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:
   3- Government Code Section 54956.95 – Liability Claims: Claimant: Dawn Jobe and Shyann Jobe. Agency claimed against: City of Porterville. (Request to File Late Claim)
   4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.
   5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Brian Ward
Invocation

PROCLAMATIONS
Mural Dedication – April 21, 2012
Denim Day – April 25, 2012
Arbor Day – April 27, 2012
Iris Festival – April 28, 2012
Cinco de Mayo Week – April 30 – May 6, 2012

AB 1234 REPORTS
This is the time for all reports required pursuant to Government Code § 53232.3.

1. Tulare County Association of Governments (TCAG) – April 16, 2012
2. Indian Gaming Local Community Benefit Committee – April 5, 2012

REPORTS
This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

1. Library and Literacy Commission – April 10, 2012
2. Parks & Leisure Services Commission – April 5, 2012
3. Youth Commission – April 16, 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. This item has been removed.

2. Approval of the 2010 Tulare County Regional Bicycle Transportation Plan – Application for Bicycle Transportation Account Funds
Re: Authorizing staff to submit a BTA application for Tule River Parkway, Phase III construction funds; and adopting the 2010 Tulare County Regional Bicycle Transportation Plan.

3. Extended Hours for City Transit Service to Accommodate ‘Step Up Gang Conference’
Re: Approving extended hours of operation for Demand Response service on May 3, 2012 in support of the ‘Step Up Conference.’

Re: Approving the proposal from Mike Tucker, representing the Central Valley Over the Hill Gang Motocross Club to provide race promotion at the City’s OHV Park.

5. Barn Theater Revocable Licenses Agreement
Re: Approving the Revocable Licenses Agreement with the Barn Theater Association for utilization of the Barn Theater facility for a five-year term with a one-year renewal option.

Re: Approving the proposed community civic event to take place May 5, 2012 in the northern section of Veterans Park.

7. Approval for Community Civic Event – Comision Honorifica MexicanaAmericana, Inc. – Cinco de Mayo Parade and Fiesta—May 5, 2012
Re: Approving the proposed annual community civic event to take place May 5, 2012 in
Downtown Porterville.

8. **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**

9. **Reimbursement Agreement for Concrete Improvements Constructed by the City – Jaye Street Improvements Project, Easterly Extension of Brown Avenue to Gibbons Avenue**  
   Re: Considering resolution implementing development charges for construction of curbs, gutters, sidewalks, and drive approaches; and authorizing the recordation of a general notice of “Reimbursement Fee” with the Office of the Tulare County Recorder.

10. **Zone Change – Sierra View District Hospital**  
    Re: Conducting a public hearing to receive public commentary regarding the proposed rezoning of 515 W. Putnam Avenue and 182 N. Carmelita Street from RS-2 (low density residential) to PS (public/semi-public) for the future construction of a laboratory.

**SCHEDULED MATTERS**

11. **Authorization of a Ten-Year Development Fee Payment Plan**  
    Re: Consideration of a 10-year, 0% interest Development Fee Payment Plan Program for businesses and multi-family housing projects locating within the city limits, excluding projects requiring major Master Plan infrastructure improvements and Home Occupancy businesses.

12. **Request for an Amendment to the Municipal Code Pertaining to Card Tables**  
    Re: Considering an application to amend the Municipal Code relative to card tables.

13. **Annual Adjustment of Fees by Application of the ENR Cost Index**  
    Re: Considering the annual adjustment of fees pursuant to the Engineering News Record Cost Index.

14. **Upcoming Call for Highway Safety Improvement Program (HSIP) and High Risk Rural Road Programs (HRRR) Projects**  
    Re: Consideration of options available to the City relative to grant funding to improve problematic intersections.

15. **This item has been removed.**

16. **Appointments to the Transactions and Use Tax Oversight Committee**  
    Re: Considering appointments to the Measure H Oversight Committee to fill five seats with four-year terms.

**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 May 1, 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.
COUNCIL AGENDA: APRIL 17, 2012

SUBJECT: APPROVAL OF THE 2010 TULARE COUNTY REGIONAL BICYCLE TRANSPORTATION PLAN - APPLICATION FOR BICYCLE TRANSPORTATION ACCOUNT FUNDS

SOURCE: Public Works Department - Engineering Division

COMMENT: 2010 Tulare County Regional Bicycle Transportation Plan History:

Tulare County Association of Governments (TCAG) Board adopted a Regional Bicycle Transportation Plan several years ago. Each member agency has the opportunity to accept the plan and to meet the objectives of the plan. Those objectives are as follows:

Objective A
Implement the Bicycle Transportation Plan, which identifies existing and future needs, and provides specific recommendations for facilities and programs over the next four (4) years and beyond.

Objective B
Complete a network of bikeways that is feasible, fundable over the life of the Plan, and that serve bicyclists' needs, especially for travel to employment centers, schools, commercial districts, transit terminals and recreational destinations.

Objective C
Maintain and improve the quality, operation, and integrity of the bikeway network and facilities.

Objective D
Provide short- and long-term bicycle parking and amenities in employment and commercial areas, in multifamily housing, at schools, and at recreation and transit facilities.

Objective E
Increase bicycle ridership in Tulare County.

The details of these listed objectives can be found in Chapter 3 of the 2010 Tulare County Regional Bicycle Transportation Plan. The entire plan can be found on the web at http://www.tularecoq.org/bicycles.php.

Dir Appropriated/Funded CM Item No. 2
In Chapter 9 of the 2010 Tulare County Regional Bicycle Transportation Plan (TC RBTP) are the priorities and projects for all member agencies. City of Porterville priorities and projects per the plan are attached for Council's reference.

Current Intention:

Caltrans has announced their Bicycle Transportation Account (BTA) call for projects for fiscal year 2012-2013. The BTA is an annual program providing state funds for city and county projects that improve safety and convenience for bicycle commuters. In accordance with the Streets and Highways Code (SHC) Section 890-894.2 - California Bicycle Transportation Act, projects must be designed and developed to achieve the functional commuting needs and physical safety of all bicyclists. Local agencies first establish eligibility by preparing and adopting a Bicycle Transportation Plan (BTP) that complies with SHC Section 891.2. The BTP must be approved by the local agency's Regional Transportation Planning Agency. In the City of Porterville's case, the TCAG Board has approved a BTP in the form of the previous TC RBTP. Subsequently, each member agency's Board(s) or Councils are encouraged to adopt, by resolution, the TCAG Board adopted BTP. Adoption of TCAG's BTP will enhance the City's BTA funding eligibility. It should also be noted that adoption of this resolution does not conflict with the currently adopted Bicycle Transportation Plan within the City's 2008 General Plan.

Caltrans anticipates appropriation of $7.2 million annually for projects that improve safety and convenience for bicycle commuters. SHC Section 2106 stipulates the annual BTA funding level in the approved State budget, with awards announced after enactment. Per SHC 891.4(b), funds are allocated to cities and counties on a matching basis that requires the applicant to furnish a minimum of 10 percent of the total project cost. No applicant shall receive more than 25 percent of the total amount transferred to the BTA in a single fiscal year.

There are several bike routes shown on the TC RBTP. Staff met and reviewed several potential BTA applicable projects. During that meeting, staff narrowed the decision to pursue construction funds for the third phase of the Tule River Parkway. The limits of the Tule River Parkway, Phase III Project is Main Street to Plano Street. This parkway is an easterly extension of our existing Class I Pedestrian and Bicycle trail that currently terminates at Main Street. Another factor in this decision is the fact that the City is actively pursuing the purchase of the property for this next phase of the Tule River Parkway.
RECOMMENDATION: That the City Council:

1. Authorize staff to submit a BTA application for Tule River Parkway, Phase III construction funds;

2. Approve the Resolution adopting the 2010 Tulare County Regional Bicycle Transportation Plan; and

3. Direct the City Clerk to forward the Resolution to TCAG.

ATTACHMENTS: Resolution
TC RBTP - Porterville Priorities and Projects
RESOLUTION NO. _________ - 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADOPTING THE 2010 TULARE COUNTY REGIONAL
BICYCLE TRANSPORTATION PLAN

WHEREAS, the 2010 Tulare County Regional Bicycle Transportation Plan has
been prepared to establish various goals and policies regarding bicycle transportation
and identify potential future improvements within the County of Tulare and all of the
member cities; and

WHEREAS, the Tulare County Association of Governments has developed the
Plan through its member agencies, the public, and other interested parties; and

WHEREAS, the City of Porterville finds that the proposed 2010 Tulare County
Regional Bicycle Transportation Plan is consistent with the State Department of
Transportation guidelines;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
Porterville adopts the 2010 Tulare County Regional Bicycle Transportation Plan.

PASSED, APPROVED and ADOPTED this 17th day of April, 2012.

________________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

________________________________________
By: Patrice Hildreth, Chief Deputy City Clerk
Porterville

Porterville is located in at the base of the Sierra Nevada along Highway 65 in southern Tulare County. This growing community is home to approximately 52,960 residents, and covers approximately 16.1 square miles. Historically, agriculture has been the City’s number one industry. Today, diversified industries including light manufacturing are calling Porterville home, and have become a significant factor in the development of the community. Several of the County’s large public facilities are also located in Porterville, including the Sequoia National Forest Headquarters, the Army Corps of Engineers Lake Success Facility, and Porterville Community College.

The City of Porterville has developed the first phase of the Tule River Parkway extends from Westwood Street to Plano Street. The first phase of the project is complete between Indiana Street, Highway 65 and Highway 190. The rest of the project will run from the Tule River Parkway to Mulberry Avenue on the abandon Tulare Valley Railroad right-of-way. An on street connection is planned to link the two pathways using Plano Street.
## City of Porterville

### 2010 Population: 52,960

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<th>Section</th>
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<td>a.</td>
<td>Estimated number of commute trips to work by bicycle*</td>
<td>583</td>
<td>990</td>
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<td>b.</td>
<td>Land Use and Population Density</td>
<td>Approximately 16 square miles</td>
<td>Approximately 3310 persons per square miles</td>
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<td>c.</td>
<td>Map and description of bikeways</td>
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<td>d.</td>
<td>End-of-trip bicycle parking facilities</td>
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<td>e.</td>
<td>Bicycle transport and parking facilities for connections with other modes of</td>
<td>Please see Tulare County bicycle projects map and tables</td>
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<td></td>
<td>transportation</td>
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<td>f.</td>
<td>Map and description of facilities for changing and storing clothes and equipment</td>
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<td>g.</td>
<td>Bicycle Safety and education programs (Chapter 5)</td>
<td>Safety and education programs are occasionally provided by Porterville Police Department.</td>
<td>Improve safety and bicycle education programs across the County. Annual bicycle events to be held at schools and community events regularly.</td>
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<td>h.</td>
<td>Citizen and community involvement</td>
<td>Public Outreach efforts included surveys, community feedback, and Bicycle Advisory Committee Meetings. Please see the Introduction and Appendix C for more information.</td>
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<td>i.</td>
<td>Coordination/Consistency with transportation, air quality, or energy</td>
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<td>conservation plans</td>
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<tr>
<td>j.</td>
<td>Description of the projects proposed in the Plan and their priorities</td>
<td>Please see Tulare County bicycle projects map and tables</td>
<td></td>
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<tr>
<td>k.</td>
<td>A description of past expenditures for bicycle projects improving safety</td>
<td>Please see Chapters 5, 7 and 9 and Tulare County bicycle projects map and tables</td>
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<td></td>
<td>and convenience for commuters</td>
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*Bicycle rates ranging from 0.4% for commuter trips only (Journey to Work 2000 Census Brief) to 1.6% for all trips made by bicycle in Tulare County (2000-2001 California Statewide Travel Survey). Bicycle ridership rates vary depending on the length of the trip being made, for the Tulare County bicycle plan, in the City of Porterville it has been assumed a 1.1% bicycle riding rate. Proposed growth in Ridership is based on a 70% increase in ridership with the delivery of all proposed facilities.
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Note: Class I Bike Paths include right of way acquisition and related incidents (Present Day R/W Acquisition Estimate = $175/FT)
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SUBJECT: EXTENDED HOURS FOR CITY TRANSIT SERVICE TO ACCOMMODATE TRANSPORTATION TO THE ‘STEP UP GANG CONFERENCE’

SOURCE: Public Works Department - Transit

COMMENT: In order to provide an equal opportunity for each of our citizens to attend the ‘Gang Prevention Step Up Conference’ to be held on May 3, 2012, 5:00 p.m. – 8:30 p.m., at Granite Hills High School, Staff is requesting permission to extend the operating hours of the City Transit Demand Response service until 10:00 P.M. on this date. Normal weekday hours are from 7:00 A.M. to 7:00 P.M.

On April 19, 2011, City Council approved the extended hours for both Fixed-Route and Demand Response services for the Inaugural Step Up Conference. For that event, City Transit service transported 39 passengers at a cost of $1,152.25. For the 2012 conference, Staff is recommending only extending the Demand Response service, which is reservation based, to provide public transportation to the event. Based on the number of reserved rides, transit staff will assign the appropriate number of vehicles to efficiently transport the passengers, to and from their home, to this year’s event.

Anticipated additional costs for the extended hours are as follows:

Demand Response – Two (2) vehicles at $44.14 (per revenue hour per vehicle) X three (3) hours = $264.84

The County Supervisors’ office has committed to cover all transportation expenses for the ‘Step Up Conference.’

RECOMMENDATION: That the City Council approve the extended hours for Demand Response service on May 3, 2012, in support of the ‘Step Up Conference.’

