Call to Order
Roll Call

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

JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA

Roll Call: Agency Members/Chairman

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

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN
      253-138-001. Agency Negotiator: John Lollis and Brad Dunlap. Negotiating Parties: City of
      Porterville/Successor Agency to the Porterville Redevelopment Agency and Social Vocational
      Services, Inc. Under Negotiation: Terms and Price.

Adjourn to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 841
      Parties: City of Porterville, Sonya M. Fuentes and Elizabeth Luci. Under Negotiation: Terms and
      Price.
   2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN
      261-070-004. Agency Negotiator: John Lollis and Brad Dunlap. Negotiating Parties: City of
   3 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiators:
      John Lollis, Steve Kabot and Patrice Hildreth. Employee Organizations: Porterville City Employees
      Association, Public Safety Support Unit, and Porterville City Firefighters Association.
   4 - Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation –
      Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Ronald L. Irish
Invocation

PROCLAMATIONS
Water Conservation Month

PRESENTATIONS
Chamber of Commerce’s Annual Report

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

1. Tulare County Local Agency Formation Commission – May 2, 2012
2. Joint City/School Committee

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

I. City Commission and Committee Meetings:
   1. Parks & Leisure Services Commission

II. Informational Reports
   1. Update on Status of Transit Grant Applications

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

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


2. Request to Purchase Tactical Weapons and Gear
Re: Consideration of a request to purchase tactical weapons and gear from the City of Lindsay for $15,000.

3. Approval of Measure ‘R’ Supplemental Agreements – Oak Avenue and Garden Avenue Pedestrian Walkway Projects
Re: Consideration of resolutions affirming the Council’s support of the Oak Avenue and Garden Avenue Pedestrian Walkway Projects; and the execution of Supplemental Agreements for the design and construction of each project.

4. Temporary Abeyance of Sewer Connection Policy at 361 N. Lindale Street
Re: Consideration of the temporary abeyance of the Sewer Connection Policy specifically for the property located at 361 N. Lindale for a period not to exceed one year.

Page 2 of 4
5. **Authorize Staff to Operate Shuttle Service to the Porterville Fair**
   Re: Consideration of the operation of a shuttle route from the downtown Transit Center to the Porterville Fairgrounds on Friday and Saturday, May 18 and 19, 2012.

6. **Airport Lease Renewal – Lot 49A**
   Re: Consideration of the extension of the Lease Agreement between the City of Porterville and Mr. and Mrs. Michael Wall of Porterville, CA, for Lot 49A at the Porterville Municipal Airport.

7. **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**

8. **Amendments to the Porterville Development Ordinance in Relation to Minor Conditional Use Permits**
   Re: Consideration of amendments to the Development Ordinance to provide for a minor conditional use permit process.

9. **Initiation of Preliminary Proceedings and Resolution of Application for North Main Street Annexation No. 475**
   Re: Consideration of a resolution authorizing the initiation of preliminary proceedings and filing of the necessary application with LAFCO for the proposed incorporation of 125.1± acres of land generally (but not entirely) located north of Henderson Avenue, south of Pioneer Avenue, east of Villa Street, and west of Main Street..

**SCHEDULED MATTERS**

10. **Appointments to the Transactions and Use Tax “Measure H” Oversight Committee**
    Re: Consideration of the appointment of two individuals to the Transaction and Use Tax Oversight Committee to fill two vacancies with four-year terms to expire in May 20156.

11. **Re-Visit Street Self Performance Equipment & Operation**
    Re: Consideration of information regarding available street funds and the cost of purchasing specialized street equipment.

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

13. **Authorization to Advertise for Bids – 2012/2013 Fiscal Year Micro-Surfacing Project**
    Re: Consideration of Staff’s recommended Plans and Project Manual for the project consisting of the application of a durable thin asphalt overlay, the removal and replacement of badly distressed asphalt concrete, and the sealing of significant cracks on several streets within the City; and an advancement of 2012/2013 Local Measure ‘R’ Funds.
14. **AB 1234 Expense Reimbursement Requirements for Elected Officials**
   Re: Consideration of requirements under AB 1234, and specifically the reimbursement of expenses for elected officials.

**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 22, 2012 at 5:30 p.m.

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

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

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
SUBJECT: UPDATE ON STATUS OF TRANSIT GRANT APPLICATIONS

SOURCE: Public Works Department - Transit

COMMENT: Staff is pleased to report that they have received notification that the City of Porterville has been awarded three transit grants from Caltrans under the Federal Transit Administration (FTA) Section 5316 and 5317 Programs.

Staff had applied for the grants to expand transit service and hours to improve access to jobs and the reverse commute, as well as to provide additional services to aid in overcoming barriers faced by Americans with Disabilities.

The grant received under the Section 5316 (JARC) Program is designated to expand transit service to the Tule River Indian Reservation, Route 9, (pending agreements with Tribe) and the Porterville Industrial Park, Route 10, (Airport, Fairground, Sports Complex, and Wal-Mart Distribution Center). The grant awarded was $367,480 for the first year with the potential of like funding for two more consecutive years, dependant on success of the programs.

The City was also awarded two grants under the Section 5317 (New Freedom) Program. One grant will be used to expand Dial-A-COLT service hours on weekdays from 7:00 p.m. to 10:00 p.m., as well as providing new service on Sundays, from 9:00 a.m. to 5:00 p.m. The grant awarded for this purpose was $147,946 for the first year with the potential of like funding for two more consecutive years, depending on success of the program. The second grant awarded under the Section 5317 (New Freedom) Program will be used to purchase two (2) 25-foot paratransit buses for a total of $172,000. With this grant there is also the potential to receive additional funding for two more years.

The total amount of these grants for the first year is $687,426 which will cover the total cost of the expansion of services and acquisition of equipment with no City match required. As stated, there is also the potential of receiving like funds for an additional two consecutive years.

Additionally, the City was awarded an FTA grant under the 5307 Program that will allow the City to classify fuel and electric utility costs for vehicle propulsion as a capital maintenance cost. Although this grant is not for additional funding, it will allow the City to apply for operating assistance and capital maintenance for fuel costs, which will enable the City to use federal funds and rely less on local transportation funds. Prior to this grant award, the City was only allowed to apply for operating assistance of up to 50% of the annual amount.
With this provision, staff has estimated that a savings of approximately $168,000 in local transportation funds is to be expected in the upcoming fiscal year. Staff is also pleased to report that the City of Porterville is one of only four small urban transit agencies in California awarded this provision and the only transit agency in the County.

Lastly, on March 29, 2012, Staff submitted two FTA competitive grants for the design and construction of a bus maintenance facility and the expansion of the City’s CNG fueling facility. The amount applied for in these two grants total over $6 million dollars in new federal funding. Staff anticipates a possible notice of award for these grants in July 2012.

RECOMMENDATION: For information only.
Call to Order at 5:30 p.m.
Roll Call: Council Member Ward, Vice Mayor Hamilton (joined the meeting via teleconference during Closed Session), Council Member Shelton, Council Member McCracken, Mayor Irish

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   3. Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no reportable action took place.

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

Mayor Irish advised that Vice Mayor Cameron Hamilton was attending the meeting via teleconference that evening, and requested that everyone speak clearly.

PROCLAMATIONS
Boyd and Mary Leavitt

PRESENTATIONS
Employee of the Month – Debbie Salter
Employee Services Awards
REPORTS

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

I. City Council Committee and Commission Meetings:
   A. Tulare County Economic Development Corporation – February 22, 2012. City Manager Lollis reported that the work plan was presented and discussed.
   B. Council of Cities – February 29, 2012. Council Member McCracken advised that there was nothing to report.

II. City Commission and Committee Meetings:
   A. Youth Commission – February 27, 2012. Commissioner Cassidy Vanasen advised that new officers had recently been elected; spoke of the upcoming Youth Conference; indicated results are currently being compiled for the survey of students; and invited all to attend the Commission meetings which took place in the Council Chambers every Monday at 4:00 p.m.

   Council Member Shelton began to report on community events he recently attended. Mayor Irish advised that the place to report on such activities was during the Other Matters segment at the end of the meeting.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish M.O. 01-030612 that the City Council immediately commence with the Oral Communications portion of the meeting.

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

Disposition: Approved.

ORAL COMMUNICATIONS

- Barry Caplan, lauded Ms. Salter and Ms. Farnsworth noting they were both exemplary employees; and spoke of the need to enforce the new Sign Code, stating that there were instances of unpermitted signage throughout the City.

CONSENT CALENDAR

   Items 2, 3, 4, 5, 6, 9 and 10 were removed for further discussion.

   Council Member McCracken moved to approve Item Nos. 1, 7, 8 and 11, and to move consideration of Item Nos. 2, 3, 4, 5, 6, 9 and 10 to after Scheduled Matters. The motion was seconded by Vice Mayor Hamilton.

   A discussion took place regarding the order of business on the agenda and whether moving consideration of the pulled Consent Calendar Items was justifiable. City Attorney Lew advised that
the Council had the ability to change the order of the Agenda procedurally, and that Public Hearing items should be considered as soon after the beginning of the meeting as possible.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member McCracken that Item No. 9 be considered prior to the Public Hearing item.

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

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1, 7, 8 and 11, and move consideration of the pulled items to after Scheduled Matters, as amended to allow for consideration of Item No. 9 prior to the Public Hearing.

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

Disposition: Approved.

1. **CITY COUNCIL MINUTES OF FEBRUARY 27, 2012**

**Recommendation:** That the City Council accept the draft minutes of February 27, 2012.

**Documentation:** M.O. 03-030612

**Disposition:** Approved.

7. **AIRPORT LEASE RENEWAL – LOT 45**

**Recommendation:** That the City Council approve the extension of the Lease Agreement between the City Porterville and Gillespie Ag Service of Porterville, CA, for lot 45 at the Porterville Municipal Airport.

**Documentation:** M.O. 04-030612

**Disposition:** Approved.

8. **AIRPORT LEASE RENEWAL – FBO LOT 9**

**Recommendation:** That the City Council approve the ten year extension of the Lease Agreement between the City of Porterville and Arrow Falcon Exporters, Inc., for Fixed Base Operator Lot 9 at the Porterville Municipal Airport.

**Documentation:** M.O. 05-030612

**Disposition:** Approved.
11. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 06-030612
Disposition: Approved.


Recommendation: That the City Council approve the proposed Community Civic Event Application and Agreement submitted by the Porterville Unified School District, Porterville Rotary Club and Burton School District, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

The City Manager introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton expressed his support of the event.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve the proposed Community Civic Event Application and Agreement submitted by the Porterville Unified School District, Porterville Rotary Club and Burton School District, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

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

Recommendation: That the City Council:

1. Approve the proposed ordinance for the Development Code and give first reading to the Draft Ordinance; and
2. Waive further reading and order the Ordinance to print.

The City Manager introduced the item, and the staff report was presented by City Planner Bill Nebeker.
The public hearing was opened at 9:07 p.m.

- Jim Winton, 150 W. Morton, on behalf of the applicant Greg Woodard, requested approval.

- Barry Caplan, Porterville resident, questioned prohibition of onsite sale and spoke in support of the consumption of locally grown foods.

The public hearing was closed at 9:12 p.m.

A discussion ensured regarding on-site sales during which staff clarified that on site sale of crops would not be allowed unless otherwise approved by the City Council. Council Member Ward suggested that staff develop criteria which, if met, would allow for on site sales. Council Member McCracken spoke of the difficulty in setting parameters which would encompass all possible aspects. Staff was directed to bring back criteria for (c)(4) at the first meeting in May.

**COUNCIL ACTION:**

MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council approve the proposed ordinance for the Development Code and give first reading to the Draft Ordinance, being ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE TO ALLOW COMMERCIAL CROP CULTIVATION ON AN INTERIM BASIS IN CERTAIN ZONE DISTRICTS WITH A CONDITIONAL USE PERMIT; waive further reading and order the Ordinance to print. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved; and direction given.

**SCHEDULED MATTERS**

13. RE-VISIT CONSIDERATION OF STREET SELF-PERFORMANCE AND PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That the City Council provide direction.

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

A lengthy discussion took place about the accuracy of staff’s analysis; maintenance, operation and depreciation costs; and the validity of the alternative option proposed by staff.

**COUNCIL ACTION:**

MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council postpone the item to the second meeting in April.
AYES: Shelton, Ward, McCracken, Irish
NOES: Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Approved.

14. APPOINTMENT TO CDBG CITIZENS’ ADVISORY AND HOUSING OPPORTUNITY COMMITTEE

Recommendation: That the City Council appoint Doug Heusdens to a one (1) year term on the CDBG Citizen’s Advisory and Housing Opportunity Committee

The City Manager introduced the item, and Community Development Director Brad Dunlap presented the staff report. At the Council’s request staff elaborated on the recommendation of an applicant, and spoke briefly about provisions specific to the committee which should be considered when appointing a replacement. It was requested that staff include eligibility criteria in future press releases when applicable.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Mayor Irish that the City Council appoint Doug Heusdens to a one (1) year term on the CDBG Citizen’s Advisory and Housing Opportunity Committee.

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

Disposition: Approved.

15. CONSIDERATION OF CHARGE AND SCOPE OF POTENTIAL BALLOT MEASURE REVIEW COMMITTEE; COMMITTEE’S COMPOSITION AND APPOINTMENT METHOD; AND APPROVAL OF PROPOSED TIMELINE

Recommendation: That the City Council:
1. Determine the charge and scope of the potential ballot measure review committee;
2. Determine the committee’s composition and appointment method;
3. Approve the proposed timeline; and
4. Provide direction to staff accordingly.

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

A discussion ensued regarding committee composition; methods of selection; and scope of the review.
COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council approve limiting the scope of the committee to impacts associated with the election and housekeeping matters to be submitted by the City Attorney; approve the establishment of a 9 member committee to be appointed by the City Council; and approve the proposed timeline, as amended to have the Committee present a recommendation to the City Council no later than June 5, 2012.

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

Disposition: Denied.

16. PROPOSED ORDINANCE CREATING GENERAL FUND RESERVE POLICY AND AUTHORIZING THE ESTABLISHMENT OF “BUDGET STABILIZATION,” “CATASTROPHIC/EMERGENCY,” “CAPITAL MAINTENANCE,” “CAPITAL CONSTRUCTION/IMPROVEMENT,” “INFRASTRUCTURE MAINTENANCE/IMPROVEMENT,” AND “SPECIAL PURPOSES” DEDICATED RESERVED FUNDS

Recommendation: That the City Council:
1. Review the draft Ordinance and provide input; and
2. Schedule a public hearing and consideration of the Ordinance for first reading.

City Manager Lollis introduced the item and presented the staff report. Following the staff report the Council took a ten minute recess.

Finance Director Maria Bemis provided a breakdown of the percentages proposed for each fund, after which time Council Member McCracken elaborated on the Audit Committee’s intent of the proposed ordinance and the definition of surplus revenues.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council schedule a public hearing for March 20, 2012. The motion carried unanimously.

Disposition: Approved.

CONSENT CALENDAR

2. ACCEPTANCE OF PROJECT – SCRANTON AVENUE & INDIANA STREET RECONSTRUCTION PROJECT

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

The City Manager introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton inquired about a three year performance bond, and lauded staff’s efforts.

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

Disposition: Approved.

3. ACCEPTANCE OF PROJECT – JAYE STREET IMPROVEMENTS (FROM THE EASTERLY EXTENSION OF BROWN AVENUE TO GIBBONS AVENUE)

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention, less $25,000.00 deduction ($25,000.00 to be held in a Trust and Agency Account), thirty-five (35) days after recordation, provided no stop notices have been filed.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Mayor Irish recused himself due to a conflict of interest. Council Member Shelton took a moment to praise staff for completing the project timely and under budget.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 10% retention, less $25,000.00 deduction ($25,000.00 to be held in a Trust and Agency Account), thirty-five (35) days after recordation, provided no stop notices have been filed.

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

Disposition: Approved.

4. APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENT HERITAGE CENTER TRAILWAY EXTENSION (RAILS TO TRAILS PHASE II) PROJECT
Recommendation: That the City Council:
1. Approve the draft resolution affirming the City Council’s support of the Heritage Center Trailway Extension (Rails to Trails Phase II) project;
2. Authorize the Mayor and City Manager to execute the Heritage Center Trailway Extension (Rails to Trails Phase II) Supplemental Agreement; and
3. Direct the City Clerk to transmit the executed Supplemental Agreement to the Tulare County Authority and a letter explaining the reimbursement request after expenditure of funds for a completed construction project.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. At Council Member Shelton’s request, Public Works Director Rodriguez elaborated on the need for the resolution affirming City Council’s support of the project.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve the draft resolution affirming the City Council’s support of the Heritage Center Trailway Extension (Rails to Trails Phase II) project; authorize the Mayor and City Manager to execute the Heritage Center Trailway Extension (Rails to Trails Phase II) Supplemental Agreement; and direct the City Clerk to transmit the executed Supplemental Agreement to the Tulare County Authority and a letter explaining the reimbursement request after expenditure of funds for a completed construction project. The motion carried unanimously.

Disposition: Approved.

5. PURCHASE OF POLICE VEHICLES

Recommendation: That the City Council authorize the City’s Purchasing Agent to negotiate the purchase and outfitting of eight marked police vehicles.

The City Manager introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton commended staff for “thinking outside the box.”

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council authorize the City’s Purchasing Agent to negotiate the purchase and outfitting of eight marked police vehicles. The motion carried unanimously.

Disposition: Approved.

6. ABANDONED VEHICLE ABATEMENT PROGRAM

Recommendation: That the City Council:
1. Authorize the Tulare County Association of Governments, acting as the Authority, to extend the imposition of a $1.00 registration fee for an...
additional 10-year period in order to fund the Vehicle Abatement Program through April 30, 2022.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton spoke in opposition of approval, and stated that the program was no longer relevant. Following some discussion regarding the need for the tax, the Council directed that: 1) the item be continued to a date following the next TCAG meeting; and 2) that the City’s TCAG representative obtain more information so that options could be explored.

Disposition: Item continued; and direction given.

10. CONSIDERATION OF A STREET CLOSURE FOR COMMUNITY EVENT IN RECOGNITION OF BEAR PASCOE, A MEMBER OF THE NATIONAL FOOTBALL LEAGUE WORLD CHAMPION NEW YORK GIANTS

Recommendation: That the City Council authorize the temporary closure of Main Street between Thurman Avenue and Cleveland Avenue on March 10, 2012, in support of the community event to recognize Bear Pasco.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Staff clarified that the event was tentative.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Irish that the City Council authorize the temporary closure of Main Street between Thurman Avenue and Cleveland Avenue on March 10, 2012, in support of the community event to recognize Bear Pasco. The motion carried unanimously.

Disposition: Approved.

ORAL COMMUNICATIONS

Yudi Martinez provided information to the Council on the “Unity One” project; spoke of the “adopt a block” effort last year and advised that she was again interested this year; and indicated she was very interested in working for the City and provided the Council with copies of her resume.

OTHER MATTERS

Council Member Shelton spoke of various events he recently attended, including: a Chamber Mixer at Golden State Paint & Body; a Rockin' for Alzheimer’s fundraiser; a Cadet Corp Judging; a Bill Horst history event at the library; a transit planning meeting; the public safety officer of the year event; and the Dr. Seuss reading event at the library. He then advised of upcoming community event, including: a Step-Up meeting; a realignment meeting; Youth Commission meeting; Bear Pascoe event; Mud Bogs; a memorial service for retired employee Jack Hicks; a mini Step Up event; St. Patrick’s Day events; and the Skateboard exhibition.
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve adding the consideration of the Order of Business on the Council Agenda onto the next agenda.

