opportunities, enhancing capital investment, positioning the City to effectively compete for key industry, and building and sustaining collaborative partnerships.

As reported during the February 15, 2011, City Council meeting, the City’s initial Economic Development Plan and Program was adopted in 1984-85. Until 1999, the City diligently updated its economic development plan every three to five years, consistent with recommendations from the initial plan. During the mid 2000’s, staff was developing the City’s 2030 General Plan, which included an Economic Development Element to provide the supportive land use framework to facilitate the approval process and provide policies which can be translated into specific action items. Upon the adoption of the General Plan, staff began seeking funding mechanisms to provide for an update of the 1999 Economic Development Strategic Plan. Funding for the new Strategic Plan was provided through a grant from the Department of Housing and Urban Development Sustainable Communities Initiative.

On May 17, 2011, the City Council authorized staff to negotiate and execute a contract with Chabin Concepts (Chabin) for the preparation of an Economic Development Strategic Plan. As required in the contract, Chabin preformed the following tasks:

- Economic Base Analysis – Research to provide a baseline of the local community.
- Community Assessment – Review of sites, buildings, and infrastructure including the permitting process, cost factors, workforce and living environment.
- Business Climate Interviews – Interviews with stakeholders and decision makers from the community.
- Site Selection Exercise – Evaluation of the community’s competitiveness from a Site Selector viewpoint.
• Community Audit Visit – Two days of on-site meetings and research with focus groups consisting of employers, real estate, entrepreneurial, financial, and education sectors.

Included in the Strategy are seven initiatives to move the City forward in its economic development efforts. The initiatives are:

1. Organizational Effectiveness – Assure a sufficiently staffed and funded department to implement activities that provide the greatest return on investment.
2. Product Development – Provide an adequate supply of development-ready industrial and commercial sites and buildings.
3. Readiness – Maintain current information, tools, materials, and data to respond quickly and accurately to site selectors and local business.
4. Local Communications – Convey a positive business environment by an informed City Council, partner agencies, business and residents who are committed to the economic development program and continually celebrate successes.
5. Business Retention/Expansion – Communicate to local business that they are valued and that the “go to” resource for issues affecting their business is the economic development staff.
7. Entrepreneurship – Develop a network of entrepreneurial services to foster local start-ups and to foster business growth.

Within each initiative are specific goals and strategies to assist the economic development staff in meeting the stated goals. The strategies are presented in detail in the Strategic Plan as Priority (to be implemented within the first year), Intermediate (Years 2-3), and Long-Term (Years 4-5).

Also included in the Strategy is an Annual Work Plan which sets forth specific strategies and performance measures. While the Economic Development staff will be responsible for implementing the work plan, other organizations and community leaders may be tasked with taking the lead or being support for certain strategies. Most notably, for the Strategic Plan to be successful, the City Council must be engaged in economic development. As such, the City Council is listed as “Support” in a majority of the strategies to achieve success meaning that their support and participation will help make the initiatives successful.

Staff has reviewed the Final Economic Development Strategic Plan and agrees with the findings and strategies contained within the report. Staff is anticipating the opportunity to implement the proposed work program.
RECOMMENDATION: That the City Council approve the Economic Development Strategic Plan prepared by Chabin Concepts and authorize staff to begin implementation of the strategies listed within the report.

ATTACHMENTS: Economic Development Strategic Plan
Due to the size of the document, the Economic Development Strategy is available at the following locations for review:

City Clerk's office at City Hall

Community Development Department at City Hall
CITY COUNCIL AGENDA: MARCH 20, 2012

SCHEDULED MATTER

SUBJECT: AUTHORIZATION OF A TEN-YEAR DEVELOPMENT FEE PAYMENT PLAN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

BACKGROUND: In 1986, as part of the Porterville Enterprise Zone (PEZ) designation, the City Council authorized the creation of a five-year Development Fee Payment Plan Program (Program) for all businesses located within the boundaries of the PEZ. The Program is an incentive used to attract new and to assist expanding businesses by reducing the upfront costs of development through the deferral of impact fees for new construction and allowing payment over a period of time without interest or administrative fees. Impact fees are collected on new construction and are set aside to be used for new or expanded Master Plan facilities (water, sewer, streets, etc.).

From the time of the original approval of the Program, Council has authorized the following Programs to extend the benefits to other businesses:

1988 — Business Incentive Zone Fee Payment Plan
2001 — City-Wide Business Development Fee Payment Plan
2001 — Enterprise Zone Ten-Year Development Fee Payment Plan
   (Note: This plan expired upon the sunset of the PEZ)
2002 — Affordable Housing Development Fee Payment Plan

Since 1986, thirty-five (35) businesses have taken advantage of the Programs enabling them to spread impact fee payments over a five or ten year period. With the exception of the first three loans in the attached chart (Attachment 3), this number does not include Affordable Housing Plans. These Plans have been negotiated for large and small businesses, most of which have created new jobs within the community. The exception to those that created jobs were mostly for development to retain existing jobs or to move services to new owner-occupied facilities.