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Staff has recently received a proposal from Mike Tucker, representing the Central Valley Over the Hill Gang Motocross Club (OTHG), to provide race promotion at the OHV track.

The Over the Hill Gang is a non-profit organization whose sole purpose is to provide safe, competitive races for riders who are 50 years or older. The proposal from OTHG coincides with the type of events staff is seeking to promote at the OHV Park.

It is anticipated that the two events proposed by OTHG could attract 35 to 60 riders per event. All fees collected at the events will be retained as revenue for the City. The estimated income from fees ranges from $1400 to $2400 per event, depending on the number of entrants.

The schedule for the proposed events are as follows:

First motocross event of the day: 8:00 a.m., practice riding; 9:00 a.m., race will begin.
Second motocross event of the day: 10:00 a.m., practice riding; 11:00 a.m., race will begin.

The official motocross event will conclude by noon, and staff anticipates extending the casual riding for an additional hour to accommodate the public.

RECOMMENDATION: That City Council

1. Approve the OTHG Motocross Race Proposals for June 24, 2012, and August 19, 2012, at the OHV Park; and
2. Approve overnight camping for the events.

ATTACHMENT: Motocross Race Proposal from OTHG

Item No. 4
Porterville OHV Park/Motocross Racing

Over the Hill Gang Motocross Club
Mike Tucker/President
28445 Burrough North
Tollhouse, Ca 93667

Dear Porterville City Council:
As a long-time participant at the Porterville OHV Park I am excited with the new direction and racing opportunities developing at the park. I am the president of the Central Valley Over the Hill Gang Motocross Club and would like to bring OTHG MX racing to Porterville. We are a non-profit organization and our only goal is to promote safe and fair racing opportunities for our members. We have about 100 members in our valley chapter and about 1000 members throughout California and Nevada.

Plan

City would provide the following

1. Insurance coverage for the race, which would be run during the regular practice day schedule.

2. Staff at the front gate to take gate fees and signed waivers (already in place for practice)

3. Flaggers for race (already in place for practice)

4. Staff to prepare track (already in place for practice)

5. All gate and entry fees will go to City of Porterville.

OTHG provides

1. Score keepers

2. Sign up and race entry forms

3. Club Secretary to help with sign up and race fee collection.

4. Trophies

5. Club Officers to help control track entry gate in transition from racing to practice.

6. Advertising provided through the club web site and members email.
Schedule

Motocross Races on the dates of 6-24-12 and 8-19-12. These dates would coincide with the already scheduled MX practice.

a. Race day schedule: gates open at 7:00 A.M. – race practice at 8:00 A.M. – Racing starts at 9:00 A.M. – 2 Moto format

b. First round of Motos would conclude at about 10:00

c. Open Practice starts as soon as the first round of races concludes. Open Practice would run 1 hour.

d. At about 11:00 A.M. the second round of motos begin

e. At about 12:00 Open Practice concludes for the remainder of the day.

6. Fees (All fees go to City)

   a. Gate Fee $15.00 – Race Fee $25 – Total Fees $40.00

   b. Estimated Rider Count 35 to 60 entries.

   c. Estimated Fee collected $1400.00 to $2400.00

7. Our staff will handle statistics for the races.

Combining the Race Day and Practice day schedules provides a good revenue generating opportunity. It would probably double the rider count and generates 3 times the normal practice day revenue. Riders who do not want to race can practice just like they normally would, just a little later. Those who race can stay for the open practice after the races and get some extra ride time. This is the same format we have been using at the Tulare racetrack for the past 4 years and it has been extremely successful. Porterville is a great track and has been a favorite for many of our members over the years. Please consider this proposal and give us the opportunity to help promote and expand rider participation at the Porterville OHV Park.

Sincerely,
Mike Tucker
President Valley OTHG
Mtuckereagle50@yahoo.com
Home 559-855-3107
Cell 559-356-4299
SUBJECT: BARN THEATER REVOCABLE LICENSE AGREEMENT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Staff has successfully negotiated an agreement with the Executive Board Members of the Barn Theater Association regarding utilization of the Barn Theater Facility.

The terms of the Agreement consist of a five (5) year term and a one (1) year renewal option at the expiration of the negotiated five (5) year term, beginning April 18, 2012 through April 18, 2017.

RECOMMENDATION: That the City Council authorize the Mayor and City Clerk to execute the Barn Theater Revocable Licenses Agreement.

ATTACHMENT: Barn Theater Licenses Agreement
REVOCABLE LICENSES AGREEMENT

THIS AGREEMENT, made and entered into the ___ of ________, 2012, by and between the CITY OF PORTERVILLE, a municipal corporation, hereinafter called the Licensor, and the BARN THEATRE, a non-profit corporation, hereinafter called the LICENSEE:

WITNESSETH:

WHEREAS, the LICENSOR is the owner of the hereinafter described real Property; and

WHEREAS, the property is deemed suitable, necessary, and proper by the LICENSOR and the LICENSEE for use by the LICENSEE in carrying on and conducting a community enterprise of a non-profit, non-political, and non-religious nature for which the LICENSEE has been incorporated and organized, and is now engaged in, carrying on and conducting as a community enterprise, and for the benefit, enlightenment, amusement, recreation, education and advancement of the Porterville Area, and not for the profit of any individual or enterprise.

NOW, THEREFORE, it is hereby covenanted and agreed between the LICENSOR and the LICENSEE as follows, to wit:

1. The real property herein referred to and covered by the terms of this license is that certain real property situated in the City of Porterville, County of Tulare, State of California, described as follows to wit:

   Beginning at the Northwest corner of Northeast Quarter of Section 36, Township 21 South, Range 27 East, MD. B & M., said point being on the East Line of Plano Street in the City of Porterville,
County of Tulare, State of California; thence South 3°55' East along the easterly line of said Plano Street 375 feet to the point of beginning of the parcel being described; thence East 170 feet; thence South 7° East 375 feet, more or less, to the Northwesterly line of Park Drive; thence southerly and westerly along said westerly and northerly line of Park Drive 200 feet, more or less, to the easterly line of the said Plano Street; thence northerly along the easterly line of said Plano Street 500 feet, more or less, to the point of beginning. Excepting therefrom, the westerly 20 feet measured at right angles to said easterly line of Plano Street, and also excepting such portions thereof as may be required for the widening of Park Drive.

2. That the LICENSOR for and in consideration of the promises, covenants, agreements, and stipulations herein contained on the part and behalf of the LICENSEE to be paid, kept and performed, at the time and in the form and manner herein specified, with time being made the essence hereof, hereby grants to the LICENSEE a license to engage, use and employ the described real property together with the appurtenances thereon for the purpose of carrying on and conducting as a community enterprise for the benefit, enlightenment, amusement, recreation, education and advancement of the Porterville Area a theatre group in accordance with the By-laws and Articles of Incorporation of LICENSEE. The LICENSEE shall use and employ the real property together with the improvements thereon exclusively for the usual and customary theatrical activities of the LICENSEE; and no business, retail, or wholesale, activities or enterprises shall be carried on or conducted for profit or be allowed, suffered, or permitted to be carried on at or upon the property.
during the terms of this license, except as otherwise specified in this Agreement. LICENSEE shall be allowed to grant a sublicense, for a period of not more than two (2) consecutive days to other individuals and organizations for the use of the premises, provided that LICENSEE does this no more than five (5) times per year, and LICENSEE complies with the requirements of this Agreement, including, but not limited to, Paragraphs 5, 16, 17, 18, and 19.

3. The LICENSEE agrees at all times during the term of license to use, the described real property together with improvements thereon, solely and exclusively for activities of the LICENSEE presently authorized by its Articles of Incorporation and By-laws, it being further stipulated that no substantial amendment to the Articles or By-laws of the LICENSEE may be used to amend, extend, or modify the terms and provisions of this license without first obtaining the express written consent of the LICENSOR.

4. The Parties further agree that all of the terms, provisions, stipulations, agreements, and conditions herein contained on the part and behalf of the LICENSEE to be paid, kept, and performed, shall be and the same are hereby expressly declared to be continuing conditions, covenants and agreement by precedent to any right on behalf of the LICENSEE to enjoy or exercise any of the rights or privileges granted by this license.

5. LICENSEE agrees that in the use, employment and enjoyment of this license by the LICENSEE, the LICENSEE shall not suffer, allow, or permit any religious discrimination, political discrimination, or race discrimination to be
engaged in, conducted, carried on, or participated in by the LICENSEE or any agent, employee, or servant of the LICENSEE in carrying on or conducting any of the activities of the LICENSEE with reference to the use, employment and enjoyment of this license.

6. That during the entire term of this license, the LICENSEE shall at all times maintain with the State of California its status as a non-profit corporation.

7. That the term of this license shall commence as of ________, 2012, for a period of five (5) years, ending at midnight on __________, 2017. The parties may agree to extend this Agreement to be reviewed and adjusted for an additional (1) year, with the terms of said Agreement to be reviewed and modified as the parties deem appropriate prior to renewal.

8. The LICENSEE stipulates and agrees that in the occupancy of the real property and the improvements thereon that the LICENSEE shall not suffer, allow or permit any waste to be committed thereto or thereon, nor shall the LICENSEE suffer, allow, or permit any mechanic’s lien or other liens to be filed upon the real property or any of the improvements thereon; nor shall the LICENSEE suffer, allow, or permit the building or permanent improvement thereto, other than trade fixtures, to be removed from the real property during the term hereof without permission of the LICENSOR first had and received.

9. The LICENSOR shall have the free right at all times by its authorized agents or representatives of entry upon the property and into, upon, and about the improvements thereon for purposes of inspection and posting of any legal notices thereon.
10. That any and all signs erected or maintained by the LICENSEE upon the property or any of the improvements thereon shall fully comply with and conform to all regulations and standards of the City of Porterville now in force or which may hereafter be in full force and effect.

11. The LICENSEE shall of its own proper cost and expense, and without any cost, charge, or expenses to the LICENSOR, pay and discharge when due and before delinquent all light, electric power, water, gas, telephone, garbage removal, all utilities, and all other occupation charges for the premises and the same shall not be suffered, allowed, or permitted to become a charge or lien upon the real property.

12. It is expressly stipulated and agreed herein that the LICENSOR shall not be called upon, expected to, nor shall the LICENSOR, pay and discharge any costs whatsoever arising from or in any connection with the use and enjoyment of this license by the LICENSEE or in the use and enjoyment of any of the improvements placed upon the property by the LICENSEE.

13. The LICENSEE shall at all times during the terms of this license keep and maintain all of the buildings, fixtures, and grounds directly adjacent to the building. LICENSEE shall ensure the same is kept in good order and repair, inside and outside, together with all fixtures and appurtenances used and employed in the occupancy/license of the real property and the improvements thereon, including sewer lines, plumbing fixtures, electrical fixtures and all conveniences or necessities used and employed by the LICENSEE in the occupancy of the premises; and the LICENSEE shall at its sole cost and
expense from time to time, as the needs may arise therefore, make renewals and replacements thereof in first class modern character and efficiency. LICENSOR shall maintain the turf area, parking lot, and prune trees when necessary.

14. The LICENSEE shall promptly and completely observe, comply with, and conform to all present and future applicable federal, state and local laws, requirements, and standards. LICENSEE shall, at its own cost and expense, make any and all improvements thereon or alteration thereto, structurally or otherwise, that may be required at any time hereafter by any such present or future law, rule, requirement, order, direction, ordinance, or regulations.

15. LICENSEE shall not make any alterations, improvements, additions or any other structural or building changes without the prior written approval of the LICENSOR.

16. The LICENSEE shall not suffer, allow, or permit any property, properly or legally assessable to the LICENSEE, to be assessed against the LICENSOR or against the real property or for which the LICENSOR shall be liable or responsible to pay, or for the same to become a charge or lien upon the real property.

17. It is expressly stipulated, covenanted and agreed that this license shall not be assigned, transferred, mortgaged or hypothecated in any manner; nor shall the buildings or improvements or facilities used and employed by the LICENSEE in enjoying this license be sublicensed without the prior written consent of the LICENSOR’s Parks and Leisure Services Director or his Designee; for each
such assignment or sublicensing, it being further stipulated that the consent by
the LICENSOR to any one assignment/sublicense shall not be construed as a
consent to any further of additional assigning or sublicensing.

18. The LICENSEE covenants and agrees at all times during the term of the
license to keep and maintain all buildings, structures, and insurable
improvements on or pertinent to the real property fully insured (with
LICENSOR named as an additional insured) for the replacement value to
insure that the building can be replaced in the event of a fire with
comprehensive coverage and in an amount and in such company or companies
as may be acceptable to the LICENSOR; and all such policies of insurance
shall be delivered to and held by the LICENSOR, except, however, that if the
improvements shall have a mortgage thereon, a mortgage loss clause may be
attached thereto in favor of such mortgage to the extent of the outstanding
balance due on the aforesaid construction loan.

19. The LICENSEE, as a material part of the considerations to be rendered to the
LICENSOR for the granting of the license, and to the fullest extent permitted
by law, covenants and agrees, to the fullest extent permitted by law, to defend
and hold LICENSOR harmless and free from all liability and claims for
damages by reason of any injury to any person or persons, or property of any
kind whatsoever, from any cause or causes whatsoever while in, upon, or in
any way connected with the said licensed premises, or the premises adjacent
thereto during the term of license or any extension thereof. It is further
stipulated and agreed that the LICENSEE shall save, indemnify, and defend
the LICENSOR, all of its officers, agents and employees of and from all claims, demands, actions or causes of actions arising from or in any way connected with the occupation and of the demised premises, *including but not limited to any sublicense or use by other parties*, together with all costs and attorney’s fees; that at all times during the term of this license, LICENSEE shall be and is hereby required and it hereby agrees to keep in full force and effect, with the premium fully prepaid thereon Two Million Dollars $2,000,000.00 for personal injury and property damage (*covering all occupation and use of the premises*) combined single limits with liquor and product liability, and shall file with the LICENSOR the original policies and/or certificate thereof.