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

Disposition: Approved.

- Council Ward lauded the library staff for their outreach efforts with library card sign-ups for newly registered kindergartners; and advised that a report on his recent trip to Harlem, NY to attend the Harlem Children’s Zone Workshop.
- Council Member Hamilton lauded Council Member Ward on his efforts and vision with the Harlem Children’s Zone and indicated he looked forward to hearing the report.

ADJOURNMENT

The Council adjourned at 10:05 p.m. to the Joint City Council/Parks & Leisure Services Commission Meeting of March 13, 2012 at 5:30 p.m. at the Library Community Room, 41 W. Thurman Avenue.

______________________________
Luisa Herrera, Deputy City Clerk

SEAL

______________________________
Ronald L. Irish, Mayor
CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MAY 1, 2012, 5:30 P.M.

Call to Order at 5:30 p.m.
Roll Call: Vice Mayor Hamilton, Council Member Shelton (arrived during Closed Session), Council Member McCracken, Mayor Irish
Absent: Council Member Ward

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A 30.57 mile line of railroad between Strathmore, CA milepost 268.60 and Jovista, CA milepost 299.17 in Tulare County, particularly that portion of the railroad line within the limits of the City of Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad Company. Under Negotiation: Terms and Price.
   3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Schnars v. City of Porterville, Tulare County Superior Court Case No. VCU233408.
   4- 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.
   5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Lew reported that no reportable action took place.

Pledge of Allegiance Led by Vice Mayor Cameron Hamilton
Invocation – a moment of silence was observed.

PROCLAMATIONS
   Freedom Days, June 14 – July 4, 2012
   National Water Safety Month, May 2012
   Muscular Dystrophy Association Month, May 2012

PRESENTATIONS
Introduction of New Employees

AB 1234 REPORTS

1. Tulare County Economic Development Corporation: No report was provided.
2. Joint City/School Committee: Report was continued due to Council Member Ward’s absence.
3. Council of Cities: Council Member McCracken advised of no reportable action and that the next meeting was currently being scheduled.

REPORTS

I. City Commission and Committee Meetings:
   1. Youth Commission: Chair Dalton Rogers, Vice Chair Alex Gonzalez, Secretary Cassidy Vanasen, and Member-at-Large Karen Gilstrap came forward and presented the Commission’s annual report.

II. Informational Reports:
   1. Street Performance Measure – 3rd Quarter Report
   2. Code Enforcement Quarterly Update
   3. Attendance Report for City Commissions and Committees – 3rd Quarter Report
   4. Car Wash Permits/Approvals
   5. Water Conservation

ORAL COMMUNICATIONS

• John Coffee, lauded the Iris Festival and the efforts of the Chamber of Commerce in making that event so successful.
• Brock Neeley, spoke of an upcoming event “The Family Acceptance Project” sponsored by the Tulare and Kings County Suicide Prevention Task Force scheduled for May 13th – 18th, and invited everyone to attend.
• Donnette Silva Carter, Porterville Chamber of Commerce, thanked the City Council for its approval and support of the Iris Festival, noted all hotels were sold out and approximated attendance to be 25,000+; and spoke of upcoming community events, including: First Friday Coffee sponsored by the Recorder; Music on Main Street featuring the Mariachi Academy; the Cinco de Mayo parade; Council Candidate Forum scheduled for Monday, May 7th; and the Fair Mixer on May 10th.
• Melissa Stewart, a 2012 Leadership Porterville class member, introduced herself to the Council and spoke of upcoming LP activities, including: a community service project to assist at the Women’s Shelter, and two fundraising projects: a fireworks booth to be located in WalMart parking lot and a mud run scheduled for the Fall.
• David Horowitz, voiced extreme displeasure with the Porterville Police Department; and admonished Council Member Shelton for grand standing and antics on the dais.

Mayor Irish acknowledged City Council candidates in attendance that evening, including: Rae Dean Strawn; Virginia Gurrola; Wendy Taylor; John Simonich; and Vice Mayor Hamilton.

CONSENT CALENDAR

Item Nos. 4, 7 and 14 were removed for further discussion.

Recommendation: That the City Council approved the draft Minutes of February 21, 2012 and April 3, 2012.

Documentation: M.O. 01-050112
Disposition: Approved.

2. BUDGET ADJUSTMENT FOR THE 2011-12 FISCAL YEAR

Recommendation: That the City Council approve the draft budget adjustment and authorize staff to modify the revenue and expenditure estimates as described in the presented schedule.

Documentation: M.O. 02-050112
Disposition: Approved.

3. REQUEST TO ADVERTISE FOR PURCHASE OF A BORGER MULTICHOPPER (OR EQUAL)

Recommendation: That the City Council approve the request to advertise for the purchase of a Borger Multichopper (or equal).

Documentation: M.O. 03-050112
Disposition: Approved.

5. THIS ITEM HAS BEEN REMOVED

6. ACCEPTANCE OF PROJECT – REPEATER TOWER

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of final payment provided no stop notices have been filed.

Recommendation: M.O. 04-050112
Disposition: Approved.

8. AGREEMENT WITH WOODLAKE AND LINDSAY FOR POLICE DISPATCH

Recommendation: That the City Council approve the Memorandum of Understanding between the cities of Porterville, Woodlake, and Lindsay; and authorize the City Manager to execute the Agreement.

Documentation: M.O. 05-050112
9. REQUEST TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Recommendation: That the City Council authorize:
1. The filing of the grant application;
2. The Mayor to sign all necessary documents as they pertain to the grant; and
3. A budget adjustment upon receipt of the funds.

Documentation: Resolution 40-2012
Disposition: Approved.

10. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the Interim Financial Status Reports as presented.

Documentation: M.O. 06-050112
Disposition: Approved.

11. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the Quarterly Portfolio Summary.

Documentation: M.O. 07-050112
Disposition: Approved.

12. CITY-FUNDED SUPPLEMENTAL INSURANCE FOR HISTORICAL PARADES

Recommendation: That the City Council:
1. Accept the quote submitted by Burlington Insurance Company in the amount of $2,346.57; and
2. Authorize the Risk Manager to purchase said policy for supplemental insurance coverage for the three historical City parades for calendar year 2012.

Documentation: M.O. 08-050112
Disposition: Approved.

13. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN – MANAGEMENT AND CONFIDENTIAL SERIES

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan.
15. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 09-050112
Disposition: Approved.

16. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO RECONSIDER AND SCHEDULE THE “UPCOMING CALL FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) AND HIGH RISK RURAL ROAD (HRRR) PROGRAM PROJECTS”

Recommendation: Council Member Shelton makes the motion that the City Council reconsider and authorize the scheduling on the May 15th Council Agenda the reconsideration of “Upcoming Call for Highway Safety Improvement Project (HSIP) and High Risk Rural Road (HRRR) Program Projects.”

Documentation: M.O. 10-050112
Disposition: Approved.

17. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO SCHEDULE THE CONSIDERATION OF REQUIREMENTS UNDER AB 1234, AND SPECIFICALLY THE REIMBURSEMENT OF EXPENSES FOR ELECTED OFFICIALS

Recommendation: Council Member Shelton makes the motion that the City Council authorize the scheduling on the May 15th Council Agenda the consideration of requirements under AB 1234, and specifically the reimbursement of expenses for elected officials.

Documentation: M.O. 11-050112
Disposition: Approved.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve Item Nos. 1 through 3, 5, 6, 8 through 13, and 15 through 17.

AYES: Hamilton, Shelton, McCracken, Irish
4. **AUTHORIZATION TO ADVERTISE FOR BIDS - W NORTH GRAND AVENUE RECONSTRUCTION PROJECT (SR 65 TO FORMER RAILROAD TRACKS)**

Recommendation: That the City Council:

1. Approve staff’s recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

City Manager Lollis presented the item and indicated it had been removed from the Consent Calendar by Council Member Shelton. In response to posed questions, staff elaborated on the project and advised that the City currently owned the right-of-way.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Mayor Irish that the Council approve staff’s recommended Plans and Project Manual; and authorize staff to advertise for bids on the project.

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

Disposition: Approved.

7. **AUTHORIZATION TO RECEIVE THREE VEHICLES TRANSFERRED FROM THE CITY OF LINDSAY FOR USE ON THE PORTERVILLE TRANSIT SYSTEM**

Recommendation: That the City Council approve the transfer of the three vehicles from the City of Lindsay for use on the City’s Transit system.

City Manager Lollis presented the item and indicated it had been removed from Consent Calendar by Council Member Shelton. At the Council Member’s request, staff offered clarification of the terms of the transfer.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member McCracken, that the Council approve the transfer of the three vehicles from the City of Lindsay for use on the City’s Transit system.

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


Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Community Fair Board, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibits A and B.

City Manager Lollis presented the item and indicated it had been removed from Consent Calendar by Council Member Shelton. At the Council Member’s request, staff elaborated on the City property involved in the proposed event.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the Council approve the Community Civic Event M.O. 14-050112 Application and Agreement from the Porterville Community Fair Board, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibits A and B.

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

Disposition: Approved.

SECOND READINGS

18. ORDINANCE 1788, ZONE CHANGE (515 W. PUTNAM AVENUE AND 182 N. CARMELITA STREET)

Recommendation: That the City Council give Second Reading to Ordinance No. 1788, waive further reading, and adopt said Ordinance.

City Manager Lollis presented the item and the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council give Second Reading to Ordinance No. 1788, waive further reading, and adopt said Ordinance, being AN Ordinance 1788 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.

AYES: Hamilton, Shelton, McCracken, Irish

Page 7 of 11
City Manager Lollis read the Ordinance by title only.

Disposition: Approved.

PUBLIC HEARINGS

19. CDBG 2012/2013 ACTION PLAN

Recommendation: That the City Council:
1. Conduct a public hearing to solicit comments on the 2012/2013 Action Plan;
2. Adopt the 2012/2013 Action Plan resolution of approval; and
3. Authorize the City Manager to execute all necessary documents.

City Manager Lollis presented the Item, and Community Development Director called on Development Associate Denise Marchant to present the staff report.

The public hearing opened at 7:20 P.M., and closed at 7:21 P.M. when nobody came forward.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council adopt the 2012/2013 Action Plan resolution of approval; and authorize the City Manager to execute all necessary documents.

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

Disposition: Approved.

20. AMENDMENTS TO THE PORTERVILLE DEVELOPMENT ORDINANCE IN RELATION TO MINOR CONDITIONAL USE PERMITS

Recommendation: That the City Council open the public hearing, and continue it to the May 15, 2012, City Council Meeting.

City Manager Lollis presented the item and the staff report.

The public hearing opened at 7:24 P.M. When nobody came forward to speak, the hearing was continued to the Council Meeting of May 15, 2012.

SCHEDULED MATTERS

21. APPOINTMENTS TO THE TRANSACTIONS AND USE TAX ("MEASURE H") OVERSIGHT COMMITTEE

Recommendation: That the City Council:
1. Consider the appointment of interested individuals to the Transactions and Use Tax Oversight Committee to fill the two vacant positions with four-year terms to expire in May 2016; or,
2. Provide further direction to staff.

City Manager Lollis presented the item and requested that due to a typographical error on the public notice, staff requested that the item be continued to the Council Meeting of May 15, 2012.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council continue the item until the meeting of May 15, M.O. 15-050112 2012, to allow time for re-issuing the public notice.

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


22. AUTHORIZE STAFF TO APPROVE THE PURCHASE OF DEMAND RESPONSE, FIXED ROUTE AND TRAVELER INFORMATION SYSTEM

Recommendation: That the City Council:
1. Authorize staff to begin negotiations for the purchase of RouteMatch Software; and
2. Authorize payment upon satisfactory deliver of the equipment.

City Manager Lollis introduced the item, and Transit Manager Richard Tree presented the staff report.

A discussion ensued as to funding, during which Mr. Tree elaborated on the proposed plan to utilize Local Transportation Funding (LTF) and Prop 1B funds. Vice Mayor Hamilton requested that other funding sources be looked at before LTF funds were used.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council authorize staff to begin negotiations for the purchase of RouteMatch Software; and authorize payment upon satisfactory deliver of the equipment.

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

Disposition: Approved.

23. AUTHORIZATION TO ADVERTISE FOR BIDS – 2012/2013 FISCAL YEAR MICRO-SURFACING PROJECT

Recommendation: That the City Council:
1. Approve staff’s recommended Plans and Project Manual for the 2012/2013 Micro-Surfacing Project;
2. Approve the advancement of 2012/2013 “Local” Measure ‘R’ Funds pending approval by TCTA; and
3. Consider authorizing staff to advertise for bids on the project.

City Manager Lollis presented the item and requested that the item be continued to the FY 2012/2013 Budget Study Session on Capital Projects scheduled for May 8, 2012. The Council accepted staff’s request.


The Council Meeting adjourned at 7:30 p.m. to a meeting of the Successor Agency to the Porterville Redevelopment Agency.

Council Member Shelton recused himself from the discussion citing a conflict of interest due to ownership of property within the project area, and exited the Council Chambers.

SUCCESSOR AGENCY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER

SA-01. APPROVAL OF RESOLUTION AUTHORIZING INVESTMENT OF SUCCESSOR AGENCY MONIES IN THE LOCAL AGENCY INVESTMENT FUND

Recommendation: That the City Council, as Successor Agency Board, approve the draft resolution authorizing investment of Successor Agency monies in the Local Agency Investment Fund.
City Manager Lollis presented the item and the staff report.

AGENCY ACTION: MOVED by Member Mc Cracken, SECONDED by Vice Chair Hamilton, that the City Council, as Successor Agency Board, approve the draft resolution authorizing investment of Successor Agency monies in the Resolution SA2012-02 Local Agency Investment Fund.

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

Disposition: Approved.

The Meeting of the Successor Agency to the Porterville Redevelopment Agency adjourned at 7:46 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Shelton, voiced disagreement with comments made earlier in the evening by Mr. David Horowitz, and lauded the Police Department.

ADJOURNMENT
The Council adjourned at 7:47 p.m. to the meeting of May 8, 2012.

_________________________________
Patrice Hildreth, Chief Deputy City Clerk

SEAL

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

Pledge of Allegiance Led by Council Member Brian Ward
Invocation – a moment of silence was observed.

**ORAL COMMUNICATIONS**

- Dara Johnson, 100 S. Westwood, spoke on behalf of Rocky Hill Speedway regarding the unauthorized reproduction of tickets by Council Member Shelton for an event that took place on April 21st; and accused Council Member Shelton of harassment and slander.
- Dave Horowitz, 1846 Boyles, suggested that unauthorized reproduction of event tickets sounded like an illegal activity; asserted laws should apply to everyone; and indicated that he would be filing a lawsuit against the Police Department.
- Russell “Buck” Fletcher, 1662 W. Morton Avenue, expressed concern and frustration with slanderous and negative behavior by those in the community; and stressed a need for change.
- Mike Heeler, 7866 Road 268, came forward on behalf of Rocky Hill Speedway, and spoke of money lost due to the unauthorized reproduction of tickets for their April 21st event; and of efforts made to rehabilitate the track for community enjoyment.
- Amy Maddox, 8994 Road 224, spoke of efforts and financial responsibilities associated with the track; commented on personal stress caused by disparaging comments made on Facebook; and requested community support for the Rocky Hill Speedway.

**SCHEDULED MATTERS**

1. **FISCAL YEAR 2012/2013 CAPITAL PROJECTS**

City Manager Lollis introduced the item as a review of the City’s anticipated capital work plan for FY 2012-2013 and an overview of the significant capital projects proposed to be funded. Mr. Lollis then began a Powerpoint presentation which was soon thereafter interrupted by Council Member Shelton who began addressing individuals in the audience who were attempting to leave.

**ADJOURNMENT**

Due to a disruption by Council Member Shelton, and without objection from the Council, the Vice Mayor adjourned the meeting at 5:54 p.m. to the meeting of May 15, 2012.

____________________________
Luisa Herrera, Deputy City Clerk

____________________________
Cameron Hamilton, Mayor Pro Tem
SUBJECT: REQUEST TO PURCHASE TACTICAL WEAPONS AND GEAR

SOURCE: Police Department

COMMENT: Representatives from the City of Lindsay recently offered to sell the Porterville Police Department an inventory of tactical weapons and gear. The City of Lindsay had purchased this equipment with the intent of forming their own Special Weapons and Tactics team, but due to circumstances, were unable to do so.

The Porterville Police Department SWAT Team Leader has inspected the equipment and found that it is in new condition. After carefully evaluating the needs, activities, and current tactical gear of the Department’s SWAT team, it was determined this equipment fits the activities and needs of our SWAT team. The equipment is also compatible with specific needs and activities of personnel assigned to the Investigations Division who support SWAT operations.

The Department has been using equipment that is overdue for replacement because of the high cost of new equipment. However, the Department has recently begun considering the inevitable need to purchase items similar to the equipment offered by the City of Lindsay to augment/replace existing, outdated equipment.

The Department calculated the cost of the available equipment if purchased at list price and found the amount to be $27,832 (including tax). Because of the new condition of the equipment and the Department’s need to replace/augment current equipment, the Department pursued pricing for the equipment from the City of Lindsay. The City of Lindsay has offered to sell these items for $15,000 – a savings of $12,832 to the City of Porterville.

The Police Department is requesting permission to purchase the tactical weapons and gear on the attached list at the significantly reduced price of $15,000. Funds for this purchase are available through Asset Forfeiture.

RECOMMENDATION: That the City Council:
1) Authorize the purchase of the listed tactical weapons and gear from the City of Lindsay; and
2) Authorize payment upon satisfactory delivery of the equipment.

ATTACHMENT: List of Tactical Weapons and Gear

Dir  Appr/Funded  CM  Item No. 2
## City of Lindsay Tactical Weapons and Gear

<table>
<thead>
<tr>
<th>Qty.</th>
<th>Description</th>
<th>List Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5)</td>
<td>H&amp;K UMP 9MM Rifles</td>
<td>$ 5,245</td>
</tr>
<tr>
<td>(3)</td>
<td>H&amp;K Suppressors</td>
<td>$ 2,100</td>
</tr>
<tr>
<td>(6)</td>
<td>Protech Tactical Vests</td>
<td>$12,366</td>
</tr>
<tr>
<td>(6)</td>
<td>Gen Tex Tactical Helmets</td>
<td>$ 2,400</td>
</tr>
<tr>
<td>(6)</td>
<td>TCI Tactical Headsets</td>
<td>$ 3,600</td>
</tr>
</tbody>
</table>

Total cost of equipment if purchased new: $25,711 + $2,121 tax = $27,832

Cost of equipment if purchased from the City of Lindsay: $15,000

Savings to City of Porterville: $12,832
SUBJECT: APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENTS – OAK AVENUE & GARDEN AVENUE PEDESTRIAN WALKWAY PROJECTS

SOURCE: Public Works Department - Engineering Division

COMMENT: The Tulare County Association of Governments, acting as the Local Transportation Authority (“Authority”) is requesting that the City of Porterville approve and submit a Supplemental Agreement (SA) for both the Oak Avenue and Garden Avenue Pedestrian Walkway Projects. Each project will provide an improved pedestrian path that will link downtown Main Street to the Rails to Trails corridor. A Transportation Enhancement (TE) grant will fund 88.53% of the construction costs and the remaining 11.47% will be funded by the City’s share of the Measure ‘R’ Alternate Transportation Funds.

A locator map identifying the project limits is included in the Council’s packet. The “Authority” requires the processing of a SA for the purpose of reimbursing 100% of the design, construction management and 11.47% of the construction costs. Non-participating construction outside the scope of the TE grant will also be funded by Measure ‘R’ Alternate Transportation Funds.