At the City Council meeting of November 15, 2011, staff reported that two (2) of the thirty-five (35) Plans were in default. Since that time, one business has renegotiated the terms of their Plan and has brought their payments current.

DD [Signature]
Appropriated/Funded MB CM
Item No. 18
COMMENT: A number of issues were raised by the City Council at the November 15, 2011, City Council meeting regarding the Program, which include 1) ensuring that impact fees required for immediate development could not be deferred; 2) limiting the City's financial exposure from projects that generate large impact fees; 3) positioning of the City on the Deed when placing the Program as a lien on the property; and 4) applying interest to the Program. Per City Council's direction during the November 15, 2011, City Council meeting, this item was to be brought back after the State of California fully designated the Sequoia Valley Enterprise Zone. The State issued notice of final approval on January 9, 2012, making the designation retroactive to October 6, 2010.

1) During the November 15, 2011, meeting, there was clarification that projects which require major improvements to the infrastructure for the project to move forward have not been eligible for the Plan, as was the case with the Riverwalk development. In the Riverwalk case, the developer paid their fair share of the improvement costs at the time of development. This would continue to apply for other large developments which would require major improvements at the onset.

2) Also during the November 15, 2011, City Council meeting, a discussion ensued relative to the concept of a cap for the fees that could be deferred. Staff has examined the Plans that have previously been approved and found that the average Plan amount is $62,000+. However, the three larger Plans ($234,269, $448,336, and $286,118) have been for major industrial development resulting in the creation of more than 600 new jobs to the community. With the realization that the larger Plans are for major projects, typically with a large workforce, a cap would only restrict the incentive that could be offered to prospective industrial development. It is staff's opinion that a cap would be detrimental to the overall economic development program to attract new and expand existing businesses in Porterville.

3) Another area of discussion during the November 15, 2011, City Council meeting was the City's subordinate position to the construction/commercial loan on the subject property. Staff discussed the position of the City's lien with banking officials and was informed that during construction bank regulations require construction lending to be in priority position. The Plan is placed on the property as a lien, which is subordinate to final commercial lending. The City could secure second position if the loan is a bank-only loan or third position if the lending is guaranteed by a Small Business Administration (SBA) loan. If the construction is an expansion, there may be other liens on the Title that will require subordination agreements to secure the second or third position.

4) With regard to the issue of 0% interest, the Sequoia Valley Enterprise Zone (EZ) application lists this as a local incentive for all the communities participating in the EZ. Furthermore, all of the communities
have agreed to a 5-year Program. Council is being asked to consider initiating a ten (10) year Development Fee Payment Plan Program.

As Council is aware, Porterville has a geographical disadvantage to attracting new business to the community based on the distance to a major highway. In addition, the lack of inventory of industrial or commercial buildings is a challenge when competing with other jurisdictions. In most cases, new construction would be necessary to accommodate new business, which is not the case in other areas in Tulare County. The provision of a 10-year, 0% interest Program will help to provide a more competitive position for Porterville to attract new business as it serves to reduce the substantial impact fee cost burden of new development versus that of an existing building.

Council requested a financial analysis regarding the exclusion/inclusion of interest. The table below provides the amount of interest earned based on the average Plan amount of $62,000 over a 5-year period and a 10-year period utilizing 0%, Local Agency Investment Fund, and Market Rate interest rates.

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¹ LAIF rate effective February 2012
² Average Market Rate for Commercial Loan, effective March 2012

Based on the findings above, staff has identified the following options:

1) Continue to offer a 5-year, 0% interest Program for the Business Incentive Zone, City-Wide Business, and Multi-Family Housing. This option allows the Program to continue as currently exists and meets the requirement as set forth in the Sequoia Valley Enterprise Zone designation; however, it does not provide the City with an added competitive advantage for the attraction of new development as discussed above.

2) Offer a 10-year, 0% interest Program for the Sequoia Valley Enterprise Zone, City-Wide Business, and Multi-Family Housing. This option expands the time period for repayment of the impact fees thus providing a competitive advantage for the attraction of new commercial, industrial, and multi-family housing development throughout the City. This option extends the time period for the City to recover fees for future infrastructure development; however, this disadvantage is offset by the creation of new property tax and new jobs that are generated by the project.

3) Offer a 10-year, 0% interest Plan for businesses locating within the Porterville boundaries of the Sequoia Valley Enterprise Zone. The
option provides an advantage to have business locate within the Porterville boundaries of the Enterprise Zone. This option may be a disadvantage to infill development located outside the Enterprise Zone boundaries.

4) Offer a 10-year, 0% interest Plan only for projects exceeding $100,000.00 locating within the Porterville boundaries of the Sequoia Valley Enterprise Zone. This would assist the larger projects that typically produce a greater number of jobs. Additionally, the larger projects have invested significant amounts of capital into the construction, which would indicate a greater level of security for the City to collect the fees. However, this is a disadvantage to smaller business that may be in greater need of assistance.