20. If the LICENSEE shall fail, neglect, or refuse to pay, do, or perform any of the terms, stipulations, promises, covenants, conditions, or agreements hereof on its part and behalf to be paid, kept and performed, the LICENSOR may, at its option, but it shall not be obligated to do so, pay or cause the same to be paid, done or performed, and the amount of money expended by the LICENSOR in so doing, or incurred by the LICENSOR in so doing, shall become a debt immediately due from the LICENSEE to LICENSOR, and shall constitute a material breach hereof entitling LICENSOR to immediate termination hereof pursuant to paragraph 21 below.

21. If the LICENSEE shall fail, neglect or refuse to pay, for a period of (30) days after notice, do or perform any of the items in the form and manner herein provided, the terms, provisions, covenants, conditions, and agreements hereof
on its part and behalf to paid, kept and performed, the LICENSOR may terminate and cancel license and at such time and in such event, full and compete title to all improvements, buildings, structures, fixtures, excluding trade fixtures, shall have then vested in the LICENSOR, subject to the encumbrances now existing against such structures; and the LICENSOR may immediately re-enter into the possession of said real property together with all of the said improvements, and the same to have, hold, and enjoy thereafter as the sole, absolute and unconditional owner. In such event, LICENSEE shall have a period of thirty (30) days after notice to remove its personal property and trade fixtures from the premises.

22. LICENSEE covenants and agrees on the last day of the term of this license, or the sooner determination of the term this license, to peacefully leave, surrender and vacate to the LICENSOR the said real property together with the improvements thereon and the fixtures attached thereto in good order and condition and state of repair.

23. Failure on the behalf of the LICENSOR to insist on strict performance of the covenants, terms, stipulations, agreements and conditions of the license shall not be construed as a waiver by the LICENSOR of any of its rights hereunder, or as a waiver or a relinquishment of the strict future performance of the covenants, conditions and agreement herein contained, but all and each thereof shall be and remain in full force and effect.

24. If any litigation is commenced between the parties to this Agreement concerning the Agreement or the rights and duties of either in relation to the
Agreement, the party prevailing in the Litigation shall be entitled, in addition to any other relief that may be granted in the litigation, to its cost for the litigation including expert witness fees and a reasonable sum as and for its attorney’s fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

25. The parties agree that this Agreement is entered into and is to be performed in Tulare Country, California.

WITNESS the hands and seals of the parties the day and year first above written.

CITY OF PORTERVILLE

BY ____________________________ BY ____________________________
Ronald L. Irish, Mayor John Lollis, City Clerk

BARN THEATRE

BY ____________________________
Richard Boyd, President
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - ROLLIN' RELICS CAR CLUB - ROLLIN' RELICS CAR SHOW – MAY 5, 2012

SOURCE: Finance Department

COMMENT: Rollin' Relics Car Club is requesting approval to hold a car show on Saturday, May 5, 2012, from 8:00 a.m. to 4:00 p.m., in the northern section of Veterans Park. The Club is asking for the ability to park cars on the grassy area between the playground at Newcomb Street and Henderson Avenue.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Rollin' Relics Car Club, subject to the stated requirements contained in the Application, Agreement and Exhibit ‘A.’

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? Yes E-mail address? No Website? Yes

Application date: 3-28-12 Event date: May 5, 2012
Event time: 8:00 - 4:00

Name of Event: Rollin Relics Car Show

Sponsoring organization: Rollin Relics Car Club Phone # 781-2612
Address: 5535 Brandon Way, Porterville, CA 93257

Authorized representative: Don Bader Phone # 781-2612
Address: Same as Above

Event chairperson: Don Howard Phone # 781-0876

Location of event (location map must be attached): Veteran's Park Pavilion 1 & 2

Type of event: Car Show

Non-profit status determination: 54-0243725

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

- Barricades (quantity): None
- Police protection: Yes
- Street sweeping: Yes
- Refuse pickup: Yes
- Other: 

Parks facility application required: Yes Attached
Assembly permit required: Yes Attached

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

Appr. Deny

Pub. Works Dir
Comm. Dev. Dir.
Field Svcs. Mgr.
Fire Chief
Parks Dir.
Police Chief
Admin. Svcs. Dir.
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.

Authorized Representative Initials

Rollin Relics Car Club
(Name of Organization)

Signature

3/2/12
(Date)
CITY OF PORTERVILLE

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

Name of event: **Rollin Relics Car Show**

Sponsoring organization: **Rollin Relics Car Club**

Location: **Veteran's Park - Pible**  Event date: **5/5/12**  Event time: **8-8pm**

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><strong>Don't know Vendor's at this time.</strong> Will let you know ASAP.</td>
<td></td>
<td></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: Rollin Relics Car Show

Sponsoring organization: Rollin Relics Car Club

Event date: May 5, 2012

Hours: 8 - 4:00 pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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| N/A         |      |    |          |

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<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
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</table>

| N/A         |      |    |          |

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<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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<td></td>
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</tbody>
</table>

| N/A         |      |    |          |


REQUIREMENTS FOR COMMUNITY CIVIC EVENT

ROLLIN' RELICS CAR CLUB

ROLLIN' RELICS CAR SHOW

MAY 5, 2012

Business License Supervisor:  
S. Hartman

Business License will require vendor list, prior to event.

Public Works Director:  
B. Rodriguez

No conditions from Public Works.

Community Development Director:  
B. Dunlap

Field Services Manager:  
B. Styles

No comments.

Fire Chief:  
Mario G. Garcia

Parks and Leisure Services Director:  
M. Stowe

Police Lieutenant:  
D. Haynes

The Police Department has no conditions/requirements for this event.

Administrative Services Manager:  
P. Hildreth

Certificate of Insurance satisfies the requirements. See attached exhibit ‘A,’ page 2.

EXHIBIT 'A,' Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Rollin' Relics Car Club
Event: Rollin' Relics Car Show
Event Chairman: Don Bader
Location: Veterans' Park
Date of Event: May 5, 2012

RISK MANAGEMENT: Conditions of Approval

That the Rollin' Relics Car Club 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 Permitee'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.
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:  
Dan Badar  
5525 Bready Way, Porterville, CA 93257

2 Address where amplification equipment is to be used:  
Veteran's Park - Porterville

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

4 Type of event for which amplification equipment will be used:  
Sound System

5 Dates and hours of operation of amplification equipment:  
May 5, 2002 9 - 3 pm

6 A general description of the sound amplifying equipment to be used:  
Mike & Two Speakers

Section 18-9  
It shall be unlawful for any person within the city to use or operate or cause to be used or 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 § 9311)

Section 18-14  
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any 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 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 such permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 8312)

Penal Code Section 415 (2)  
Any of the following persons shall be punished by imprisonment in the county 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  
Dan Badar  
3/12

Date

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 REVOCAITION OF THE PERMIT.

City of Porterville, Chief of Police  
City

Date  
5-23-02
## Certificate of Liability Insurance

**Hagerty Insurance Agency, Inc.**
141 Rivers Edge Dr
Traverse City, MI 49684

**Rollin' Relics**
C/O Don Bader
555 Brandy Way
Porterville, CA 93257

### Coverages

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. Aggregate limits shown may have been reduced by paid claims.

<table>
<thead>
<tr>
<th>USE</th>
<th>ADDED</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE (MM/DD/YYYY)</th>
<th>POLICY EXPIRATION DATE (MM/DD/YYYY)</th>
<th>LIMITS</th>
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<tbody>
<tr>
<td>A</td>
<td>X</td>
<td>General Liability</td>
<td>710-03-17-38</td>
<td>3/13/2012</td>
<td>3/13/2013</td>
<td>EACH OCCURRENCE</td>
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<tr>
<td></td>
<td></td>
<td>Commercial General Liability</td>
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<td></td>
<td></td>
<td>$1,000,000</td>
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<tr>
<td></td>
<td></td>
<td>Claims Made</td>
<td>X Occur</td>
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<tr>
<td></td>
<td></td>
<td>General Aggregate</td>
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<td></td>
<td></td>
<td>$2,000,000</td>
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<tr>
<td></td>
<td></td>
<td>Policy Aggregate</td>
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<td>$1,000,000</td>
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<tr>
<td></td>
<td></td>
<td>Project Aggregate</td>
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<td></td>
<td>$1,000,000</td>
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</tbody>
</table>

### Additional Insured

State or Political Subdivisions - Permits

<table>
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<tr>
<th>USE</th>
<th>ADDED</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE (MM/DD/YYYY)</th>
<th>POLICY EXPIRATION DATE (MM/DD/YYYY)</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>X</td>
<td>710-03-17-38</td>
<td>3/13/2012</td>
<td>3/13/2013</td>
<td>FORM CG20120798</td>
<td></td>
</tr>
</tbody>
</table>

**Effective 03/08/2012 Include as additional insured: Certificate Holder (CG2012) but only with respects to the named insured’s actions and / or negligence with regards to the Rollin’ Relics Car Show to be held at Veterans Park - City of Porterville on 05/05/2012.

**Certificate Holder**

City of Porterville
291 North Main St
Porterville, CA 93257

**Cancelling**

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**

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IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

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).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.
ADDITIONAL INSURED - STATE OR POLITICAL SUBDIVISIONS - PERMITS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

State Or Political Subdivision:
City of Porterville
91 North Main St
Porterville, CA 93257

Named additional insured in regards to the Rollin' Relics Car Show to be held at Veterans Park - City of Porterville on 5/05/2012.

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

Section II - Who Is An Insured is amended to include as an insured any state or political subdivision shown in the Schedule, Subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or political subdivisions has issued a permit.

2. This insurance does not apply to:
   a. "Bodily injury," "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or
   b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - COMISION HONORIFICA MEXICANA-AMERICANA, INC. - CINCO DE MAYO PARADE AND FIESTA – MAY 5, 2012

SOURCE: Finance Department

COMMENT: The Comision Honorifica Mexicana-Americana, Inc. is requesting approval to hold its annual Cinco de Mayo parade followed by a Fiesta at Centennial Park with entertainment, food and information booths on Saturday, May 5, 2012. The following street and sidewalk closures are requested for the parade and fiesta:

PARADE ROUTE:
Main Street from Morton Avenue to Vine Avenue;
Harrison Avenue, Thurman Avenue, Cleveland Street, Putnam Avenue, Mill Avenue and Oak Avenue from Hockett Street to Second Street;
Garden Avenue from Main Street to Second Street;
Olive Avenue from Hockett Avenue to Third Street.

SIDEWALK USAGE:
Second Street from Olive Avenue to Garden Avenue.

The application has been submitted under the Community Civic Event Ordinance No. 1326, as amended. It has been routed according to the ordinance regulations and reviewed by all the departments involved. The requirements are listed on the attached copy of the Community Civic Application and Agreement, Exhibit ‘A’ and Exhibit ‘B.’

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application and Agreement, Exhibit ‘A’ and Exhibit ‘B.’

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

DD Appropriated/Funded CM Item No. 7
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

<table>
<thead>
<tr>
<th>DO YOU HAVE?</th>
<th>Event Flyer?</th>
<th>E-mail address?</th>
<th>Website?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application date:</td>
<td>3/29/12</td>
<td>Event date: 5-5-2012</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Event time: 7:00 am to 9:00 pm</td>
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<tr>
<td>Name of Event:</td>
<td>Cinco de Mayo Festivities</td>
<td></td>
<td></td>
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<tr>
<td>Sponsoring organization:</td>
<td>Communion Charitable Missions</td>
<td>Phone #: 719-7527</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>368 E. Date Ave.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authorized representative:</td>
<td>Fred Beltran</td>
<td>Phone #: 719-7527</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>24737 Ave. 80 Terra Bella</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Event chairperson:</td>
<td>Fred Beltran</td>
<td>Phone #: 719-7527</td>
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<tr>
<td>Location of event (location map must be attached):</td>
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<tr>
<td>Type of event:</td>
<td>Parade and Fiesta</td>
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<tr>
<td>Non-profit status determination:</td>
<td>501c-3</td>
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<tr>
<td>City services requested</td>
<td>(fees associated with these services will be billed separately):</td>
<td></td>
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<tr>
<td>Barricades (quantity):</td>
<td>Closure of Main</td>
<td>Street sweeping</td>
<td>Yes X No</td>
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<tr>
<td>Police protection</td>
<td>Yes X No</td>
<td>Refuse pickup</td>
<td>Yes X No</td>
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<tr>
<td>Other:</td>
<td></td>
<td></td>
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<tr>
<td>Parks facility application required:</td>
<td>Yes X No</td>
<td>Attached</td>
<td>X</td>
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<tr>
<td>Assembly permit required:</td>
<td>Yes X No</td>
<td>Attached</td>
<td>X</td>
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</table>

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

<table>
<thead>
<tr>
<th>Appr.</th>
<th>Deny</th>
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<tbody>
<tr>
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<td>Pub. Works Dir</td>
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<td>Comm. Dev. Dir.</td>
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<td>Field Svcs. Mgr.</td>
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<td>Fire Chief</td>
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<td>Parks Dir.</td>
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<td>Police Chief</td>
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<td>Admin. Svcs. Dir.</td>
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</table>
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.

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.

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.

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 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.