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

RECOMMENDATION: That the City Council:

1. Approve the attached Resolutions affirming the City Council’s support of the Oak Avenue and Garden Avenue Pedestrian Walkway Projects;

2. Authorize the Mayor and City Manager to execute the Oak Avenue and Garden Avenue Pedestrian Walkway Project Supplemental Agreements for the design and construction of each project; and

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

ATTACHMENTS: Locator Map (Oak)  
Supplemental Agreement (Oak)  
Resolution (Oak)  
Exhibit “A” (Oak)  

Locator Map (Garden)  
Supplemental Agreement (Garden)  
Resolution (Garden)  
Exhibit “A” (Garden)
Oak Avenue

Pedestrian Walkway
MEASURE ‘R’ PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

This Program Supplement is made and entered into on May 15, 2012, by and between the City of Porterville ("Sponsor") and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

This Program Supplement hereby incorporates the “Measure ‘R’ Cooperative Agreement” for Measure ‘R’ expenditures, which was entered into between the Sponsor and the Authority on May 29, 2007, and is subject to all terms and conditions thereof. This Program Supplement is executed under authority of Resolution No. ___-2012, approved by the Sponsor on May 15, 2012 (see copy attached).

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

Covenants of Sponsor

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

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

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

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

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

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

COUNTY OF TULARE TRANSPORTATION AUTHORITY

By: __________________________
    Authority Director

CITY OF PORTERVILLE

By: __________________________
    Ronald L. Irish, Mayor

Attest:

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE
OAK AVENUE PEDESTRIAN WALKWAY PROJECT

WHEREAS, the City of Porterville Bike and Pedestrian Program is eligible to receive 100% reimbursement for the design, non-participating construction outside the scope of the TE grant, construction management and quality control costs and 11.47% reimbursement for the construction costs associated with the Oak Avenue Pedestrian Walkway Project, which meets the Measure ‘R’ guidelines and City General Plan for alternate modes of travel; and

WHEREAS, the Tulare County Association of Governments is requesting that the City of Porterville approve and submit a Supplemental Agreement that will allow the City to receive reimbursement for all design costs incurred in Fiscal Year 2012/2013 and all non-participating construction and construction management costs incurred in Fiscal Year 2013/2014;

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

PASSED, APPROVED and ADOPTED this 15th day of May, 2012.

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

Ronald L. Irish, Mayor
EXHIBIT “A”

Oak Avenue Pedestrian Walkway Project

**Project Scope**

Enhancements will be constructed along the south side of Oak Avenue for a distance of approximately 1,000 LF. The enhancements will include removal of damaged concrete sidewalk, the construction of a 10' wide pedestrian walkway consisting of decorative brick or stamped, and colored concrete. Other enhancements include the installation of Pistachio trees, nostalgic style lights identical to existing lights located along Downtown Main Street, benches, full irrigation system and the painting of a mural on a donated site. The mural will capture and memorialize the founding of the City of Porterville. The project will incorporate (re-use) all existing concrete that is in good condition.

**Project Costs**

<table>
<thead>
<tr>
<th>Oak Avenue Pedestrian Walkway Tasks</th>
<th>Engineer’s Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>$323,000.00</td>
</tr>
<tr>
<td>Construction Management and Quality Control</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>Right of Way</td>
<td>$0.00</td>
</tr>
<tr>
<td>Preparation Plans, Specifications and Estimate, Environmental Documentation and Caltrans Project Approval</td>
<td>$40,000.00</td>
</tr>
<tr>
<td><strong>Total Estimated Costs</strong></td>
<td><strong>$398,000.00</strong></td>
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**Current Funding Sources**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TE 88.53% of Construction Only</td>
<td>$224,000.00</td>
</tr>
<tr>
<td>Measure ‘R’ Construction Match (11.47%)</td>
<td>$34,000.00</td>
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<tr>
<td>Measure ‘R’ Preliminary Engineering, Non-Participating Construction and Construction Management</td>
<td>$140,000.00</td>
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<tr>
<td><strong>Total Funding Available</strong></td>
<td><strong>$398,000.00</strong></td>
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</table>

**Project Schedule**

<table>
<thead>
<tr>
<th>Oak Avenue Pedestrian Walkway Schedule</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental (PA/ED) complete</td>
<td>01/18/2013</td>
</tr>
<tr>
<td>Design (PS&amp;E) complete</td>
<td>02/15/2013</td>
</tr>
<tr>
<td>Authorization to Advertise Project</td>
<td>04/16/2013</td>
</tr>
<tr>
<td>Award Construction Project</td>
<td>06/04/2013</td>
</tr>
<tr>
<td>Begin Construction</td>
<td>07/01/2013</td>
</tr>
<tr>
<td>End Construction</td>
<td>09/20/2013</td>
</tr>
</tbody>
</table>
Garden Avenue

Pedestrian Walkway
MEASURE ‘R’ PROGRAM SUPPLEMENT TO
COOPERATIVE AGREEMENT

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

Covenants of Sponsor

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

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

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

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

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

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

COUNTY OF TULARE TRANSPORTATION AUTHORITY CITY OF PORTERVILLE

By: ___________________________ By: ___________________________
Authority Director Ronald L. Irish, Mayor

Attest:

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


WHEREAS, the City of Porterville Bike and Pedestrian Program is eligible to receive 100% reimbursement for the design, non-participating construction outside the scope of the TE grant, construction management and quality control costs and 11.47% reimbursement for the construction costs associated with the Garden Avenue Pedestrian Walkway Project, which meets the Measure ‘R’ guidelines and City General Plan for alternate modes of travel; and

WHEREAS, the Tulare County Association of Governments is requesting that the City of Porterville approve and submit a Supplemental Agreement that will allow the City to receive reimbursement for all design costs incurred in Fiscal Year 2012/2013 and all non-participating construction and construction management costs incurred in Fiscal Year 2013/2014;

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

PASSED, APPROVED and ADOPTED this 15th day of May, 2012.

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

Ronald L. Irish, Mayor
EXHIBIT “A”

Garden Avenue Pedestrian Walkway Project

Project Scope

Enhancements will be constructed along the north side of Garden Avenue for a distance of approximately 1,000 LF. The enhancements will include removal of damaged concrete sidewalk, the construction of a 10' wide pedestrian walkway consisting of decorative brick or stamped, and colored concrete. Other enhancements include the installation of Pistachio trees, nostalgic style lights identical to existing lights located along Downtown Main Street, benches and full irrigation system. The project will incorporate (re-use) all existing concrete that is in good condition.

Project Costs

<table>
<thead>
<tr>
<th>Garden Avenue Pedestrian Walkway Tasks</th>
<th>Engineer’s Estimate</th>
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</thead>
<tbody>
<tr>
<td>Construction</td>
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<td>Construction Management and Quality Control</td>
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<td>Right of Way</td>
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<td>Preparation Plans, Specifications and Estimate, Environmental Documentation and Caltrans Project Approval</td>
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<td><strong>Total Estimated Costs</strong></td>
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Current Funding Sources

<table>
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<tr>
<th>Source</th>
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</thead>
<tbody>
<tr>
<td>TE 88.53% of Construction Only</td>
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<tr>
<td>Measure “R” Construction Match (11.47%)</td>
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<tr>
<td>Measure “R” Preliminary Engineering, Non-Participating Construction and Construction Management</td>
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<td><strong>Total Funding Available</strong></td>
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Project Schedule

<table>
<thead>
<tr>
<th>Garden Avenue Pedestrian Walkway Schedule</th>
<th>Date</th>
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<tbody>
<tr>
<td>Environmental (PA/ED) complete</td>
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<tr>
<td>Design (PS&amp;E) complete</td>
<td>11/08/2013</td>
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<tr>
<td>Authorization to Advertise Project</td>
<td>01/07/2014</td>
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<tr>
<td>Award Construction Project</td>
<td>03/04/2014</td>
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<tr>
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<td>03/31/2014</td>
</tr>
<tr>
<td>End Construction</td>
<td>06/20/2014</td>
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</tbody>
</table>
SUBJECT: TEMPORARY ABEYANCE OF SEWER CONNECTION POLICY AT 361 N. LINDALE STREET

SOURCE: Public Works Department - Engineering Division

COMMENT: Staff received a request from Tammy Johnston, real estate agent with Century 21-Jordan Links, asking that the City Council hold in abeyance the City’s policy (Resolution 9853) requiring connection to City sewer in the event of a failed septic system. Specifically, Resolution 9853 requires connection to the City sewer system if the property in question is within 1,320 feet of a City sewer main.

Ms. Johnston is aware that the City is actively pursuing the installation of sewer mains throughout the areas annexed in April 2006. The property in question, 361 N. Lindale Street, is located in the annexed area that will receive sewer service this fall. Ms. Johnston asks that the City Council authorize the repair of the septic system so that the homeowner can close escrow and take possession of the home immediately.

The homeowner agrees to include language in the escrow conditions stating the property owner at 361 N Lindale Street will pay all applicable sewer connection fees and connect to City sewer within 90-days of sewer service becoming available. The 90-day connection period is a condition of approval in Resolution 9853.

RECOMMENDATION: That the City Council:

1. Authorize the abeyance of Resolution 9853 specifically for the property located at 361 N. Lindale Street for a period not to exceed one (1) year;
2. Direct the Public Works Director to issue a septic tank/leach line repair permit to the homeowner’s representative (plumbing contractor); and
3. Direct the Public Works Director to work with the escrow agent representing the homeowner of the property at 361 N. Lindale Street to formulate acceptable language in the escrow conditions that state:
   A) As a condition of approval to repair the septic tank/leach line system, homeowner agrees without reservation to pay all applicable sewer connection fees; and
   B) Connect to the City sewer system within 90-days of said sewer system being made available at 361 N. Lindale Street.
COUNCIL AGENDA: MAY 15, 2012

SUBJECT: AUTHORIZE STAFF TO OPERATE SHUTTLE SERVICE TO THE PORTERVILLE FAIR

SOURCE: Public Works Department - Transit

COMMENT: In May 2011, the Porterville Fair opened at its new location, which is located on Scranton Avenue. Currently, Porterville Transit does not operate in this area. In an effort to improve mobility options and reduce congestion in the past, Council authorized Staff to operate a shuttle route from the downtown Transit Center to the Porterville Fairgrounds.

Staff is requesting authorization to again operate a shuttle route from the downtown Transit Center to the Porterville Fairgrounds on Friday and Saturday, May 18 and May 19, 2012. The Fair shuttle will operate during Porterville Transit’s normal operating hours starting on Friday, from 7:00 a.m. to 7:00 p.m., and on Saturday, from 9:00 a.m. to 5:00 p.m. The Porterville Fair Shuttle will operate every 40 minutes from the Transit Center.

Staff estimates that this service will cost approximately $882.80 to operate for the two days. Porterville Transit will charge its normal passenger rate of $1.25 to help offset the cost of operations.

RECOMMENDATION: Authorize staff to operate one (1) shuttle bus to the Porterville Fair

P:\pubworks\General\Council\Authorize Porterville Transit To Operate Shuttle To and For Fair.doc

DD __ Appropriaated/Funded __ CM __ Item No. 5
SUBJECT: AIRPORT LEASE RENEWAL – LOT 49A

SOURCE: ADMINISTRATIVE SERVICES/PURCHASING DIVISION

COMMENT: Mr. & Mrs. Michael Wall are the current leaseholders of Lot 49A at the Porterville Municipal Airport having acquired the lease by assignment in 1998. The lease expires on May 31, 2012; however, the lease terms allow for options to extend the lease in five-year periods, provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) further states the City’s granting of the option is discretionary, but will not be unreasonably withheld. We have received a request from Mr. Wall dated May 9, 2012, asking to continue his lease on Lot 49A. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to May 31, 2017.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. & Mrs. Michael Wall of Porterville, CA, for Lot 49A at the Porterville Municipal Airport.

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

D.D. Appropriated/Funded C.M. Item No. 6
To Whom it may concern:

I, Michael Wall request the City of Porterville to continue my lease on property located at the Porterville Airport located at hanger 49A.

Regards,

[Signature]

5/9/12

Allen Lee Hartman
LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California this 1st day of June, 1992, by and between the CITY OF PORTERVILLE, a political subdivision of the State of California, hereinafter referred to as "City" and HERBERT H. AND DOROTHY ANN DENLINGER hereinafter referred to as "Lessees".

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

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

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises:

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

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

3. Rental and Business Privilege Consideration: Lessee agrees to pay to City in lawful money of the United States without deduction or offset, to the Finance Director, City of Porterville, P O Box 432, Porterville, California, 93258, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of $.1662 per square foot per year. Inasmuch as the lease site contains approximately 2,600 square feet of land area, said rental rate will be $ 432.12 per year payable in advance on June 1st of each year of this lease. See Exhibit "A" attached.

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

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

Lessee shall not do or permit any act or thing to be done upon the premises which constitutes nuisance or which may disturb the
COUNCIL AGENDA: May 15, 2012

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

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

Since its last review on May 1, 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. Although all repair projects were originally to be completed by no later than July 2012, the City has received a one (1)-year extension to July 2013.

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

RECOMMENDATION: That the Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

ATTACHMENT: None

Item No. 7
PUBLIC HEARING

TITLE: AMENDMENTS TO THE PORTERVILLE DEVELOPMENT ORDINANCE IN RELATION TO MINOR CONDITIONAL USE PERMITS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: On February 21, 2012, the City Council provided direction to staff to draft an amendment to the Development Ordinance to provide for: 1) a minor conditional use permit process that would apply to an agricultural operation conditionally approved subject to the recently adopted Commercial Crop Cultivation Ordinance, as well as other uses that require less staff resources to process; 2) a graduated monetary penalty for violations of the recently adopted Commercial Crop Cultivation Ordinance; and 3) an amendment to the fee resolution to set an appropriate fee for a minor conditional use permit.

At the meeting of March 6, 2012, the City Council further directed staff to draft an amendment to the Development Ordinance to accommodate the on-site sale of commercially cultivated crops.

Minor Conditional Use Permits. In preparing this draft ordinance, staff evaluated uses that generally require less staff time to process because they are less complex and require less involvement from other departments. Such uses would then qualify for a lower application cost because, on average, staff spends less time in the overall processing of such applications. These uses will be titled “Minor Conditional Use Permit” (MUP) and will be identified in the Series 200, Base Districts as “M.” Except for the reduced application fee, MUP’s shall conform to all applicable criteria that Conditional Use Permits (CUP) are subject to, including public noticing and a required public hearing before the City Council.

The following types of CUP’s have been determined by staff to be appropriate to be classified as MUP’s:

1. Crop Cultivation, as outlined in Section 301.21 of the Porterville Development Ordinance, is allowed in the RS-1, RS-2, RM-1, RM-2, RM-3, CN, CR, CG, CMX, PO, PS, REC, and PK zones, subject to additional regulations.
2. Kennels in the AC, RR, CN, CG, IP, and IG zones.
3. Coffee Shops/Cafes in the RM-3 zone, subject to additional regulations.
4. General Offices in the CR zone.
5. Offices with walk-in clientele in the CR zone.
6. Antenna and transmission towers (non-camouflage facilities) in the AC, RR, CN, CR, CG, CMX, PO, IP, IG, IA, PS, REC and PK zones, subject to additional regulations.
7. Facilities within Buildings (call centers) in the CR, CG, and PO zones.
As Staff continues to prepare the comprehensive amendment to the Development Ordinance, other appropriate sections may be identified as appropriate for MUP classification and will be identified at that time.

**Penalties.** Currently, any person violating any of the provisions of the Development Ordinance (Chapter 614—Enforcement) may be subject to the Administrative Citation procedure identified in Chapter 2, Article XIV of the City of Porterville Municipal Code and would be deemed guilty of an infraction or misdemeanor. A conviction for a misdemeanor may be punishable by a fine of not more than $1,000, by imprisonment in the county jail not exceeding 180 days, or by both. A conviction for an infraction may result in a fine ranging from $100 to $1,000, depending on the number and frequency of violations.

The proposed draft ordinance sets forth an alternate penalty, not only for violation of the terms or code requirements of a MUP for commercial crop cultivation, but for any nuisance associated with a use allowed by a discretionary permit (i.e. a minor or conditional use permit, variance, etc.). The following fines would be imposed upon a finding by the City Council that a violation has occurred:

(1) First offense: $500
(2) Second offense: $2,500
(3) Third offense: $5,000

As envisioned, this process would unfold very much like the current practice of the Council to review a CUP when there is a reported violation of conditions of approval. Staff would schedule the matter for Council and the Council would determine whether to set a hearing to consider sanctions, modification or revocation of the CUP. Section 614.04 Penalties, of the Development Ordinance, is proposed to be amended to set this additional method for enforcing violations of the Development Ordinance and conditions of approval for discretionary permits.

**Reduced Fee.** Evaluation of the hours expended on the types of projects subject to a MUP resulted in an estimated cost to the City of approximately $614 (6 hours of staff time at $79/hour plus $140, the average cost of a public hearing notice). There are additional costs for mailing notices to surrounding property owners and non-Community Development Department personnel staffing costs that are not included in this amount. The current fee for a conditional use permit is $1,164. A draft resolution setting forth the fee for a MUP is attached, and is recommended to be adopted upon second reading of the draft ordinance.

**On-site Sale of Crops.** During the course of deliberations when directing Staff to prepare the Commercial Crop Cultivation Ordinance, the Council
requested options to consider regarding the on-site sale of crops where grown. Staff has identified three (3) options for permitting the on-site sale of crops as follows:

1. Council approval concurrent with a MUP;
2. Zoning Administrator approval subsequent to the Council’s approval of the MUP; or
3. Ministerial approval which would provide for the establishment of the use as prescribed by provisions in the Development Ordinance.

An explanation of these options with their pros and cons is provided below:

**Option 1** requires Council approval of a proposal by the applicant to sell crops on-site, concurrently with the approval of a MUP for crop cultivation. This option allows the Council and the public to review the totality of the proposed project and all of its impacts, rather than separating cultivation from sales under two separate processes. This option also allows the Council to use discretion when conditionally approving on-site sales rather than restricting the applicant to predetermined “one size fits all” development standards to be applied by the Zoning Administrator or staff where there is less flexibility. The downside of this option is it requires all on-site sales proposals to obtain a MUP, even if the growing of crops on the site is permitted by right. It also requires a discretionary approval with a PRC fee of $750 plus a proposed MUP fee of $614 and the subsequent delay to account for processing and public hearing schedules. It should be noted that Staff would encourage an applicant requesting a MUP for commercial crop cultivation to provide for on-site sales to avoid having to come back to Council a second time.

**Option 2** would allow the Zoning Administrator to approve a plan for on-site sales after the City Council had approved a MUP for crop cultivation, or in the case of a permitted use, without any prior Council approvals. This option could be less costly for the applicant because in some cases it would only require a Zoning Administrator permit of $138. There would also be less time delays if a public hearing is not required. The Zoning Administrator would have more flexibility to use discretion than Staff but less than the Council. The on-site sales ordinance would have to be written more tightly to provide sufficient direction for the Zoning Administrator to act within the direction of the Council, while allowing flexibility for site considerations. The downside of this option is less Council control and allowing the Zoning Administrator to vary particulars of a site (subject to a MUP) that was previously approved by the Council and had the opportunity for public input. The cost would be increased over Option 1 if a MUP was still required for the crop cultivation use.