RECOMMENDATION: That the City Council provide direction to staff.

ATTACHMENTS: 1) November 15, 2011 Staff Report
2) Master List of Development Fee Payment Plans
SUBJECT: AUTHORIZATION OF A TEN-YEAR DEVELOPMENT FEE PAYMENT PLAN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In 1986, as a part of the Porterville Enterprise Zone designation, City Council (Council) authorized the offering of a Development Fee Payment Plan for all businesses located within the Porterville Enterprise Zone. The Development Fee Payment Plan (Payment Plan) assists existing and new businesses by reducing the burden of initial start up costs by allowing businesses to pay their development fees over five (5) years without interest or administrative fees.

Since the original approval of the Payment Plan, Council has authorized the following Plans to extend the benefits to other businesses:

1988 – Business Incentive Zone Development Fee Payment Plan
2001 – City-wide Business Development Fee Payment Plan
2001 – Enterprise Zone Ten-Year Development Fee Payment Plan
   (Note: this plan ended upon the sunset of the Porterville Enterprise Zone)
2002 – Affordable Housing Development Fee Payment Plan.

Since 1986, 35 Payment Plans have been executed for businesses to spread impact fees over a five or ten year period. This number does not include Affordable Housing Plans. Of the 35 Payment Plans executed, only two (2) are in default. It should be noted that the Plans are tied to real property and are recorded as a lien against the property.

In anticipation of the Sequoia Valley Enterprise Zone’s final designation, staff would like to initiate a ten (10) year Development Fee Payment Plan to spur development during these difficult economic times. Staff is also requesting that the ten (10) year Development Fee Payment Plan replace the Business Incentive Zone, City-Wide Business, and Multi-Family Housing Plans.

RECOMMENDATION: That the City Council:

1) Authorize a ten (10) year Development Fee Payment Plan for all commercial and industrial business and affordable housing plans within the City limits; and


ATTACHMENTS: Draft Resolution
RESOLUTION NO. ______________

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE
APPROVING A TEN (10) YEAR
DEVELOPMENT FEE PAYMENT PLAN

WHEREAS: The City of Porterville aims to support development within the City limits and encourage entrepreneurs by removing obstacles and establishing a climate that fosters growth and the entrepreneurial spirit; and

WHEREAS: It has been determined that a reduction in the burden of initial development costs to new and expanding industries will assist in the establishment of these businesses; and

WHEREAS: It has been further determined that the reduction in the burden of initial development costs will assist in the establishment of multi-unit housing development for low and moderate income families; and

WHEREAS: The Development Fee Payment Plan will generate significant savings to expanding and newly locating businesses and establishment of additional multi-unit housing developments for low and moderate income families.

NOW THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve a Development Fee Payment Plan in accordance with the following:

a. All businesses within the City limits of Porterville shall be eligible to participate in the City’s Development Fee Payment Plan;

b. All multi-unit housing developments for low and moderate income families within the City limits of Porterville shall be eligible to participate in the City’s Development Fee Payment Plan;

c. Building permit, sewer, water, storm drainage, wastewater treatment facility, and transportation impact fees, as calculated by the City Engineering and Building staff, shall be eligible for payment under this plan;

d. Prior to the commencement of on-site construction there shall be on file with the City Finance Department an agreement signed by the owner of the property and the Mayor. This agreement shall set forth the payment schedule in accordance with the fees determined by the City’s schedule of charges and fees in effect on the date of the signed agreement; and

e. The Development Fee Payment Plan shall be recorded as a lien against the property being developed; and
f. The Development Fee Payment Plan shall allow the property owner to pay their development fees over a period up to ten (10) years without interest or administrative fees, with the first installment due at time of permit issuance and annual installments thereafter.

APPROVED AND ADOPTED this ___ day of November, 2011.

__________________________
Ronald L. Irish, Mayor

ATTEST:

__________________________
John D. Lollis, City Clerk
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SUBJECT: CONSIDERATION OF AMENDING ORDER OF BUSINESS TO BE FOLLOWED AT REGULAR CITY COUNCIL MEETINGS

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: At its meeting on March 6, 2012, the City Council approved the placement of an item on the Council’s agenda to consider the order of business to be followed at regular City Council Meetings. The order of business is currently set forth in Resolution No. 101-2010 approved by the City Council on August 17, 2010. The agenda process is also set out in the City Council’s Handbook adopted July 19, 2011 via Minute Order 08-071911. Copies of both documents are attached for Council’s ready reference. In the event the Council seeks to formally amend the current order of business established by said resolution, it may do so by adopting a new resolution.

RECOMMENDATION: That the City Council provide direction to staff.