[Signatures and dates]

(Name of Organization)  [Signature]  (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: *Cinco de Mayo Parade*
Sponsoring organization: *Comisión Honrificca Mex. Am.*
Location: *Main St.* Event date: *5/5/12* Event time: *10:00 AM*

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>
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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: Cinco de Mayo Parade and Fiesta

Sponsoring organization: Comision Honorifica Mex. Am.

Event date: 5/5/12

Hours: 10:00 am -

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 St.</td>
<td>Morton</td>
<td>Vine</td>
<td>Parade</td>
</tr>
<tr>
<td>Harrison Ave</td>
<td>Hockett</td>
<td>Second</td>
<td></td>
</tr>
<tr>
<td>Thurman Ave</td>
<td>&quot;</td>
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<tr>
<td>Cleveland St.</td>
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<td>Putnam Ave</td>
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<td>Mill Ave</td>
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<tr>
<td>Oak Ave</td>
<td>&quot;</td>
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<tr>
<td>Garden Ave</td>
<td>Mill St.</td>
<td>Third St.</td>
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<tr>
<td>Olive Ave</td>
<td>Hockett Ave</td>
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<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second St.</td>
<td>&quot;</td>
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<td>&quot;</td>
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</tbody>
</table>

Parking lots and spaces | Location | Activity |
<table>
<thead>
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<tbody>
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</tbody>
</table>

4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
COMISION HONORIFICA MEXICANA-AMERICANA, INC.

CINCO DE MAYO FESTIVITIES

MAY 5, 2012

Business License Supervisor:  
S. Hartman

Business License will require a vendor list prior to event.

Public Works Director:  
B. Rodriguez

Please see Mr. Style’s comments.

Community Development Director:  
B. Dunlap

No comment.

Field Services Manager:  
B. Styles

City staff will provide street closure, trash, recycling containers and street sweeping.

Fire Chief:  
M. G. Garcia

The alley and west in front of the Fire Station must remain clear and unobstructed at all times.

Director of Parks & Leisure Services:  
M. Stowe

Police Lieutenant:  
D. Haynes

Please see proposed conditions/requirements on Exhibit ‘B.’

Administrative Services Manager:  
P. Hildreth

See attached Exhibit ‘A,’ page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Comision Honorifica Mexicana-Americana, Inc.
Event: Cinco de Mayo Festivities
Event Chairman: Fred Beltran
Location: Parade - Main Street from Morton Avenue to Olive Avenue including the closure of select cross-streets and parallel streets.
Date of Event: May 5, 2012

RISK MANAGEMENT: Conditions of Approval

1. The use of sidewalks for any purpose other than to allow for the free-flow of pedestrian traffic is prohibited within a ten (10) ft. radius of all walk-up Automated Teller Machines (ATM), and the minimum clear sidewalk width for pedestrian traffic at all other locations is five (5) feet.

2. That the Comision Honorifica Mexicana-Americana, Inc., 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 that 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: Fred Beltran
   24737 Ave. 80, Terra Bella, Ca. 93270

2 Address where amplification equipment is to be used: Centennial Park

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

4 Type of event for which amplification equipment will be used: Cinco de Mayo Fiesta

5 Dates and hours of operation of amplification equipment: 5/5/12 12:00 noon till 6 pm

6 A general description of the sound amplifying equipment to be used: Sound system for bands

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 a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenience of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall 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 § 6312)

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

City of Porterville, Chief of Police Designee

Date
CITY OF PORTERVILLE
Community Civic Event Application

CINCO DE MAYO PARADE – MAY 5, 2012

Proposed Conditions/Requirements:

➢ City Council approval is required for all street closures.

➢ Ensure highly visible and adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.

➢ Cinco de Mayo Planning Committee should meet with street vendors to coordinate rules regarding their activities, such as:
  - Staying off the parade route and crossing in front of floats or groups
  - Shall not sell silly string, snap caps or party poppers (pursuant to City Ordinance)

➢ Food vendors should be situated where they do not block the sidewalk.

➢ Throwing candy or any substances/objects from vehicles, floats, or any parade entry is prohibited. This results in children scampering to catch or find candy in a crowded environment, and causes others to run out into the street. This practice creates significant and unnecessary risk for parade goers. All registered parade entrants should be informed of this prohibition and efforts taken to cease this practice.

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

➢ At the conclusion of the event, all barricades shall be promptly removed and equipment shall be cleared so as to avoid interfering with vehicular or pedestrian travel.

➢ Event organizers shall contact Officer C. Jordan (Porterville Police Department) as soon as possible in order to coordinate parade route postings and necessary police involvement. Officer C. Jordan can be contacted at 559-782-7408/559-782-7400.

Dan Haynes, Lieutenant
Porterville Police Department
(559) 782-7565

EXHIBIT B
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
Turner & Associates
P.O. Box 757
Lindsay, CA 93247
House account
559-562-2527
559-562-2273

INSURED
Comision Honorifica
P.O. Box 2043
Porterville, CA 93258

INSURER(S) AFFORDING COVERAGE
Nonprofits Insurance Alliance

COVERAGES

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>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>ADORSUB</th>
<th>INSTR. W/</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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<tr>
<td>A</td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>X</td>
<td>CLAIMS-MADE X OCCUR</td>
<td>2012-10594-NPO</td>
<td>02/22/12</td>
<td>02/22/13</td>
<td>EACH OCCURRENCE $1,000,000</td>
</tr>
<tr>
<td>A</td>
<td>LIQUOR LIABILITY</td>
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<tr>
<td>A</td>
<td>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</td>
<td>Y/N</td>
<td>N/A</td>
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<tr>
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<td>OTHER</td>
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</table>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, If more space is required)

As respects to the Cinco De Mayo Parade been held on May 5, 2012.
Certificate holder is name as additional insured per the attached form C2022 7/04.

CERTIFICATE HOLDER
City of Porterville
Attn: Anita
291 N Main St
Porterville, CA 93257

CANCELLATION

CityofP

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
Mayra Hernandez

© 1988-2010 ACORD CORPORATION. All rights reserved.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy, and for which a certificate of insurance naming such person or organization as additional insured has been issued, but only with respect to their liability arising out of their requirements for certain performance placed upon you, as a nonprofit organization, in consideration for funding or financial contributions you receive from them. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.</td>
</tr>
</tbody>
</table>

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:
A. In the performance of your ongoing operations; or
B. In connection with your premises owned by or rented to you.
# Certificate of Liability Insurance

**Producer**

Turner & Associates
P.O. Box 757
Lindsay, CA 93247
House account

**Insured**

Comision Honorifica
P.O. Box 2043
Porterville, CA 93258

**Certificate Number:**

2012-10594-NPO

**Policy Number:**

2012-10594-NPO

**Policy Effective Date:**

02/22/12

**Policy Expiration Date:**

02/22/13

**Coverages**

<table>
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<tr>
<th>LTR</th>
<th>Type of Insurance</th>
<th>Policy Number</th>
<th>Policy Eff</th>
<th>Policy Exp</th>
<th>Limits</th>
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<td>02/22/12</td>
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<tr>
<td></td>
<td>Liquor Liability</td>
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</tbody>
</table>

**Description of Operations / Locations / Vehicles**

As respects to the Cinco De Mayo Parade held on May 6, 2012,
Certificate holder is name as additional insured per the attached form CG2026 7/04.

**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**

Maysa Hernández
House account

© 1986-2010 ACORD Corporation. All rights reserved.

*ACORD 25 (2010/05)*

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

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s)</th>
</tr>
</thead>
</table>

Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy, and for which a certificate of insurance naming such person or organization as additional insured has been issued, but only with respect to their liability arising out of their requirements for certain performance placed upon you, as a nonprofit organization, in consideration for funding or financial contributions you receive from them. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

A. In the performance of your ongoing operations; or
B. In connection with your premises owned by or rented to you.
REVIEW OF LOCAL EMERGENCY STATUS

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 April 3, 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.

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

SUBJECT:  REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY – JAYE STREET IMPROVEMENTS PROJECT, EASTERLY EXTENSION OF BROWN AVENUE TO GIBBONS AVENUE

SOURCE:  Public Works Department - Engineering Division

COMMENT:  This is the time and place for a Public Hearing to discuss the establishment of a reimbursement fee for the construction of concrete improvements by the City during the Jaye Street Improvements Project, Easterly Extension of Brown Avenue to Gibbons Avenue. The concrete improvements include curbs, gutters, sidewalks and drive approaches in front of undeveloped properties and/or developed properties that lack these public improvements.

Section 20-40.1 of the Municipal Code stipulates that concrete 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 allows the City to recover the cost of the concrete improvements when the owner pulls a building permit(s) from the City and said permit(s) has a valuation of $18,421 or more within a two (2) year period.

Section 20-40.8 of the Municipal Code requires that each property owner affected by the project be notified of this Public Hearing. The owners have been notified of this meeting and made aware of the reimbursement amount due upon development of their property in accordance with Section 20-40.2 of the Municipal Code.

Upon approval of the attached Resolution, 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 as a part of the 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.

Dir  Appropriated/Funded  CM  Item No. 9
RECOMMENDATION: That the City Council:

1. Open the Public Hearing, take public comments, concerns and questions;

2. Approve the resolution implementing development charges for construction of curbs, gutters, sidewalks, and drive approaches; and

3. Authorize staff to record a general notice of "Reimbursement Fee" with the office of the Tulare County Clerk-Recorder.

ATTACHMENTS: Resolution
Locator Map
Reimbursement Spreadsheet
RESOLUTION NO. ____-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE IMPLEMENTING DEVELOPMENT CHARGES FOR CONSTRUCTION OF CURB, GUTTER, SIDEWALK AND DRIVE APPROACH IMPROVEMENTS IN CONNECTION WITH THE JAYE STREET IMPROVEMENTS PROJECT, EASTERLY EXTENSION OF BROWN AVENUE TO GIBBONS AVENUE

WHEREAS, the City of Porterville ("City") has installed street improvements (i.e., sidewalk, curb, gutter and driveways) to serve properties within the Jaye Street Improvements Project, shown on the locator map (Exhibit “A”) attached hereto and hereby made a part hereof; and

WHEREAS, City has paid the entire cost of the construction of said street improvements as shown in the tabulation contained in Exhibit “B”, which is attached and made a part hereof; and

WHEREAS, construction of said street improvements, including curb, gutter, sidewalk and drive approaches, was necessary to properly finish the street; and

WHEREAS, the property owner benefits from the improvements constructed across the frontage of his/her property; and

WHEREAS, equitable distribution of the cost of constructing said street improvements can only be obtained if the owner pays for the portion of construction of the improvements that benefit his/her property; and

WHEREAS, the owners of adjacent property have not paid, assumed or discharged any of the costs in connection with the construction of the street improvements listed on Exhibit “B”; and

WHEREAS, the described charges are a one-time charge and shall be used to reimburse the City and pay the City's obligations with regard to Local Transportation Fees (LTF) used to fund the Jaye Street Improvements Project; and

WHEREAS, the City Council has held a duly noticed public hearing concerning these charges;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The fees as set forth in Exhibit "B" will be required as a condition of development with regard to the properties listed. "Development" shall include building permits for substantial modifications in conformity with Porterville Municipal Code Section 20-40.2 or any other grants of approval for development of the parcel.

2. City shall deposit, invest, account for, and expend the fees, pursuant to the Mitigation Fee Act.

3. For existing single family residences subject to the charge, property owners may, at the time reimbursement is required, enter into a contract with the City for payment of the costs over a five year period.

4. At the time of Development, at the request of the property owner, the City shall verify the costs to the owner by field measurements to ensure the accuracy of the charge.

5. If the development by the owner requires removal of any portion of the city installed improvements, the cost of such portion of improvements shall be deducted from the cost to be reimbursed by the owner.

6. Upon adoption of this Resolution, City shall record abstracts notifying property owners of the imposition of the charges with the Tulare County Recorder's Office.

7. The fees shall go into effect in accordance with California law and the specific conditions of approval established concerning the applicable permits and applications.

PASSED, APPROVED and ADOPTED this 17th day of April, 2012.

__________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk
<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>
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<tbody>
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<td>269-080-049</td>
<td>Martin &amp; Betty L. Maxwell - 310 W. Gibbons Ave.</td>
<td>26740 Greene Dr., Springville, CA 93265</td>
<td>$6,536.00</td>
<td>$0.00</td>
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<td>$6,536.00</td>
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<td>269-080-050</td>
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<td>702 SW 8th St. Prop Tax Dept 8013 RE: DC 6021</td>
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<td>269-120-007</td>
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<td>$3,160.90</td>
<td>$1,380.82</td>
<td>$7,310.92</td>
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<tr>
<td>269-120-006</td>
<td>Margaret Nadine Hardaway (TR)</td>
<td>24658 La Paloma Dr., Springville, CA 93265</td>
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**Totals**: $57,989.48
CITY COUNCIL AGENDA: APRIL 17, 2011

PUBLIC HEARING

SUBJECT: ZONE CHANGE – SIERRA VIEW DISTRICT HOSPITAL

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: In 2011, the Sierra View District Hospital submitted an application (PRC-2011-6-Z) to rezone 515 W. Putnam Avenue and 182 N. Carmelita Street from RS-2 (low density residential) to PS (public/semi-public) for the future construction of a laboratory for hospital use. Due to considerable opposition from residents on Carmelita Street at the May 3, 2011, public hearing, hospital staff requested that their application be delayed until the issues raised by the neighbors could be resolved. At a meeting held recently with the hospital, staff was informed that they have reached agreement with a majority of the neighbors on the street who were opposed to the rezone, and who were also parties to a private agreement that prohibited a commercial use from locating on the Carmelita property. A copy of the signed agreement is attached. The hospital is now ready to move forward with a redesigned project that addresses the concerns the neighbors had with the original proposal.