**Option 3** would allow staff to approve on-site sales as a use by right, as long as the project complied with all standards as set forth in the Development Ordinance. This option is the least costly and the least time consuming for the applicant if code requirements can be met. This option allows Council
approval of a MUP for the cultivation but not on-site sales, and overview of
the requirements only while drafting the code provisions, or upon appeal. It
requires the crafting of an ordinance to allow flexibility per site
characteristics unless a “one-size-fits-all” approach is proposed. Other types
of on-site sales of a temporary nature are generally provided for in the Code
and often require Zoning Administrator approval, this would be a more
streamlined approach. Staff’s concern is that it could be difficult to
ministerially provide for the range in options farmers may have in setting up
a stand.

None of these options include the on-site sale of crops from a non-
commercial type operation, i.e. backyard gardens.

Since growing an agricultural crop on a new site requires approval of a MUP
anyway, Staff recommends Option 1. Such approval could also include a plan
showing how on-site sales can be accommodated, if desired by the applicant.
The MUP could set forth conditions for on-site sales to assure that there is
safe access to the site, sufficient parking on an approved surface, and
limiting the scale of the temporary roadside business rather than attempting
to apply a “one size fits all” approach with approval granted by the Zoning
Administrator or staff, as a ministerial action. An applicant could come back
later to amend the MUP to allow for on-site sale of crops if these sales were
not contemplated at the time of initial approval.

Staff recommends that the on-site sale of crops be allowed with a MUP as
part of the approval process for an agricultural use to locate on a parcel.
Considerations of the MUP are defined in the attached draft Ordinance
amendment, and include:

- Sales are limited to those crops grown on site.
- The sales area must have adequate parking on an improved surface.
- Safe access to the site from the right of way must be provided.
- Size of the sales booth would be limited to less than 500 square feet to
avoid the requirement of a PRC application.
- One sign, 40 square feet in size, would be allowed, which is
equivalent to the maximum size of a banner allowed with a temporary
sign permit.
- The ordinance would not apply to non-commercial crop cultivation
(backyard gardens).

ENVIRONMENTAL REVIEW:
Pursuant to State and local environmental regulations, this project is an
implementation measure of the adopted General Plan and an addendum was
prepared to the Porterville General Plan Final Environmental Impact Report when
the Comprehensive Development Ordinance was adopted in May 2010. The Project
serves to help accomplish Implementation Policy LU-I-1 and LU-I-9 in that it allows
staff to evaluate projects of different size and extents using focused parameters,
rather than a one-size-fits-all approach. The Environmental Coordinator made a
determination that the project does not contain changes and/or additional details that warrant a Subsequent or Supplemental EIR as described in Section 15162 and 15163 of the California Environmental Quality Act Guidelines. No further environmental review is necessary.

RECOMMENDATION: That the City Council:
1. Approve the proposed draft ordinance amending the Porterville Development Ordinance and give first reading to the draft ordinance;
2. Waive further reading and order the ordinance to print; and
3. Adopt the Resolution establishing a fee for a Minor Conditional Use Permit contingent on the effective date of the above ordinance.

ATTACHMENTS:
1. Draft Ordinance
2. Draft Resolution
3. Chapter 2, Article XIV Administrative Citations
AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE
IN RELATION TO MINOR CONDITIONAL USE PERMITS
AND MONETARY PENALTIES

WHEREAS: On February 21, 2012, the City Council provided direction to staff to prepare an amendment to the Porterville Development Ordinance to: 1) provide for a minor conditional use permit process that would apply to an agricultural operation conditionally approved subject to the recently adopted Commercial Crop Cultivation Ordinance, as well as other uses that require less staff resources to process; 2) a graduated monetary penalty for violations of the recently adopted Commercial Crop Cultivation Ordinance that may also be applied to other uses deemed to be a nuisance; and 3) an amendment to the fee resolution to set an appropriate fee for a minor conditional use permit; and

WHEREAS: At the meeting of March 6, 2012, the City Council further directed staff to draft an amendment to the Development Ordinance to accommodate on-site sale of commercially cultivated crops; and

WHEREAS: A public hearing was held before the City Council on May 1, 2012, pursuant to the Planning and Zoning Law of the State of California and the Porterville Development Ordinance of the City of Porterville; and

WHEREAS: On May 1, 2012, the public hearing was opened and testimony was requested prior to the City Council acting to continue the matter to the meeting of May 15, 2012, at which time the continued public hearing was held; and

WHEREAS: Pursuant to State and local environmental regulations, the proposed ordinance revisions serve to implement policies identified in the Porterville 2030 General Plan, and the proposed ordinance revision is an implementation measure of the policies, goals, and objectives of the Plan; and

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

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

WHEREAS: On April 17, 2012, the Environmental Coordinator made a determination on the basis of substantial evidence that the proposed action is adequately covered under the addendum to the previously certified EIR.
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. ______ amending the Porterville Development Ordinance to include a provision for a “Minor Conditional Use Permit” as follows:

SECTION 1:

1. Amend Section 200.02 Land Use Regulations to add Minor Conditional Use Permit as follows:

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“M” designates use classifications that are permitted after review and approval of a Minor Conditional Use Permit by the City Council.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

2. Amend Table 200.02: Land Use Regulations-Agriculture/Rural/Conservation Districts to add Minor Conditional Use Permits and allow on-site sales of crops as follows:

<table>
<thead>
<tr>
<th>TABLE 200.02: Land Use Regulations—AGRICULTURE/RURAL/CONSERVATION Districts</th>
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</thead>
<tbody>
<tr>
<td>Use Classification</td>
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<tr>
<td>Transportation, Communication, and Utilities Uses</td>
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<tr>
<td>Antenna and Transmission Towers, non-camouflage facilities</td>
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<tr>
<td>Agricultural and Extractive Uses</td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
</tr>
<tr>
<td>Commercial Uses</td>
</tr>
<tr>
<td>Kennels</td>
</tr>
</tbody>
</table>

3. Amend Section 201.02 Land Use Regulations to add Minor Conditional Use Permit as follows:

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“M” designates use classifications that are permitted after review and approval of a Minor Conditional Use Permit by the City Council.
“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

4. Amend Table 201.02: Land Use Regulations—Residential Districts to add Minor Conditional Use Permits and allow on-site sales of crops as follows:

<table>
<thead>
<tr>
<th>TABLE 201.02: Land Use Regulations—RESIDENTIAL DISTRICTS</th>
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<tbody>
<tr>
<td>Use Classification</td>
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<tr>
<td>Commercial Uses</td>
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<tr>
<td>Coffee Shops/Cafes</td>
</tr>
<tr>
<td>Agricultural and Extractive Uses</td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
</tr>
</tbody>
</table>

5. Amend Section 203.02 Land Use Regulations to add Minor Conditional Use Permit as follows:

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“M” designates use classifications that are permitted after review and approval of a Minor Conditional Use Permit by the City Council.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

6. Amend Table 203.02: Land Use Regulations—Commercial Districts to add Minor Conditional Use Permits and allow on-site sales of crops as follows:

<table>
<thead>
<tr>
<th>TABLE 203.02: Land Use Regulations—COMMERCIAL DISTRICTS</th>
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</thead>
<tbody>
<tr>
<td>Use Classifications</td>
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<tr>
<td>Commercial Uses</td>
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<td>Kennels</td>
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<tr>
<td>Pet Stores</td>
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<td>General Offices</td>
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<tr>
<td>Walk-In Clientele</td>
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<tr>
<td>Transportation, Communication, and Utilities Uses</td>
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</table>
### TABLE 203.02: Land Use Regulations—COMMERCIAL DISTRICTS

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>CN</th>
<th>CR</th>
<th>CG</th>
<th>CMX</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilities within Buildings</td>
<td>-</td>
<td>M</td>
<td>M</td>
<td>P(22)</td>
<td></td>
</tr>
</tbody>
</table>

### Agricultural and Extractive Uses

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PO</th>
<th>IP</th>
<th>IG</th>
<th>IA</th>
<th>Additional Regulations</th>
</tr>
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<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>Section 301.21, Crop Cultivation; 301.22, Sale of Agricultural Crops</td>
</tr>
</tbody>
</table>

7. Amend Section 204.02 Land Use Regulations to add Minor Conditional Use Permit as follows:

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“M” designates use classifications that are permitted after review and approval of a Minor Conditional Use Permit by the City Council.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

8. Amend Table 204.02: Land Use Regulations—Employment Districts to add Minor Conditional Use Permits and allow on-site sales of crops as follows:

### TABLE 204.02: Land Use Regulations—EMPLOYMENT DISTRICTS

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PO</th>
<th>IP</th>
<th>IG</th>
<th>IA</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kennels</td>
<td>-</td>
<td>M</td>
<td>M</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation, Communication, and Utilities Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 204.02: Land Use Regulations—EMPLOYMENT DISTRICTS

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PO</th>
<th>IP</th>
<th>IG</th>
<th>LA</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antenna and Transmission Towers, non-camouflage facilities</td>
<td>M(10)</td>
<td>M(10)</td>
<td>M(10)</td>
<td>M(1,10)</td>
<td>Chapter 306, Telecommunications Facilities</td>
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<tr>
<td>Facilities within Buildings</td>
<td>M</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Agricultural and Extractive Uses</strong></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>M</td>
<td>P</td>
<td>P</td>
<td>M</td>
<td>Section 301.21, Crop Cultivation; 301.22, Sale of Agricultural Crops</td>
</tr>
</tbody>
</table>

9. Amend Section 205.02 Land Use Regulations to add Minor Conditional Use Permit as follows:

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“M” designates use classifications that are permitted after review and approval of a Minor Conditional Use Permit by the City Council.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

10. Amend Table 205.02: Land Use Regulations—Public and Open Space Districts to add Minor Conditional Use Permits and allow on-site sales of crops as follows:

### TABLE 205.02: Land Use Regulations—PUBLIC AND OPEN SPACE DISTRICTS

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PS</th>
<th>REC</th>
<th>PK</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation, Communication, and Utilities Use Classifications</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antenna and Transmission Towers, non-camouflage facilities</td>
<td>M(3)</td>
<td>M(3)</td>
<td>M(3)</td>
<td>Chapter 306, Telecommunications Facilities</td>
</tr>
<tr>
<td><strong>Agricultural and Extractive Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TABLE 205.02: Land Use Regulations—PUBLIC AND OPEN SPACE DISTRICTS

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PS</th>
<th>REC</th>
<th>PK</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>Section 301.21, Crop Cultivation; 301.22, Sale of Agricultural Crops</td>
</tr>
</tbody>
</table>

11. Amend Section 301.21(c)(4) to read as follows:

4. On-site sale of crops is allowed in accordance with Section 301.22, Sale of Agricultural Crops.

12. Add Section 301.22 to read as follows:

301.22 Sale of Agricultural Crops

The on-site sale of agricultural crops is allowed in any zone district except the downtown districts in conjunction with commercial crop cultivation if a minor conditional use permit is obtained. The City Council will consider the following criteria before granting a minor conditional use permit for on-site sales:

(a) Sales from the site are seasonal in nature.
(b) Sales are limited to those crops grown on site.
(c) Sales booths have adequate parking and there is appropriate surfacing for the parking area and drive aisle.
(d) There is safe access to and from the site from the right of way.
(e) The sales booth conforms to all requirements of the California Building Code and the size of the booth is commensurate with the crop to be sold, the size of the cultivation area and the length of the season, but shall not exceed 500 square feet.
(f) One 40 square foot sign is allowed as a wall sign or freestanding sign not greater than twelve (12) feet in height.

13. Amend Section 605.02 Applicability to read as follows:

605.02 Applicability

Conditional Use Permit approval is required for uses or developments specifically identified in the Series 200, Base Districts, and Series 500, Overlay Districts, of this Ordinance or any other section of this Ordinance which requires a Conditional Use Permit. Some conditional uses that have been identified by the City Council to require less staff review time are titled “Minor Conditional Use Permits”, and such uses are identified in the Series 200, Base Districts. Minor Conditional Use Permits shall conform to all applicable criteria required of Conditional Use Permits.
14. Amend Section 614.04 Penalties, to read as follows:

614.04 Penalties
(a) Any person, firm or corporation, violating any of the provisions of this Ordinance may be subject to the Administrative Citation procedure pursuant to Chapter 2, Article XIV of the City of Porterville Municipal Code and shall be deemed guilty of an infraction or misdemeanor; and upon conviction thereof, shall be punishable by a fine of not more than $1,000, by imprisonment in the county jail of Tulare County for a term not exceeding 180 days, or by both such fine and imprisonment. If an injunction is sought and granted, the person, firm, or corporation shall be deemed to be guilty and shall be obligated to pay the City’s attorney’s fees and costs of the City at the discretion of the court. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed or continued by such person, firm, or corporation, and shall be punishable as herein provided.

(b) As an alternate penalty, any nuisance associated with a use allowed by a discretionary permit (i.e. Conditional Use Permit, etc.) as set forth in this code, may be subject to a fine as follows:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) First offense:</td>
<td>$500</td>
</tr>
<tr>
<td>(2) Second offense:</td>
<td>$2,500</td>
</tr>
<tr>
<td>(3) Third offense:</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

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

PASSED, APPROVED, AND ADOPTED this ______ day of May 2012.

By:

Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By:

Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE ADOPTING A
FEE FOR A MINOR CONDITIONAL USE PERMIT

WHEREAS, on May 15, 2012, the City Council considered an amendment to the Porterville Development Ordinance to establish a Minor Conditional Use Permit process for projects that require less staff time than a conditional use permit for staff to review and process; and

WHEREAS, on May 15, 2012, the City Council approved an amendment to Section 605.02 of the Porterville Development Ordinance setting forth the process for a Minor Conditional Use Permit, which warrants a reduced processing fee due to less staff time involved with processing the application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Porterville that the fee for a Minor Conditional Use Permit as set forth in Section 605.02 of the Porterville Development Ordinance is $614. Said fee shall not take affect until the effective date of the ordinance establishing the Minor Conditional Use Permit process.

ADOPTED this 15th day of May 2012.

________________________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

By

______________________________
Patrice Hildreth, Chief Deputy City Clerk
Chapter Article XIV
ADMINISTRATIVE CITATIONS

2-141: LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE:

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

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

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

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

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

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

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

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

D. Purpose: The purpose of this article is to enable the city, acting as a charter city pursuant to article XI, sections 5 and 7 of the state constitution, to impose and collect civil administrative fines in conjunction with the enforcement of provisions of this code or state codes specifically adopted by reference in the applicable chapters of this code. Notwithstanding the provisions herein, the city has, and shall continue to employ, the philosophy of voluntary compliance when seeking compliance with this code and state codes specifically adopted by reference in the applicable chapters of this code.
E. Voluntary Compliance: Prior to the implementation of the enforcement policies and penalties stated herein, voluntary compliance approaches, when practical, should first be used in order to educate city property owners and businesses concerning the requirements of this code, or state codes specifically adopted by reference in the applicable chapters of this code, and the corrective action necessary to correct a violation of this code and state codes specifically adopted by reference in the applicable chapters of this code.

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

2-142: DEFINITIONS:

The following terms shall mean:

ENFORCEMENT OFFICER: Any officer or employee with the authority to enforce this code, and state codes specifically adopted by reference in the applicable chapters of this code.

HEARING OFFICER: Any person appointed by the city manager to preside over the administrative hearings provided for in this article.

RESPONSIBLE PERSON: Any individual or entity who is the registered owner or occupant of real property, owner or authorized agent of any business, company, or entity, or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes or maintains a violation of this code or state codes specifically adopted by reference in the applicable chapters of this code. (Ord. 1720 § 3, 5-1-2007)

2-143: AUTHORITY:

A. Issuance Of Citation: Any person violating any provision of this code, or state codes specifically adopted by reference in the applicable chapters of this code, may be issued an administrative citation by an enforcement officer as provided in this chapter. A violation of this code includes, but is not limited to: all violations of this code, and applicable state codes, ordinances or regulations adopted by the city council; or the failure to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this code.

B. Each Day A Separate Offense: Each and every day a violation exists may constitute a separate and distinct offense.
2-144: VIOLATIONS, PENALTIES AND ENFORCEMENT:

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

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

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

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

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

3. A fine not exceeding five hundred dollars ($500.00) for each additional violation of the same ordinance within twelve (12) months, or one thousand dollars ($1,000.00) for building and safety code violations.

C. Civil Action: The city attorney, or an attorney hired for such purposes by and at the request of the city council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this code, or state codes specifically
adopted by reference in the applicable chapters of this code, as provided by law, and the city shall be entitled to its attorney fees and costs.

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

2-145: SERVICE PROCEDURES:

An administrative citation on a form approved by the city manager shall be issued to the responsible person by an enforcement officer for violations of this code, or state codes specifically adopted by reference in the applicable chapters of this code, in the following manner:

A. Personal Service: In any case where an administrative citation is issued:

1. The enforcement officer shall attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the administrative citation.

2. If the responsible person served refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or of subsequent proceedings.

B. Service Of Citation By Mail: If the enforcement officer is unable to locate the responsible person, the administrative citation shall be mailed to the responsible person by certified mail, postage prepaid, with a requested return receipt. Simultaneously, the citation may be sent by first class mail. If the citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the citation sent by first class mail is not returned.

C. Service By Citation By Posting Notice: If the enforcement officer does not succeed in serving the responsible person personally, or by certified mail or regular mail, the enforcement officer shall post the administrative citation on any real property within the city where the city has knowledge that the responsible person has a legal interest, and such posting shall be deemed effective service. (Ord. 1720 § 3, 5-1-2007)

2-146: CONTENTS OF NOTICE:

Each administrative citation shall contain the following information:
A. Date, approximate time, and address or definite description of the location where the violation(s) was observed;

B. The code sections or conditions violated and a description of the violation(s);

C. An order to the responsible person to correct the violations within the time specified, and an explanation of the consequences of failure to correct the violation(s);

D. The amount of the fine for the violation(s);

E. An explanation of how the fine shall be paid and the time period by which it shall be paid;

F. Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for hearing form to contest the administrative citation; and

G. The name and signature of the enforcement officer.

H. If possible, the signature of the responsible person. (Ord. 1720 § 3, 5-1-2007)

2-147: SATISFACTION OF ADMINISTRATIVE CITATION:

Upon receipt of a citation, the responsible person shall:

A. Pay the fine to the city within fifteen (15) working days from the issuance date of the administrative citation. All fines assessed shall be payable to the city of Porterville. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the city; and

B. Remedy the violation(s). If the responsible person fails to correct the violation(s), subsequent administrative citations may be issued for the same violation(s). The amount of the fine for failure to correct the violation shall increase at a rate specified in this article or by ordinance. (Ord. 1720 § 3, 5-1-2007)
2-148: APPEAL OF ADMINISTRATIVE CITATION:

Any recipient of an administrative citation may contest that there was a violation of this code, or state codes specifically adopted by reference in the applicable chapters of this code, or that he or she is the responsible person by completing a request for hearing form and returning it to the city within fifteen (15) working days from the issuance date of the administration citation, together with an advanced deposit (full amount) of the fine. Any administrative citation fine, which has been deposited, shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not the responsible person for the violation(s) or that there was no violation(s) as charged in the administrative citation. (Ord. 1720 § 3, 5-1-2007)

2-149: HEARING OFFICER:

The city manager shall designate the hearing officer for the administrative citation hearing. The hearing officer shall not be a current Porterville city employee. The employment, performance evaluation, compensation and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer. (Ord. 1720 § 3, 5-1-2007)

2-150: HEARING PROCEDURE:

A. Request For Hearing: No hearing to contest an administrative citation before a hearing officer shall be held unless and until a request for hearing form has been completed and submitted, and the fine has been deposited in advance.

B. Setting Date For Hearing: A hearing before the hearing officer shall be set for a date that is not less than fifteen (15) working days and not more than sixty (60) working days from the date that the request for hearing is filed in accordance with the provisions of this article. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) working days prior to the date of the hearing.