ATTACHMENTS: Resolution No. 101-2010
City Council Handbook adopted July 19, 2011
RESOLUTION NO. __101__-2010

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE RESCINDING RESOLUTION 72-2005
AND ESTABLISHING NEW ORDER OF BUSINESS TO BE FOLLOWED
AT REGULAR MEETINGS OF THE CITY COUNCIL

BE IT RESOLVED by the City Council of the City of Porterville that Resolution No. 72-2005 is herein rescinded.

BE IT FURTHER RESOLVED that the following is the order of business to be followed in conducting the regular meetings of the City Council:

➢ MEETING CALLED TO ORDER
➢ ROLL CALL
➢ ORAL COMMUNICATIONS (closed session items only)
➢ CLOSED SESSION
➢ RECONVENE OPEN SESSION
➢ REPORT ON ACTION TAKEN IN CLOSED SESSION
➢ PLEDGE OF ALLEGIANCE
➢ INVOCATION
➢ PROCLAMATIONS/PRESENTATIONS
➢ REPORTS (AB1234 Reports, Committee/Commission/Board Reports; Subcommittee Reports; Information Items and Reports)
➢ ORAL COMMUNICATIONS (on any matter of interest)
➢ CONSENT CALENDAR – to include:
  - Approval of Minutes
  - Claims Against the City
  - Payment of Bills
  - Payments on Public Works Projects
  - Authorization to Purchase
  - Authorization to Call for Bids
  - Award of Bids
  - Acceptance of Projects
  - Acceptance of Dedications/Property
  - Approval of Final Tract Maps
  - Annexations
  - Requests for City Services Reports
  - Other Routine Matters
➢ PUBLIC HEARINGS
➢ SECOND READINGS
➢ SCHEDULED MATTERS
➤ ORAL COMMUNICATIONS (on any matter of interest)
➤ COUNCIL COMMENTS
➤ ADJOURNMENT

PASSED, APPROVED AND ADOPTED this 17th day of August, 2010.

[Signature]
Ronald L. Irisk, Mayor

ATTEST:

John D. Lollis, City Clerk

[Signature]
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 the 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 17th day of August, 2010.

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

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JOHN D. LOLLIS, City Clerk

[Signature]

By: Luisa Herrera, Deputy City Clerk
CITY COUNCIL
PROCEDURAL
HANDBOOK

Compiled by:
The Office of City Clerk
291 North Main Street
Porterville, CA 93257
Tel: (559) 782-7442
Fax: (559) 782-7452
www.ci.porterville.ca.us

Adopted July 19, 2011 via Minute Order 08-071911
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City Council Procedural Handbook

Adopted July 5, 2011
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      (to be attached upon completion and adoption)
   C. Email Retention Policy
      (to be attached upon completion and adoption)
PREAMBLE

The residents and businesses of the City of Porterville are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public Officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public Officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

No part of this Handbook shall be interpreted so as to violate any federal or state law; a Council Member’s Oath of Office; a Council Member’s moral or ethical responsibilities; or the exercise of a Council Member’s individual rights afforded him/her by the U.S. Constitution.

To this end, the City Council of the City of Porterville hereby approves of and affirms the above to encourage public confidence in the integrity of local government and its operations. (Minute Order 21-070511, July 5, 2011.)
II. MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding regular meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary consideration when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

A. REGULAR MEETINGS

1. Regular meetings shall be held the first and third Tuesday of each month beginning at 5:30 p.m. Closed Session Items shall be considered at 5:30 p.m., with open session to commence at 6:30 p.m. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day, or as determined by Council. (Ordinance 1766, approved August 17, 2010.)

2. Regular meetings shall be held in the Council Chambers, 291 North Main Street, in the City of Porterville.

3. Regular meeting open sessions shall be between the hours of 6:30 p.m. and 9:45 p.m. The Council Meetings shall adjourn no later than 9:45 p.m. unless otherwise approved by a majority vote of the Council Members present. Following the mid-meeting break (around 9:00 p.m.) the Mayor, with assistance from the City Manager, will review the balance of the agenda with Council to discuss how it can be handled in the allowed time. If it is necessary to continue any items, it will be announced at that time. (Ordinance 1766, approved August 17, 2010.)

B. ADJOURNED MEETINGS/STUDY SESSIONS (Open to the public)

1. The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants and the City Council regarding specific programs, projects or policies. If noticed, formal action may be taken at such a meeting.

2. Adjoined Meetings/Study Sessions will be held at a time and place convenient to Council and advantageous for public participation.
3. Participation of the public shall be at the discretion of the Presiding Officer, upon consensus of the Council.

C. SPECIAL MEETINGS

1. Special meetings may be called by the Mayor or three members of the City Council. (GC ' 54956) Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each member of the City Council not joining the call.

2. Written notice must be given to the City Council and to the media 24 hours prior to each meeting. (GC ' 54956)

3. A supplemental telephone call shall be made if necessary to notify each Council Member.

4. No business other than that announced shall be discussed.

5. Any special meeting held at a place other than City Hall shall be open to the public. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

D. ORDER OF BUSINESS:

Call to Order
Roll Call
Oral Communications
Closed Session(s)
Reconvene at 6:30 p.m.
Closed Session Report
Pledge of Allegiance
Invocation
Presentations/Proclamations
Reports (AB1234 Reports, Committee/Commission/Board Reports; Subcommittee Reports; Information Items and Reports)
Oral Communications
Consent Calendar
Approval of Minutes
Claims Against the City
Payment of Bills
Payments on Public Works Projects
Authorization to Purchase
Authorization to Call for Bids
Award of Bids
Acceptance of Projects
Acceptance of Dedications/Property
Approval of Final Tract Maps
Annexations
Requests for City Services
Reports
Other Routine Matters
Public Hearings
Second Reading of Ordinances
Scheduled Matters
Oral Communications (on any matter of interest)
Council Comments
Adjournment
(Pursuant to Resolution 101-2010, approved August 17, 2010.)

E. CONSENT ITEMS

Consent items are the first items on the open session portion of the agenda (items that are routine, have been discussed before, relate to implementation of approved budget items, or to City operations or item to be later set for public hearing).
III. MEETING PROCEDURES

A. PRESIDING OFFICER

1. The Mayor is the Presiding Officer and acts as Chair at Council meetings.

2. In the absence or incapacity of the Mayor, the Vice Mayor as Mayor Pro Tempore will serve as Presiding Officer. In the absence of both the Mayor and Vice Mayor, the Council Members present shall select one of their number to serve as Presiding Officer for that meeting. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

3. Seating arrangement of the Council:

Seating arrangements shall be at Council discretion with preference being given to health conditions, seniority, individual Council Member preferences, and the Mayor’s preference, in that order. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

4. Signing of City Documents:

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager, or his or her designee, has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor may sign the required documents. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

B. QUORUM

A majority of the Council Members shall constitute a quorum for the transaction of business. (Charter)

C. DISCUSSION RULES

1. Obtaining the floor:

a. A member of the City Council, staff, or public shall first address the Presiding Officer and gain recognition.
b. Comments and questions shall be limited to the issue before Council except when members of the public are addressing the Council under Oral Communications.

c. Council shall have the opportunity for discussion on the item prior to requiring a motion and a second. (Minute Order 18-050311, approved May 3, 2011.)

d. Cross-exchange between Council Members, staff or public shall be avoided.

e. Any citizen may arise and address the City Council on any business especially concerning them or affecting their interests during Oral Communications, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the presiding officer of their desire to speak.

f. Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or Mayor Pro Tem of the City Council, shall be guilty of a misdemeanor. It shall be the duty of the Chief of Police, upon order of the presiding officer, to eject any such member or person from the council room. (Ordinance 1537)

2. Questions to staff:

A Council Member shall, after recognition by the Presiding Officer, address questions to duly designated staff members through the City Manager.

3. Interruptions:

a. Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.

b. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.

c. Upon being recognized by the Presiding Officer, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.
IV. COUNCIL REQUESTS FROM THE PUBLIC

A. Response to Letters from the Public

Periodically Council Members receive letters requesting their response. If a Council Member wishes to answer the letter, the matter can be handled in either of three ways:

1. The Council Member can give the letter to the City Manager's Secretary along with direction on how they wish their response to be worded. The City Manager's staff will then prepare the letter on City Council stationery and forward it to the appropriate Council Member for approval and signature. Copies of both letters are kept on file in the City Manager's Office, and copies are available upon request.

2. If the letter requires specific information or details only available from another City Department, the City Manager may refer the letter to the appropriate Department Head for response by them or their designee. Copies of the letters will then be forwarded to the City Manager's Office for filing.

3. If the Council Member wishes to answer their own correspondence, City stationery is available upon request from the City Manager's secretary. Copies of all such letters on City Letterhead shall be provided to all other Council members, and the letter shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. If the Council Member wishes to have a copy of the letters in their file, they should submit a copy to the City Manager's staff for filing.

If a Council Member receives an informational item and wants a copy to be given to the other Council Members and the City Manager or other Directors, the item should be given to the City Manager's staff and copies will be made and sent out.

B. Referrals to Council agenda

Periodically Council Members receive correspondence or verbal requests for items to be acted upon, or considered, by the City Council. If a Council Member wishes to respond to the request, the matter should be referred to the City Manager. The request can then be handled as follows:
1. The Council Member may request the City Manager to place the item on the Council agenda as a written communication (however, the request must be stated on the agenda face sheet for Council to be able to act on it at the meeting); or

2. Upon research, the request may be determined to be a violation of City, State or Federal law, policy, or previous Council determination, in which case an appropriate response as to why the matter can not be heard will be provided to the requesting party.

Correspondence requesting that an item be acted upon, or considered, by the City Council, which is received directly by the City Manager, is handled in either of two ways:

1. The City Manager shall place any routine and/or legitimate written request under written communications*, or have a staff report prepared if time permits, for the next City Council agenda; or

2. The City Manager shall place any request which has already been acted upon by Council, cannot legally be accomplished, or which has a potential for litigation, in an Administrative Memorandum.

C. Telephone Calls

Citizens attempting to communicate with the City Council often call the offices at City Hall. Such calls are referred to the City Manager's Office. The City Manager's staff will take a message and refer it to the appropriate Council Member, or give the caller the telephone number of the City Council Member so they may call them directly, according to instructions given by the Council Member [see X-D (3)].

D. Personal Meetings

Council Members who wish to meet with their constituents may use various rooms at City Hall. The Council Member should call the City Manager's Secretary as soon as they know a room is needed so that it can be reserved for their use. No more than two Council Members may attend a meeting to discuss City matters without the meeting becoming a public meeting and therefore falling under the requirements of the Brown Act Open Meeting Laws.
E. Personal Correspondence

Council Members who wish to send their own correspondence using City stationery shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. Copies of all such letters on City Letterhead shall be provided to all other Council members. Letterhead stationary is available upon request from the City Manager's secretary, and if the Council Member wishes to have a copy of their letter in their file, they should submit a copy to the City Manager's staff for filing.
V. COUNCIL MEMBER REQUESTS TO STAFF

A. General Information

All City Council Member requests for information or documents shall be referred through the City Manager. Any Department Head who receives a direct request from a Council Member shall submit the request, including the name of the requesting Council Member, to the City Manager.

B. Research

All City Council Member requests for information or documents which require extensive research, in the opinion of the City Manager, shall be referred through the City Manager to the Council for direction. The City Manager will discuss the matter with the appropriate department and relay the approximate time table for completion to the City Council for discussion and action at the next available meeting of the City Council. If the request is approved by the Council, upon completion of the research, the information or documents will be forwarded to the City Council Members by the City Manager. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

C. Items for inclusion in Council Agenda

The City Manager shall compile the agenda for each meeting and shall include as agenda items, business in the normal course of City affairs, including but not limited to staff proposals to improve services, support the economy and land use, and enhance the efficiency and effectiveness of the City organization, items relating to current, past, and proposed City contracts, leases, franchises, agreements and similar documents, and matters affecting future or proposed City equipment and property, items relating to City employees, agents and contractors, and such other matters as are defined in this handbook or otherwise directed by the City Council.

All City Council Member requests for an item to be placed on the Council agenda should be referred to the City Manager. Pursuant to Minute Order No. 11-022096, such request shall be submitted prior to Monday noon of the week before the Council meeting in order to be placed on the next regularly scheduled meeting.

The City Manager shall place any Council Member request for an agenda item on the next available agenda as a Consent Calendar item for Council approval to be included
as a Scheduled Matter on the next available agenda. This does not prevent any Council Member from moving to place an item on the next available agenda during Other Matters of the current agenda. (Amended pursuant to M.O. 08-071911, July 19, 2011.)
VI. COUNCIL AGENDA

A. Preparation:

Each Department Head submits agenda items regarding their Department to the City Manager for approval. Upon the City Manager's approval, the items are returned to the appropriate department for copying and collation.

The City Council meeting agendas are prepared on the Thursday prior to the Tuesday meeting. Any questions regarding whether items have been scheduled for consideration at a particular meeting may be directed to the Chief Deputy City Clerk and/or Deputy City Clerk.

B. Deadlines:

The deadlines for the agenda are the Monday preceding the Thursday preparation day. Public hearing items, scheduled matter items, Consent calendar items, and written communications must be submitted by the Monday deadline. The deadline for a Council member request for any item shall be Monday noon preceding the Thursday preparation day.

C. Delivery:

Agendas will be delivered to Council on the Thursday prior to the Tuesday meeting. The agenda shall include a complete copy of the agenda on compact disc suitable for loading on a laptop computer, with provisions for annotating materials with the use of a suitable Acrobat Reader. No items, or additional materials, shall be delivered after the initial delivery to Council on Thursday, except in the instance of a designated emergency item.

Council agendas shall be delivered to the Council Member's home or business, as requested. If no one is available to receive the agenda, the agenda shall be left in an area designated by the Council Member, unless other arrangements have been previously made with the City Clerk=s staff. [See X(D)(1)(2).]

The agendas for staff, public and the news media are available after Council receives their agendas, usually on Friday.
VII. THE RALPH M. BROWN ACT

The Ralph M. Brown Act (California Government Code § 54950 et seq.) governs meetings conducted by local legislative bodies such as city councils, boards of supervisors, special districts, and school boards. The Act represents the State Legislature's determination of how the balance should be struck between the public access to meetings of multi-member public bodies on one hand, and the need for confidential candor, debate, and information gathering on the other.

The Act contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny.

Meetings are defined as any gathering of a quorum of a legislative body (which includes newly elected but unsworn members of the body) to discuss or transact business under the body's jurisdiction and serial meetings are prohibited. Exemptions are individual contacts between board members and others which do not constitute serial meetings, attendance at conferences and meetings which are open to the public so long as legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction, and attendance at social or ceremonial events where no business of the body is discussed.

The Act requires that notices of regular meetings must be posted at least seventy-two (72) hours prior to the meeting, and twenty-four (24) hour notice must be provided to members of the legislative body and media outlets for special meetings.

A user's guide to the Ralph M. Brown Act is provided to Council Members for their information. If a Council Member has a specific question which does not seem to be covered in the guide, the Council Member should contact the City Attorney for a legal opinion.
VIII. TRAVEL, MEETINGS AND EXPENSES

This policy would satisfy the requirements of California Government Code §§ 53232.2 and 53233.3 in the event such requirements could be constitutionally applied to charter cities.

The City Manager, or his staff, will notify the City Council Members about any League of California Cities' Conferences, Redevelopment Conferences, Committee meetings, and/or local meetings that may be of interest to the Council. If a Council Member is interested in attending any such meeting, the following procedures should be followed:

A. Requests for Reservations:

When a City Council Member wishes to attend a conference or meeting, he/she should contact the City Manager's office and indicate the following:

1. The date(s) of the conference or meeting;

2. If the Council Member will be accompanied by anyone else, i.e. spouse, child;

3. Any personal preferences for hotel reservations, such as smoking or non-smoking, king or double beds, etc.; and

4. Whether special travel arrangements need to be made, i.e. airplane tickets, ride-sharing, etc.

A disbursement will then be prepared and the payment for the conference or meeting will be forwarded, and, if applicable, the hotel will be contacted to make the appropriate reservations. When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council member. If a prior room reservation request is not made, the Council member shall request a room sales tax waiver prior to payment for a room.

For lodging in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question, if such rates are available at the time of booking. If the group rate is not available, government rates must be used when available. Lodging rates that are equal or less than the government rates are presumed to be reasonable and allowed per this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence allowed.
B. Travel and Expense Form:

A Travel and Expense Form will then be prepared for the Council Member which indicates the following:

1. The amount of money to be issued to the traveler as per diem*; and
2. Mileage expense* (if a personal vehicle is used for travel and cost is paid in advance).

* Amount set in Administrative Policy Manual Sec. II-E-1, Travel & Conference Expenses. In regard to the per diem amount, if payments for expenses are made in advance pursuant to the specified per diem amounts, the disbursement shall not be considered to be a reimbursable expense under AB 1234.

The Council Member will then be issued a packet of materials several days prior to the meeting which contains the following:

1. A check for per diem and mileage;
2. Confirmation notification and informational materials regarding the conference;
3. Confirmation notification for any hotel reservations; and
4. A City credit card to pay for the room charges at the end of the meeting.

C. Receipts:

The Council Member shall then bring the receipt for the hotel charges to the City Manager's staff upon his/her return, together with the credit card, and any refund due the City. The Council Member shall sign the original Travel and Expense Form at that time, which shall then be filed with the Finance Department for final processing.

If a refund is due the Council Member, a check will be issued by the Finance Department and then distributed to the Council Member.

D. Eligibility:

The City shall pay for any Council Member to attend any meetings or conferences of their choice. When accompanied by a spouse or child, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council Member shall also be considered a refund due the City, payable within 10 days of the receipt of the charges.
IX. CONFLICT OF INTEREST

A. City Council Members Filing Requirements

City Council Members are under the provisions of the Political Reform Act (Gov. Code, § 81000 et seq. known as "the Act") as enforced by the Fair Political Practices Commission. The Act applies to campaign contributions requirements, as well as matters of conflict of interest while in office.

1. Disclosure of Economic Interests:

City Council Members must file assuming office and leaving office statements, as well as annual statements while in office. The statements basically require the disclosure of the following information:

- Investments or interests in real property and its fair market value;
- Income, and the name and address of each source of income aggregating five hundred dollars ($500) or more, or fifty ($50) or more if a gift, and a general description of the business activity, if any of each source;
- Interests in real property held by a business entity or trust;
- Loans, and its annual interest rate and the security, if any, given for the loan;

2. Disqualification of Participation (Conflict of Interest):

A Council Member shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. This might include decisions which affect property within up to 500 feet of the subject property in which the Council Member has an interest.

A financial interest in a decision, within the meaning of Section 87100 of the Act, is if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Council Member or:

- A member of his or her immediate family;
• A business entity in which the Council Member has a direct or indirect investment worth $2000 or more;

• Any real property in which the Council Member has a direct or indirect interest worth $2,000 or more;

• Any source of income, other than gifts or commercial lending institutes loans, aggregating $500 or more received or promised to the City Council Member within twelve months prior to the time when the decision is made;

• Any business entity in which the City Council Member is a director, partner, trustee, employee, or holds any position of management;

• Any donor, or any intermediary or agent for a donor, or a gift or gifts aggregating $420 or more in value provided to, received by, or promised to the City Council Member within 12 months prior to the time when the decision is made.

Indirect investment or interest means any investments or interest owned by the spouse or dependent child of a City Council Member, by an agent on behalf of a Council Member, or by a business entity or trust in which the Council Member, the Council Member's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

Section 87100 of the Act does not prevent any Council Member from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that a Council Member's vote is needed to break a tie does not make his participation legally required for purposes of this section.

Pursuant to Section 87105 of the Act, a public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
b. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.

c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

d. Notwithstanding paragraph (3), a public official may speak on the issue during the time that the general public speaks on the issue.

B. Other Agencies:

Whenever a Council Member is required to file a Statement of Economic Interest for an outside agency, the Deputy City Clerk will provide the correct form, and using the Statement of Economic Interest Form 700 filed in the City Clerk's Office for the City of Porterville, prepare a duplicate statement for signature, and forward the appropriate form to the requesting agency.

C. Redevelopment Agency Filing Requirements:

Upon assuming office, a City Council Member will also serve as a Redevelopment Agency Member. As an Agency Member, they must file a Conflict of Interest statement for the Porterville Redevelopment Project area. After assuming office, an Agency Member may not acquire any property within the Redevelopment Project area. If prior interests exist within the Project area, the Agency Member must disqualify themselves from any action taken which would constitute a benefit to them.

D. City of Porterville Conflict of Interest Code:

Certain designated City employees are also required to file conflict of interest forms under the provisions of the Political Reform Act Code, ' 87100-87500 et seq. The City of Porterville Conflict of Interest Code was adopted by the City Council and is reviewed biennially to make sure it is kept current.

If Council Members have a question on whether an interest they have is sufficient for disqualification, they should contact the Fair Political Practices Commission at (866) 275-3772, or http://www.fppc.ca.gov, for a ruling or opinion.
X. GENERAL ITEMS

A. Different Hats

Members of the City Council also serve as the governing bodies for the following local agencies:

1. Redevelopment Agency
2. Industrial Development Authority
3. Public Financing Authority
4. Public Improvement Corporation
5. Planning Commission
6. Conflicts and Disclosure Monitor Agency

B. Compensation

As stated in the City Charter, Section 9, City Council Members shall receive $20 per Council meeting, $25 per Council meeting for the Mayor, with a maximum of seven paid Council meetings per month.

Redevelopment Agency Members shall receive $30 per Redevelopment meeting.

Council Members receive no benefits other than the amounts per meeting stated above.

C. Issuance of Laptop Computers to Council Members

A Wireless Communications Policy for the laptop computers is being developed as set forth in Minute Order 14-090605. [See Appendix B]

D. Direction to Support Staff:

Upon assuming office, Council Members should notify the City Manager's staff regarding the following items:

1. Where to deliver Council agendas and Administrative Reports and Memorandums, i.e. home or business.

2. Where to leave Council agendas if the business is closed and/or if no one is home, i.e. City Manager=s Office Council mail box, front porch, back door, etc.
3. How to direct citizens who wish to speak to Council Members, i.e. take a message, give out home telephone numbers, give out business telephone numbers, etc.

E. City Attorney

The City Attorney is the legal advisor of the City Council, and all other City officials. The City Attorney shall prosecute all violations of City ordinances and shall draft all contracts and other legal documents and instruments, required by the Council or the City Manager. The City Attorney shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members or by the Mayor.

The types of questions referred to the City Attorney are as follows:

1. Generally whether a conflict of interest exists for a Council Member and whether they should abstain from voting on a specific matter.

   Please note: Any advice received from the City Attorney relating to Conflicts of Interests is informal only and not binding; the Council Member must seek and obtain a formal written opinion from the FPPC in order to be afforded any statutory immunities.

2. Whether an issue has a legal standing, and what type of action would be appropriate.

3. Legal recommendations for matters of litigation.

F. Annual City Manager/City Attorney Evaluations

The City Council shall provide for annual evaluations for the City Manager and the City Attorney. A standardized evaluation form shall be used which shall address the areas of importance as set forth by the City Council. Said evaluation form shall be included as Appendix A.

G. Response to President/Governor Directives

Directives issued by the President of the United States and/or Governor of the State of California shall not be considered a mandatory directive to the City of Porterville except as authorized and/or approved by the City Council. The one exception to this rule is that flags on City buildings shall be flown at half-mast upon orders by the President, Governor and/or Mayor, or by majority approval of the City Council.
APPENDICES

A. Annual City Manager/City Attorney Evaluation Forms

B. Laptop Computer and Cell Phone Policy (to be attached upon adoption)

C. Email Retention Policy (to be attached upon adoption)