The 0.62± combined acre site is currently occupied by a medical office building that is owned by the hospital at 515 W. Putnam Avenue and a single-family residential home at 182 N. Carmelita Street. Both sites were zoned RS-2 (low density residential) when the application was first submitted, but since then the zoning on the office building has been changed to PO (Professional Office) as part of the city-wide Zoning Map Update that was adopted in December 2011.

The hospital intends to remove both structures and replace them with a medical laboratory. Conceptual plans for the laboratory that were presented to the Carmelita Street residents shows that the site has been designed to be complementary and compatible with the adjacent residential neighborhood. The design of the laboratory provides maximum privacy to the single family home immediately to the south by restricting any windows or door openings along the south side of the building. Access to the building will be from the east side adjoining the hospital and parking will be on the existing hospital site. City code requires screening of all mechanical equipment from public view. The design of the site should enhance the Carmelita street-front rather than distract from it. Hospital staff will present these conceptual plans to the City Council as part of their presentation at the public hearing.

The location of a laboratory on this site appears to be a logical extension of the hospital campus. The site has been designed to alleviate staff’s original concerns over its impact with the existing residential neighborhood. It appears that these impacts will be mitigated with adherence to the following 2030 General Plan Land Use Guiding Policies LU-G-18 and LU-I-30, which state:

DD [Signature] Appropriated/Funded [Signature] CM

ITEM NO. 10
Support the expansion of Porterville's Sierra View District Hospital and related medical and dental offices in the surrounding area, subject to standards ensuring that surrounding residential areas are not adversely affected, and

Establish appropriate zoning for civic and institutional uses, including development standards that address scale, operation, location, and other characteristics of community facilities, including public and quasi-public facilities that enhance the character and quality of neighborhoods.

The project will be required to undergo PRC review and will be subject to the City’s development standards. Adherence to the following standards will be part of that review: A 20-foot front yard setback will be required along Carmelita Street to match the existing residential setback. A 6-foot high block wall is required between the lab and the adjacent residential home to the south. As stated above, the lab will have no on-site parking facilities since no patients will access the site. A lot merger of the two parcels being rezoned with the remainder of the hospital site will be required to assure that the lab is integrated into the overall hospital campus.

ENVIRONMENTAL DETERMINATION:

Pursuant to California Code of Regulations (CEQA Guidelines) Section 15183(i)(2) Projects Consistent with a Community Plan or Zoning, the project as proposed is considered under the existing Environmental Impact Report (EIR) for the General Plan and, therefore, is exempt from CEQA.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing to receive input regarding the proposed zone change; and
2. Adopt the attached Ordinance, give first reading and order the Ordinance to print.

ATTACHMENTS:
1. Aerial Photo – Existing Conditions
2. Surrounding Zoning
3. 300’ Radius Map
4. Consent to Release
5. Draft Ordinance
Zone Change (PRC 2011-6-Z)

Project Site and Main Campus Areas

- Proposed Zone Change from RS-2 and PO to PS
- SVDH Campus

[Map showing the proposed zone change and SVDH campus areas]
CONSENT TO RELEASE LOT FROM CC&R'S FOR FUTURE HOSPITAL LABORATORY BUILDING

The Undersigneds are owners of real property on Carmelita Street, Porterville. Sierra View District Hospital ("Hospital") presently owns the house and lot at 182 Carmelita. Hospital would like to construct a new lab building using the properties at 182 Carmelita and the former Woods building on the corner of Carmelita and Putnam. The new building would be designed and laid out essentially as shown in Exhibits 'A' through 'D'. The property at 182 Carmelita would be zoned for 'public/semi-public' use.

The Undersigneds are owners of the real property on Carmelita as indicated above their names. By Signing below, the Undersigneds consent to release the hospital from any CC&R restrictions on 182 Carmelita and do not object to the City's approval of this project so that the proposed lab building may be built for Hospital use, where proposed, including on the real property at 182 Carmelita.

1. Address: 1168 Carmelita, Porterville  Date: Dec 14, 2011
   Owner(s) Signature: Marvin L. Lykins  Frances L. Lykins
   Print Name(s) MARVIN L. LYKINS  FRANCES L. LYKINS

2. Address: 89 Carmelita, Porterville  Date: Dec 20, 2011
   Owner(s) Signature: Doris Haseeck
   Print Name(s) Doris Haseeck
3. Address: 814 Carmelita, Porterville  Date: 12-29-11  
Owner(s) Signature:  
Print Name(s):  

4. Address: 47 Carmelita, Porterville  Date: 1/18/12  
Owner(s) Signature:  
Print Name(s):  

5. Address: 143 Carmelita, Porterville  Date: 1/18/12  
Owner(s) Signature:  
Print Name(s):  

6. Address: 50 Carmelita, Porterville  Date: 1/26/12  
Owner(s) Signature:  
Print Name(s):  

7. Address: 60 N. Carmelita, Porterville  Date: 1/25/12  
Owner(s) Signature:  
Print Name(s):  

8. Address: 61 N. Carmelita, Porterville  Date: 1/25/12  
Owner(s) Signature:  
Print Name(s):  

2
9. Address: J29 Carmelita, Porterville Date: 1/25/12
Owner(s) Signature: Theresa Sturgeon
Print Name(s): Deanna Sturgeon
10. Address: 73 Carmelita, Porterville Date: 2/15/12
Owner(s) Signature: Elizabeth Keete
Print Name(s): Elizabeth Keete
11. Address: 151 Carmelita, Porterville Date: 2-15-12
Owner(s) Signature: Angela Nunez
Print Name(s): Angela Nunez
12. Address: 155 Carmelita, Porterville Date: 2/27/12
Owner(s) Signature: Timothy Q. Baker
Print Name(s): Timothy Q. Baker
13. Address: 155 Carmelita, Porterville Date: 3/20/12
Owner(s) Signature: Janet A. Eubie-Baker
Print Name(s): Janet A. Eubie-Baker
14. Address: 155 Carmelita, Porterville Date: 3/20/12
Owner(s) Signature: ______________________________
Print Name(s) ____________________________________
ORDINANCE NO. _______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE (#PRC 2011-6-Z) FROM PO (PROFESSIONAL OFFICE)
AND RS-2 (LOW DENSITY RESIDENTIAL) TO PS (PUBLIC/SEMI-PUBLIC)
FOR THAT .62± ACRE SITE LOCATED AT 515 W. PUTNAM AVENUE
AND 182 N. CARMELITA STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
April 17, 2012, conducted a public hearing to approve findings and consider Zone Change (PRC
2011-6-Z), being a change of zone from PO (professional office) and RS-2 (low density residential)
to PS (public/semi-public) for those sites located at 515 W. Putnam Avenue and 182 N. Carmelita
Street; and

WHEREAS: The applicant has met extensively with neighborhood residents and resolved
most concerns that were expressed at the May 3, 2011, public hearing regarding this matter; and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone
Change (PRC 2011-6-Z) is consistent with the guiding and implementation policies of the adopted
2030 General Plan; and

WHEREAS: The City Council made the following findings in support of the approval of this
Zone Change:

1. The public necessity and convenience and the general welfare of the City of
Porterville requires such amendment to maintain consistency with the General Plan.

2. The proposed zone change will advance the goals and objectives of and is consistent
with the guiding and implementation policies of the General Plan, specifically
policies LU-G-18 and LU-I-30, which support the expansion of Porterville’s Sierra
View District Hospital, subject to standards ensuring that surrounding residential
areas are not adversely affected.

3. The 2030 General Plan Land Use Diagram is not parcel-specific and uses on sites less
than one acre in size are generally not depicted. The Diagram is to be used and
interpreted only in conjunction with the text and figures contained in the General
Plan, which support hospital expansion, as noted above.

4. Pursuant to California Code of Regulations (CEQA Guidelines) Section 15183(i)(2)
Projects Consistent with a Community Plan or Zoning, the project as proposed is
considered under the existing Environmental Impact Report (EIR) for the General
Plan and is therefore exempt from CEQA.

5. The subject zone change will not create adverse environmental impacts on the
adjacent neighborhood when standards of the Development Ordinance and General
Plan are applied to the subsequent development project, which include residential
front yard setbacks, a block wall between differing land uses, and limitations on access to the residential street.

6. A lot merger under common ownership of subject parcels with Sierra View District Hospital main campus shall be completed to meet the goals and objectives of the General Plan and to help ensure that subsequent development will not adversely impact the surrounding residential area.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change #PRC 2011-6-Z, is hereby rezoned from PO (Professional Office) and RS-2 (low density residential) to PS (public/semi-public), pursuant to Section 3 below, for those two (2) lots described herein as Assessors Parcel Number 252-272-013 and 252-272-012 located on the southeast corner of Putnam Avenue and Carmelita Street; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from PO (Professional Office) and RS-2 (low density residential) to PS (public/semi-public) for those two (2) lots described above, more particularly shown on the attached map as Exhibit “A”; and

Section 3: This ordinance shall be in full force and effect concurrently with the recording of the lot merger under common ownership that merges the subject properties with the main hospital campus, which shall not be sooner than thirty (30) days from and after the ordinance’s publication and passage.

______________________________________________________________
Ronald L. Irish, Mayor

ATTEST:
John Lollis, City Clerk

________________________________________________________________________
Patrice Hildreth,
Chief Deputy City Clerk
CITY COUNCIL AGENDA: APRIL 17, 2012

SCHEDULED MATTER

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

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: This item is being brought back to Council in response to concerns regarding securing the outstanding loan debt and how the City’s position may be affected by expanding the time period for repayment of impact fees through the Development Fee Payment Plan Program (Program) expressed during the City Council meeting of March 20, 2012. The two overriding concerns were: 1) whether the City can obtain priority position for the lien, and 2) whether the City’s lien runs with the land.

Staff has discussed the matter with the City Attorney’s office and was provided the information contained in the Memorandum provided as Attachment “A” to clarify the issues related to Council’s concerns:

1) Priority of liens is determined by the date of recordation. It is the City’s current practice to record its lien at the time the contract is executed, thus ensuring the City’s priority against subsequent encumbrances. The City may obtain priority over existing recorded liens by executing an agreement with another lender(s) subordinating their interests to the City’s lien. As the City Attorney points out in the attached memo this would be unlikely.

2) A recorded lien runs with the land, and so the City will be able to enforce its lien against the property owner’s successors in interest.

The signed agreement provides the following language for the lien:

“Any lien herein created may be added to the tax bill for the unpaid balance of principal and shall become a lien on said real property and may be collected in the manner real property taxes are collected by the City of Porterville. In the event said sum is not paid at the time said taxes are due, it may be collected in the same manner as delinquent taxes and said real property may be sold to satisfy said lien in the same manner that real property is sold to satisfy delinquent taxes.”

DD BN Appropriated/Funded MPEM

Item No. 1
Discussion with the Tulare County Tax Collector office confirmed that the City has an agreement in place to allow for all special assessments to be added to the tax roll. The lien would be collected in the manner real property taxes are collected or would occur through a private or tax sale.

The agreement template is being amended to address Council’s concerns, and to properly reflect the practice of recording the Agreement upon execution. A copy of the draft amended Standard Agreement is attached for Council’s review. An additional condition will be added to require the developer/property owner to notify the City of a transfer/sale of the property.

During the City Council meeting of March 20, 2012, there was some discussion regarding the City’s ability to assess penalties for unpaid installments. The signed agreement provides the following language for penalties to be assessed to unpaid installments:

"In the event any installment of principal is delinquent for a period in excess of ninety (90) days, late charges shall be applied to the unpaid installment in accordance with City policy and the unpaid balance shall become a lien on said real property. Should the installment remain unpaid for an additional 90 days, City utility services shall be disconnected."

Per City policy, the penalty is assessed at one percent (1%) of the unpaid balance (principal and penalty) each month until the debt is satisfied.

RECOMMENDATION: That the City Council:

1) Authorize a 10-year, 0% interest Development Fee Payment Plan Program for businesses and multi-family housing projects locating within the Porterville City limits, excluding projects requiring major Master Plan infrastructure improvements and Home Occupancy businesses; and


ATTACHMENTS:

1) Memorandum from Julia Lew, dated April 10, 2012
2) Draft Resolution
3) March 20, 2012, Agenda Item
4) December 20, 2011, Agenda Item
5) November 15, 2011, Agenda Item
6) Standard Development Fee Payment Plan Agreement
MEMORANDUM
MCCORMICK KABOT JENNER & LEW
A Professional Corporation
1220 West Main Street
Visalia, California 93291
Telephone: (559) 734-6729
Facsimile: (559) 734-8762

April 10, 2012

TO: City Council
   Brad Dunlap, Community Development Director
   Linda Wammack, Development Associate

CC: Julia Lew, City Attorney

FROM: Mike Maurer, Deputy City Attorney

SUBJECT: Deferring collection of development impact fees over 10 years.

The City is considering adoption of a deferral program that would allow developers to defer payment of impact fees for up to ten years. The existing policy allows payment to be deferred for five years. The City records a lien to secure its payment of deferred fees. This memorandum is in response to two questions raised by council: (1) whether the City can obtain priority position for its lien, and (2) whether the City's lien runs with the land.

As a general rule, priority of liens is determined by the date of recordation. Liens which are recorded first have priority over subsequently recorded liens. Unless there is a specific statute granting superpriority, the general rule will control. It is the City's current practice to record its lien at the time the contract is executed. This ensures City's priority against subsequent encumbrancers. However, City is still subordinate to existing recorded liens.