C. Considering Evidence: The enforcement hearing officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible person has caused or maintained the violation(s) of this code, or state codes specifically adopted by reference in the applicable chapters of this code, on the date(s) specified in the administrative citation.

D. Testimony And Witnesses Allowed: The responsible person contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation.
E. Failure To Appear: The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

F. Evidence Of Facts: The administrative citation and any additional documents submitted by the enforcement officer shall constitute prima facia evidence of the respective facts contained in those documents.

G. Submission Of Additional Written Report To Hearing Officer: If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served by mail on the person requesting the hearing at least five (5) working days prior to the date of the hearing. At least ten (10) working days prior to the hearing, the recipient of an administrative citation shall be provided with copies of the citations, reports and other documents submitted or relied upon by the enforcement officer. No other discovery is permitted. Formal rules of evidence shall not apply.

H. Continuation Of Hearing: The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision. (Ord. 1720 § 3, 5-1-2007)

2-151: HEARING OFFICER'S DECISION:

A. Issuance Of Written Decision: After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision within ten (10) working days of the close of the hearing to uphold or deny the administrative citation and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final, subject to judicial review.

B. Citation Upheld: If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city.

C. Citation Dismissal: If the hearing officer determines that the administrative citation should be dismissed, the city shall refund the amount of the deposit within ten (10) working days of the date of its receipt of the decision.

D. Notice Of Decision To Recipient: The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision in the manner prescribed above. (Ord. 1720 § 3, 5-1-2007)
2-152: FAILURE TO PAY FINES:

The failure of any person to pay the civil fines assessed by an administrative citation within the time specified on the citation may result in the matter being referred to the city of Porterville - finance, to file a claim with the small claims court. Alternatively, the city may pursue any other legal remedy to collect the civil fines. The city may also recover all of its collection costs, including its attorney fees. (Ord. 1720 § 3, 5-1-2007)

2-153: RIGHT TO JUDICIAL REVIEW:

Any person aggrieved by a decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Tulare County superior court in accordance with the time lines and provisions as set forth in California Government Code section 53069.4. (Ord. 1720 § 3, 5-1-2007)

2-154: NOTICES:

A. The administration citation and all notices to be given by this article shall be served on the responsible person in accordance with the provisions of this article.

B. Failure to receive any notice specified in this article does not affect the validity of proceedings conducted hereunder. (Ord. 1720 § 3, 5-1-2007)

2-155: SEVERABILITY:

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this article. The city council hereby declares that it would have passed this article and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. 1720 § 3, 5-1-2007)
CITY COUNCIL AGENDA: MAY 15, 2012

PUBLIC HEARING

SUBJECT: INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTION OF APPLICATION FOR NORTH MAIN STREET ANNEXATION, NO. 475

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

HISTORY: The proposed North Main Street Annexation area was identified in a city-wide island annexation program initiated in 2005 in an effort to “clean up” the City limits. The State of California, County of Tulare, Tulare County Local Agency Formation Commission (LAFCo), and the City of Porterville have all identified the presence of unincorporated territories within the boundaries of an incorporated city (such as the subject annexation area) as a source of government inefficiency. To rectify this problem, the State of California adopted Government Code Section 56375.3, simplifying the annexation process for islands (or groups of islands) meeting certain requirements. The provision was originally established for a seven-year period, scheduled to sunset in 2007, but was extended to sunset in January 2014.

In 2008, the City received an application for annexation of a smaller area proposed for a tentative subdivision map within a county island adjacent to this annexation area. Upon review by the City Council, Staff was directed to proceed with annexation of the entire island. In 2010, the City Council authorized the smaller 8.5 acre site to proceed with annexation by itself so as to not to delay development of a proposed subdivision. Direction was then provided to Staff to proceed to annex the larger island. This Project complies with the directive given by Council and is supported by Tulare County LAFCo.

COMMENT: In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act), as amended, the City Council may authorize filing of the necessary application and proposal for presenting Annexation No. 475 to LAFCo for its review and approval.

Annexation No. 475 proposes the incorporation of 125.1± acres of land into the City of Porterville. The annexation area is generally (but not entirely) located north of Henderson Avenue, south of Pioneer Avenue, east of Villa Street, and west of Main Street (see attached map). The proposed project includes the annexation of five (5) unincorporated islands, four of which are completely surrounded by city limits, and Area D, which is 77% surrounded and is thereby considered an island pursuant to the Act:

<table>
<thead>
<tr>
<th>Area</th>
<th>Parcels</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>167</td>
<td>114±</td>
</tr>
<tr>
<td>B</td>
<td>1</td>
<td>8±</td>
</tr>
<tr>
<td>C</td>
<td>3</td>
<td>2±</td>
</tr>
</tbody>
</table>

DD /SN/ APPROPRIATED/FUNDED /ms cm/ ITEM NO. 9
Area D  
2 parcels  
1± acres

Area E  
1 parcel  
0.1± acre

The annexation area is substantially developed with 125 single family residences. Additionally, there are a few businesses, and a small percentage of the subject parcels are undeveloped. In all, there are 165 structures in the annexation area. Any future development on vacant land must be developed consistent with the current General Plan, the Porterville Development Ordinance and all other applicable codes.

Collectively, the roads in the annexation area are currently in fair to poor condition, and areas that need improvement would be added to the City’s queue of road improvement projects. After annexation, maintenance responsibility for the roads will transfer from the County to the City. Most of the properties are served with City water, which is part of the former Roland Water Company. A sewer line runs through the area (from Mulberry to Westfield via Howland) but there are limited hookups to this line, if any. There are no known storm drains in the area. The estimated cost to bring the area up to City standards is $7.5 million.

The proposed annexation is somewhat unique from other annexations as it includes an existing petro/chemical storage facility. The site is situated between North Main Street and the Union Pacific rail line right-of-way. It is located in an area with deficient water service and poses a concern to the City’s Fire Department. If a significant event were to occur at the facility, the water service at the site is inadequate to meet the required fire flows for fire suppression. Although the site is currently located in the County, regardless of annexation, a significant event could affect both City and County residents. Once annexed to the City, the fire service responsibilities will transfer to the City. Since it is an existing condition, Staff wanted to raise the issue to the Council for full disclosure. If so directed, Staff can coordinate with the County to determine a reasonable solution to the problem or range of options.

The subject area is located within the Urban Area Boundary and Urban Development Boundary. The Porterville General Plan designates this site for a mix of low density residential, commercial, and industrial uses. Upon consummation of the proposed annexation, the subject area will automatically be zoned City RS-2, RM-1 and CG (Low Density Residential, Low Medium Density Residential and General and Service Commercial, respectively) pursuant to Section 200 of the Porterville Development Ordinance and in support of the General Plan. However, some of the uses within the annexation area will become legal nonconforming uses upon annexation.

ENVIRONMENTAL: On April 18, 2012, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the North Main Annexation. The Initial Study has been transmitted to interested agencies, groups and individuals for review and comment. The review period ran for 20 days from April 19, 2012, to May 9, 2012. No comments were received on the Initial Study.
RECOMMENDATION: That the City Council adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

ATTACHMENTS:
1. Annexation No. 475 Map
2. Map representing General Plan Designations
3. Map representing proposed Zoning
4. Initial Study supporting Mitigated Negative Declaration
5. Draft Resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.
North Main Street Area Annexation

Initial Study &
Negative Declaration

City of Porterville
Community Development Department
Planning Division

April 2012

Prepared by:

Planning Tree Consulting

ATTACHMENT
ITEM NO. 4
1 INTRODUCTION

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

The proposed Project involves the annexation of a series of islands of approximately 125 acres of mostly developed land into the City. These areas are currently County islands, which were developed in the County, and have since been surrounded by the City. No physical modifications are proposed at this time. The annexation would provide more efficient delivery of services and reduce cost for various government services, including improved service times for public safety services such as fire and police. The proposed Project is described in detail in Chapter 2, Project Description.

DOCUMENT FORMAT

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

The CalEEMOD Output File is provided as an appendix at the end of this document.

Environmental impacts are separated into the following categories:

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

Less Than Significant After Mitigation Incorporated. This category applies where the incorporation of mitigation measures would reduce an effect from a “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).
Less Than Significant Impact. This category is identified when the project would result in impacts below the threshold of significance, and no mitigation measures are required.

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

2 PROJECT DESCRIPTION

PROJECT LOCATION

The Project area is a series of islands approximately 125 acres in size and is located in northern Porterville, in southern Tulare County (County), California, 240 miles southeast of Sacramento. The annexation area is generally (but not entirely) located north of Henderson Avenue, south of Pioneer Avenue, east of Villa Street, and west of Main Street (see Figure 1). The Project is located within the Porterville, CA, United States Geological Survey 7.5 minute quadrangle, in Sections 23 and 26, Township 21 South, Range 27 East, MDB&M.

Latitude: N 36° 5' 344"
Longitude: W 119° 1' 934"

The Project area includes the following Tulare County Assessor parcel numbers:

<table>
<thead>
<tr>
<th>Parcel Numbers</th>
<th>Parcel Numbers</th>
</tr>
</thead>
<tbody>
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Figure 1
Project Location Map
PROJECT BACKGROUND AND OBJECTIVES

The proposed annexation area was identified in a city-wide island annexation program initiated in 2005, in an effort to “clean up” the City limits. The State of California, County of Tulare, Tulare County LAFCo, and the City of Porterville have all identified the presence of unincorporated territories within the boundaries of an incorporated city (such as the subject annexation area) as a source of government inefficiency. To promote this goal, the State of California adopted Government Code section 56375.3, simplifying the island annexation process for islands (or groups of islands) meeting certain requirements. The provision was originally established for a seven year period, scheduled to sunset in 2007, but was extended to sunset in January 2014.

As development applications which involve an annexation are submitted to the City, staff and the City Council consider whether an annexation reduces the size of an existing island area, and whether or not it is appropriate to annex the entire island. In May 2010, the City Council approved the annexation of approximately 8.5 acres – a portion of a larger island, the remainder of which is the proposed Project. While the City Council did approve that smaller annexation, direction was provided to Staff to proceed in annexation of the larger island. This Project complies with the directive given by Council and echoed by Tulare County LAFCo.

ENVIRONMENTAL SETTING

The Project site is approximately 60 miles east of the Coast Range and approximately 10 miles west of the Sierra Nevada Mountain Range. Topographically, the Project site is at an elevation of approximately 420 feet above mean sea level and generally slopes to the west. The Project area is mostly developed as single family residential, and includes a few parcels developed with multi-family residential uses, commercial uses, industrial uses, and a small number of lots are vacant.

The land uses surrounding the Project site include residential, commercial, and public uses. General Plan Land Use designations and zoning varies throughout the neighboring areas, and is represented on Figures 2 and 3, respectively.

The nearest water bodies to the Project site are the Porter Slough located approximately one mile south. Lake Success is located approximately eight miles east of the Project site.

PROJECT DESCRIPTION

The proposed Project includes the annexation of five unincorporated islands: Area A consisting of 178 parcels, Area B consisting of 1 parcel, Area C consisting of 3 parcels, Area D consisting of 2 parcels, and Area E consisting of 1 parcel.

Area A is 100% surrounded, and encompasses 91.67 acres. Area B is 100% surrounded, and encompasses 6.91 acres. Area C is 100% surrounded, and encompasses 2.34 acres. Area D is 77% surrounded, and encompasses 1 acre. Area E is 100% surrounded, and encompasses 0.08 acre.
3 INITIAL STUDY CHECKLIST

1. Project title: North Main Street Area Annexation

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

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

4. Project location: See Chapter 2, Project Description

5. Latitude, Longitude: N 36° 5' 344", W 119° 1' 934"

6. General plan designation: See Chapter 2, Project Description

7. Zoning: See Chapter 2, Project Description

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

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

10. Other public agencies whose approval is required
    Tulare County LAFCo
ENVIRONMENTAL FACTORS POTENTIALY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

[Signature]

Date 4/17/12

Bradley D. Dunlap, AICP Community Development Dept

Printed name For
CITY OF PORTERVILLE
NORTH MAIN STREET AREA ANNEXATION

Issues:

I. AESTHETICS
Would the project:

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

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

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

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

Responses:

a), b), c), d) No Impact. The project is limited to annexation of primarily developed land, and would not directly change the existing land uses of the subject sites. No scenic vistas would be affected as a result of the project's implementation. The proposed project may facilitate additional infill development; however, none of the subject areas are in designated scenic vistas, and likewise no physical changes are proposed as a part of the project that would damage scenic resources or degrade the existing visual character of the site.
II. AGRICULTURE & FORESTRY RESOURCES

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

Would the project:

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
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<td>☒</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
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<tr>
<td>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
<td>☐</td>
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<td>☒</td>
</tr>
<tr>
<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
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</tr>
<tr>
<td>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</td>
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</table>
Responses:

a) No Impact. The proposed annexation would incorporate already developed lands into the City of Porterville. With few exceptions of undeveloped, surrounded vacant land, the project would not accommodate conversion of land uses. While most soil types in the region could at some point been deemed farmland conducive, the project area is primarily developed and at this time is considered urban built up land.

b) No Impact. None of the current zoning (County) nor the proposed pre-zoning (City) accommodates agricultural uses, and no Williamson Act contracts are in place for any of the proposed annexation area.

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

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

e) No Impact. Any impacts to agricultural resources or forest land have been discussed in impact II-a and c.
### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

**Would the project:**

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<th>Would the project</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
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<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
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**Response:**

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

Areas are classified under the Federal Clean Air Act as either “attainment” or “non-attainment” areas for each criteria pollutant based on whether the NAAQS have been achieved or not. Attainment relative to the State standards is determined by the California Air Resources Board (CARB). The San Joaquin Valley (SJV) is designated as a State and Federal non-attainment area for O₃, and PM₂.₅, and a State and Federal attainment area for CO, SO₂, PM₁₀, NO₂, and Pb (SJVAPCD, 2012).

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

**b) No Impact.** The San Joaquin Valley is designated as a Federal and State non-attainment area for O₃ and PM₂.₅. The SJVAPCD is the regional agency that regulates air permitting and maintains an extensive air quality monitoring network to measure criteria pollution concentrations throughout the San Joaquin Valley air basin.
However, the proposed project includes no construction element and therefore would not result in generation of criteria pollutants.

c) **No Impact.** As discussed in Impact III-b, the Project would not result in the generation of criteria pollutants as there is no proposed construction.

d) **No Impact.** Section 3 of the Guide for Assessing and Mitigating Air Quality Impacts defines a sensitive receptor as a location where human populations, especially children, seniors, and sick persons are present and where there is a reasonable expectation of human exposure to pollutants. Sensitive receptors normally refer to people with heightened sensitivity to localized, rather than regional pollutants. As no criteria pollutants would be generated by the proposed project, there is no impact.

e) **No Impact.** The Project would not be a source of odors; therefore, there would be no impact.
IV. BIOLOGICAL RESOURCES

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Response:

a) Less Than Significant Impact. The project proposes to annex approximately 125 acres of mostly developed land into the City of Porterville; no physical changes - and in turn no habitat modification - is proposed as part of the project. However, the potential future infill development of un-developed or underdeveloped properties would create physical change within the project area. Infill development in the Project area would be consistent with the General Plan. Impacts would be less than significant.

b) No Impact. No riparian communities or other sensitive natural communities exist within or adjacent to the annexation area. There would be no impact.

c) No Impact. No wetland areas exist within or adjacent to the annexation area. There would be no impact.
d) No Impact. No wildlife corridors or wildlife nursery sites are located within or adjacent to the annexation area.

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

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

Would the project:

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<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
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<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
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<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
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<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
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</table>

Response:

a) No Impact. The project proposes to annex approximately 125 acres of mostly developed land into the City of Porterville; no physical changes - and in turn no adverse changes in the significance of a historical or archaeological resource - is proposed as part of the project. There would be no impact.

b) No Impact. Any impacts to archaeological resources have been discussed in Impact V-a.

c) No Impact. No known paleontological resources exist within the Project area, nor are there any known geologic features in the Project area. No physical changes - and in turn no adverse changes relative to paleontological or geologic resources - is proposed as part of the project. There would be no impact.

d) No Impact. No formal cemeteries or other places of human internment are known to exist within the project area. Further, the project does not include a construction element. As such, potential impacts to human remains would not occur as a result of the Project. There is no impact.
VI. GEOLOGY AND SOILS

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

   i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

   ☐ ☐ ☐ ☒

   ii) Strong seismic ground shaking?

   ☐ ☐ ☐ ☒

   iii) Seismic-related ground failure, including liquefaction?

   ☐ ☐ ☐ ☒

   iv) Landslides?

   ☐ ☐ ☐ ☒

b) Result in substantial soil erosion or the loss of topsoil?

   ☐ ☐ ☐ ☒

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

   ☐ ☐ ☐ ☒

d) Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property?

   ☐ ☐ ☐ ☒

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

   ☐ ☐ ☐ ☒

Response:

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

According to the Five County Seismic Safety Element (FCSSE), Tulare County is located in the V-1 zone, defined as an area "of hard rock alluvium on valley floors". The FCSSE further states that, "The distance to either of the faults expected to be a source of shaking is sufficiently great that shaking should be minimal and the requirements of the Uniform Building Code Zone II should be adequate for normal facilities. The risk of
the rupture of a known earthquake fault is less than significant; however, in light of the project description (Chapter 2), the annexation project itself would not further expose people or structures to these risks. The subject properties are primarily developed.

a-ii) No Impact. Any impacts regarding strong seismic ground shaking have been discussed in Impact IV-a-i. There would be no impact.

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

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

b) No Impact. The proposed project would not directly lead to development or other activity which may affect current drainage patterns or increase erosion.

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

d) No Impact. The Soil Survey of Tulare County, Western Part (Soil Survey) indicates that soils in the annexation area are not expansive.

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

Would the project:

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

   Potentially Significant Impact
   □

   Less than Significant With Mitigation Incorporation
   □

   Less than Significant Impact
   □

   No Impact
   □

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

   Potentially Significant Impact
   □

   Less than Significant With Mitigation Incorporation
   □

   Less than Significant Impact
   □

   No Impact
   □

Response:

a), b) No Impact. While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization’s Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy have increased dramatically in recent years. In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and pro-active approach to dealing with GHG emissions and climate change at the state level. AB 1493 requires the Air Resources Board (ARB) to develop and implement regulations to reduce automobile and light truck GHG emissions; these regulations applied to automobiles and light trucks beginning with the 2009 model year.

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

Climate change and GHG reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing GHG emissions reductions and climate change. As the proposed project does not include a construction component, there would be no impact.
VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?
Response:

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

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

c) **No Impact.** The Project involves no construction components, and the annexation would have no effect on hazardous emissions, involve hazardous materials, or create a hazard to adjacent schools in any way. There would be no impact.

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

e) **No Impact.** The nearest airport, the Porterville Municipal Airport, is approximately seven miles south of the Project area. Due to the project description and the distance to the airport, there would be no impact.

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

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

h) **No Impact.** The proposed project area is surrounded by developed urban land uses. Therefore, the project would not result in risk of loss, injury, or death involving wildland fires.
## IX. HYDROLOGY AND WATER QUALITY

### Would the project:

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<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
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<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
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<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
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<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
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<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
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<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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</table>
IX. HYDROLOGY AND WATER QUALITY

Would the project:

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

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

Response:

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

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

The Project proposes annexation of approximately 125 acres and approximately 165 developed structures. Many of these residences already receive water service from the City of Porterville, and the additional water demand of the remaining parcels (approximately 400 persons) can be met by existing City facilities and supplies. Over time, those properties annexed as a part of the Project would connect to the City water system. The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. There would be a less than significant impact.

c) Less Than Significant Impact. Drainage patterns would not change as a result of the annexation Project. As infill development occurs, curb and gutter improvements would improve the management of stormwater flows to reduce existing erosion or siltation. No modifications to natural or created channels would occur, as there are none within the project area. As a part of future infill development, implementation of erosion control measures described by the Tulare County Development Standards and mandated in the Stormwater Pollution Prevention Program would minimize any potential impacts to less than significant.

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

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

f) Less Than Significant Impact. Any impacts to water quality have been discussed in the impact analysis for Impact VIII-a.
g) No Impact. According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Map Numbers 06107C1634E and 06107C1633E dated June 16, 2009, the entirety of the Project site is located within Zone X, areas determined to be outside the 2% annual chance floodplain. Further, the construction of housing is not a part of the proposed Project. There would be no impact with regard to flood related events.

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

i) Less Than Significant Impact. The dam potentially affecting the Project, Success Dam, is approximately 10 miles to the east of the Project site. According to Tulare County’s Geographic Information Systems data, the Project area is not located within the 24-hour inundation area of the Success dam in the event of its failure. The impact would be less than significant.

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

Would the project:

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<tr>
<td>a) Physically divide an established community?</td>
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<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
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<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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Response:

a) **No Impact.** The Project areas are completely or substantially developed and are fully integrated into their surrounding urban neighborhoods.

b) **No Impact.** All proposed pre-zoning conforms with the adopted City of Porterville General Plan and Development Ordinance.

c) **No Impact.** No habitat conservation plan or natural community conservation plan has been adopted for the project areas.
XI. MINERAL RESOURCES

Would the project:

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

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

Response:

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

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

XII. NOISE

Would the project:

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a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Response:

a), b), c), d) No Impact. The project areas are generally developed, and integrated into their urban neighborhoods. Annexation into the City does not change the noise level generation in the project area. Conversely, annexation into the City of Porterville would subject the project areas to the City's Noise Ordinance, providing greater enforcement mechanisms to monitor and reduce noise generation.

e) No Impact. The proposed annexation project is located approximately seven miles north of the Porterville Municipal Airport. The Porterville General Plan (2008), indicates in Figure 9-3, Projected Noise Contours 2030, that the Project site is located well outside of the 55 dB CNEL noise contour. There would be no impact.

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

Would the project:

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

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

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

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Response:

a) No Impact. The proposed Project would annex approximately 125 acres of land into the City of Porterville. The majority of parcels are already developed; for those parcels not yet fully developed (approximately 25 acres), the land holds capacity to develop approximately 125 single family residences. The potential cumulative impact to population growth was considered and addressed in the Final EIR adopted with the General Plan. There would be no impact.

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

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

Would the project:

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**Response:**

a)

**Less Than Significant Impact: Fire Protection** — The City of Porterville currently shares responsibility for fire services within the project area under a reciprocal aid agreement with Tulare County Fire Department. This agreement would continue after annexation, though the primary responder role would switch from the County to the City. Demand for services would change slowly as the Project areas redevelop. No new public safety buildings are needed as a result of the Project. The impact would be less than significant impact.

**Less Than Significant Impact: Police Protection** — The City of Porterville currently shares responsibility for police services within the project area under a reciprocal aid agreement with Tulare County Sheriff’s Department. This agreement would continue after annexation, though the primary responder role would switch from the County to the City. Demand for services would change slowly as the Project areas redevelop. No new public safety buildings are needed as a result of the Project. The impact would be less than significant impact.

**No Impact: Schools** — The Project site is located within the Porterville Unified School District; no schools are located within the project area, but Monte Vista Elementary school is immediately adjacent to the southwestern part, just west of Villa Street, south of Westfield Avenue. The students within the Project area already attend schools within Porterville Unified School District. The Project would not result in an increase of population that would require additional school facilities. There would be no impact.

**No Impact: Parks** — As the Project would not induce population growth, the project would not create a need for additional park or recreational services. Residents within the Project area are already able to take advantage of the City’s numerous recreational areas. There would be no impact.
No Impact: Other public facilities – As the Project would not induce population growth, the project would not create additional need for other public facilities. There would be no impact.
XV. RECREATION

Would the project:

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

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

Response:

a) No Impact. As discussed in Impact XIII-a (Parks), the Project would not increase the demand for recreational facilities nor put a strain on the existing recreational facilities. There would be no impact.

b) No Impact. No existing recreational facilities are proposed to be annexed, and none area currently planned within the Project area. There would be no impact.
XVI. TRANSPORTATION/TRAFFIC

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

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

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

e) Result in inadequate emergency access?

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

Response:

a), b) No Impact. The Project would annex mostly developed land that is surrounded by existing development. The City’s circulation element does not propose additional roadways within the Project area, and existing roads have been identified in current City infrastructure plans. Therefore, annexation would not conflict with the existing plans, ordinances, or policies. Instead, over time as funding becomes available to improve existing roadways, the annexation would assist in implementation of policies related to circulation performance. There would be no impact.
c) No Impact. The Project is located approximately seven miles north of the Porterville Municipal Airport. The annexation of the Project areas would not cause an increase in air traffic levels or cause a change in air traffic location. There would be no impact.

d) No Impact. No roadway design features are associated with this Project and there is no change in the existing land use which would result in an incompatible use. There would be no impact.

e) No Impact. Circulation would not be modified as a result of this Project; therefore, there would be no impact to any emergency access.

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

Would the project:

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

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

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

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

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

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

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

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Response:

a) Less Than Significant Impact. The subject sites are included within the City of Porterville Sewer, Water, and Storm Drain Master Plans. The capacity of the City of Porterville Wastewater Treatment Plant is currently 8 million gallons per day. Current usage averages 5.2 million gallons per day. At this rate, sufficient capacity is available to handle the proposed increase in population of approximately 750 people. As septic systems currently in place at a given parcel fail, property owners would connect to the Wastewater Treatment Plant. As infill development and redevelopment occurs throughout the annexation areas, the sewer, water, and storm drain systems would be extended as necessary to accommodate new construction. Funding mechanisms are identified in the Master Plans to ensure that system development keeps pace with population growth. The impact would be less than significant.
b) Less Than Significant Impact. Any impacts regarding the need for wastewater treatment facilities have been discussed in Impact XVI-a. The impact would be less than significant.

c) Less Than Significant Impact. Any impacts regarding the need for storm water drainage facilities have been discussed in Impact XVI-a. The impact would be less than significant.

d) Less Than Significant Impact. Approximately half of the project area is currently served by City water, due to acquisition in the past of failed private water companies. Service to the remaining property owners (approximately 400 persons) can be sufficiently met with the City’s existing water system. The impact would be less than significant.

e) Less Than Significant Impact. Any impacts regarding wastewater treatment have been discussed in Impact XVI-a. The impact would be less than significant.

f) Less Than Significant Impact. The areas proposed for annexation are currently receiving solid waste services from a private water company through a contract with the County of Tulare. Responsibility for providing that service will transition to the City of Porterville over a five year period following annexation. Both the private and public solid waste services make use of the Teapot Dome Landfill operated by the County of Tulare. Adequate capacity exists in that landfill for potential infill development consistent with the designated zoning. The impact would be less than significant.

g) Less Than Significant Impact. Any impacts regarding solid waste have been discussed in Impact XVI-f. The impact would be less than significant.
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

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

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

Response:

a) No Impact. The analysis conducted in this Initial Study/Negative Declaration results in a determination that the Project would have no negative effect on the local natural environment. The Project area is substantially developed and the proposed annexation would not result in loss of native habitat. The potential for impacts to biological and cultural resources from annexation would be less than significant as discussed in the previous impact sections. Accordingly, the Project would involve no potential for significant impacts through the degradation of the quality of the environment, the reduction in the habitat or population of fish or wildlife, including endangered plants or animals, the elimination of a plant or animal community or example of a major period of California history or prehistory. The impact would be less than significant.

b) Less Than Significant Impact. As discussed above, the Project would result in less than significant impacts to biological and cultural resources. Compliance with applicable codes, ordinances, laws and other required regulations would assure that potential impacts associated with infill development after annexation remain at a less than significant level.

c) Less Than Significant Impact. The Project would not result in substantial adverse effects on human beings, either directly or indirectly. Adverse effects on human beings resulting from implementation of the Project would be less than significant.
4 REFERENCES


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


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

5 LIST OF PREPARERS

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

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William H. Nebeker, City Planner
Jenni Byers, Assistant Planner

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Porterville, CA 93257

Julie Phillips, AICP

Planning Tree Consulting
4216 S Mooney Blvd
Suite 107
Visalia, CA 93277
RESOLUTION NO.______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY KNOWN AS ANNEXATION NO. 475

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

   B. The nature of the proposal is a change of organization as follows:
   A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit "A" and made a part hereof by reference as though set forth herein.

   C. The reasons for this proposal are as follows:
   To provide municipal services including streets, sanitary sewer, water, and storm drainage services, increased police and fire protection, and other municipal services as so required. To provide proper control, orderly development, and logical growth in

ATTACHMENT
ITEM NO. 5
accordance with the City of Porterville General Plan, LAFCo's Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In compliance with the California Environmental Quality Act (CEQA), on April 18, 2012, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the North Main Annexation. The Initial Study was transmitted to interested agencies, groups and individuals for review and comment. The review period ran for 20 days from April 19, 2012, to May 9, 2012. No comments were received on the Initial Study.

E. The subject site is an inhabited annexation and is not located within an agricultural preserve.

F. That the subject site consists of 125.1± acres substantially developed with a variety of uses including single-family residences, businesses, and a few vacant parcels.

G. The subject site is located within Porterville's Urban Development Boundary and LAFCo's Sphere of Influence Boundary.

H. Porterville's General Plan designates the area for a mix of low density residential, commercial, and industrial uses.

I. Upon consummation of the proposed annexation, the subject site will automatically be zoned City RS-2, RM-1 and CG (Low Density Residential, Low Medium Density Residential, and General and Service Commercial, respectively) zone districts pursuant to Section 200 of the Porterville Development Ordinance and in support of the General Plan.

J. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

________________________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

By ___________________________
Patrice Hildreth, Chief Deputy City Clerk
That portion of Section 23, Township 21 South, Range 27 East, Mount Diablo Base and
Meridian, in the County of Tulare, State of California, more particularly described as follows:

**Beginning** at the point of intersection of the south right of way line of Mulberry Avenue
(55 feet wide) with the southerly prolongation of the east right of way line of Howland
Street (40 feet wide) said point of intersection being an angle point in the existing City
Limit line;

Thence, along said City Limit line the following thirty-one (31) courses:

A1) Northerly along said southerly prolongation and along the east right of way line of
Howland Street, 371.50 feet to a point in the easterly prolongation of the north line of the
south one-third of Lot 13 of Price Palm Acres per map recorded in Book 17, page 53 of
Maps, Tulare County Records, thence;

A2) Westerly along said easterly prolongation and along the north line of the south one-
third of said Lot 13, 340.95 feet to a point in the east line of Lot 155 of Pioneer Land
Company’s First Subdivision per map recorded in Book 3, page 34 of Maps, Tulare
County Records, thence;

A3) Northerly along the east line of said Lot 155, 319.90 feet to the Northeast corner of
the Southeast quarter of said Lot 155, thence;

A4) Westerly along the north line of the Southeast quarter of said Lot 155, 321 feet to the
Southeast corner of the Northwest quarter of said Lot 155, thence;

A5) Northerly along the east line of the Northwest quarter of said Lot 155 and the
northerly prolongation thereof, 659.11 feet to a point in the north right of way line of
Westfield Avenue, said point also being in the east line of the Southwest quarter of Lot
174 of said Pioneer Land Company’s First Subdivision, thence;

A6) Northerly along the east line of the Southwest quarter of said Lot 174, 558.63 feet,
more or less, to a point in the south line of Deciduous Tract per map recorded in Volume
12, page 12 of Maps, Tulare County Records, thence;

A7) Easterly along the south line of said Deciduous Tract, 283 feet, more or less, to the
Southeast corner of Deciduous Tract, thence;

A8) Northerly along the east line of said Deciduous Tract, 570.18 feet to the Northeast
corner of said Deciduous Tract, said corner being a point in the south right of way line of
Pioneer Avenue (50 feet wide), thence;
A9) Easterly along the south right of way line of Pioneer Avenue, 229 feet, more or less, to the Northwest corner of Lot 176 of said Pioneer Land Company’s First Subdivision, thence;

A10) Southeasterly along the west line of said Lot 176, 1,083.87 feet, more or less, to a point which is 349.73 feet northwesterly of the Southwest corner of said Lot 176, thence;

A11) Northeasterly 200 feet, more or less, to a point in the west right of way line of Main Street and the east line of said Lot 176, said point being 480 feet northwesterly of the Southeast corner of said Lot 176, thence;

A12) Southeasterly along the west right of way line of Main Street, 2,946 feet, more or less, to a point in the east line of said Lot 150, said point being distant 885.43 feet northwesterly from the Southeast corner of said Lot 150, as measured along the easterly line of said Lot 150, thence;

A13) Southwesterly, 158.45 feet, more or less, to a point in the westerly line of said Lot 150, said point also being the Northwest corner of Parcel One of Parcel Map No. 2252 recorded in Book 23, page 53 of Parcel Maps, Tulare County Records, said point also being in the easterly right of way line of the Southern Pacific Railroad, thence;

A14) Northwesterly along the easterly right of way of the Southern Pacific Railroad, 80 feet, more or less, to a point in the easterly prolongation of the north line of Lot 24 of Blacherne Tract per map recorded in Volume 8, page 78 of Maps, Tulare County Records, thence;

A15) Westerly along the easterly prolongation of the north line of said Lot 24, the north line of Lot 24, the easterly prolongation of the north line of Lot 13 of said Blacherne Tract, the north line of Lot 13, the north line of Lot 4 of said Blacherne Tract and the westerly prolongation of the north line of said Lot 4, 1,281.2 feet, more or less, to a point in the west right of way line of Jaye Street (50 feet wide) thence;

A16) Southerly along the west right of way line of said Jaye Street, 458 feet, more or less, to a point which is 50 feet north of the north right of way line of Henderson Avenue (82 feet wide) thence;

A17) Westerly parallel with the north right of way line of said Henderson Avenue, 154 feet, thence;

A18) Southerly parallel with the west right of way line of said Jaye Street, 50 feet to a point in the north right of way line of said Henderson Avenue, thence;

A19) Westerly along the north right of way line of said Henderson Avenue, 154 feet, more or less, to a point in the east right of way line of Woods Street (50 feet wide) thence;

A20) Continuing westerly along the north right of way line of said Henderson Avenue, 50 feet to a point in the west right of way line of Woods Street, thence;
A21) Northerly, 68 feet, more or less, thence;
A22) Westerly, 85 feet, thence;

A23) Southerly, 68 feet to a point in the north right of way line of Henderson Avenue, thence;

A24) Westerly along the north right of way line of Henderson Avenue, 168 feet, more or less, to a point in the east line of Lot 147 of said Pioneer Land Company's First Subdivision, thence;

A25) Northerly along the east line of said Lot 147, 282 feet, more or less, to the Southeast corner of Walnut Gardens East, Unit No. 2 recorded in Volume 26, page 34 of Maps, Tulare County Records, thence;

A26) Northerly along the east line of said Walnut Gardens East, Unit No. 2 and along the east line of said Lot 147, 294.58 feet to the Northeast corner of said Walnut Gardens East, Unit No. 2, said point also being the Northeast corner of the south half of said Lot 147, thence;

A27) Westerly along the north line of said Walnut Gardens East, Unit No. 2 and along the north line of the south half of said Lot 147, 159.85 feet to the Southeast corner of Parcel 2 of Parcel Map No. 2087 per map recorded in Book 21, page 88 of Parcel Maps, Tulare County Records, thence;

A28) Northerly, 445.37 feet to the Northeast corner of said Parcel 2, thence;

A29) Westerly, 160.21 feet to the Northwest corner of said Parcel 2, said point also being the Southwest corner of Parcel 1 of said Parcel Map No. 2087, thence;

A30) Northerly along the west line of said Parcel 1, 144.15 feet, to the Northwest corner of said Parcel 1, said point also being in the south right of way line of Mulberry Avenue, thence;

A31) Easterly along the south right of way line of Mulberry Avenue 20 feet, more or less, to the Point of Beginning.

Containing 114 acres more or less.
City of Porterville
Annexation No. 475, Area B
Description for Annexation

That portion of Section 23, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, more particularly described as follows:

**Beginning** at the Southwest corner of Lot 13 of Sunnyside Orange Colony Tract per map recorded in Volume 2, page 95 of Maps, Tulare County Records, said corner being a point in the east right of way line of Main Street and an angle point in the existing City Limit line;

Thence, along said City Limit line the following seven (7) courses:

B1) Easterly along the south line of said Lot 13 and the easterly prolongation thereof, 514 feet, more or less, to a point which is 256.79 feet easterly of the Southeast corner of said Lot 13, thence;

B2) Southeasterly, 705.5 feet, more or less, thence;

B3) Easterly, 37.67 feet to a point in the west right of way line of Marshall Street (50 feet wide) thence;

B4) Southeasterly along the west right of way line of Marshall Street, 20 feet, more or less, to a point in a line 10 feet north of and parallel with the westerly prolongation of the north line of Lot 22 of Bartlett Hill Subdivision (an unrecorded map) thence;

B5) Westerly along said line parallel with the westerly prolongation of the north line of said Lot 22, 620 feet, more or less, to a point in the east right of way line of Main Street, thence;

B6) Northwesterly along the east right of way line of Main Street, 505 feet, more or less to an angle point, thence;

B7) Northwesterly along the east right of way line of Main Street, 160 feet, more or less, to the **Point of Beginning**.

Containing 8 acres more or less.
City of Porterville
Annexation No. 475, Area C
Description for Annexation

That portion of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, more particularly described as follows:

**Beginning** at the Northwest corner of Lot 17 of Blacherne Tract per map recorded in Volume 8, page 78 of Maps, Tulare County Records, said corner being a point in the north line of said Section 26 and an angle point in the existing City Limit line;

Thence, along said City Limit line the following four (4) courses:

C1) Easterly along the north line of said Lot 17 and along the north line of said Section 26, 281.1 feet to a point in the east line of said Lot 17, said point also being in the west right of way line of “G” Street (50 feet wide) thence;

C2) Southerly along the east line of said Lot 17 and the west right of way line of “G” Street, 366 feet, thence;

C3) Westerly, 281.1 feet to a point in the west line of said Lot 17, thence;

C4) Northerly along the west line of said Lot 17, 372.50 feet to the **Point of Beginning**.

Containing 2 acres more or less.
City of Porterville
Annexation No. 475, Area D
Description for Annexation

That portion of Section 23, Township 21 South, Range 27 East, Mount Diablo Base and
Meridian, in the County of Tulare, State of California, more particularly described as follows:

**Beginning** at a point on the easterly prolongation of the north line of Lot 13 of Sunnyside
Orange Colony per map recorded in Volume 2, page 95 of Maps, Tulare County Records,
said point being 781.0 feet West of the Southwest corner of Lot 2 of First Addition to
Hermosa Orange Colony per map recorded in Book 7, page 14 of Maps, Tulare County
Records, said point also being an angle point in the existing City Limit line;

D1) Thence, easterly along said easterly prolongation of the north line of said Lot 13 and
along said City Limit line, 200 feet, more or less to the Northeast corner of the land
conveyed to Robert E. Vanderhorst and Joan F. Vanderhorst, Trustees under the
Vanderhorst Family Revocable Trust by Trust Transfer Deed recorded February 9, 2006
as Document No. 2006-0013980;

D2) Thence, departing said City Limit line, southeasterly along the northeasterly line of
the land conveyed by said Trust Transfer Deed recorded February 9, 2006, 77.43 feet to
the most northerly corner of the land conveyed to Roger H. Smartt and Roy Lynn Smartt
by Grant Deed recorded August 21, 1997 as Document No. 97-057432;

D3) Thence, southeasterly along the northeasterly line of the land conveyed by said Grant
Deed recorded August 21, 1997, 125 feet to an angle point in said City Limit line;

D4) Thence, at right angles, southwesterly along the southeasterly line of the land
conveyed by said Grant Deed recorded August 21, 1997, 174.56 feet to an angle point in
said City Limit line, said point also being in the line that would pass through the
northwesterly corner of Second Extension to Scenic Heights per map recorded in Book 9,
page 55 of Maps, Tulare County Records;

D5) Thence, at right angles, northwesterly along said City Limit line, 300 feet to the
Point of Beginning.

Containing 1 acre more or less.
City of Porterville
Annexation No. 475, Area E
Description for Annexation

That portion of Lot 150 of Pioneer Land Company’s First Subdivision in the County of Tulare, State of California, situated in Section 23, Township 21 South, Range 27 East, Mount Diablo Base and Meridian as per map recorded in Book 3, page 34 of Maps, in the office of the County Recorder of said County, described as follows:

**Beginning** at a point on the easterly line of said Lot 150, a distance of 558.8 feet northerly as measured along the easterly line of said Lot 150 from the Southeast corner thereof, said point being on the existing City Limits line;

Thence, along said City Limit line the following four (4) courses:

E1) South 47°33’00” West, 91.00 feet, thence;

E2) North 42°27’00” West, 25.00 feet, thence;

E3) North 27°46’00” East, 102.63 feet to the most northerly corner of the land conveyed to Blacherne Water Company, a Corporation, by Deed recorded May 25, 1908, in Book 153, page 261 of Deeds, said point also being in the easterly line of said Lot 150, thence;

E4) South 37°07’00” East along the easterly line of said Lot 150, 60.00 feet, to the **Point of Beginning**.

Containing 0.1 acre more or less.
APPOINTMENTS TO THE TRANSACTIONS AND USE TAX ("MEASURE H") OVERSIGHT COMMITTEE

ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

The Transactions and Use Tax Oversight Committee currently has two vacancies with four-year terms to expire in May 2016. Staff has publicized these vacancies through the Porterville Recorder, KTIP radio, the City's website, and Constant Contact. 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.

To be eligible for appointment, individuals must either be a resident of Porterville, a business owner, or operator.

That the City Council:
1. Consider the appointment of interested individuals to the Transactions and Use Tax Oversight Committee to fill the two vacant positions with four-year terms to expire in May 2016; or,
2. Provide further direction to staff.

Press Release
Resolution 24-2006

Item No. 10
PRESS RELEASE

City of Porterville
291 N. Main Street
Porterville, CA 93257

For more information contact:
Patrice Hildreth, Administrative Services Manager

April 27, 2012

FOR IMMEDIATE RELEASE

MEASURE H – CITIZENS' OVERSIGHT COMMITTEE MEMBERS WANTED

Have you ever considered volunteering a small portion of your time to be a member of a city committee, board or commission? Now is the time to take the next step to help out your community.

The Measure H – Citizens' Oversight Committee (Transactions and Use Tax Oversight Committee) currently has vacancies. This committee was established as a part of Measure H, the public safety one-half cent sales tax measure approved by Porterville voters in November of 2005. The charge of the committee is to review the revenue and expenditures of the three Measure H budgets (Fire, Police and Literacy), and to report its findings to the City Council. The Committee is comprised of ten members of the public each serving four-year terms, and is required to meet at least once annually after the adoption of the budget. To be eligible for appointment, individuals must either be a resident of Porterville, business owner, or operator. Committee members receive no compensation.

Anyone wishing to serve on this Committee is hereby invited to submit a Request for Appointment to the City Clerk. All Requests will then be forwarded to the City Council for its consideration on May 15, 2012. The Request for Appointment forms are available on the City’s website at www.ci.porterville.ca.us, or at the Office of City Clerk.

For further information please contact Patrice Hildreth at 782-7442.
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
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 |

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 | $557,637 |
- 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 |
<p>| Total 2007-08 Fiscal Year Expenditures | $1,863,680 |</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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<tr>
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<td>Fiscal Year 2008-09 Total Resources Available</td>
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<tr>
<td>Increase Police Sworn by 1 additional position to the base</td>
<td>$91,000</td>
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<tr>
<td>Maintain Expanded Patrol Operations</td>
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<td>Maintain Expanded Gang Suppression and Narcotics Operations</td>
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<td>Maintain 8 additional Sworn Fire personnel</td>
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<tr>
<td>Safety Equipment</td>
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<td>Maintain Literacy Programs/hours</td>
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<tr>
<td>Expand Homework Assistance and Creative Expression Program</td>
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<td>Increase Established Capital Reserve Fund for New Fire Station</td>
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<td>Total 2007-08 Fiscal Year Expenditures</td>
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<td>Maintain 8 additional Sworn Police personnel</td>
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<td>Maintain Expanded Patrol Operations</td>
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<td>Maintain Expanded Gang Suppression and Narcotics Operations</td>
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<td>Maintain 8 additional Sworn Fire personnel</td>
<td>$202,476</td>
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<td>Maintain Literacy Programs/hours</td>
<td>$89,389</td>
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<td>Expand Homework Assistance and Creative Expression Program</td>
<td>$48,288</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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<td>Fiscal Year 2010-11 Additional Sales Tax Revenues (Fifth full F/Y)</td>
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<td>Fiscal Year 2010-11 Additional Supplemental Resources (General Fund)</td>
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<td>Fiscal Year 2010-11 Total Resources Available</td>
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<tr>
<td>Maintain 8 additional Sworn Police personnel</td>
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<tr>
<td>Maintain Expanded Patrol Operations</td>
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<td>Maintain Expanded Gang Suppression and Narcotics Operations</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>Expand Homework Assistance and Creative Expression Program</td>
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<td>Debt Service on New Fire Station Financing</td>
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<tr>
<td>Total 2010-11 Fiscal Year Expenditures</td>
<td>$2,246,387</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>IRISH</th>
<th>WEST</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
<th>MARTINEZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES:</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>NOES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSTAIN:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSENT:</td>
<td></td>
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</tr>
</tbody>
</table>

JOHN LONGLEY, City Clerk  
by Patrice Hildreth, Deputy City Clerk
CITY COUNCIL AGENDA: MAY 15, 2012

SUBJECT: RE-VISIT SELF PERFORMANCE EQUIPMENT & OPERATION

SOURCE: Public Works Department – Engineering

COMMENT: At the September 6, 2011, and March 6, 2012, Council meetings, staff presented an analysis on the cost and benefit of purchasing specialized equipment. The specialized equipment included a pavement grinder with paver machine and a slurry seal truck. At the time of the staff reports, it was suggested that the equipment be purchased using equipment replacement funds.

In summary, staff’s prior reports indicated that purchasing the specialized equipment was not a sound economic decision. Subsequent to the March 6, 2012, Council meeting, staff was directed to re-visit the analysis and consider different parameters on the specialized equipment. New conditions introduced into the matrix included:

a) A 15 year replacement period. City standard replacement period is 10 years. It is the Public Works Director’s judgment that a 15 year replacement period is the outer limit for retaining equipment of this type.

b) Exclude salaries and benefits from the analysis.

c) Consider smaller and less expensive grinder and slurry truck.

**Original Analysis:**

1. **39” wide Grinder/Paver:**
   - Equipment: $436,000
   - Replacement Period: 10 years
   - Annual Depreciation: $59,000
   - O & M: $50,000
   - Monthly Material: $106,488
   - Salary & Benefits: $28,300
   - C/B Ratio: 0.827

2. **CNG Micro-Surfacing Truck, Body & Spreader Box**
   - Equipment: $350,000
   - Replacement Period: 10 years
   - Annual Depreciation: $47,000
   - O & M: $72,000
   - Monthly Material: $153,000
   - Salary & Benefits: $28,300
   - C/B Ratio: 0.676
New Analysis

1. 20” Wide Grinder/Paver (Table 1)
   Equipment: $291,000
   Replacement Period: 15 years
   Annual Depreciation: $ 30,225
   O & M: $ 37,500
   Monthly Material: $106,488
   Salary & Benefits: $0
   C/B Ratio: 1.164

2. Diesel Micro-Surfacing Truck, Body & Spreader Box (Table 2)
   Equipment: $308,000
   Replacement Period: 15 years
   Annual Depreciation: $ 31,999
   O & M: $ 72,000
   Monthly Material: $153,095
   Salary & Benefits: $0
   C/B Ratio: 0.787

3. Used Diesel Micro-Surfacing Truck, Body & Spreader Box (Table 3)
   Equipment: $253,000
   Replacement Period: 15 years
   Annual Depreciation: $ 26,278
   O & M: $ 72,000
   Monthly Material: $153,095
   Salary & Benefits: $0
   C/B Ratio: 0.824

4. Mini-Mac Micro-Surfacing Self Propelled Unit, Trailer & Spreader Box (Table 4)
   Equipment: $186,099
   Replacement Period: 15 years
   Annual Depreciation: $ 19,329
   O & M: $ 54,000
   Monthly Material: $153,095
   Salary & Benefits: $0
   C/B Ratio: 0.936

In summary, the new analysis under the stated conditions concludes that purchasing a 20” wide grinder with appurtenances is a good economic decision. The new analysis further concludes that even with the stated conditions, purchasing a micro-surfacing truck with appurtenances is not a good economic decision.
Purchasing the Mini-Mac micro-surfacing truck is very close to breaking even. However, the Mini-Mac would not be recommended for use on arterial or collector streets. The Mini-Mac is more suitable for use on local streets.

RECOMMENDATION: That the City Council provide direction on this matter.

ATTACHMENT: Table 1
Table 2
Table 3
Table 4
TABLE 1

Summary of Costs associated with the Grinding and Pavement Patches (Digout & Repairs) on the City of Porterville’s Micro-Surfacing Projects

<table>
<thead>
<tr>
<th>FY</th>
<th>Project - Street</th>
<th>Areas of Full Structural Section (SS) Depth Grind (SF)</th>
<th>Areas of Full Asphalt Concrete (AC) Depth Grind (SF)</th>
<th>Cost for Full SS Depth Grind ($/SF)</th>
<th>Cost for Full AC Depth Grind ($/SF)</th>
<th>Total Cost per Street ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009/2010</td>
<td>2009/2010 Micro-Surfacing Project - Westwood Street</td>
<td>10,300</td>
<td>5,385</td>
<td>$0.06</td>
<td>$0.06</td>
<td>$109,742.25</td>
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<td>2009/2010</td>
<td>2009/2010 Micro-Surfacing Project - Newcomb Street</td>
<td>2,688</td>
<td>640</td>
<td>$0.06</td>
<td>$0.06</td>
<td>$20,305.24</td>
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<td>2009/2010</td>
<td>2009/2010 Micro-Surfacing Project - Prospect Street</td>
<td>1,845</td>
<td>832</td>
<td>$0.06</td>
<td>$0.06</td>
<td>$19,283.10</td>
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<tr>
<td>2010/2011</td>
<td>2010/2011 Micro-Surfacing Project - Henderson Avenue</td>
<td>17,101</td>
<td>6,735</td>
<td>$0.70</td>
<td>$0.70</td>
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<td>2010/2011</td>
<td>2010/2011 Micro-Surfacing Project - Prosper Street</td>
<td>3,235</td>
<td>1,485</td>
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<td>2010/2011</td>
<td>2010/2011 Micro-Surfacing Project - Javel Street</td>
<td>5,335</td>
<td>2,545</td>
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<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Henderson Avenue</td>
<td>36,473</td>
<td>12,521</td>
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<td>$5.00</td>
<td>$218,638.00</td>
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<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Citrus Avenue</td>
<td>8,371</td>
<td>2,257</td>
<td>$5.00</td>
<td>$5.00</td>
<td>$30,320.00</td>
</tr>
</tbody>
</table>

Total (SF) 31,534                78,116  Total $559,228.78
No. of Years 3                         3 No. of Years 2
Yearly Average (SF) 10,844          26,039 Yearly Average ($/SF) $8.33  $5.03
Average Cost/Year $215,742.93 (4 weeks of continuous work)

Cost Benefit Analysis for Purchase of Grinder and Related Equipment to Self Perform the above Sub-Contracted work on Collector and Arterial Streets

Grind Removals & Pavement Replacement Lifespan 20 years
Grinder & Paver Equipment Purchase Amount $281,000
20" Wide Grinder without trailer - smaller grinder can be used with existing trailer currently used by the Streets Division
Maintenance and Operation (M&O) Costs per year $37,500
Depreciation Cost per year $30,225 15 year (Equipment Replacement Fund equation is 10 Years)
* Material Cost Full SS Depth Grind per year ($4.50/SF) $47,931
* Material Cost Full AC Depth Grind per year ($2.25/SF) $55,587
Salaries and Benefits $0

* Denotes: Four (4) week material supply
Cost Benefit = (20 Year Contractor Cost) / (Initial Grinder & Paver Investment) + (Material Costs + M&O + Depreciation + Labor Costs) (Lifespan of Repair)
** Cost Benefit = (20Years)($216,742.93)($281,000)($37,500+$30,225+$47,931+$55,587+$0.00)/(20Years) = 1.164
** Cost Benefit Ratio is greater than 1 when reducing the size of the grinder, reducing the yearly depreciation cost by assuming the equipment's useful life is 15 years and removing employee costs from the equation.

Cost Benefit Analysis (CBA) Definition:
Process of quantifying costs and benefits of a decision, program, or project (over a certain period), and those of its alternatives (within the same period), in order to have a single scale of comparison for unbiased evaluation. Unlike the present value (PV) method of investment appraisal, CBA estimates the net present value (NPV) of the decision by discounting the investment and returns. Though employed mainly in financial analysis, a CBA is not limited to monetary considerations only. It often includes those environmental and social costs and benefits that can be reasonably quantified.

Cost Benefit Analysis - Investment Objective:
For a project to be economically acceptable, it must yield user benefits which meet or exceed the cost of providing those benefits; that is, the ratio of benefit to the cost must equal or exceed 1. Expressed mathematically as:
Positive user benefits minus negative user benefits/Initial investment plus annual operating costs = BA ≥ 1
### Table 2

Summary of Costs Associated with the City of Porterville’s Micro-
Surfacing Projects, excluding the Digaouts and Repairs

<table>
<thead>
<tr>
<th>FY</th>
<th>Project - Street</th>
<th>Micro-Surfacing Area, including cost for mobilization, demobilization, traffic control, new loop detectors and new pavement markings (SY)</th>
<th>Unit Price per SY ($)</th>
<th>Total Cost per Street ($)</th>
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<tbody>
<tr>
<td>2010/2011</td>
<td>2010/2011 Micro-Surfacing Project - Prospect Street</td>
<td>10,930</td>
<td>$3.08</td>
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<td>2010/2011</td>
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<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Henderson Avenue</td>
<td>24,205</td>
<td>$3.48</td>
<td>$84,250.60</td>
</tr>
<tr>
<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Olive Avenue</td>
<td>4,030</td>
<td>$3.65</td>
<td>$14,658.20</td>
</tr>
<tr>
<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Olive Avenue</td>
<td>15,565</td>
<td>$3.77</td>
<td>$57,190.75</td>
</tr>
<tr>
<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Olive Avenue</td>
<td>42,073</td>
<td>$4.07</td>
<td>$171,237.11</td>
</tr>
<tr>
<td>Total (SY)</td>
<td></td>
<td>224,042</td>
<td></td>
<td>$710,025.15</td>
</tr>
</tbody>
</table>

No. of Years: 3

Yearly Average (SY): 74,681

Yearly Average Unit Price ($/SY): 3.17

Average Cost/Yr: $236,875 (4 weeks of continual work)

### Cost Benefit Analysis for Purchase of Micro-Surfacing Truck, Body & Spreader Box to Self Perform the above Contracted work on Collector and Arterial Streets

- Micro-Surfacing Material Lifespan: 7 years
- Micro-Surfacing Truck, Body & Spreader Box Purchase: $300,000 (Eliminate the CNG component reduces equipment cost from $350,000 to $300,000)
- Maintenance and Operation (M&O) Costs per year: $72,000
- Depreciation Cost per year: $63,990 (15 year (Equipment Replacement Fund equation is 10 Years))
- Micro-Surfacing Material (2.05/SY): $103,995
- Salaries and Benefits: $80 (Denotes 4 weeks of continual work)

* Denotes: Four (4) week material supply

Cost Benefit = (2 Year Contractor Cost) - (Initial Micro-Surfacing Equipment Investment) + (Material Costs + M&O + Depreciation + Labor Costs) (Lifespan of Maintenance Efforts))

** Cost Benefit = (7/Years)($236,875/SY)($300,000+$72,000+$63,990+$103,995+$80\times\text{Years}) = 0.787

** Cost Benefit Ratio is less than 1, which equates to less than a desirable situation (Poor Economic Decision)

### Cost Benefit Analysis - CBA Definition:

Process of quantifying costs and benefits of a decision, program, or project (over a certain period), and those of its alternatives (within the same period), in order to have a single scale of comparison for unbiased evaluation. Unlike the present value (PV) method of investment appraisal, CBA estimates the net present value (NPV) of the decision by discounting the investment and returns. Though employed mainly in financial analysis, CBA is not limited to monetary considerations only. It often includes those environmental and social costs and benefits that can be reasonably quantified.

### Cost Benefit Analysis - Investment Objective:

For a project to be economically acceptable, it must yield user benefits which meet or exceed the cost of providing those benefits; that is, the ratio of benefit to the cost must equal or exceed 1. Expressed mathematically as:

\[
\text{Positive user benefits minus negative user benefits}/\text{Initial investment plus annual operating costs} = \text{BIA} \geq 1
\]
### TABLE 3

Summary of Costs Associated with the City of Porterville’s Micro-Surfacing Projects, excluding the Digouts and Repairs

<table>
<thead>
<tr>
<th>FY</th>
<th>Project - Street</th>
<th>Micro-Surfacing Area, including cost for mobilization, demobilization, traffic control, new loop detectors and new pavement markings (SY)</th>
<th>Unit Price per SY ($)</th>
<th>Total Cost per Street ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009/2010</td>
<td>2009/2010 Micro-Surfacing Project - Prospect Street</td>
<td>10,045</td>
<td>$3.90</td>
<td>$39,050.00</td>
</tr>
<tr>
<td>2010/2011</td>
<td>2010/2011 Micro-Surfacing Project - Peach Street</td>
<td>14,080</td>
<td>$3.30</td>
<td>$46,824.00</td>
</tr>
<tr>
<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Henderson Avenue</td>
<td>25,908</td>
<td>$2.77</td>
<td>$70,872.22</td>
</tr>
<tr>
<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Oliva Avenue</td>
<td>42,073</td>
<td>$4.07</td>
<td>$171,237.11</td>
</tr>
</tbody>
</table>

| Total (SY) | 224,042 |
| No. of Years | 3 |
| Yearly Average (SY) | 74,681 |
| Yearly Average Unit Price ($/SY) | $3.17 |

### Cost Benefit Analysis for Purchase of Micro-Surfacing Truck, Body & Spreader Box to Self Perform the above Contracted work on Collector and Arterial Streets

<table>
<thead>
<tr>
<th>Micro-Surfacing Material Identification</th>
<th>7 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Micro-Surfacing Truck, Body &amp; Spreader Box Purchase</td>
<td>$253,000</td>
</tr>
<tr>
<td>Maintenance and Operation (M&amp;O) Costs per year</td>
<td>$52,000</td>
</tr>
<tr>
<td>Depreciation Cost per year</td>
<td>$92,278</td>
</tr>
<tr>
<td>18 year (Equipment Replacement Fund equation is 10 Years)</td>
<td></td>
</tr>
<tr>
<td>* Micro-Surfacing Material(2.05$/Y)</td>
<td>$153,055</td>
</tr>
<tr>
<td>Sales and Benefits</td>
<td>50 Denotes 4 weeks of continual work</td>
</tr>
</tbody>
</table>

* Denotes: Four (4) week material supply

Cost Benefit = (7 Year Contractor Cost)/(Initial Micro-Surfacing Equipment Investment) + (Material Costs + M&O + Depreciation + Labor Costs) (Lifetime of Maintenance Efforts)

** Cost Benefit = (7Years)($238,876)($253,000)=$72,000+28,279+153,055=50(7Years) = 6.824

Cost Benefit Ratio less than 1, which equates to less than a desirable situation (Poor Economic Decision)

### Cost Benefit Analysis (CBA) Definition:

Process of quantifying costs and benefits of a decision, program, or project (over a certain period), and those of its alternatives (within the same period), in order to have a single scale of comparison for unbiased evaluation. Unlike the present value (PV) method of investment appraisal, CBA estimates the net present value (NPV) of the decision by discounting the investment and returns. Though employed mainly in financial analysis, a CBA is not limited to monetary considerations only. It often includes those environmental and social costs and benefits that can be reasonably quantified.

### Cost Benefit Analysis - Investment Objective:

For a project to be economically acceptable, it must yield user benefits which meet or exceed the cost of providing those benefits; that is, the ratio of benefit to cost must equal or exceed 1. Expressed mathematically as:

Positive user benefits minus negative user benefits/Initial Investment plus annual operating costs = BIA 2

Positive user benefits minus negative user benefits/Initial Investment plus annual operating costs = BIA 2
TABLE 4
Summary of Costs Associated with the City of Porterville’s Micro-Surfacing Projects, excluding the Digouts and Repairs

<table>
<thead>
<tr>
<th>FY</th>
<th>Project - Street</th>
<th>Micro-Surfacing Area, including cost for mobilization, demobilization, traffic control, new loop detectors and new pavement markings (SY)</th>
<th>Unit Price per SY ($)</th>
<th>Total Cost per Street ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000/2010</td>
<td>2009/2010 Micro-Surfacing Project - Primrose Street</td>
<td>16,700</td>
<td>$2.60</td>
<td>$43,530.00</td>
</tr>
<tr>
<td>2011/2012</td>
<td>2011/2012 Micro-Surfacing Project - Olive Avenue</td>
<td>24,060</td>
<td>$2.77</td>
<td>$67,455.20</td>
</tr>
<tr>
<td>Total (SY)</td>
<td>524,942</td>
<td>3</td>
<td>$3.17</td>
<td>$710,026.15</td>
</tr>
</tbody>
</table>

Cost Benefit Analysis for Purchase of Mini Mac Micro-Surfacing Self Propelled, trailer & Spreader Box to perform the above Contracted work on Collector and Arterial Streets

Micro-Surfacing Material Life span: 5 years
Micro-Surfacing Truck, Body & Spreader Box Purchase: $195,099 Reduced cost is a result of purchasing a smaller version of the normally utilized micro-surfacing equipment
Maintenance and Operation (M&O) Costs per year: $54,030
Depreciation Cost per year: $15,325 15 year (Equipment Replacement Fund calculation is 10 Years)
Micro-Surfacing Material(2,055/SY): $153,955 Equipment is limited to a 1/4 of the normal production rate
Salaries and Benefits: 50 Downs 16 weeks of continual work

Donors: Sixteen (16) week material supply

Cost Benefit = (7 Year Contractor Cost)/(Initial Micro-Surfacing Equipment Investment) + (Material Costs + M&O + Depreciation + Labor Costs) (Use span of Maintenance Efforts)

** Cost Benefit = (7Years($235.85/$186.99)+$54,030+$15,325+$153,955)/$195,099 = 0.336

Cost Benefit is less than 1, which equates to less than a desirable situation (Poor Economic Decision)

Cost Benefit Analysis - Investment Objective:

For a project to be economically acceptable, it must yield user benefits which meet or exceed the cost of providing those benefits; that is, the ratio of benefits to the cost must be equal or exceed 1. Expressed mathematically:

User benefits minus negative user benefits/initial investment plus annual operating costs = BIA ≥ 1

Cost Benefit Analysis (CBA) Definition:

Process of quantifying costs and benefits of a decision, program, or project (over a certain period), and those of its alternatives (within the same period), in order to have a single scale of comparison for unbiased evaluation. Unlike the present value (PV) method of investment appraisal, CBA estimates the net present value (NPV) of the decision by discounting the investment and returns. Though employed mainly in financial analysis, a CBA is not limited to monetary considerations only. It often includes those environmental and social costs and benefits that can be reasonably quantified.
SUBJECT: RE-CONSIDERATION - UPCOMING CALL FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) AND HIGH RISK RURAL ROAD PROGRAM (HRRR) PROJECTS

SOURCE: Public Works Department - Engineering Division

COMMENT: This item was discussed at the April 17, 2012, Council meeting at which time Council chose not to pursue funding opportunities for roundabouts. At the May 1st Council meeting, Councilmember Shelton requested that this item be re-considered for further discussion and the Council approved this item for the meeting.

Caltrans District 6 Local Assistance has announced an upcoming Call-for-Projects related to Highway Safety Improvement Program (HSIP) and High Risk Rural Road Program (HRRR) using 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 process. 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 of less than one.
It is difficult for cities the size of Porterville to meet the B/C Ratio because of lesser traffic volume on our network and 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 types 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 inform Council of 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 "toolbox" as a method of controlling traffic at intersections, whether or not there are 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: MAY 15, 2012

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – 2012/2013 FISCAL YEAR MICRO-SURFACING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the 2012/2013 Fiscal Year Micro-Surfacing Project. The project is part of the City’s Measure ‘R’ Street Maintenance Program, which consists of a durable thin asphalt overlay on several streets within the City. An important and expensive project component is the removal and replacement of badly distressed asphalt concrete, along with the sealing of significant cracks. New pavement markings will be placed once each street receives the thin asphalt overlay.

Streets and project limits are as follows:

- Olive Avenue – Westwood Street to Salisbury Street.
- Indiana Street – Putnam Avenue to Morton Avenue.
- Indiana Street – Morton Avenue to Henderson Avenue.
- Indiana Street – Henderson Avenue to Mulberry Avenue is included as an add alternate.

Staff continues to actively update our Pavement Management System, which will allow for a more systematic approach to maintaining our arterial and collector streets. Each arterial and collector street within the City’s jurisdiction is given a “Pavement Condition Index” (PCI) between 0 and 100; 0 being the worst and 100 being the best. The pavement industry has established the following general pavement treatment guide as it relates to the PCI:

<table>
<thead>
<tr>
<th>Pavement Treatment for Urban Major Roads</th>
<th>PCI Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Nothing</td>
<td>90-100</td>
</tr>
<tr>
<td>Preventive Maintenance (e.g. slurry, chip seal, cape seal)</td>
<td>70-89</td>
</tr>
<tr>
<td>Thin Overlays (e.g. less than or equal to 2 inches)</td>
<td>50-69</td>
</tr>
<tr>
<td>Thick Overlays (e.g. more than 2 inches)</td>
<td>25-49</td>
</tr>
<tr>
<td>Reconstruction (e.g. remove and replace)</td>
<td>0-24</td>
</tr>
</tbody>
</table>

This year’s Street Maintenance Program has been evaluated by Staff and the PCI for each street is as follows:

<table>
<thead>
<tr>
<th>Street</th>
<th>Limits</th>
<th>PCI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olive Avenue</td>
<td>Westwood Street to Mathew Street</td>
<td>86-92</td>
</tr>
<tr>
<td>Olive Avenue</td>
<td>Mathew Street to Salisbury Street</td>
<td>82-83</td>
</tr>
<tr>
<td>Indiana Street</td>
<td>Putnam Avenue to Morton Avenue</td>
<td>71</td>
</tr>
<tr>
<td>Indiana Street</td>
<td>Morton Avenue to Henderson Avenue</td>
<td>78</td>
</tr>
<tr>
<td>Indiana Street</td>
<td>Henderson Avenue to Mulberry Avenue</td>
<td>79</td>
</tr>
</tbody>
</table>

Dir  Appropriated/Funded  Item No. 13
The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review.

The Engineer’s Estimate of Probable Cost for the base bid is $643,018. An additional $32,150.90 is necessary for construction contingency (5%) and $32,150.90 is required for construction management, quality control and inspection services (5%), equating to a total construction cost of $707,319.80.

The Estimate of Probable Cost for the base bid and Add Alternate A (Indiana Street from Henderson Avenue to Mulberry Avenue) is $741,449.50 with $37,072.48 required for construction contingency (5%). An additional $37,072.48 is required for construction management, quality control and inspection services (5%), equating to a total construction cost of $815,594.45.

City Staff will provide construction management/inspection services and the City’s on-call consulting firm, Consolidated Testing, with assistance from APART Inc., will provide quality control services (asphalt concrete aggregate sieve analysis, sand equivalent testing, oil content confirmation, field confirmation of micro-surfacing mix design, etc.).

If the City receives favorable bids, a total of 3.98 lane miles of maintenance work will be accomplished with this project. Staff is requesting that Council consider approving bid advertisement in advance of the approved 2012/2013 budget for two distinct reasons:

1. The specifications require the Contractor to complete this work at night, 7 pm to 5 am. Last year, Staff awarded this annual project after the 2011/2012 budget was adopted. Unfortunately, the bidding and awarding process consumed most of the summer time months and by the time the streets were prepared for micro-surfacing, the night time temperatures degraded to a point where it became infeasible to proceed with the work. The Contractor was delayed until this spring and staff is expecting work to restart next month. The City will gain about two months of appropriate night time temperatures if the bidding process starts during the latter part of this month.

   Alternatively, staff could change the allowable construction hours from night time to daylight. This would extend the window of opportunity because the daylight hours have acceptable application temperatures well into the month of October. These street corridors have high volumes of traffic (Olive Avenue more so than Indiana Street) and the change will be an inconvenience to the traveling public. There is also the risk of degrading final product and damaging vehicles when dealing with high traffic volumes during the daylight hours.
2. The Local Measure 'R' Funds are available now for the City by an advancement request. This year's City allocation is approximately $748,000 and Tulare County Transportation Authority (TCTA) is in receipt of our advancement request. Staff is awaiting formal commitment by TCTA and we are confident the advancement request will be forthcoming.

The funding source for this annual project is based on TCTA approval of the 2012/2013 Local Measure 'R' Tax Revenue advancement. It is possible that the approval of the advancement will be given by the time this report is presented to Council.

RECOMMENDATION: That City Council:


2. Approve the advancement of 2012/2013 Local Measure 'R' Funds pending approval by TCTA; and

3. Consider authorizing staff to advertise for bids on the project.

ATTACHMENTS: Locator Maps (Olive Avenue and Indiana Street)
Engineer's Estimate
## BASE BID PART A - OLIVE AVENUE (SALISBURY STREET TO WESTWOOD STREET)

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>3</td>
<td>31,757</td>
<td>S.Y.</td>
<td>Micro-Surfacing (Night Work), including site preparations per the guidelines set forth in the project specifications</td>
<td>$3.25</td>
<td>$103,210.25</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>L.S.</td>
<td>Crack Filling per the guidelines set forth in the project specifications</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>5</td>
<td>26,020</td>
<td>S.F.</td>
<td>Grind to 6&quot; Depth &amp; Replace with Asphalt Concrete per the guidelines set forth in the project specifications.</td>
<td>$6.00</td>
<td>$156,120.00</td>
</tr>
<tr>
<td>6</td>
<td>12</td>
<td>EA.</td>
<td>Remove and Replace Traffic Loop Detector</td>
<td>$500.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>L.S.</td>
<td>Removal and Replacement of Striping &amp; Pavement Markings, inclusive of temporary pavement delineation</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SUBTOTAL</td>
<td>$333,330.25</td>
<td></td>
</tr>
</tbody>
</table>

## BASE BID PART B - INDIANA STREET (MORTON AVENUE TO HENDERSON AVENUE)

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>9</td>
<td>16,638</td>
<td>S.Y.</td>
<td>Micro-Surfacing (Night Work), including site preparations per the guidelines set forth in the project specifications</td>
<td>$3.25</td>
<td>$54,073.50</td>
</tr>
<tr>
<td>10</td>
<td>1</td>
<td>L.S.</td>
<td>Crack Filling per the guidelines set forth in the project specifications</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>11</td>
<td>13,371</td>
<td>S.F.</td>
<td>Grind to 4&quot; Depth &amp; Replace with Asphalt Concrete per the guidelines set forth in the project specifications.</td>
<td>$4.00</td>
<td>$53,484.00</td>
</tr>
<tr>
<td>12</td>
<td>6</td>
<td>EA.</td>
<td>Remove and Replace Traffic Loop Detector</td>
<td>$500.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>13</td>
<td>1</td>
<td>L.S.</td>
<td>Removal and Replacement of Striping &amp; Pavement Markings, inclusive of temporary pavement delineation</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SUBTOTAL</td>
<td>$141,557.50</td>
<td></td>
</tr>
</tbody>
</table>

## BASE BID PART C - INDIANA STREET (MORTON AVENUE TO PUTNAM AVENUE)

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>15</td>
<td>8,925</td>
<td>S.Y.</td>
<td>Micro-Surfacing (Night Work), including site preparations per the guidelines set forth in the project specifications</td>
<td>$3.25</td>
<td>$29,006.25</td>
</tr>
<tr>
<td>16</td>
<td>1</td>
<td>L.S.</td>
<td>Crack Filling per the guidelines set forth in the project specifications</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>17</td>
<td>28,781</td>
<td>S.F.</td>
<td>Grind to 4&quot; Depth &amp; Replace with Asphalt Concrete per the guidelines set forth in the project specifications.</td>
<td>$4.00</td>
<td>$115,124.00</td>
</tr>
<tr>
<td>18</td>
<td>4</td>
<td>EA.</td>
<td>Remove and Replace Traffic Loop Detector</td>
<td>$500.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>19</td>
<td>1</td>
<td>L.S.</td>
<td>Removal and Replacement of Striping &amp; Pavement Markings, inclusive of temporary pavement delineation</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SUBTOTAL</td>
<td>$168,130.25</td>
<td></td>
</tr>
</tbody>
</table>
## ADD ALTERNATE A BID – INDIANA STREET (HENDERSON AVENUE TO MULBERRY AVENUE)

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>21</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>22</td>
<td>7,770</td>
<td>S.Y.</td>
<td>Micro-Surfacing (Night Work), including site</td>
<td>$3.25</td>
<td>$25,252.50</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>preparations per the guidelines set forth in the project specifications</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>1</td>
<td>L.S.</td>
<td>Crack Filling per the guidelines set forth in the project specifications</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>24</td>
<td>3,485</td>
<td>S.F.</td>
<td>Grind to 5&quot; Depth &amp; Replace with Asphalt</td>
<td>$5.00</td>
<td>$17,425.00</td>
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<td>Concrete per the guidelines set forth in the project specifications</td>
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</tr>
<tr>
<td>25</td>
<td>1</td>
<td>L.S.</td>
<td>Stripping &amp; Pavement Markings</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
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</table>

**SUBTOTAL**  $101,916.50

**TOTAL COST OF CONSTRUCTION**  $744,934.50

5% CONSTRUCTION CONTINGENCY  $37,246.73

5% CONSTRUCTION MANAGEMENT AND QUALITY CONTROL  $37,246.73

**TOTAL ESTIMATED PROBABLE COST OF PROJECT**  $819,427.95

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**ESTIMATE CERTIFIED**

[Signature]

Project Manager  4-19-12

[Signature]

DPWD/City Engineer  4/24/12

[Signature]

Public Works Director  04/25/12

[Signature]

City Manager  04/25/12
TITLE: AB 1234 EXPENSE REIMBURSEMENT REQUIREMENTS FOR ELECTED OFFICIALS

SOURCE: CITY ATTORNEY

COMMENT: Council Member Shelton has made inquiries related to AB 1234 Expense Reimbursement and Reporting requirements of elected officials. Specifically, it is my understanding that Council Member Shelton seeks advice as to whether he can request reimbursement in the total amount of $0.01 for various expenses incurred in performing his official duties as a Council Member (and whether he would be subject to enforcement if he did not), but he has additionally requested, per a Consent Item on the May 1, 2012 Agenda, that the Council consider the requirements under AB 1234, specifically the reimbursement of expenses for elected officials.

With regard to his specific inquiry as to enforcement, we contacted the FPPC advice line, but were advised that the FPPC does not provide advice on AB 1234 expense reporting. However, upon review of AB 1234 and applicable City policies, it is clear that the City must reimburse for actual expenses at the rate established by statute and City policy. Council Members cannot specify the amount of money they want reimbursed (even if only $0.01) and must instead identify the amount of mileage necessarily traveled or other actual expense in the performance of official duties. Council Members are not required to request reimbursement for their expenses, and may simply choose not to submit an expense report.

AB 1234 allows cities to reimburse council members for expenses occurred in the performance of official duties. (Gov. Code § 53232.2(a).) Reimbursement is only allowed if the city adopts a written policy specifying the occurrences that entitle a council member to reimbursement. (Gov. Code § 53232.2(b).) In determining the amount of reimbursement for travel expenses, local agencies shall use the Internal Revenue Service allowances, unless the local agency’s written policy specifies another reasonable rate. (Gov. Code § 53232.2(c).) To receive payment for expenses, council members shall submit expense reports which document that the expenses meet the existing policy and shall include receipts documenting each expense. (Gov. Code § 53232.3(b)-(c).)
Section VIII of the Porterville Council Handbook contains an adopted written reimbursement policy for Council Member expenses that complies with Government Code section 53232.2 and 53232.3. Subsection B indicates that the mileage reimbursement amount is set by the Administrative Policy Manual Section II-E-1. Policy II-E-1, subsection B.2, requires reimbursement at the current IRS approved allowance per mile.

There is no provision in AB 1234, the Council Handbook, or the Administrative Policy Manual allowing reimbursement at any amount other than the current IRS allowance. Since the rate is set by statute and an approved policy, Council Members do not have the authority to seek reimbursement in any other amount, even if the amount is less than the established rate. Reimbursement must be paid at the current IRS mileage allowance.

The purpose of AB 1234 is to ensure that only accurate and necessary compensation is provided. Council Members' expense reports should indicate that the expense is consistent with existing policy by providing an accurate detail of the mileage necessarily incurred. Even though Members cannot provide receipts for gas expenses necessarily incurred, mileage reimbursements should be made in a form so that staff can verify the accuracy of the mileage traveled (e.g., by using an internet map service).

Of course, there is nothing in AB 1234 or any local rule that requires Council Members to request reimbursement for expenses incurred in the course of performing official duties. It is entirely up to the individual Council Members to request reimbursement, and the Council Members may forego reimbursement for some or all expenses. If Council Members do not desire to be paid for all of a particular expense, then the Council Member should not request reimbursement.

Council Members are required to provide brief reports on meetings attended at the expense of the City. (Gov. Code § 53232.3(d).) If a Council Member attends a meeting but is not reimbursed for any expenses, then there is no requirement to provide a brief report on the meeting.

RECOMMENDATION: That the Council consider the staff report and provide further direction as it deems appropriate.