There is no statutory basis for the City to obtain priority over existing recorded liens, so the only way to obtain a higher priority is by agreement. City may obtain priority position if the holders of the existing liens execute an agreement subordinating their interests to City's lien, but it is unlikely the existing lienholders would be willing to do this.

City might also be able to collect any delinquent payments on the tax bill, as opposed to through its lien. There is no statutory authority to collect through the tax bill, and so this procedure would have to be set forth in an agreement with the developer. It is the City's current practice to include a term in its deferment agreements providing for collection through the tax bill. Since there is no statutory authority for this practice, staff should contact the tax collector or assessor and obtain verification that the county will honor an agreement between the City and the developer creating a tax lien. Without statutory authority, even if the assessor and tax collector

ATTACHMENT
ITEM NO. 1
would honor the agreement, there is some risk that a senior lienholder would challenge the collection. Though the City includes this term in each agreement, it is my understanding that to date it has not needed to add any lien to the tax roll.

Technically, tax liens have priority over all other liens, which puts the City in a more favorable position than the senior liens. However, when a senior lien, such as the deed of trust in favor of a construction lender, forecloses it pushes all junior liens into foreclosure, but tax liens are not foreclosed due to their senior position. The tax lien remains on the property and the purchaser at the foreclosure sale will become responsible for the payment of all back taxes.

The main downside of obtaining a tax lien is that the City will not have the flexibility to foreclose on a tax lien. The tax collector must wait for five years before it can sell the property to pay off the taxes. The other downside of a tax lien is that if the property sells to a bona fide purchaser prior to the lien attaching to the tax roll, then the lien becomes part of the unsecured roll.

It is the current practice of the City to record a basic lien which does not contain the power of foreclosure. In order to enforce the lien, the City must file a court action. If the City wants the ability to enforce future liens by selling the property at a foreclosure auction, then it will have to record a deed of trust. Recording a deed of trust will not change the City’s priority position. Where the value of the property is not sufficient to pay off all senior liens and the City’s lien, selling the property at auction will not provide a benefit. The City will still have to file a court action to obtain a judgment for the entire amount. Thus, the utility of a deed of trust depends on whether the property has, or is expected to have, value in excess of all senior liens.

Finally, a recorded lien runs with the land, and so the City will be able to enforce its lien against the property owner’s successors in interest. However, it is standard for the lien to be paid out of escrow when the property is sold or transferred. As part of a deferment contract, the City may include a requirement that the developer notify the City whenever an escrow is opened on the property, and that the escrow instructions require payment of the entire amount of impact fees as a disbursement from escrow prior to any funds being disbursed to the seller.
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 rescind Resolutions 107-1998, 87-2001, and 64-2002, and 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. Projects requiring major Master Plan infrastructure improvements and Home Occupancy businesses shall not be eligible to participate in the Development Fee Payment Plan;

ATTACHMENT
ITEM NO. 2
e. 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;

f. The Development Fee Payment Plan shall be recorded as a lien against the property being developed; and

g. 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 April, 2012.

______________________________
Ronald L. Irish, Mayor

ATTEST:

______________________________
John D. Lollis, City Clerk
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) 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.

Item No. 18

ATTACHMENT
ITEM NO. 3
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: On November 15, 2011, the City Council considered staff’s request to implement a ten-year Development Fee Payment Plan (Plan) to replace the existing five-year Business Incentive Zone, City-Wide Business, and Multi-Family Housing Plans. The Plan assists existing and new businesses by reducing the burden of initial start up costs by allowing payment of development fees over a period of time without interest or administrative fees. During the November 15, 2011 meeting, Council requested additional information regarding the impact of the additional time allowance for repayment of the fees.

The average amount of the thirty-five Plans executed since the programs inception in 1986 is approximately $62,622.80. This amount does not include those plans executed for housing projects. The largest Plan was $448,336.00 and the smallest Plan was $2,183.00. Only six (6) of the Plans have been executed for developers that are from outside the local area, with the remainder being with local developers, land owners or businesses.

Based on Council’s request for additional information, staff reviewed the Plan at interest equal to the Local Agency Investment Fund (LAIF), 2%, and 3%, and utilized repayment periods of 5, 10, and 15 years. The 2% interest rate was based on the Small Business Revolving Loan program which charges interest at LAIF or 2%, whichever is greater. The 3% interest rate was based on the interest rate used for the Beverly Street Water Improvements.

Using the average of the loans to date, staff has prepared the following information per Council’s request.

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<th>Annual Payment w/interest @ current LAIF rate (.401% as of Nov 2011)</th>
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DD Appropriated/Funded

CM

Item No. 18

ATTACHMENT

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In 1991, the City approved a ten-year Plan for businesses located within the Porterville Enterprise Zone (PEZ). Three entities took advantage of the 10-year plan prior to the expiration of the PEZ.

It is important to note that in the Sequoia Valley Enterprise Zone application, the City has committed to the implementation of a 5-year, interest free Development Fee Payment Plan for business locating within the Enterprise Zone boundaries. The current program(s) accommodate this commitment. The term of repayment for impact fees could be increased, but the addition of interest is restricted as it reduces the local incentive commitment by the jurisdiction.

By combining the three existing Development Fee Payment Plan programs (Business Incentive Zone, City-Wide Business, and Affordable Housing), administration of the program becomes more streamlined. Per the Resolution, agreements will be signed by both the property owner and the Mayor. Agreements are standardized and administered at the staff level, alleviating the time consideration required for Council to review each agreement. Agreements are recorded on the property and the City’s position on the recordation is subordinate to the construction/commercial loan. Council’s comment during the November 15, 2011 meeting regarding the exclusion of the Plan’s availability for Home Occupancy business has been incorporated into the attached Resolution.
RECOMMENDATION: That the City Council adopt a resolution authorizing a no interest ten (10) year Development Fee Payment Plan for all commercial and industrial business and affordable housing developments within the City limits, with the exclusion of those businesses operating under a Home Occupancy Permit and rescinding Resolutions 107-1998, 84-2001, and 64-2002.

ATTACHMENTS:

1) Draft Resolution
2) November 15, 2011 Agenda Item
3) Sample Development Fee Payment Plan
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: Consolidation of the Business Incentive Zone, City-Wide Business, and Affordable Housing Development Payment Plans into a single Ten (10) Year Development Fee Payment Plan will further facilitate streamlined permitting; 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 rescind Resolutions 107-1998, 87-2001, and 64-2002 and approve a Development Fee Payment Plan in accordance with the following:

a. All businesses, excluding those operating with a Home Occupancy Permit, 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

ATTACHMENT
ITEM NO. 1
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;

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 December, 2011.

ATTEST:

________________________
John D. Lollis, City Clerk

________________________
Ronald L. Irish, Mayor
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

ATTACHMENT ITEM NO. 2

DD Appropriated/Funded CM Item No. 1
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
DEVELOPMENT FEE PAYMENT PLAN AGREEMENT NO. __________

Pursuant to Resolution No. __________ of the City of Porterville, __________, owner of real property located at ______________________ Porterville, Tulare County, California, legally described as:

See Attachment

agrees to pay the City of Porterville the amount of $__________ at the rate of $__________ for the first payment, and nine payments of $__________. The first of said payments shall be due, on or about the ____ day of __________, and subsequent payment shall be made on the ____ day of _____ of each year thereafter until the principal has been paid in full. The principal sum due is building permit fees, water and sewer fees, storm drain fees, transportation impact fees, seismic tax, and service initiation for the property located at ______________________. School Impact Fees are not included in this agreement and must be paid for separately and prior to permits being issued.

As part of the building permit process, the City will estimate your water use and calculate impact fees. Water use will be monitored for one year to determine actual average daily use and fees at which time water, sewer, and wastewater fees will be recalculated based upon actual usage. An increase in actual water usage will result in a request for payment for additional fees. In the event the actual water usage is less than the estimate, an adjustment will be made to this agreement.

In the event the undersigned sells or otherwise transfer said real property, the unpaid balance of said principal shall immediately become due and payable in full, and if not so paid, said sum shall become a lien on said real property and said lien shall attach as of the date of this agreement.

In the event any installment of principal is delinquent for a period in excess of ninety (90) days, late charges shall be applied to the unpaid installment in accordance with City policy and the unpaid balance shall become a lien on said real property. Should the installment remain unpaid for an additional 90 days, City utility services shall be disconnected.

Any lien herein created may be added to the tax bill for the unpaid balance of principal and shall become a lien on said real property and may be collected in the manner real property taxes are collected by the City of Porterville. In the event said sum is not paid at the time said taxes are due, it may be collected in the same manner as delinquent taxes and said real property may be sold to
satisfy said lien in the same manner that real property is sold to satisfy delinquent taxes.

If any action is brought to enforce payment of the above obligation, the prevailing party shall be entitled to all costs, including reasonable attorney fees.

Dated this ______ day of ______________________

Signed

Owner

___________________________
Title

APPROVED AS TO FORM:

___________________________
City Attorney

FOR THE CITY OF PORTERVILLE:

___________________________, Mayor

___________________________, City Clerk
CITY COUNCIL AGENDA: NOVEMBER 15, 2011

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

DD: Appropriated/Funded  CM:  ATTACHMENT
ITEM NO. 5
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.

ATTEST:

Ronald L. Irish, Mayor

John D. Lollis, City Clerk
CITY COUNCIL AGENDA: NOVEMBER 15, 2011

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.

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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

-Appropriated/Funded CM

ATTACHMENT ITEM NO. 5
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.

ATTEST:

John D. Lollis, City Clerk

__________________________  Ronald L. Irish, Mayor
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<td>AGREEMENT NUMBER</td>
<td>AGREEMENT DATE</td>
<td>ENTERPRISE ZONE</td>
<td>BUSINESS INCENTIVE ZONE</td>
<td>CITYWIDE</td>
<td>LOAN AMOUNT</td>
<td>ANNUAL PAYMENT AMOUNT*</td>
<td>STATUS OF LOAN</td>
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<tr>
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<td>----------------</td>
<td>-----------------</td>
<td>-------------------------</td>
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<td>$3,632.01</td>
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<td>X</td>
<td>$19,692.60</td>
<td>$3,938.52</td>
<td>First Payment Due 6/1/12</td>
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</table>
DEVELOPMENT FEE PAYMENT PLAN AGREEMENT NO. ________

Pursuant to Resolution No. ________ of the City of Porterville, owner of real property located at __________________________ Porterville, Tulare County, California, legally described as:

Legal Description or as an Attachment

agrees to pay the City of Porterville the amount of $_______ at the rate of $_______ for the first payment, and nine payments of $_______. The first of said payments shall be due, on or about the ___ day of ___, and subsequent payment shall be made on the ___ day of ___ of each year thereafter until the principal has been paid in full. The principal sum due is building permit fees, water and sewer fees, storm drain fees, transportation impact fees, seismic tax, service initiation, and other building permit related fees for the property located at __________________________. School Impact, Public Works Permits, and San Joaquin Valley Air Pollution Control District fees are not included in this agreement and must be paid for separately and prior to permits being issued.

As part of the building permit process, the City will estimate your water use and calculate impact fees. Water use will be monitored for one year to determine actual average daily use and fees at which time water, sewer, and wastewater fees will be recalculated based upon actual usage. An increase in actual water usage will result in a request for payment of additional fees. In the event the actual water usage is less than the estimate, an adjustment will be made to this agreement.

A lien securing payment of all amounts due under this Agreement shall attach to the above identified property as of the date of this Agreement. A copy of this Agreement may be recorded in the Office of the County Recorder.
In the event the undersigned sells or otherwise transfer said real property, the unpaid balance of said principal shall immediately become due and payable in full.

In the event any installment of principal is delinquent for a period in excess of ninety (90) days, late penalties shall be applied to the unpaid installment in accordance with City policy. Should the installment remain unpaid for an additional 90 days, City utility services shall be disconnected.

Any lien herein created shall be a special assessment on the property and any amounts which are delinquent for a period in excess of 90 days may be added to the tax bill for the unpaid balance of principal and may be collected in the manner real property taxes are collected. In the event said sum is not paid at the time said taxes are due, it may be collected in the same manner as delinquent taxes and said real property may be sold to satisfy said lien in the same manner that real property is sold to satisfy delinquent taxes.

If any action is brought to enforce payment of the above obligation, the prevailing party shall be entitled to all costs, including reasonable attorney fees.

Dated this __ day of ___________.

Signed ________________________________

Owner

Title

APPROVED AS TO FORM:

City Attorney

FOR THE CITY OF PORTERVILLE:

, Mayor
SCHEDULED MATTER

SUBJECT: REQUEST FOR AN AMENDMENT TO THE MUNICIPAL CODE PERTAINING TO CARD TABLES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: Staff has received a written request for the City Council to consider an amendment to Chapter 15 – Licenses and Business Regulations of the Municipal Code (Code) “to permit up to nine (9) card tables in one card room establishment in the City of Porterville or fewer card tables per establishment if there be more than one such establishment”. The Code currently stipulates the maximum number of card rooms and the maximum number of tables per card room allowed in the City. Section 15-20 A.6. of the Code states that not more than three (3) card tables shall be located at each establishment, not more than nine (9) tables in total shall be located in the City, and not more than three (3) establishments operating such tables shall be located in the City.

If the City Council wishes to consider the applicant’s request, the Council can direct staff to prepare a draft code amendment and to affirm that the draft amendment is in accordance with State Gambling Law.

Prior to locating a card room, the Council is required to approve a suitable location. As noted in the applicant’s request, the applicant has identified a site on which they would like to operate the business; however, consideration of the location is not before the Council at this time. That would come to a subsequent meeting once the Council has determined whether to amend the Code and all aspects of local and state laws have been evaluated.

RECOMMENDATION: That the City Council provide direction to staff.

ATTACHMENTS: 1. Applicant’s Request Letter
2. Municipal Code, Section 15-20: Regulations
March 30, 2012

John D. Lollis
City Manager
City of Porterville
291 N. Main Street
Porterville, CA 93257

RE: Proposed Change to City Ordinance 15-20:6

Dear Mr. Lollis:

Please be advised I have been retained by Candice Garrett with regard to the above matter. I write to request that an item be placed before the Porterville City Council regarding Ms. Garrett’s request to change City of Porterville’s City Code 15-20 paragraph 6 to allow one card room to have and operate all nine (9) card tables mentioned in the current ordinance.

There was a meeting at your office on Tuesday, March 27, 2012, at which Ms. Garrett’s father, Darrin Garrett presented their business proposal of opening a new card room in Porterville. The establishment is intended to be “classy” and modern such as the “The Aviator” card room in Delano, CA, which currently has twenty (20) card tables. My client’s proposed site is the old Paul Bunyan meeting hall at Morton & Porter Rd. However, with the current limit of only 3 card tables per card room establishment, their proposed card room would not be economically feasible.

My client requests that the City of Porterville amend City Code 15-20:6 to permit up to nine (9) card tables in one card room establishment in the city of Porterville or fewer card tables per establishment if there be more than one such establishment. The overall limit of nine card tables in Porterville would not change. Please take the steps necessary to present this proposed amendment to the City Staff and the City Council for consideration and vote of approval.

Please give me a call if you have any questions or if you require further information to move this matter forward.

Thank you for your attention to this matter.

Very truly yours,

Robert E. Vanderhorst

cc: Porterville Police Captain, Silver Rodriguez;
Porterville City Planner, Brad Dunlop;
City Council Members: Ron Irish, Mayor
Cameron Hamilton, Vice Mayor, Pete McCracker, Brian Ward and Greg Shelton
Municipal Code, Section 15-20: Regulations

A. Card Tables:

1. Conformance With State Law: It is the stated purpose of this subsection to regulate card rooms, licenses and permits in the city of Porterville concurrently with the state of California, and to impose local controls and conditions upon establishments operating card rooms and card tables as permitted in the "gambling control act" as codified in division 8, chapter 5 of the California Business and Professions Code.

2. Licenses: Each card table shall be assigned a separate license with such license designating the number of the table and the location of the table, and the exact place of business where such card table is to be maintained. The operator shall attach to each licensed table a metal identification number, which shall be plainly visible at all times; and no license or identification number shall be transferable; provided, however, that it may be moved to a new location with the approval of the city council.

3. Hours Of Operation: Playing at all card tables shall absolutely cease and terminate at two o'clock (2:00) A.M. of each day; and it is hereby declared to be unlawful for any person to deal, participate in, play, carry on or bet at, against, rent, open up, carry on, conduct or have charge of or to control any card table in the city between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. of each day.

4. Patron Security And Safety: All licensees shall have in effect a security plan to address the safety and security of patrons in and around the card room. The plan, and any amendments thereto, must be filed with and approved by the chief of police. The licensee shall be liable for the security and safety of its patrons to the extent required by law. Any information about security measures that is provided to the city by an establishment operating a card table shall be confidential and not open to public inspection.

The physical arrangements of the gambling area and parking lots of the establishment operating card tables shall meet the requirements and specifications determined necessary by the chief of police for the security and safety of citizens, patrons, and police officers. During all hours of operation, the outside doors to the establishments wherein card tables are operated and the main doors to rooms wherein the tables are located must be unlocked and accessible to the general public. Any part and all of the establishment where a card table is operated shall be open to police inspection during all hours of operation.

5. Wagering Limits: Unless otherwise authorized by the chief of police based upon a finding of necessity because of the rules relating to a particular game, a maximum of ten (10) hands may be dealt at any one table. The maximum number of persons who may participate in play at a table may be limited by the licensee consistent with the provisions of this chapter, provided that in any event, the number of persons present in any establishment or room shall not exceed the occupant load as otherwise prescribed by law. There shall be posted in a conspicuous place on the establishment premises the minimum buy-in and wagering limits. Not later than July 1 of each calendar year, the licensee shall execute under penalty of perjury and file with the chief of police a declaration stating the following: a) the minimum buy-in, table and wagering limits and any and all charges or other fees assessed of all players at a table; and b) a set of the then current posted detailed house rules applicable to the games played. There is no wagering limit imposed by this subsection. However, all wagering limits fixed by the licensee shall be posted as required in this subsection, and shall comply with all state laws and all ordinances of the city.

6. Number Of Gambling Tables: Not more than three (3) card tables shall be located at each establishment. Not more than nine (9) tables total shall be located in the city of Porterville, and not more than three (3) establishments operating such tables shall be located in the city of Porterville.
7. Location: No license shall be issued except for a location deemed suitable by the city council.

8. Permit Required For Dealers And Employees: All card room dealers and employees shall be required to obtain a permit from the chief of police. In addition, all card room dealers and employees are required to submit to a fingerprint based criminal history background check by the department of justice. Permit applicants are responsible for all fees charged for applying for and obtaining the permit and submitting to the background check. The chief of police shall deny said permit for any of the following reasons, as set forth in California Business and Professions Code section 19850A(a):

a. Failure of the applicant to clearly establish eligibility and qualification in accordance with California Business and Professions Code, division 8, chapter 5;

b. Failure of the applicant to provide any information, documentation, and assurances required by said chapter of the Business and Professions Code or requested by the director of the division of gambling control, department of justice, or failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria;

c. Conviction of the applicant for any crime punishable as a felony;

d. Conviction of the applicant for any misdemeanor involving dishonesty or moral turpitude within the ten (10) year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to sections 1203.4, 1203.4a and 1203.45 of the California Penal Code;

e. Association of the applicant with criminal profiteering activity or organized crime, as defined by section 186.2 of the Penal Code;

f. Wilful and obstinate defiance by the applicant of any legislative investigatory body, or other official investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling; official corruption related to gambling activities; or criminal profiteering activity or organized crime, as defined by section 186.2 of the Penal Code; or

g. The applicant is less than twenty one (21) years of age.

The department of justice's division of gambling control may object to the issuance of a work permit by the city for any cause deemed reasonable by the division.

9. Revocation And Appeal:

a. By The Chief Of Police: The chief of police may refuse to issue or may revoke the permit of a card room dealer or employee at any time if, in his judgment, such action is necessary. A person whose application for a permit is denied or a person whose permit is revoked, if the decision to deny or revoke was made solely by the chief of police, may appeal the action of the chief of police to the city council in accordance with the procedure set forth in subsection 15-13B of this article.

b. By The Division Of Gambling Control: If the division objects to the issuance of a work permit, the permit shall be denied. Any person whose application for a work permit has been denied because of an objection by the division may apply to the California gambling commission for an evidentiary hearing in accordance with regulations. In addition, the California gambling control commission may notify the chief of police to revoke a work permit, if the commission makes the necessary findings after a hearing, pursuant to California Business and Professions Code section 19912A.
SUBJECT: ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

SOURCE: PUBLIC WORKS DEPARTMENT – Engineering Division

COMMENT: On April 19, 2011, City Council, per MO #13-041911, suspended the Engineering News Record (ENR) Cost Index automatic development impact fee increase for fiscal year 2011/2012. On April 6, 2010, City Council, per MO #20-040610, suspended the same for fiscal year 2010/2011. In addition, the Council received a report (attached) regarding Water, Sewer, Treatment Plant, and Storm Drain Impact Fees on December 21, 2010, that provided a direct correlation of Master Plan improvement costs versus collection of impact fees. The report summarized fees collected, Master Plan improvement costs and Master Plan debt service expenditures from the date of the individually adopted Master Plans to December of 2010.

In light of the current economic climate and the continued lack of development within the community, staff recommends that the City Council consider not implementing the ENR Cost Index auto escalator for fiscal year 2012/2013. However, if the City Council elects to raise development impact fees, a Public Hearing can be set for May 15, 2012. Staff would in turn notify the Home Builders Association within the necessary period.

This will be the third ENR Cost Index auto escalator suspension should Council approve staff’s proposal. The following is a summary of those suspensions in percentages:

<table>
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<tr>
<th>Year</th>
<th>Yearly ENR Cost Index auto escalator per City Municipal Code (%)</th>
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<tbody>
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<td>2010/2011</td>
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<tr>
<td>2011/2012</td>
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RECOMMENDATION: That City Council provide direction to staff.

ATTACHMENTS: Summary of Development Impact Fees
Water Capital Improvement Cost
Sewer Capital Improvement Cost
Waste Water Treatment Facility Capital Improvement Cost
Storm Drain Capital Improvement Cost
Transportation Improvement Cost

Item No. 13
## City of Porterville
### Summary of Development Impact Fee

<table>
<thead>
<tr>
<th>Master Plan and/or CIP Facilities Category</th>
<th>Water (1)</th>
<th>Sewer (1)</th>
<th>Water/Waste Treatment Facility (WWTF) (1)</th>
<th>Storm Drain (1)</th>
<th>Transportation (1) (3)</th>
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</thead>
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<td>$1,371,541.23</td>
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<td>-$615,043,185.90</td>
<td>-$23,394.07</td>
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<td>-$769,946.22</td>
<td>-$21,414,074.19</td>
</tr>
</tbody>
</table>

- **COP Principal Payments (2)** | $3,125,000.00 | $3,335,000.00 | $4,885,000.00 | 0.00 | 4,735,000.00 |
- **COP Interest Payments (2)** | $3,561,550.00 | $4,145,350.00 | $6,139,080.00 | 0.00 | $11,160,452.73 |

| Difference between Expenditures vs. Appropriations with COP payments included | $22,025,768.00 | -$7,564,744.07 | -$8,117,333.20 | -$769,946.22 | -$37,369,533.92 |

- **CIEDB WWTF Loan Principal Debt** | $8,257,500.00 | $5,358,000.00 |
- **CIEDB Water Lease Principal Debt** | $39,267,268.90 | -$114,733,333.33 |

**Notes:**
2. COP debt service for projects that pre-date the Master Plans. However, the payments associated with Transportations COP issuance relates to projects under this evaluation (1998 to 2010).
3. Transportation related projects indicates some irregularities in the evaluation methodology and requires a more thorough review of project finances.
## City of Porterville

### Water Capital Improvement Cost

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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<td>7/09/2001</td>
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<td>N/A</td>
<td>$657,474</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Water Pump Station M</td>
<td>7/09/2001</td>
<td>$657,474</td>
<td>N/A</td>
<td>$657,474</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Water Pump Station N</td>
<td>7/09/2001</td>
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<td>N/A</td>
<td>$657,474</td>
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<tr>
<td>Water Pump Station O</td>
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<td>N/A</td>
<td>$657,474</td>
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<tr>
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<td>$657,474</td>
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<tr>
<td>Water Pump Station V</td>
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<tr>
<td>Water Pump Station W</td>
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<td>Water Pump Station X</td>
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<td>Water Pump Station Y</td>
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<td>Water Pump Station Z</td>
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<td>$657,474</td>
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<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Note: (The list is not exhaustive and represents a sample of projects focusing on water infrastructure development and improvements.)
<table>
<thead>
<tr>
<th>Project Name</th>
<th>Contractor</th>
<th>Project Initiated</th>
<th>Total Project Length</th>
<th>2021 MP</th>
<th>2021 MP</th>
<th>Additional Expenses</th>
<th>Cost to Date</th>
<th>Cost of U/W</th>
<th>Calculated Cost</th>
<th>Cost Over - Under</th>
<th>Difference Between Calculated Cost &amp; Cost Over - Under</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pioneer Ave. &amp; Mathews St. to Novocona St. (2) (4)</td>
<td>Visions Developers</td>
<td>4/20/2020</td>
<td>6598'</td>
<td>5494'</td>
<td>$635,088.00</td>
<td>$214,277.37</td>
<td>$640,365.37</td>
<td>200'</td>
<td>$1,400,751.00</td>
<td>2000</td>
<td>$140,751.00</td>
</tr>
<tr>
<td>Anderson Ave. Reconstruction</td>
<td>Westfield Ave. L.S. Storage Pipe (Williams Ranch) 1 (5)</td>
<td>3/1/2020</td>
<td>7000'</td>
<td>0'</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>220'</td>
<td>$1,100,100.00</td>
<td>2200</td>
<td>$14,100.00</td>
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<tr>
<td>Newcomer St.</td>
<td></td>
<td>10/23/2009</td>
<td>2000</td>
<td>1230'</td>
<td>$121,899.00</td>
<td>$164,314.18</td>
<td>$386,213.18</td>
<td>1776</td>
<td>$300,893.90</td>
<td>1776</td>
<td>$0.00</td>
</tr>
<tr>
<td>Newcomer St.</td>
<td></td>
<td>11/8/2009</td>
<td>2000</td>
<td>1200'</td>
<td>$115,899.00</td>
<td>$164,314.18</td>
<td>$386,213.18</td>
<td>1776</td>
<td>$300,893.90</td>
<td>1776</td>
<td>$0.00</td>
</tr>
<tr>
<td>Newcomer St.</td>
<td></td>
<td>12/14/2007</td>
<td>2000</td>
<td>1200'</td>
<td>$115,899.00</td>
<td>$164,314.18</td>
<td>$386,213.18</td>
<td>1776</td>
<td>$300,893.90</td>
<td>1776</td>
<td>$0.00</td>
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<td>$386,213.18</td>
<td>1776</td>
<td>$300,893.90</td>
<td>1776</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Notes:
1. Assumed Project EIR to be City Council Award Code
2. The Newcomer Blvd Segment was constructed by the Forest Service for the purpose of providing sewer services to the Air Attack Base at the City of Porterville Municipal Airport.
3. Northern portion of the 15th Avenue sewer line (15th Ave. Bridge) has not yet been funded for construction by the developer of the Waterman Drive Phase 3 A.
4. Developer has yet to formally request a reimbursement for the Waterman Drive Phase Facility.
5. "AF" assumed the total pipe constructed on the MP as shown on the MP even though it may have taken a different route or was not the same length.

**Cost Calculations**
- **Total Project Cost:** $1,254,773.05
- **Calculated Cost:** $1,371,541.32
- **Difference:** $256,768.27

**Difference Between Project Cost & Calculated Cost**
- **Total Cost:** $256,768.27
- **Difference:** $256,768.27

**Notes:**
- Assumed Project EIR to be City Council Award Code
- The Newcomer Blvd Segment was constructed by the Forest Service for the purpose of providing sewer services to the Air Attack Base at the City of Porterville Municipal Airport.
## City of Porterville

### Waste Water Treatment Facility (WWTF) Capital Improvement Cost

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Estimated Cost</th>
<th>Actual Cost</th>
<th>Project Cost</th>
<th>Yearly Capital Improvement</th>
<th>Yearly Capital Improvement Cost</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leachet &amp; Pipe Rehabilitation - 6th Street</td>
<td>$12,983.50</td>
<td>$12,983.50</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>(1) Cost Estimates reflect Project Year - Waste Water Facility Improvements is not a component of the 2021 Sewer Master Plan Capital Improvement Program.</td>
</tr>
<tr>
<td>Rice Creek: 13 Mile Major Regional Replacement (3)</td>
<td>$7,374,800.00</td>
<td>$7,374,800.00</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>(2) Projects funded by California Infrastructure and Economic Recovery (CIDER) Loan. Window of availability is limited to 2021.</td>
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<tr>
<td>Rice Creek: 13 Mile Major Regional Replacement (4)</td>
<td>$12,983.50</td>
<td>$12,983.50</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>(3) Waste Water Treatment Facility was constructed in 2006 and funded by a $15,000,000 CIP loan.</td>
</tr>
</tbody>
</table>

### Detailed Analysis

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Bid Date</th>
<th>Project Date</th>
<th>Cost</th>
<th>Capital Improvement</th>
<th>Capital Improvement Cost</th>
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</thead>
<tbody>
<tr>
<td>Leachet &amp; Pipe Rehabilitation - 6th Street</td>
<td>11/29/09</td>
<td>12/31/09</td>
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<td>NA</td>
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<td>3/4/2007</td>
<td>12/31/09</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

### Notes:

1. Cost Estimates reflect Project Year - Waste Water Facility Improvements is not a component of the 2021 Sewer Master Plan Capital Improvement Program.
3. Waste Water Treatment Facility was constructed in 2006 and funded by a $15,000,000 CIP loan.
<table>
<thead>
<tr>
<th>Street Name</th>
<th>Improvement Segment</th>
<th>Start Date</th>
<th>End Date</th>
<th>Project #</th>
<th>Project Description</th>
<th>08/09</th>
<th>08/09</th>
<th>08/09</th>
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</thead>
<tbody>
<tr>
<td>Main Street</td>
<td>0502 Bridge Widening</td>
<td>8/10/2000</td>
<td>8/10/2000</td>
<td>528.3</td>
<td>$353,111</td>
<td>$324,975.27</td>
<td>$880,864.00</td>
<td>$880,864.00</td>
<td>$514,587.24</td>
<td>$1,395,874.06</td>
<td>$1,296,054.19</td>
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<td>Olive Avenue</td>
<td>0502 Avenue to Woodland Street</td>
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<td>8/10/2000</td>
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<td>$880,864.00</td>
<td>$880,864.00</td>
<td>$514,587.24</td>
<td>$1,395,874.06</td>
<td>$1,296,054.19</td>
</tr>
<tr>
<td>L. Main Street</td>
<td>0502 Avenue to Yolanda Avenue</td>
<td>8/10/2000</td>
<td>8/10/2000</td>
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<td>$324,975.27</td>
<td>$880,864.00</td>
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<td>$514,587.24</td>
<td>$1,395,874.06</td>
<td>$1,296,054.19</td>
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<tr>
<td>Prospect Street</td>
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<td>State Route 60</td>
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<td>State Route 60</td>
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<td>$514,587.24</td>
<td>$1,395,874.06</td>
<td>$1,296,054.19</td>
</tr>
</tbody>
</table>

**Notes:**
(1) Assumed Project EMF to be City Council Award Date.
(2) All Grande Hills Places are assumed to be one large project.
(3) Total completion and include right of way acquisitions.
(4) All phases of the Finney Street Widening Project are assumed to be one large project.
(5) Amounts reflect City Council proportionate share per City Council/State Public Improvement Agreement between the City and the developer of the Riverwalk Place Commercial Center.
(6) Projects funded by City of Porterville/Community Development Block Grant.
(7) Includes Water, Gas, and Electric Line Projects.
(8) Design modifications not included.
(9) Traveled by the SAIC Inspector.
SUBJECT: UPCOMING CALL FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) AND HIGH RISK RURAL ROAD PROGRAMS (HRRR) PROJECTS

SOURCE: Public Works Department - Engineering Division

COMMENT: Caltrans District 6 Local Assistance has announced an upcoming Call-for-Projects related to Highway Safety Improvement Program (HSIP) and High Risk Rural Road Programs (HRRR) federal funds. Staff expects the call to occur this month with applications due by July 1, 2012. Caltrans claims this call will be the largest funded local safety program ever. Expected available federal funding is between $100 million and $150 million. Caltrans is looking to fund multiple applications from each local agency by combining the HSIP and HRRR federal funds into one Call-for-Projects. The maximum funding an agency can expect to receive from these programs is the greater of the following two limits:

- Between $1.5 million to $2 million in federal funding; or
- 1.5 to 2 times the ratio of (agency's population)/(State's population) times the total funding for the Call-for-Projects.

Caltrans will review each application and approve them based on their Benefit to Cost Ratio (B/C Ratio). Intersections or street corridors with the highest B/C Ratio will yield safety projects with the best chance of receiving federal funding. Staff will need to spend several weeks reviewing intersections and street corridors before commencing with the application exercise. There will be a need to identify our high accident locations within our entire street network. It should be noted that applications will not be accepted if the results of our analysis reveals a B/C Ratio less than one.

It is difficult for cities the size of Porterville to meet the B/C Ratio because of the lesser traffic volume on our network and the lower speeds associated with our vehicles. However, there is a push by Caltrans to resolve problematic intersections with roundabouts. Roundabouts reduce speeds and damages associated with any accident are far less expensive when compared to a motorist inadvertently running a red light. A roundabout application will only be enhanced if there are safety concerns at high volume pedestrian intersections.
There are several intersections within the City of Porterville that are candidates for roundabouts and some may meet the B/C Ratio criteria established for the HSIP and or HRRR applications. Other agencies have had some success in justifying a cost benefit analysis for roundabouts that satisfies the criteria for obtaining these type of funds. In the past and with limited success, City staff has applied for these funds to enhance traffic safety by other means, such as, traffic signals, street lighting, and street intersection widening for left turn movements. A roundabout application is a new avenue to pursue and it is staff's opinion that it may be worth our efforts to prepare and hopefully present a B/C Ratio to Caltrans that leads towards a successful roundabout application.

In the past, Council has expressed a concern regarding the installation of roundabouts in the City. However, staff feels it is prudent to disclose this potential funding opportunity to control intersections via roundabouts within the City of Porterville. It should be noted that previous Councils have directed Staff to utilize roundabouts as a tool within our "Tool Box" as a method of controlling traffic at intersections, whether or not there is safety concerns involved.

**RECOMMENDATION:** That the City Council:

1. Direct the Public Works Director to review intersections within the City of Porterville that potentially could score well under the HSIP and HRRR Grant guidelines;

2. Authorize the preparation and delivery of a HSIP and and/or HRRR Grant application or applications if the Director deems intersections within the City are candidates for funding; and

3. Consider roundabouts as a viable candidate for these types of federal funds and provide direction to staff accordingly.
COUNCIL AGENDA: APRIL 17, 2012

THIS ITEM HAS BEEN REMOVED.

Item No. 15
SUBJECT: APPOINTMENTS TO THE TRANSACTIONS AND USE TAX (“MEASURE H”) OVERSIGHT COMMITTEE

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: In May 2012, the terms of five members of the Transactions and Use Tax Oversight Committee will expire. The committee is comprised of ten members serving staggered four-year terms, and is charged with monitoring Measure H revenues and expenditures to ensure consistency with the intent of the ballot measure. In order to be eligible for appointment, individuals must either be a property owner, business owner, or business operator within the City of Porterville. Further, the member may not be a City employee, a Council Member, or an immediate family member of a Council Member. The following committee members have terms expiring next month:

- John Dennis
- Kent D. Hopper
- Gail Lemmon
- Monte Reyes
- Khris Saleh

Staff has confirmed that two members, Mr. Kent D. Hopper and Mr. Monte Reyes are not seeking re-appointment. Staff has further confirmed that the remaining three members with expiring terms, Mr. John Dennis, Ms. Gail Lemmon and Mr. Khris Saleh are interested in continuing to serve.

Staff publicized notice of the vacancies and solicited applications from interested individuals. As of the time of agenda compilation and distribution, no requests for appointment have been received. Requests received subsequent to agenda distribution will be presented under separate cover.

RECOMMENDATION: That the City Council:
1. Re-appoint Mr. John Dennis, Ms. Gail Lemmon and Mr. Khris Saleh to the Transactions and Use Tax Oversight Committee to serve four-year terms to expire in May 2016; and
2. Direct staff to publicize notice of the remaining two vacancies.

ATTACHMENT: Resolution 24-2006
RESOLUTION NO. 24-2006

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

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

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

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

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

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

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

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

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

B. Purpose

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

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

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

C. Charge of Committee

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

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

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

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

2. **Review financial statements:** Authority to review independent financial and performance audits of the General Fund No. 4, Public Safety Sales Tax.

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

The committee shall not have the following authority:

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

E. **Committee Operations**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Signature]
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

[Signature]
Georgia Hawley, Chief Deputy City Clerk
Porterville Police, Fire, and Emergency Response 9-1-1 Measure
Program Guidelines and Expenditure Plan

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

Fiscal Accountability Protections

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

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

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

Dedicated Accounting Structure

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

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

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

Priorities if additional revenues are available

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

Review and Modification of Expenditure Plan

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

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

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

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

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

| Fiscal Year 2006-07 Additional Sales Tax Revenues (First full F/Y) | $1,792,000 |
| Increase Police Sworn by 1 additional position to the base | $85,000 |
| Maintain and Expand Patrol Operations | $405,000 |
| Maintain and Expand Gang Suppression and Narcotics Operations | $215,000 |
| Maintain 7 additional Sworn Fire personnel | $521,156 |
| Purchase additional Fire Rescue Apparatus | $140,000 |
| Purchase Rescue Equipment for new Fire Apparatus | $25,000 |
| Purchase Personal Safety Equipment for additional Fire Fighters | $14,000 |
| Maintain Literacy Program/hours | $180,000 |
| Expand Homework Assistance and Creative Expression Program | $80,000 |
| Establish Capital Reserve Fund for New Fire Station | $126,844 |
| **Total 2006-07 Fiscal Year Expenditures** | **$1,792,000** |

<p>| Fiscal Year 2007-08 Additional Sales Tax Revenues (Second full F/Y) | $1,863,680 |
| Increase Police Sworn by 1 additional position to the base | $87,000 |
| Maintain Expanded Patrol Operations | $508,000 |
| Maintain Expanded Gang Suppression and Narcotics Operations | $255,250 |
| Maintain 7 additional Sworn Fire personnel | $557,837 |
| Hire 1 additional Fire Investigator | $74,167 |
| Station and Equipment | $20,000 |
| Maintain Literacy Programs/hours | $187,200 |
| Expand Homework Assistance and Creative Expression Program | $83,200 |
| Increase Established Capital Reserve Fund for New Fire Station | $91,226 |
| <strong>Total 2007-08 Fiscal Year Expenditures</strong> | <strong>$1,863,680</strong> |</p>
<table>
<thead>
<tr>
<th>Fiscal Year 2008-09 Additional Sales Tax Revenues (Third full F/Y)</th>
<th>$1,938,227</th>
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<td>Increase Police Sworn by 1 additional position to the base</td>
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<td>Maintain 8 additional Sworn Fire personnel</td>
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<td>Safety Equipment</td>
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<td>Maintain Literacy Programs/hours</td>
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<td>Expand Homework Assistance and Creative Expression Program</td>
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<td>Maintain 8 additional Sworn Fire personnel</td>
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<td>Maintain Literacy Programs/hours</td>
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<td>Partial Year Debt Service Payment on New Fire Station Financing</td>
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<td>Total 2009-10 Fiscal Year Expenditures</td>
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<tr>
<th>Fiscal Year 2010-11 Additional Sales Tax Revenues (Fifth full F/Y)</th>
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<td>Total 2010-11 Fiscal Year Expenditures</td>
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* Total Reserve Cash Available for Real Property Acquisition for New Fire Station in Fiscal Year 2008/09.

* $266,288
1. Assumes 4% growth rate in annual sales tax revenue.

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

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

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

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

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

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

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<tr>
<th>Council:</th>
<th>IRISH</th>
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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk