CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
APRIL 20, 2004 6:00 P.M.

Call to Order
Roll Call

CLOSED SESSION:

A. Closed Session Pursuant to:
   1 - Government Code § 54957 - Public Employee Performance Evaluation - In Progress
      Review - Title: City Manager
   2 - Government Code § 54956(c) - Potential Litigation

7:00 P.M. RECONVENE OPEN SESSION AND REPORT ON ANY ACTION TAKEN IN
CLOSED SESSION

Pledge of Allegiance Led by Mayor Pro Tem Ronald Irish
Invocation

PROCLAMATIONS
   Cinco de Mayo Week - April 28 - May 5, 2004
   Senior Citizen Day - May 19, 2004

PRESENTATIONS
   • City Manager’s Featured Projects for April, 2004
      - Mitigation Area Access via State Highway 190
      - Skateboard Park Modular Design Approval
      - Airport Patio Project
      - Neighborhood Community Center Construction Award

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.

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

1. Approval of City Council Minutes of March 16, 2004

2. Award of Contract - Indiana Street Reconstruction Project – Putnam Avenue to Morton Avenue
   Re: Award contract to Halopoff & Sons, Inc. for $381,627.76.

3. Acceptance of Appraised Value of Right of Way for Property Located at APN No. 245-390-010 -
   Garry W. Beutler and Jan M. Beutler - Henderson Avenue Reconstruction Project
   Re: Authorizing payment of $5,637, after the close of escrow, for 1,496 square feet of right of
   way.
4. Acceptance of Final Subdivision Map – Granite Heights, Phase One Subdivision (Garland Gifford)
   Re: Approving the subdivision map located east of Conner Street at Morton Avenue.

5. Increasing Fees in Accordance with the Mitigation Fee Act
   Re: Increases to Hillside Development Trunk Like Sewer Fees, Hillside Development Water Trunk Fees, Transportation Impact Fees, Parks Impact Fees, and Treatment Plant Fees by the Engineering News Record 20 City Construction Index to go into effect July 1, 2004.

6. Annual Adjustment of Fees by Application of the Engineering News Record 20-City Construction Cost Index
   Re: Increases to Trunk Line Sewer Fees, Sewer Connection Charges, Water Trunk Fees, Water Connection Fee, Storm Drainage Fees, Street Light Fees, Fire Hydrant Fees, and Frontage Improvement Valuation Threshold by the Engineering News Record 20 City Construction Index to go into effect July 1, 2004.

7. Report about Status of Success Reservoir Enlargement Project
   Re: Status of current project.

8. Acceptance of the Joint Powers Agreement - W. North Grand Avenue, City-County Joint Maintenance
   Re: Approval of a joint agreement for the County to do road work on West North Grand between Beverly Street and State Route 65 which is a combination of County and City property.

9. Surface Water Treatment Review - Permits and Reports Survey
   Re: Request for authorization to obtain a consultant for the purpose of preparing a Surface Water Treatment Permits & Reports Survey.

10. Status Report on Car Wash Issues
    Re: Review of an interim report on the progress to date regarding car wash discharges into the City’s storm drainage system.

11. AD Zone Site Review 1-2004
    Re: Request to approve the construction of a 10,000 sf. metal building with a proposed 936 sf. office inside at 1814 Thunderbolt Drive at the Porterville Airport, for Endurequest.

    Re: Authorization for staff to schedule and advertise a public hearing for a general amendment to the City Code pertaining to Subdivision regulations, procedures and technical updates.

13. Construction Agreements for Porterville Mitigation Area No. 1 (Valley Elderberry Longhorn Beetle Preserve)
    Re: Authorizing an agreement with California Conservation Corps to provide construction services for $8,500, and an amended agreement with Impact Sciences to include construction management services by Wildlands, Inc. for $19,235.
Re: Approval to close certain downtown streets, sidewalks and parking lots for the Cinco de Mayo festivities, and approval for a fiesta at the Municipal Ballpark April 30 - May 2, 2004.

15. Approval for Community Civic Event - Porterville Museum Bike Show, August 14, 2004
Re: Approval for a bike show at Murry Park from 6:00 a.m. to 4:30 p.m.

16. Approval for Community Civic Event - Porterville Unified School District, Porterville Celebrates Reading, April 24, 2004
Re: Approval for a partial street closure on Saturday, April 24 from 8:30 a.m. to 2:00 p.m. for the crosswalk corridor on Olive Avenue from the Fair on the North side to the parking lot on the south side of Olive Avenue.

17. OHV Grant Program
Re: Approving the grant application entitled Porterville O & M for Fiscal Year 2004-2005, and approving the 2004-05 OHV Budget.

18. Annual Report on Senior Council Utility Stipend
Re: Review of the use of the stipend given to the Senior Council for utility payments for the first quarter of calendar year 2004.

19. Annual Review of City of Porterville/Chamber of Commerce Agreement
Re: Review of Chamber Activity Report and Financial Statements and consideration of funding.

20. Restoration of Municipal Franchise Fees
Re: Consideration of setting a public hearing for May 18, 2004 for the proposed increase in the municipal franchise fees.

20a. Approval For Community Civic Event Annual Porterville Fair - May 12 - 16, 2004
Re: Approval to close certain streets from May 12-16, 2004, subject to the application restrictions.

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

PUBLIC HEARING
21. Conditional Use Permit 2-2004 - Specific Plan Within the Viejo Robles Planned Development for the Construction of an Emergency and Transitional Housing Complex Located at the Southeast Corner of Indiana Street and Springville Avenue

22. Conditional Use Permit 5-2004 - Proposed Construction of a 42 Unit Apartment Complex to be located Generally on the Northeast Corner of Westfield Avenue and State Highway 65

23. Meadow Breeze Phase One - Tentative Subdivision Map (Smee Builders)
Re: Approving the division of a 30.7 acre vacant parcel into 44 single family lots and a 20 acre remainder for the site located on the southwest corner of Castle Avenue and Salisbury Street.
24. **Airport Fee Schedule**  
Re: Setting various fees for activities at the Airport to go into effect on May 20, 204 along with Ordinance 1652, the new Airport Rules and Regulations.

**SECONDDING READING**
25. **Ordinance No. 1651, Amending Chapter 17, Motor Vehicles and Traffic, Section 17-15, of the Code of the City of Porterville**  
Re: Adopting the ordinance to set the speed limit on Main Street, from Reid Avenue to Henderson Avenue, at 45 mph.

26. **Ordinance No. 1652, Adopting a New Chapter 4, Airport, of the Porterville Municipal Code**  
Re: Approval of the revised Rules and Regulations for the Municipal Airport.

**SCHEDULED MATTERS**
27. **Economic Development Administration Grant Opportunities**  
Re: Consideration of the Jaye Street/Highway 190 Improvements - Infrastructure Project, the Airport Industrial Park Business Incubator Project, and the Training Center for Food and Hospitality Services Project for submittal for US Department of Economic Development Administration grant funding.

28. **Business Improvement District Assessment Review**  
Re: Assessment of staff’s review of the method of levying assessments in the BID, and based on no response from 89% of the businesses and the request of no change by 3.7% of represented businesses, a recommendation that no change be made to the current assessment method.

29. **Swimming Pool Shade Structure Options**  
Re: Consideration of installing two swimming pool shade structures for $30,354 from funds saved from the swimming program the current fiscal year.

30. **Skateboard Park Status and Grant Funding Consideration**  
Re: Consideration of support for the skateboard park at Veterans Park, and the filing of an application for a Land and Water Conservation Fund Grant for the skateboard park.

31. **Traffic Safety - No Parking Signs**  
Re: Authorization to install “No Parking” signs on each side of the Plano Street Bridge, where warranted.

32. **Report on Status of Shopping Cart Collection in Community**  
Re: Review of the program to pickup shopping carts abandoned throughout the community.

33. **Consideration of the Formation of a Nonprofit Corporation**  
Re: Consideration of the City forming a nonprofit public benefit corporation for the purpose of accepting donations for certain municipal programs and facilities.

34. **Quarterly Portfolio Summary**  
Re: Investment summary stating that all current holdings are in compliance with the current Investment Policy and that all City cash needs are being met.
35. Interim Financial Status Report  

36. Presentation of Grant Status Summary  
   Re: Summary of the various grants in place throughout the City Departments.

37. Compliance Procedures for SB 564 and SB 866 and Resolution of Affirmation of Investment Policy  
   Re: Annual submission of the written Statement of Investment Policy.

Adjourn to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Redevelopment Agency

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

SCHEDULED MATTER
PRA-1  Building Facade Renovation Grant Program Variance Request for 118 N. Main St.  
   Re: Consideration of a variance request from Brent and Gina Blasingame to allow the building
   at 118 North Main Street to remain an unapproved color as set by approved Design Guidelines.

Adjourn to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION
   Any Closed Session Items not completed prior to 7:00 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of May 4, 2004

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 Deputy City Clerk at (559) 782-7442. 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.
CITY MANAGER’S FEATURED PROJECTS FOR
APRIL, 2004

1. Mitigation Area Access via State Highway 190
2. Skateboard Park Modular Design Approval
3. Airport Patio Project
4. Neighborhood Community Center Construction Award
PORTERVILLE CITY COUNCIL MINUTES
REGULAR MEETING - MARCH 16, 2004
COUNCIL CHAMBERS - 6:00 P.M.

Call to Order: 6:00 p.m.
Roll Call: West, Irish, Hamilton, Stadtherr, Martinez

CLOSED SESSION:
A. CLOSED SESSION PURSUANT TO:
1 - GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL
PROPERTY NEGOTIATORS/PROPERTY: APN 245-040-005. AGENCY
NEGOTIATOR: JOHN LONGLEY. NEGOTIATING PARTIES: CIT OF
PORTERVILLE AND RALPH AND JANET HOVANNISIAN. UNDER
NEGOTIATION: ACQUISITION OF RIGHT OF WAY.
2 - GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL
PROPERTY NEGOTIATORS/PROPERTY: APN 245-040-015. AGENCY
NEGOTIATOR: JOHN LONGLEY. NEGOTIATING PARTIES: CITY OF
PORTERVILLE AND JOHN AND KAREN HOVANNISIAN. UNDER
NEGOTIATION: ACQUISITION OF RIGHT OF WAY.
3 - GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL
PROPERTY NEGOTIATORS/PROPERTY: APN 254-010-036. AGENCY
NEGOTIATOR: JOHN LONGLEY. NEGOTIATING PARTIES: CITY OF
PORTERVILLE AND CARLOS S. MARQUES TRUSTEE. UNDER
NEGOTIATION: ACQUISITION OF RIGHT OF WAY.
4 - GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL
PROPERTY NEGOTIATORS/PROPERTY: APN 245-390-007. AGENCY
NEGOTIATOR: TIMOTHY SIMON. NEGOTIATING PARTIES: CITY OF
PORTERVILLE AND STEVEN AND MELISSA KRIGBAUM. UNDER
NEGOTIATION: ACQUISITION OF RIGHT OF WAY.
5 - GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL
PROPERTY NEGOTIATORS/PROPERTY: MUNICIPAL AIRPORT LOTS NO.
1 & 2 LOCATED SOUTH OF HOPE ROAD, AT THE INTERSECTION OF HOPE
ROAD AND CORSAIR WAY. AGENCY NEGOTIATOR: FRANK GUYTON.
NEGOTIATING PARTIES: CITY OF PORTERVILLE AND A.W. COULTER.
UNDER NEGOTIATION: TERMS AND PRICE.

The Council adjourned to the Closed Session in the Conference Room at 6:03 p.m.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

The City Attorney stated that Council had taken action to accept property (APN 245-040-015) from John and Karen Hovannisian as stated in Resolution No. 22-2004.
Pledge of Allegiance Led by Council Member Richard Stadtherr
Invocation by Pastor Jim Rogers, Foothill Presbyterian Church

PRESENTATIONS
- Presentation of Mayor’s Plaque to Richard Stadtherr
- Presentation about West Nile Virus/Mosquito Abatement by Cynthia Bartlett/RN
- CAFR
- City Manager Featured Projects

ORAL COMMUNICATIONS
None

CONSENT CALENDAR

2. CLAIM – ROBERT WHITLEY

Recommendation: That the Council reject said claim, and refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

Documentation: Minute Order 01-031604
Disposition: Approved

3. CLAIM – MARINA MARRERO

Recommendation: That the Council reject said claim, and refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

Documentation: Minute Order 02-031604
Disposition: Approved

4. BUDGET ADJUSTMENTS FOR THE 2003/2004 FISCAL YEAR

Recommendation: That the Council approve the attached budget adjustments and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.

Documentation: Minute Order 03-031604
Disposition: Approved

5. AUTHORIZATION TO ADVERTISE FOR BIDS – VELB MITIGATION WATER WELL PROJECT

Recommendation: That City Council:
1. Approve the Plans and Project Manual; and  
2. Authorize staff to advertise for bids on the project.

Documentation: Minute Order 04-031604  
Disposition: Approved

6. AWARD OF CONTRACT – MEMORY LANE WIDENING

Recommendation: That City Council:  
1. Award the Memory Lane Widening Project to Central Valley Asphalt in the amount of $10,852.00;  
2. Authorize progress payments up to 90% of the contract amount; and  
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: Minute Order 05-031604  
Disposition: Approved

9. REQUEST TO PURCHASE AIRPORT INDUSTRIAL SITE – RUSSKEN HOLDINGS, LLC

Recommendation: That the City Council:  
1. Authorize and approve the sale of the subject 1,720 acre industrial site, estimated to be 74,923.2 square feet, in the Airport Industrial Park to Russken Holdings, LLC, and authorize staff to begin escrow;  
2. Authorize the Mayor to sign all documents and agreements necessary to complete the project; and  
3. Authorize staff to record all documents with the County Recorder.

Documentation: Minute Order 06-031604  
Disposition: Approved

10. EXTENSION OF CONTRACT FOR CITY AUDITOR

Recommendation: That Council authorize a one year contract extension for J. Steven Pressley, CPA, at a rate of $28,870.

Documentation: Minute Order 07-031604  
Disposition: Approved

12. SUPPORT OF AB 2479 WHICH WILL AMEND GOVERNMENT CODE 53155.

Recommendation: That the City Council:  
1. Approve the attached resolution in support of AB 2479;  
2. Authorize a letter of support to be signed by the Mayor.
13. FIRE GRANT APPLICATION 2004

Recommendation: That the City Council:
1. Authorize staff to submit the application for funding to FEMA,
2. Authorize staff to accept the grant award if awarded,
3. Authorize the Mayor to sign for the acceptance of the grant,
4. Authorize the disbursement of funds from the Fire Department’s “Firefighting and Rescue Equipment Replacement Fund #EL-2997” for the 10% match.

DISPOSITION: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to approve Item No. 2 through 6, 9, 10, 12, and 13. The motion carried unanimously.


COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr, to approve the minutes of March 2 and 9, 2004 with correction to page 8, the second Council Action of the March 2, 2004 Minutes. The motion carried unanimously.

DISPOSITION: Approved

7. AUTHORIZATION TO NEGOTIATE PROJECT MANAGEMENT SERVICES – NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That City Council authorize staff to:
1. Solicit proposals from qualified applicants; and
2. Negotiate an agreement to undertake the Project Management for the Neighborhood Community Center project.

Council Member Hamilton requested that the staff report be presented.

Community Development Director Brad Dunlap read the staff report.

Council Member Stadtherr asked why the concept of hiring a Project Manager was just being brought up now.
City Manager Longley stated that it has been considered by staff prior to this time, but that it had not involved Council until this time.

Council Member Hamilton stated that he agreed with Council Member Stadtherr that Council should have been made aware of the need for a Project Manager earlier, and wanted to know why they could not go to an R.F.P. on this.

The Community Development Director stated that it was an option.

Mayor Pro Tem Irish stated that it has been known since 1997 that an inspector and project manager would be needed for this project, and there was money allocated for it.

Council Member West asked if this project needed to be handled differently than the remodeling of City Hall and the police station.

The Community Development Director stated that school buildings are required to be under the State Architect’s authority, and have a higher level of scrutiny and standards than others, therefore, the entire property needs to hold to those standards.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Council Member Hamilton to approve the hiring of a part-time, temporary employee to do the Project Management Services. The motion carried unanimously.

**Disposition:** Approved

8. **AUTHORIZATION TO ENTER INTO SERVICE AGREEMENT FOR INSPECTOR SERVICES – NEIGHBORHOOD COMMUNITY CENTER.**

**Recommendation:** That City Council:
1. Approve the Service Agreement with Per-Spec Inspection for amount not to exceed $50,000 for building inspection services at the Neighborhood Community Center;
2. Authorize staff to negotiate a service agreement for masonry inspection services for an amount not to exceed $45,000; and
3. Authorize the Mayor to sign all documents.

Council Member Hamilton asked to hear the staff report, which the Community Development Director read.

Mayor Pro Tem Irish asked how many hours would be involved in the inspection process, to which the City Manager answered that it was estimated at about a maximum of 1,620 hours.

Mayor Pro Tem Irish asked if a candidate could be found who is certified in both areas required.
The Community Development Director stated that there were no candidates for the position that were certified in both areas, and that they would look into a more extensive list of candidates.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to approve the recommendation of staff. The motion carried unanimously.

M.O. 11-031604

Disposition: Approved

11. SUMMER AQUATICS PROGRAM

Recommendation: That Council authorize staff to obtain permits and operate an aquatics program at Granite Hills High School for the early summer of 2004.

Council Member Hamilton stated that he was not willing to pay any of the schools for use of their pool facility.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to turn down the recommendation of staff.

M.O. 12-031604

AYES: West, Hamilton, Stadtherr, Irish
NOES: Martinez
ABSTAIN: None
ABSENT: None

Disposition: Approved

PUBLIC HEARING

14. CITY OF PORTERVILLE 2003-2008 HOUSING ELEMENT

Recommendation: That the City Council:
1. Adopt the resolution approving the Negative Declaration for General Plan Amendment 3-2004; and
2. Adopt the resolution approving General Plan Amendment 3-2004 to adopt the 2003-2008 Housing Element.

The Mayor opened the public hearing at 7:50 p.m., and closed the hearing to the public at 7:51 p.m.

Council Member Hamilton asked if staff could explain what it means to be “commensurate with financial capacity.”

The Community Development Director, the City Manager, and Veronica ??? explained in more detail the regional housing needs allocation. The City is not obligated to build the amount
of housing units, but the City must have land capacity with the potential to accommodate the required amount of units.

The Mayor closed the public hearing at 8:00 p.m.

Mayor Pro Tem Irish asked to see information about Kings and Tulare Counties were doing the next time the Housing Element is addressed.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Mayor Council Member Stadtherr to adopt the resolution approving the Negative Declaration for General Plan Amendment 3-2004. The motion carried unanimously.

Disposition: Approved

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member West to Adopt the resolution approving General Plan Amendment 3-2004 to adopt the 2003-2008 Housing Element. The motion carried unanimously.

Disposition: Approved

**SCHEDULED MATTERS**

15. **PROPOSED CHANGES TO CHAPTER 12 OF THE CITY OF PORTERVILLE MUNICIPAL CODE**

Recommendation: That the City Council approve the draft modifications and additions to the ordinance and order it to print.

Council Member Hamilton asked if the containers that are sold for outdoor fires, that are capped, are permitted by the ordinance.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Council Member West to approve the draft modifications and additions to the ordinance. The motion carried unanimously.

Disposition: Approved

The City Manager read the ordinance by title only.

**COUNCIL ACTION:** MOVED by Council Member West, SECONDED by Council Member Stadtherr to waive further reading of the ordinance and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL

Page 7 of 11
OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, FIRE PREVENTION, ARTICLE I AND ARTICLE II, OF THE PORTERVILLE MUNICIPAL CODE. The motion carried unanimously.

Disposition: Approved

16. REPORT ON AD HOC COMMITTEE MEETING FOR NORTH MAIN TRAFFIC SAFETY ISSUES AND REQUESTED ACTION.

Recommendation: Approve the Ad Hoc Committee proposals as outlined; Authorize the installation of no parking signs on the Eastside of North Main, South of Reid as determined by the Public Works Director.

Council Member West stated that he would like Council to consider raising the speed limit on North Main.

Mayor Pro Tem Irish asked what kind of standard is being set when we do not require paving.

The City Manager explained that it would apply for temporary parking, usually event based parking.

Mayor Pro Tem Irish asked if “temporary” had been defined, and asked if a list could be provided of temporary parking lot currently in Porterville.

The City Manager stated that Council would be able to review the permits annually for reconsideration, and that a list could be provided to Council for review.

Mayor Pro Tem Irish asked if these items could be taken separately.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to accept joint project with the Council for intersection safety. The motion carried unanimously.

Disposition: Approved

Council looked to the Police Department for an update on the speed analysis on North Main.

The City Attorney explained that the Engineer’s report was necessary in order for the speed limit to be enforced by radar.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to re-evaluate the speed of traffic on North Main. The motion carried unanimously.
Disposition:  Approved

The Public Works Director explained the repairs needed to grade and restore the drainage on the East side of Main, and stated that it would take approximately six hours to complete.

COUNCIL ACTION:  MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to grade and restore drainage on the East side of Main.
M.O. 15-031604
The motion carried unanimously.

Disposition:  Approved

Council Member Hamilton asked staff had heard from the business owner regarding their temporary parking status.

COUNCIL ACTION:  MOVED by Council Member Hamilton, SECONDED by Council Member West to install no parking signs on the East side of Main and signing to indicate the presence of drainage structures. The motion carried unanimously.

Disposition:  Approved

Council Member West asked if temporary parking would be permitted once the owner has provided her own permanent parking.

The City Manager stated that the temporary parking could be reviewed by Council yearly if Council would like.

COUNCIL ACTION:  MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to authorize staff to accept and approve an event based parking area within the City limits on the West side of North Main. The motion carried unanimously.

Disposition:  Approved

17.  VENDORS AND PEDDLERS

Recommendation:  That the City Council instruct staff to move forward with a draft revision to Chapter 15 of the City Code to further clarify the types and nature of temporary and mobile businesses and to establish any additional restrictions as desired by Council that are provided for in state and federal law.

Council Member Hamilton asked if there were any time restrictions in our current regulations for door to door sales.
City Attorney Julia Lew recommended that the regulations needed to be categorized better to cover the different types of solicitations, and that she did have some suggestions for Council, but did not have her presentation ready at this time.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to approve staff's recommendation. The motion carried unanimously.

M.O. 18-031604

Disposition: Approved

Adjourn to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
March 16, 2004

Roll Call: Redevelopment Agency: West, Irish, Hamilton, Stadtherr, Martinez

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PRA-1 AUTHORIZATION TO NEGOTIATE PROPERTY MANAGEMENT SERVICES – 287 N. HOCKETT STREET

Recommendation: That the Redevelopment Agency authorize staff to:
1. Solicit proposals from qualified property management professionals; and
2. Negotiate an agreement to undertake the property management and landscape maintenance services for the property located at 287 N. Hockett Street.

COUNCIL ACTION: MOVED by Council member Hamilton, SECONDED by Council Member West to accept staff's recommendation. The motion carried unanimously.

PRA MO 01-031604

Disposition: Approved

Adjourn to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
• Donnette Silva-Carter, Chamber of Commerce, thanked Fire Dept. for all the work on the Fireworks Ordinance and Project
• The City Council also thanked the Fire Department for their hard work
• Dick Eckhoff, Chair of the Downtown Association, invited people to look at the planter in front of the Art Association Building; and spoke on Item No. 17.
• Dorothy Broome, 863 S. Crystal, spoke regarding a discussion of Worth and Plano on April 2, 2004

OTHER MATTERS/COUNCIL COMMENTS
• Council Member Hamilton invited Scouts Dakota Smith and Corey Barnes, Troop 137, Springville, working on their Citizenship Badges to advance to Eagle.
• Council Member West was asked by Council Hamilton to attend a Legislative Action meeting in Sacramento re: status of community colleges at the request of Bill Maze on March 30, 2004. Council concurred, with Council Member Stadtherr as alternate.
• Council Member Hamilton asked Council to send letters of congratulation to the spelling contest winners.

ADJOURNMENT

The Council adjourned at 8:47 p.m. until the Adjourned Meeting of March 30, 2004 at 6:00 p.m.

Georgia Hawley, Deputy City Clerk
By Luisa Herrera

Pedro R. Martinez, Mayor
SUBJECT: AWARD OF CONTRACT - INDIANA STREET RECONSTRUCTION PROJECT - PUTNAM AVENUE TO MORTON AVENUE

SOURCE: Public Works Department - Engineering Division

COMMENT: On April 8, 2004 staff received three (3) bids for the Indiana Street Reconstruction Project - Putnam Avenue to Morton Avenue. This project consists of the reconstruction of Indiana Street to arterial standards from Putnam Avenue to Thurman Avenue and includes the construction of an 8' x 8' reinforced concrete box culvert bridge at the Porter Slough crossing. A 2-inch overlay on Indiana Street from the Porter Slough crossing to Morton Avenue was included in the base bid as a deductive alternate.

On December 16, 2003 Council authorized staff to advertise for bids with an estimated probable cost for this project of $361,000. The Engineer's Estimate is attached for review. Funding in the amount of $417,000 was approved from Local Transportation Fees in the 2003/2004 Annual Budget.

The Base Bids received are as follows:

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<th>Contractor</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1. Halopoff &amp; Sons, Inc., Porterville, CA</td>
<td>$381,627.76</td>
</tr>
<tr>
<td>2. Lee's Paving, Inc., Visalia, CA</td>
<td>$589,218.00</td>
</tr>
<tr>
<td>3. Emmett's Excavation, Inc., Clovis, CA</td>
<td>$649,812.00</td>
</tr>
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Staff has found the low bid acceptable and within six (6) percent of the Engineer’s Estimate.

OPTION 1:

In order to complete the 2" overlay of Indiana Street from the Porter Slough crossing to Morton Avenue and keep the project within budget the following financial structure is offered for consideration.

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<tbody>
<tr>
<td>Base Bid</td>
<td>$381,627.76</td>
</tr>
<tr>
<td>6% Contingency</td>
<td>$23,372.24</td>
</tr>
<tr>
<td>*Staff Time</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>$417,000.00</td>
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* Includes construction management, inspection and material testing.
OPTION 2:

If the deductive alternate is exercised and the 2" overlay is removed from the project the following financial structure is offered for consideration.

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</thead>
<tbody>
<tr>
<td>Base Bid</td>
<td>$381,627.76</td>
</tr>
<tr>
<td>Deductive Alternate</td>
<td>-$ 38,215.42</td>
</tr>
<tr>
<td>Sub-Total</td>
<td>$343,412.34</td>
</tr>
<tr>
<td>10% Contingency</td>
<td>$ 34,341.23</td>
</tr>
<tr>
<td>Staff Time</td>
<td>$ 15,000.00</td>
</tr>
<tr>
<td></td>
<td>$392,753.57</td>
</tr>
</tbody>
</table>

Option 2 will allow more funding for inspection and quality control testing. Additionally, it includes a 10% contingency to cover any unforeseen construction costs.

In its current condition, staff estimates a 5 year life for Indiana Street from the Porter Slough to Morton Avenue if the overlay is not completed at this time.

RECOMMENDATION:

That City Council:

1. Award the Indiana Street Reconstruction Project to Halopoff & Sons, Inc., choosing either Option 1 or Option 2 as stated above;

2. Authorize progress payments up to 90% of the contract amount; and

3. Authorize a 6% or 10% contingency, depending on the option chosen, to cover unforeseen construction costs.

ATTACHMENT: Locator Map
Engineer's Estimate

Y:\Engineering\Council Items\Award of Contract - Indiana Street, Putnam to Morton xpd
Engineer's Estimate
Indiana Street
Putnam Avenue to Morton Avenue

For: City of Porterville

By: Roberts Engineering

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Extension Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$8,000.00</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>L.S.</td>
<td>Sheeting and Shoring</td>
<td>$4,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$13,500.00</td>
<td>$13,500.00</td>
</tr>
<tr>
<td>4</td>
<td>310</td>
<td>C.Y.</td>
<td>Excavation and hauling all materials in the area of the proposed new</td>
<td>$11.00</td>
<td>$3,410.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>improvements other than that included in items 5, 6, 7, 8 and 22 of this</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>this bid sheet.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>1</td>
<td>L.S.</td>
<td>Clearing and Grubbing of all trees, shrubs and foundations other than that</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>included in item 8 of this bid sheet.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>L.S.</td>
<td>Abandon Well at Sta. 14+44, 30 ft. Lt. in accordance with State of</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>California Regulations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>5,326</td>
<td>S.Y.</td>
<td>Grinding and Hauling all materials in the street section for AC overlay</td>
<td>$0.90</td>
<td>$4,793.40</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sta. 18+44.75 to 26+30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>975</td>
<td>S.F.</td>
<td>Remove Landscaping and Modify Sprinklers for Residential Sidewalk at sta.</td>
<td>$2.00</td>
<td>$1,950.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>18+35 rt. and 24+65 rt.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>104</td>
<td>L.F.</td>
<td>Saw Cutting AC Paving</td>
<td>$1.00</td>
<td>$104.00</td>
</tr>
<tr>
<td>10</td>
<td>29</td>
<td>L.F.</td>
<td>Saw Cutting Concrete</td>
<td>$1.50</td>
<td>$43.50</td>
</tr>
</tbody>
</table>
# Engineer's Estimate

**Indiana Street**  
Putnam Avenue to Morton Avenue

For: City of Porterville

By: Roberts Engineering

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Extension Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>1</td>
<td>L.S.</td>
<td>6-Inch ductile iron and PVC C-900 water main Porter Slough crossing incl. all valves, fittings trenching, backfill and comp. (sta.16+30.5 Rt. 34' to 18+95 Lt. 7') excluding fire hydrant and runout.</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>12</td>
<td>26</td>
<td>L.F.</td>
<td>6-Inch water main and Fire Hydrant runout piping incl. trenching backfill and comp.</td>
<td>$20.00</td>
<td>$520.00</td>
</tr>
<tr>
<td>13</td>
<td>1</td>
<td>EA.</td>
<td>Fire Hydrant assembly except runout piping</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>14</td>
<td>169</td>
<td>L.F.</td>
<td>18-Inch storm drain including trenching backfill and compaction</td>
<td>$42.00</td>
<td>$7,098.00</td>
</tr>
<tr>
<td>15</td>
<td>2</td>
<td>EA.</td>
<td>Catch Basin Assembly with local depression</td>
<td>$2,200.00</td>
<td>$4,400.00</td>
</tr>
<tr>
<td>16</td>
<td>472</td>
<td>L.F.</td>
<td>Barrier curb and gutter EXCLUDING that at the box culvert assembly</td>
<td>$8.00</td>
<td>$3,776.00</td>
</tr>
<tr>
<td>17</td>
<td>4,288</td>
<td>S.F.</td>
<td>Concrete sidewalk exclusive of that in curb returns and Approaches</td>
<td>$2.50</td>
<td>$10,720.00</td>
</tr>
<tr>
<td>18</td>
<td>113</td>
<td>S.F.</td>
<td>Residential driveway approach exclusive of curb and gutter</td>
<td>$4.00</td>
<td>$452.00</td>
</tr>
<tr>
<td>19</td>
<td>1</td>
<td>L.S.</td>
<td>Remove and reconstruct portion of residential driveway outside of right of way (Sta. 17+40 rt. 50')</td>
<td>$750.00</td>
<td>$750.00</td>
</tr>
</tbody>
</table>
## Engineer's Estimate

**Indiana Street**
**Putnam Avenue to Morton Avenue**

**For: City of Porterville**

By: Roberts Engineering

![Image](image.png)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Extension Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>4</td>
<td>EA.</td>
<td>20 foot radius sidewalk curb return assembly with disabled ramp exclusive of curb and gutter</td>
<td>$2,200.00</td>
<td>$8,800.00</td>
</tr>
<tr>
<td>21</td>
<td>2</td>
<td>EA.</td>
<td>20 foot radius sidewalk curb return assembly with disabled ramp within existing curb and gutter</td>
<td>$2,300.00</td>
<td>$4,600.00</td>
</tr>
<tr>
<td>22</td>
<td>1</td>
<td>EA.</td>
<td>Porter Slough Box Culvert Assembly including, all excavation and compacted backfill, headwalls w/ barrier, top railing, sidewalk, curb and gutter and storm drain pipe penetration and connection, (not including Class 2 AB and AC)</td>
<td>$145,000.00</td>
<td>$145,000.00</td>
</tr>
<tr>
<td>23</td>
<td>1,245</td>
<td>L.F.</td>
<td>1 1/2 Inch street light conduit incl. trenching backfill comp. and rope other than included in Item 29.</td>
<td>$2.00</td>
<td>$2,490.00</td>
</tr>
<tr>
<td>24</td>
<td>145</td>
<td>L.F.</td>
<td>2 Inch street light conduit incl. trenching backfill comp. and rope other than included in Item 29</td>
<td>$2.50</td>
<td>$362.50</td>
</tr>
<tr>
<td>25</td>
<td>5</td>
<td>L.F.</td>
<td>3 Inch street light conduit incl. trenching backfill comp. and rope other than included in Item 29</td>
<td>$3.00</td>
<td>$15.00</td>
</tr>
<tr>
<td>26</td>
<td>9</td>
<td>EA.</td>
<td>Sweep ells including excavation compaction and backfill other than included in Item 29</td>
<td>$10.00</td>
<td>$90.00</td>
</tr>
<tr>
<td>27</td>
<td>2</td>
<td>EA.</td>
<td>Street light conduit pull boxes including excavation, compaction and backfill other than included in Item 29</td>
<td>$400.00</td>
<td>$800.00</td>
</tr>
<tr>
<td>28</td>
<td>1</td>
<td>L.S.</td>
<td>All conduit, pull boxes including excavation, compaction and backfill and trench resurfacing for future traffic signal at Indiana St. and Putnam Ave.</td>
<td>$7,500.00</td>
<td>$7,500.00</td>
</tr>
</tbody>
</table>

11/26/2003
Engineer's Estimate
Indiana Street
Putnam Avenue to Morton Avenue

For: City of Porterville

By: Roberts Engineering

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Extension Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>951</td>
<td>C.Y.</td>
<td>Comp. fill material w/ R= 65 min. from import or excess onsite excavation.</td>
<td>$12.00</td>
<td>$11,412.00</td>
</tr>
<tr>
<td>30</td>
<td>343</td>
<td>C.Y.</td>
<td>Class 2 1-1/2 inch crushed rock base</td>
<td>$20.00</td>
<td>$6,860.00</td>
</tr>
<tr>
<td>31</td>
<td>940</td>
<td>Tons</td>
<td>Type B Asphalt Concrete paving for new street construction</td>
<td>$35.00</td>
<td>$32,900.00</td>
</tr>
<tr>
<td>32</td>
<td>5,326</td>
<td>S.Y.</td>
<td>Provide tack coat in the street section for AC overlay from Sta. 18+44 to Sta. 26+31.2</td>
<td>$0.20</td>
<td>$1,065.20</td>
</tr>
<tr>
<td>33</td>
<td>599</td>
<td>Tons</td>
<td>2” Type B Asphalt Concrete Paving overlay from Sta. 18+44 to Sta.26+31.2</td>
<td>$35.00</td>
<td>$20,965.00</td>
</tr>
<tr>
<td>34</td>
<td>9,522</td>
<td>S.Y.</td>
<td>Fog Seal Coat</td>
<td>$0.20</td>
<td>$1,904.40</td>
</tr>
<tr>
<td>35</td>
<td>240</td>
<td>L.F.</td>
<td>Asphalt Concrete Trench Resurfacing</td>
<td>$15.00</td>
<td>$3,600.00</td>
</tr>
<tr>
<td>36</td>
<td>171</td>
<td>L.F.</td>
<td>Asphalt Concrete Paveout where existing paving joins new concrete</td>
<td>$8.00</td>
<td>$1,368.00</td>
</tr>
<tr>
<td>37</td>
<td>3</td>
<td>EA.</td>
<td>Adjust manhole lid to grade by rebuilding</td>
<td>$275.00</td>
<td>$325.00</td>
</tr>
<tr>
<td>38</td>
<td>2</td>
<td>EA.</td>
<td>Adjust manhole lid to grade by using cast iron adjustment ring</td>
<td>$125.00</td>
<td>$250.00</td>
</tr>
<tr>
<td>29</td>
<td>8</td>
<td>EA.</td>
<td>Adjust valve lid to grade by using cast iron adjustment ring</td>
<td>$85.00</td>
<td>$680.00</td>
</tr>
</tbody>
</table>
# Engineer's Estimate

**Indiana Street**

Putnam Avenue to Morton Avenue

**For: City of Porterville**

By: Roberts Engineering

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Quantity</th>
<th>Unit</th>
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</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>1</td>
<td>L.S.</td>
<td>Indiana Street at Putnam Avenue Intersection Signing, Striping and Marking</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>41</td>
<td>1</td>
<td>L.S.</td>
<td>Indiana at Morton Intersection Signing, Striping and Marking where AC overlay occurs</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>42</td>
<td>1</td>
<td>L.S.</td>
<td>Indiana Street Mainline Signing, Striping and Marking including that at the Cleveland and Thurman intersections</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>43</td>
<td>1</td>
<td>EA.</td>
<td>Survey monument assemblies</td>
<td>$250.00</td>
<td>$250.00</td>
</tr>
<tr>
<td>44</td>
<td>3</td>
<td>EA.</td>
<td>Relocate Street Signs</td>
<td>$75.00</td>
<td>$225.00</td>
</tr>
<tr>
<td>45</td>
<td>7</td>
<td>EA.</td>
<td>Replace Traffic Signal sensing loops at Morton Avenue intersection</td>
<td>$300.00</td>
<td>$2,100.00</td>
</tr>
<tr>
<td>46</td>
<td>1</td>
<td>L.S.</td>
<td>Temporary Paved Section Taper South of Putnam including Partial Concrete Vee Gutter, Asphalt Concrete Paving, Class 2 Aggregate Base, Subgrade Preparation, Barricade per City Standards, Delineators, Signing, Striping, and Markings</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
</tbody>
</table>

**Total** $361,079.00
**Engineer's Estimate**  
Indiana Street  
Putnam Avenue to Morton Avenue  

For: City of Porterville  

By: Roberts Engineering

<table>
<thead>
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<th>Unit</th>
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<th>Unit Price</th>
<th>Extension Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5,326</td>
<td>S.Y.</td>
<td>Grinding and Hauling all materials in the street section for AC overlay (Sta. 18+44 to Sta. 26+31.2)</td>
<td>$0.90</td>
<td>$4,793.40</td>
</tr>
<tr>
<td>2</td>
<td>5,326</td>
<td>S.Y.</td>
<td>Provide tack coat in the street section for AC overlay (Sta. 18+34 to Sta. 26+31.2)</td>
<td>$0.36</td>
<td>$1,917.36</td>
</tr>
<tr>
<td>3</td>
<td>599</td>
<td>Tons</td>
<td>Type B Asphalt Concrete paving overlay (Sta. 18+34 to 25+31.2)</td>
<td>$35.00</td>
<td>$20,965.00</td>
</tr>
<tr>
<td>4</td>
<td>5,326</td>
<td>S.Y.</td>
<td>Fog Seal Coat</td>
<td>$0.80</td>
<td>$4,260.30</td>
</tr>
<tr>
<td>5</td>
<td>2</td>
<td>EA.</td>
<td>Adjust manhole lid to grade by rebuilding</td>
<td>$275.00</td>
<td>$550.00</td>
</tr>
<tr>
<td>6</td>
<td>3</td>
<td>EA.</td>
<td>Adjust valve lid to grade by using cast iron adjustment ring</td>
<td>$85.00</td>
<td>$255.00</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>EA.</td>
<td>Replace Traffic Signal sensing loops.</td>
<td>$300.00</td>
<td>$2,100.00</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>L.S.</td>
<td>Indiana at Morton Intersection Signing, Striping and Marking where AC overlay occurs</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

Deductive Alternate A Grind and Overlay Indiana Street (Sta. 18+34 to 25+32)  

11/26/2003
**Engineer's Estimate**  
Indiana Street  
Putnam Avenue to Morton Avenue  

For: City of Porterville  

By: Roberts Engineering  

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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total $35,841.56</td>
</tr>
</tbody>
</table>

11/26/2003
SUBJECT: ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR
PROPERTY LOCATED AT APN NO. 245-390-010 – GARRY W. BEUTLER
AND JAN M. BEUTLER - HENDERSON AVENUE RECONSTRUCTION
PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the City Council meeting of April 6, 2004, staff was directed to carry this
item over to the April 20, 2004 meeting.

Garry W. Beutler and Jan M. Beutler, owners of property located at APN No. 245-
390-010, have accepted the appraised value of $5,637 for the 1,496 square feet of
right-of-way needed for the Henderson Avenue Reconstruction project.

The City recently had the property appraised by Timothy J. Simon, MAI, a
Certified General Real Estate Appraiser. The appraisal came in at $5,637.00 for
the 1,496 square feet needed for the project. This appraisal is available in the
Community Development Department for your review.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying
   escrow fees;
2. Authorize staff to make payment to Garry W. Beutler and
   Jan M. Beutler in the amount of $5,637.00 after completion
   of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County
   Recorder.

ATTACHMENTS:

1. Right-Of-Way Take Map
2. Grant Deed
3. Resolution

DD_____ APPROPRIATED/FUNDED_____ CM_____ ITEM NO. 3
RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
DEED AND TAX STATEMENTS TO:

City Clerk
City of Porterville
291 N. Main St.
Porterville, CA 93257

<table>
<thead>
<tr>
<th>Atlas Sheet</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
<th>Street/Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>G3</td>
<td>21</td>
<td>21S</td>
<td>27E</td>
<td>Henderson Ave.</td>
</tr>
</tbody>
</table>

Garry W. Beutler and Jan M. Beutler, husband and wife, as Joint Tenants GRANT to the CITY OF PORTERVILLE, a Municipal Corporation, all that real property in the City of Porterville, County of Tulare, State of California, described as:

SEE EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF
The grantor further understands that the present intention of the grantee is to construct and maintain a public street and underground utilities on the lands hereby conveyed in fee and the grantor, for the grantor and the grantor's successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said street.
(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this 10th day of March 2004

APN: 245-390-010

Garry W. Beutler
Jan M. Beutler

STATE OF CALIFORNIA }

County of TULARE SS

PERSONAL ACKNOWLEDGMENT

On this the 10th day of March 2004, before me, REBECCA S. WEST, NOTARY PUBLIC, Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared GARRY W. BEUTLER & JANET MARIE BEUTLER, Name(s) of Signer(s)

and personally known to me, proved to me on the basis of satisfactory evidence to be the person(s) whose names are subscribed to the within instrument and acknowledged to me that they, or he, they executed the same in their authorized capacities, and that by their signatures on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Rebecca S. West

(Notary Public's signature in and for said County and State)
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED IN FEE FOR PUBLIC STREET AND UNDERGROUND UTILITIES PURPOSES FROM GARRY W. AND JAN M. BEUTLER

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed in fee from Garry W. and Jan M. Beutler, for public street and underground utility purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibit “A” and Exhibit “B” attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of $5,637 is hereby approved with the City to open escrow account, pay the normal and customary escrow fees, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

________________________________________
By: Georgia Hawley, Deputy
EXHIBIT “A”

The South 17.00 feet of the North 42.00 feet of that portion of the West half of the Northeast quarter of the Northwest quarter of Section 28, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof, described as follows:

Beginning at the Northeast corner of said West half of the Northeast quarter of the Northwest quarter of said Section 28; thence West along the North line of said Section 28, 88.00 feet to the true point of beginning; thence West along the North line of said Section 28, 88.00 feet thence South parallel with the East line of said West half of the Northeast quarter of the Northwest quarter, 495.00 feet; thence East parallel with the North line of said Section 28, 88.00 feet; thence North parallel with the East line of said West half of the Northeast quarter of the Northwest quarter, 495.00 feet to the point of beginning.

APN: 245-390-010
SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP - GRANITE HEIGHTS, PHASE ONE SUBDIVISION (Garland Gifford)

SOURCE: Public Works Department - Engineering Division

COMMENT: The subdivider, Garland Gifford, has submitted the final map of the subject project for Council approval. The subdivider is requesting approval prior to completing construction of the required improvements.

The subdivider has submitted the required guarantee to the City to complete all necessary public improvements on the project. A subdivision agreement between the subdivider and the City has been signed by the subdivider and all fees have been paid.

The final map is in conformance with the approved tentative map and City Council Resolution No. 3-2003. The improvement plans, specifications and the final map have been approved by the Public Works Director and the City Engineer. All other requirements have been met.

RECOMMENDATION: That City Council:

1. Approve the final map of Granite Heights, Phase One Subdivision;

2. Accept all offers of dedication shown on the final map; and

3. Authorize the City Clerk to file said map with the County Recorder.

ATTACHMENT: Locator Map

MKR Y:\Engineering\Council Items\Acceptance of Final Subdivision Map - Granite Heights Subdivision.wpd
SUBJECT: INCREASING FEES IN ACCORDANCE WITH THE MITIGATION FEE ACT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: The Mitigation Fee Act became effective January 1, 1989. It requires the City to give notice, to anyone requesting notice, prior to the effective date of a fee increase for any fee created after January 1, 1989. The Building Industry Association of Tulare and Kings Counties has requested that they be notified. Most of the fees in Exhibit “H” Connection Fees were in effect before January 1, 1989 and have only been increased by the Engineering News Record 20 City Construction Cost Index since then. Again this year, the City staff has given a 60-day notice to the Building Industry Association for all fees covered by the Mitigation Fee Act. The applicable fees are: 1) Hillside Development Trunk Line Sewer Fees; 2) Hillside Development Water Trunk Fees; 3) Transportation Impact Fees; 4) Parks Impact Fees; and 5) Treatment Plant Fees. The remaining fee increases in Exhibit “H” Connection Fees are contained in a separate agenda item and are not covered by the Mitigation Fee Act.

In accordance with City Council directives, the staff calculates fee adjustments annually. In the past, this has been done by staff without reporting to City Council. The policy as of last year is to ask City Council to take formal action on adjustments before the new fees become effective in accordance with the Mitigation Fee Act. The proposed fee adjustments will go into effect on July 1, 2004.

The fee adjustments are shown in the attached Exhibit “A” Park Impact Fees and Exhibit “H” Connection Fees.

RECOMMENDATION: That the City Council act to approve the proposed increases in fees shown in the attached Exhibits “A” and “H.”

ATTACHMENT: Exhibit “A” Park Impact Fees
Exhibit “H” Connection Fees

Y:\Engineering\Council Items\Increasing Fees in Accordance with the Mitigation Fee Act.wpd

Dir Appropriated/Funded Item No. 5
EXHIBIT ‘A’

PARK IMPACT FEES

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Effective Date 08/01/03</th>
<th>Effective Date 07/01/04*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single Family (R-1)</td>
<td>$497</td>
<td>$525</td>
</tr>
<tr>
<td>2. Multiple Family Per Unit</td>
<td>$385</td>
<td>$407</td>
</tr>
<tr>
<td>3. Mobile Homes</td>
<td>$278</td>
<td>$294</td>
</tr>
</tbody>
</table>

To be increased annually by the Engineering News Record Construction Cost Index.

* Based on ENG Index = 7016.91
EXHIBIT ‘H’

CONNECTION FEES

TRUNK LINE SEWER FEES
1. Hillside Development - per acre
   EFFECTIVE DATE
   8/1/03  7/1/04*
   $756 $798

TREATMENT PLANT FEES
1. Single Family and Multiple Family - per unit
   EFFECTIVE DATE
   8/1/03  7/1/04*
   $2,183 $2,305

2. Commercial and Industrial - per sewer connection
   $7.80  $8.24
   (per gpd) (per gpd)
   ($2,183 min) ($2,305 min)

WATER TRUNK FEES
1. Hillside Development - per acre
   EFFECTIVE DATE
   8/1/03  7/1/04*
   $1,088 $1,149

TRANSPORTATION IMPACT FEES
1. Single Family (R-1) per unit
   EFFECTIVE DATE
   8/1/03  7/1/04*
   $799  $844
2. Multiple Family (per unit)
   $541  $571
3. General Office/ Institutional (per 1,000 square feet of gross floor)
   $2,057  $2,172
4. Commercial (per 1,000 square feet of gross floor area)
   $3,913  $4,132
5. Light Industrial (per 1,000 square feet of gross floor area)
   $583  $616

*Based on ENR Index = 7016.91

Resolution #67-2003 on June 3, 2003

MKR:vs
SUBJECT: ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENGINEERING NEWS RECORD 20-CITY CONSTRUCTION COST INDEX

SOURCE: Public Works Department

COMMENT: In accordance with City Council directives, the staff calculates fee adjustments annually. In the past, this has been done by staff without reporting to City Council. The policy as of last year, requires reporting the adjustments to City Council before the new fees become effective. The proposed fee adjustments will go into effect on July 1, 2004.

The Mitigation Fee Act became effective January 1, 1989. It requires the City to give notice, to anyone requesting notice, prior to the effective date of a fee increase. Most of the fees in Exhibit “H” Connection Fees were in effect before January 1, 1989 and have only been increased by the Engineering News Record 20 City Construction Cost Index. Again, this year, staff is giving a 60-day notice to the Building Industry Association for all fee increases as a courtesy. The fees that the City is providing a 60-day notice for are: 1) Hillside Development Trunk Line Sewer Fees; 2) Hillside Development Water Trunk Fees; 3) Transportation Impact Fees; 4) Parks Impact Fees; and 5) Treatment Plant Fees. These fee increases are contained in a separate agenda item.

The fee adjustments are shown in the attached Exhibit “H.”

RECOMMENDATION: That City Council use this information to inform any citizens that may inquire about fee adjustments.

ATTACHMENTS: Exhibit “H” Connection Fees
## EXHIBIT 'H'

### CONNECTION FEES

#### TRUNK LINE SEWER FEES

<table>
<thead>
<tr>
<th>Description</th>
<th>8/1/03</th>
<th>7/1/04*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family (R-1) - per acre</td>
<td>$1,385</td>
<td>$1,463</td>
</tr>
<tr>
<td>Duplex (R-2) - per acre</td>
<td>$3,219</td>
<td>$3,399</td>
</tr>
<tr>
<td>Multiple Family (R-3 &amp; R-4) - per acre</td>
<td>$7,509</td>
<td>$7,930</td>
</tr>
<tr>
<td>Institutional - per acre**</td>
<td>$522</td>
<td>$551</td>
</tr>
<tr>
<td>Commercial &amp; Professional Office - per acre**</td>
<td>$1,957</td>
<td>$2,067</td>
</tr>
<tr>
<td>Industrial - per acre**</td>
<td>$8,354</td>
<td>$8,822</td>
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</table>

#### SEWER CONNECTION CHARGES

<table>
<thead>
<tr>
<th>Description</th>
<th>8/1/03</th>
<th>7/1/04*</th>
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</thead>
<tbody>
<tr>
<td>Six Inch or Smaller - per foot</td>
<td>$7.48</td>
<td>$7.90</td>
</tr>
<tr>
<td>Eight Inch - per foot</td>
<td>$9.82</td>
<td>$10.37</td>
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#### WATER TRUNK FEES

<table>
<thead>
<tr>
<th>Description</th>
<th>8/1/03</th>
<th>7/1/04*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hillside Development - per acre</td>
<td>$1,088</td>
<td>$1,149</td>
</tr>
<tr>
<td>Single Family (R-1) - per acre</td>
<td>$2,268</td>
<td>$2,395</td>
</tr>
<tr>
<td>Duplex (R-2) - per acre</td>
<td>$5,677</td>
<td>$5,995</td>
</tr>
<tr>
<td>Multiple Family (R-3 &amp; R-4) - per acre</td>
<td>$13,255</td>
<td>$13,997</td>
</tr>
<tr>
<td>Institutional**</td>
<td>$1,480</td>
<td>$1,563</td>
</tr>
<tr>
<td>Commercial and Professional Office - per acre**</td>
<td>$1,704</td>
<td>$1,799</td>
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<tr>
<td>Industrial - per acre**</td>
<td>$13,090</td>
<td>$13,823</td>
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#### WATER CONNECTION FEE

<table>
<thead>
<tr>
<th>Description</th>
<th>8/1/03</th>
<th>7/1/04*</th>
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</thead>
<tbody>
<tr>
<td>Connection Charges - per foot</td>
<td>$6.40</td>
<td>$6.76</td>
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Page 1 of 2
<table>
<thead>
<tr>
<th>STORM DRAINAGE FEES</th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single Family (R-1) - per acre</td>
<td>8/1/03</td>
</tr>
<tr>
<td></td>
<td>7/1/04*</td>
</tr>
<tr>
<td>2. Duplex (R-2) - per acre</td>
<td>$3,736</td>
</tr>
<tr>
<td></td>
<td>$3,945</td>
</tr>
<tr>
<td>3. Multiple Family (R-3 &amp; R-4) - per acre</td>
<td>$4,983</td>
</tr>
<tr>
<td></td>
<td>$5,262</td>
</tr>
<tr>
<td>4. Commercial, Industrial &amp; Institutional - per acre</td>
<td>$7,474</td>
</tr>
<tr>
<td></td>
<td>$7,893</td>
</tr>
<tr>
<td></td>
<td>$9,964</td>
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<tr>
<td></td>
<td>$10,522</td>
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<table>
<thead>
<tr>
<th>STREET LIGHT FEES</th>
<th>EFFECTIVE DATE</th>
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</thead>
<tbody>
<tr>
<td>1. Multiple Family - per foot</td>
<td>8/1/03*</td>
</tr>
<tr>
<td></td>
<td>7/1/04*</td>
</tr>
<tr>
<td>2. Commercial/Industrial - per foot</td>
<td>$1.94</td>
</tr>
<tr>
<td></td>
<td>$2.05</td>
</tr>
<tr>
<td></td>
<td>$2.45</td>
</tr>
<tr>
<td></td>
<td>$2.59</td>
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<table>
<thead>
<tr>
<th>FIRE HYDRANT FEES</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Multiple Family - per foot</td>
<td>8/1/03</td>
</tr>
<tr>
<td></td>
<td>7/1/04*</td>
</tr>
<tr>
<td>2. Commercial/Industrial - per foot</td>
<td>$2.54</td>
</tr>
<tr>
<td></td>
<td>$2.68</td>
</tr>
<tr>
<td></td>
<td>$3.76</td>
</tr>
<tr>
<td></td>
<td>$3.97</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FRONTAGE IMPROVEMENT VALUATION THRESHOLD</th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Frontage Improvements are required when the Building Permit valuation is over</td>
<td>8/1/03</td>
</tr>
<tr>
<td></td>
<td>7/1/04*</td>
</tr>
<tr>
<td></td>
<td>$9,800</td>
</tr>
<tr>
<td></td>
<td>$10,349</td>
</tr>
</tbody>
</table>

*Based on ENR Index = 7016.91

**Institutional, Commercial and Industrial water and sewer trunk line fees will be collected based upon the amount stated above, but shall be adjusted after monitoring of actual usage to the following fees:

- Water - $138.84 per 100 GPD of actual average demand (adjusted annually by the ENR Construction Cost Index).

- Sewer - $118.01 per 100 GPD of actual daily flow (adjusted annually by the ENR Construction Cost Index).
CITY COUNCIL AGENDA

April 20, 2004

SUBJECT: Report about Status of Success Reservoir Enlargement Project

SOURCE: CITY MANAGER

The City Manager has been requested to provide a report regarding the status of the Success Reservoir Enlargement Project.

In March of 2003, the City Council approved an amended local project agreement for the project. Most of the provisions of this agreement are very similar to an interim agreement earlier approved by the City Council. The amount of City support was clarified over five years to be $384,680. The agreement, however, did not specify this as a limitation. By the agreement, the City is responsible for 15% of 30% of the local cost. The State is obligated to pay the remaining 70% of the local cost. A copy of this agreement is attached to this staff report.

Over the past few months, the City has learned of the need to remove material below Success Dam and reconstitute the subbase. Because of the potential vulnerability of the Dam to significant earthquakes, this project has been defined as a very high priority by the Corps of Engineers to complete over the next four years.

As a result, the status of the time-line for the project to raise the spillway has lost clarity. To define an approach and coordinate the two projects (Dam earthquake retrofit and spillway raising), representatives of the Success Reservoir Enlargement Project have been meeting with State officials and the Corps of Engineers. Several meetings have been held in Sacramento with Porterville representation present, but at this time a decision has not been made when the purchase of the area required for the Success Reservoir Enlargement Project will be achieved.

Another trip to Sacramento is planned for May to define how the project should proceed. At that time, it is hoped, a consensus of the participants may be reported to the City Council.

REQUEST: Receive the report - No specific action is requested.

Item No. 7
AMENDED AND RESTATED LOCAL PROJECT AGREEMENT
FOR THE SUCCESS RESERVOIR ENLARGEMENT PROJECT

This Joint Powers Agreement (hereinafter referred to as "Agreement") is made and entered into as of the 22nd day of April, 2003 by and between the Lower Tule River Irrigation District (hereinafter referred to as "LTRID"), the Tulare County Flood Control District (hereinafter referred to as "District"), the County of Kings (hereinafter referred to as "Kings"), the City of Porterville (hereinafter referred to as "Porterville"), and the Tulare Lake Basin Water Storage District (hereinafter referred to as "TLBWSRD"). LTRID, the District, Kings, Porterville, and TLBWSRD are hereinafter sometimes collectively referred to as the "Parties".

RECITALS

WHEREAS, Section 101(b)(4) of the federal Water Resources Development Act of 1999 ("WRDA 1999"), Public Law 106-53, authorized construction of the Success Dam, Tule River, California, project for flood damage reduction and agricultural water conservation storage; and

WHEREAS, the United States Army Corps of Engineers ("Corps") has designated the proposed project raising the spillway as the "Success Reservoir, Tule River, California, Flood Control Project" (hereinafter referred to as the "Project"); and

WHEREAS, the Project has the purpose of enlarging the Success Reservoir capacity by 28,000 acre feet for both additional flood control and water conservation storage; and

WHEREAS, the Parties have determined that the Project will also have groundwater recharge and storage benefits; and

WHEREAS, the federal Water Resources Development Act of 1986 ("WRDA 1986"), Public Law 99-662, and the federal Water Resources Development Act of 1996 ("WRDA 1996"), Public Law 104-303, require a minimum of 35% and a maximum of 50% non-federal participation with the Federal Government in the cost of designing and constructing additional flood control capacity at Success Reservoir; and

WHEREAS, California Water Code section 12585.5 provides that the State of California will pay 70% of the nonfederal costs for constructing additional flood control capacity authorized by the federal laws hereinabove set forth; and
WHEREAS, the State of California, The Reclamation Board (hereinafter referred to as "The Reclamation Board") declared its intention to be the non-federal sponsor for the construction of the flood control portion of the Project; and

WHEREAS, in on May 21, 1999, the State of California authorized state participation in the Project; and

WHEREAS, in January 2001, the Corps initiated the Pre-construction, Engineering and Design Phase of the Project; and

WHEREAS, the Pre-construction Engineering and Design Phase of the Project is nearing completion, with construction on initial phases of the Project anticipated to commence in June 2003; and

WHEREAS, each of the parties hereto is interested in participating with the State and Federal governments in that portion of the Project which will enlarge the flood control capacity of Success Reservoir (a copy of a table showing estimated costs for the Project, entitled "Estimated Costs for Construction of the Success Reservoir, Tule River Project" is attached hereto as Exhibit A); and

WHEREAS, that portion of the Project attributable to enlarging the flood control capacity of the Success Reservoir for which the Parties hereto will be responsible shall hereinafter be referred to as the "Success Reservoir Enlargement Project" or "SREP"; and

WHEREAS, LTRID, the District, Kings, Porterville, and TLBWSD entered into the "Interim Local Project Agreement for the Success Reservoir Enlargement Project" on July 10, 2002; and

WHEREAS, the Parties now desire to enter into a permanent agreement which will meet the requirements for the Local Agreement, hereinafter defined, for the enlargement of Success Reservoir, which project will consist primarily of the raising of the existing Success Dam spillway by ten feet; and

WHEREAS, copies of the most recent drafts of the PCA and the LPCA (as hereinafter defined) will be attached to this Agreement as Exhibits B and C respectively; and

WHEREAS, LTRID has declared its intention to be the Lead Agency acting on behalf of all the Parties hereto to share with The Reclamation Board the non-federal flood control portion of the Project's pre-construction engineering and design costs, construction-related costs and the costs of lands, easements, relocations, rights of way and disposal areas (hereinafter referred to as
"LERRDS"), together with the responsibility after the completion of the construction of the Project for all operation, maintenance, repair, replacement and rehabilitation for the flood control portion of the Project; and

WHEREAS, the LTRID acting on behalf of the Tule River Association has declared its intention to be the non-federal sponsor for the agricultural water conservation storage portion of the Project; and

WHEREAS, the LTRID acting on behalf of the Tule River Association will be required to provide all of the non-federal portion of the agricultural water conservation storage space costs; and

WHEREAS, the Parties to this Agreement will continue to incur administration, management, and other costs during the Pre-construction Engineering and Design Phase of the Project, and during the construction and operation and maintenance phases of the Success Reservoir Enlargement Project; and

WHEREAS, the Parties desire to enter into this Agreement under the Joint Powers Act (Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code, commencing with Section 6500 and hereinafter referred to as the "Joint Powers Act") in order to establish and set forth the terms, conditions and provisions under which the Parties will jointly assume responsibility for the local share of the flood control costs of, and responsibilities for, the Success Reservoir Enlargement Project; and

WHEREAS, the Lower Tule River Irrigation District is an irrigation district duly formed and organized under the provisions of California Water Code section 20500 et seq; and

WHEREAS, the Tulare Lake Basin Water Storage District is a water storage district duly organized under the provisions of Division 14 of the Water Code; and

WHEREAS, the Tulare County Flood Control District is a duly organized and existing political subdivision of the State of California formed under Division 5 of the Water Code; and

WHEREAS, the County of Kings is a duly organized and existing political subdivision of the State of California; and

WHEREAS, the City of Porterville is a charter city duly organized under the laws of the State of California; and

WHEREAS, each Party has broad powers which are specified in Section 3.01 hereof to manage, maintain, protect and enhance channels, reservoirs and facilities, among other things,
necessary for flood prevention and protection and water conservation, and each Party desires to exercise such powers in common with the other Parties hereto in conjunction with the development, operation and maintenance of the SREP; and

WHEREAS, the Parties have concluded that the joint exercise of their powers will result in more efficient operation and management of their activities including, but not limited to, coordination with federal and state agencies involved with maintaining and enhancing local flood protection and water conservation; and

WHEREAS, each of the Parties is authorized to contract with each other for the joint exercise of any common power under the Joint Powers Act.

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions hereinafter set forth, it is agreed by and among the Parties as follows:

ARTICLE 1 - DEFINITIONS

Section 1.01. Definitions. As used in this Agreement, unless the context requires otherwise, the meaning of the terms hereinafter set forth shall be as follows:

(a) "Budget" means the approved budget applicable to the administration of this Agreement as provided for in Section 7.04 hereof.

(b) "Executive Committee" shall mean the Committee established in Section 6.01 hereof.

(c) "Facility" or "Facilities" means any works financed, constructed, acquired, repaired, rehabilitated, operated or maintained pursuant to the terms of this Agreement, including without limitation mitigation features, fences, levees, roads, dams, water courses, drainage works, conduits, ditches, canals, reservoirs, tanks, pumping plants, treatment plants, buildings, and other structures utilized for the diversion, pumping, conveyance, control, storage, groundwater recharge, treatment, management, drainage and delivery of water.

(d) "Fiscal Year" shall mean that period beginning on July 1 of each year and ending on June 30 of the following year.

(e) "Local Agreement" shall mean this Agreement.

(f) "LPCA" means the Local Project Cooperation Agreement as described in Section 5.03 hereof. A copy of the most recent draft of the LPCA is attached hereto as Exhibit B and by this reference is hereby incorporated herein as though set forth at length. When fully executed by
the parties thereto, a copy of the executed LPCA will be attached to this Agreement by amendment hereto as Exhibit B in place of such draft.

(g) "PCA" means the Project Cooperation Agreement as described in Section 5.02 hereof. A copy of the most recent draft of the PCA is attached hereto as Exhibit C and by this reference is hereby incorporated herein as though set forth at length. When fully executed by the parties thereto, a copy of the executed PCA will be attached to this Agreement by amendment hereto as Exhibit C in place of such draft.

(h) "Project" shall mean the "Success Reservoir, Tule River, California, Flood Control Project", as defined in the PCA.

(i) "Success Reservoir Enlargement Project" and "SREP" shall mean the local project entered into between the Parties pursuant to the terms of this Agreement, which shall include the participation of the Parties in the flood control portion of the preconstruction engineering and design, the LERRDS acquisition, and the construction, operation and maintenance phases of the Project and the funding therefor.

(j) "Technical Committee" shall mean the SREP Technical Committee established under Section 6.02 hereof.

ARTICLE 2 - TERM

Section 2.01. Term. This Agreement shall be effective as of the date first set forth above and shall remain in effect until terminated by mutual consent of all the Parties.

ARTICLE 3 - PURPOSES AND POWERS OF THE PARTIES.

Section 3.01. General Purpose of the Agreement. Each Party hereto has the power in common with one another to: 1) acquire, manage, operate, maintain, protect and enhance facilities and channels necessary to provide flood protection, water conservation, and environmental mitigation; 2) contract with public agencies and private entities or parties to achieve such objectives; and 3) finance, acquire, construct, operate, and maintain facilities necessary for flood control and water conservation. The general purpose of this Agreement is to establish the terms, conditions and obligations of the Parties to each other in the continued development, operation, maintenance and funding of the SREP.

Section 3.02. Powers. The Parties collectively shall have the power to exercise any of the powers authorized by the Joint Powers Act with respect to the SREP as herein defined, including,
but not limited to, any and all of the following:

(a) To exercise the common powers to study, plan, finance, develop, operate and maintain facilities for flood control and to enter into any contracts related to such activities;

(b) To contract for the services of consultants, including, but not limited to, surveyors, engineers, attorneys, planners, financial consultants, and separate and apart therefrom, to employ such other persons as they deem necessary;

(c) To acquire, construct, manage, maintain, operate and replace any and all Facilities;

(d) To enter into agreements with any public agencies or private entities for the provision of all or a portion of the local contribution which may be required for the construction, operation or maintenance of any and all Facilities;

(e) To acquire, by eminent domain or otherwise, and to hold and dispose of property necessary to the full exercise of their powers;

(f) To incur debts, liabilities or obligations subject to limitations herein set forth;

(g) To issue bonds, notes and other indebtedness, and to enter into leases, installment sale and installment purchase contracts, all as hereinafter provided;

(h) To apply for, accept and receive state, federal or local licenses, permits, grants, loans or other aid from any agency of the United States of America, the State of California or other public or private entities necessary for the full exercise of their powers; and

(i) To perform all acts necessary or proper to carry out fully the purposes of this Agreement, the LPCA and the PCA.

ARTICLE 4 - LEAD AGENCY

Section 4.01. Lead Agency. The Lower Tule River Irrigation District will act as the lead agency for the Parties during the pre-construction engineering and design phase, the LERRDS acquisition, and the construction, operation and maintenance phases of the Project and the SREP. As the Lead Agency for the Parties, the Lead Agency may also be identified as the "local sponsor" in this and other related agreements, including, but not limited to, those agreements referred to in Article 5 hereof. Without changing its status as Lead Agency, LTRID may give notice that it intends to discontinue one or more of its duties under this Agreement and that the other Parties to this Agreement shall have six months to agree to assign the duty or duties to
another Party. TLBWSD agrees that it shall assume the obligations of the Lead Agency in the event that the Parties do not jointly agree to assign such duties to another of the Parties within such six-month period. The provisions of this Section apply to any of the parties which may subsequently serve in the capacity of the Lead Agency.

Section 4.02. Administrative Office. The LTRID Office shall be designated as the administrative office to maintain the records and accounts established to implement this Agreement. All books, accounts and records shall be open for review by the Parties to this Agreement during the normal business hours of the LTRID office. The LTRID shall be reimbursed for its costs, overhead and expenses attributable to the general administration of this Agreement provided that the Executive Committee authorizes such reimbursement pursuant to the provisions of Section 6.01(d)(3) below. The aforementioned costs, overhead and expenses shall include, but not be limited to, all personnel salaries, employee benefits, copying charges, telephone bills, telefax charges, consulting services, travel expenses, vehicle reimbursement, bond costs, and other similar variable and fixed costs and expenses attributable to work done on the SREP. Interest shall accrue on and be paid to the Lead Agency on amounts for which a request for reimbursement of costs, overhead and expenses has been submitted in writing by the Lead Agency and which remains unpaid after 60 days. Pursuant to the procedure set forth in Section 4.01, the Lead Agency may assign one or more of its duties imposed on it pursuant to this section, provided however, that by doing so, the Lead Agency will in no way change its office as the designated administrative office under this Agreement nor change or eliminate its duties under the PCA or LPCA.

Section 4.03. Powers of Lead Agency. It is expressly understood and agreed by the parties that LTRID acting as the Lead Agency for the Parties shall have the power to take all actions necessary for the completion of the SREP during each and every phase of the SREP, including the preconstruction engineering and design phase, the LERRDS acquisition phase, the construction phase and the operation and maintenance phase, subject to the restrictions, limitations and obligations set forth in this Agreement, in the PCA and in the LPCA, and subject to the direction of the Parties acting through the Executive Committee and, when appropriate, the Technical Committee.
ARTICLE 5 - AGREEMENTS

Section 5.01. Further Agreements. The Parties agree to negotiate in good faith and to execute on behalf of the Parties all agreements necessary to cause the development and construction of the Project and the subsequent administration of the SREP.

Section 5.02. Project Cooperation Agreement. The LTRID acting on behalf of the Tule River Association has executed the PCA as to agricultural water conservation storage space costs with the Corps. The Reclamation Board has executed the PCA as the non-federal sponsor of the flood control portion of the Project. The Parties agree to comply with the terms, conditions and provisions of the PCA to the extent assumed in this Agreement and in the LPCA. The Parties further agree that The Reclamation Board had the authority to execute the PCA on their behalf and to provide for its implementation and to comply with the obligations imposed on them therein, subject to the terms, conditions and provisions of the PCA and of this Local Agreement.

Section 5.03. Local Project Cooperation Agreement. The Lead Agency has executed the Local Project Cooperation Agreement with The Reclamation Board. The LPCA transfers a portion of the flood control responsibilities that The Reclamation Board assumed in the PCA to the Lead Agency. This Agreement is intended to transfer to the Parties, as between themselves, all of the responsibilities transferred to the Lead Agency in the LPCA. Subject to the limitations set forth in Section 5.07 below, the Parties agree to comply with the terms, conditions, and provisions of the LPCA imposed on the Lead Agency. The Parties further agree that the Lead Agency was authorized to execute the LPCA on their behalf and to provide for its implementation and to comply with the obligations imposed on it therein, subject to the terms, conditions and provisions of the Local Agreement.

Section 5.04. Local Agreement. The Parties hereby agree to enter into this Local Agreement to assume the benefits, risks, obligations and liabilities of the SREP as described in the PCA, the LPCA and in this Agreement. This Local Agreement establishes the terms, provisions, conditions and obligations of the Parties to each other in the development, implementation, operation and maintenance of the SREP.

Section 5.05. Water Conservation Contractors. The member units of the Tule River Association currently have contracts with the United States for the payment of 9.5 percent of the operation and maintenance costs for the agricultural water conservation storage space in Success Reservoir. The Parties agree that the LTRID acting on behalf of the Tule River Association will
be the contractor with the Corps, or other appropriate federal agency, for the additional agricultural water conservation storage space in Success Reservoir. The Tule River Association member units shall be solely responsible for compliance with the terms, conditions and provisions of all existing contracts and of any and all agreements it hereafter enters into with any such federal agency, including, but not limited to, the PCA for such new agricultural water conservation storage space. The Tule River Association member units shall by separate agreement entered into concurrently herewith agree to hold harmless and defend Porterville, the District, Kings, LTRID and TLBWSD from and against any and all obligations contained in, or arising in any way from, such contracts and agreements for such new agricultural water conservation storage space, including the PCA.

Section 5.06. Approval of Agreements. The agreements referred to in Sections 5.02, 5.03, 5.04, and 5.05 shall be approved by the Parties by the process outlined in Section 6.01 (d)(3) of this Agreement. The Parties acknowledge that it is their intention that the PCA, LPCA and this Local Agreement will take effect concurrently, at which time the Interim Agreement shall be superseded.

Section 5.07. Floodplain Management and Notification Requirements. There are provisions of the PCA and the LPCA related to floodplain management and notification obligations (hereinafter referred to as “Floodplain Obligations”) which are imposed upon the Parties jointly as obligations of the SREP. Without disclaiming such joint obligation, the Parties hereby agree, as between themselves, that it is their intention that such Floodplain Obligations shall not be joint obligations of the Parties or costs of the SREP, to the extent that they are obligations which are otherwise imposed upon an individual Party hereof or upon other individuals or entities by other provisions of law, and such later Floodplain Obligations shall not be considered a part of the SREP, nor shall such obligations or the costs thereof be a joint responsibility of the Parties under this Agreement.

ARTICLE 6 - ORGANIZATION

Section 6.01. Executive Committee.

(a) Representation. The exercise of the Parties' joint powers pursuant to this Agreement shall be governed and administered by the SREP Executive Committee (hereinafter referred to as “Executive Committee”) which shall be composed of one representative of each of the Parties. The governing body of each Party shall appoint a representative and an alternate
representative to represent its interests on the Executive Committee, which shall function as authorized in this Agreement. Alternate representatives shall have full authority to act in the place of a representative when the representative is absent. Each representative and alternate representative shall continue to serve until his or her successor is appointed.

(b) Executive Committee Officers. The Executive Committee shall annually elect from among its members a President and a Vice-President. The Executive Committee shall designate a Secretary to keep the necessary minutes and other documents to properly document the affairs of the Executive Committee, including satisfying requirements of the first paragraph of Government Code Section 6505. The Committee shall designate a Treasurer to keep independent books, records, accounts and other reports of the Executive Committee. The Secretary and Treasurer need not be members of the Executive Committee.

(c) Executive Committee Meetings. The Executive Committee shall meet at times and places as may be determined by the Executive Committee to be appropriate. The Executive Committee shall meet no less than annually and shall at a minimum review the current year’s activities and approve the next year’s budget. A notice of the time and place of all meetings shall be furnished by the Secretary to each representative and to each alternate representative. Any representative on the Executive Committee may call a special meeting of the Executive Committee. Regular, adjourned and special meetings shall be called, noticed and held in accordance with Chapter 9, Division 2, Title 5 of the Government Code of the State of California, the "Brown Act" (commencing at Section 54950). Minutes shall be kept for all meetings of the Executive Committee, and such minutes shall include a listing of those attending and those absent. The minutes shall also describe an action approved or denied and the tally of the votes on each matter on which a vote is taken.

(d) Executive Committee Voting. Representatives of at least a majority of the Executive Committee (any three members) shall constitute a Quorum for the purpose of transacting business. Voting by the Executive Committee shall be as follows:

(1) Amendment of Agreement. The Executive Committee shall have no authority or power to change the terms, conditions or provisions of this Agreement by vote. By the voting procedure set forth in subsection (2) below, the Executive Committee may recommend to the Parties' governing bodies amendments to this Agreement.
(2) Vote Required. Except as set forth in subsection (3) below, the Executive Committee shall act by majority vote of all of the membership of the Executive Committee, except that in no event shall the Executive Committee take action unless the Participation Percentages of the Parties which vote in favor of the proposed action total at least 76%. The Participation Percentages of the Parties are defined in Section 7.01 below.

(3) Notwithstanding the provisions of subsection (2) above, the Executive Committee shall act only by a unanimous vote of all the membership of the Executive Committee on the following matters:

a) The approval of each year's Final Budget or any amendment thereto.

b) The approval of any amendments to the PCA or the LPCA, or any of the terms, conditions or provisions of either of them.

c) Any delegation of Executive Committee authority or power under Section 6.01(e) below.

(c) Delegation of Authority. The Executive Committee may at any time delegate all or a portion of its authority to the Technical Committee. Any delegation of authority by the Executive Committee must have the prior approval of the Parties by the process outlined in Section 6.01 (d)(3). In the event that the Executive Committee delegates any of its duties hereunder to the Technical Committee, the Technical Committee shall thereafter at all times when exercising those delegated duties be subject to the meeting and voting requirements and procedures set forth in subsections 6.01 (c) and (d) above and shall be otherwise subject to the limitations, restrictions and obligations imposed upon the Executive Committee elsewhere in this Agreement.

Section 6.02. Technical Committee. Each Party shall appoint a representative and an alternate representative to represent its interest on the SREP Technical Committee (hereinafter referred to as the “Technical Committee”) which shall function as a steering committee for the SREP and shall make recommendations to the Executive Committee. Subject to the limitations and restrictions set forth in Subsection 6.01 (e) above, the Technical Committee shall establish its own procedures for meetings and for making decisions, which procedures shall be subject to the approval of the Executive Committee.
Section 6.03. Staff.

(a) SREP Staff. Staff to perform services required under this Agreement for the SREP shall be provided by the Lead Agency. The Lead Agency shall be entitled to reimbursement from the other Parties hereto for the provision of such staff services as set forth in Section 4.02 above and 7.01 below.

(b) Privileges and Immunities. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules which apply to the activity of officers, agents or employees of any of the Parties when performing their respective functions shall apply to them to the same degree and extent while engaged in the performance of any of the functions or other duties under this Agreement.

(c) Consultant Services and Contracts. Subject to Sections 6.01 and 7.04 of this Agreement and with the approval of the Executive Committee, the Lead Agency shall have the power to contract for the services of engineers, attorneys, planners, financial consultants, and separate and apart therefrom, to employ such other persons as it deems necessary.

Section 6.04. Resolution of Disputed Issues. As a condition precedent to a Party bringing suit for breach of this Agreement, that Party must first notify all the other Parties in writing of the nature of the breach and shall seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the disputed issues through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to all the Parties. The existence of disputed issues shall not excuse the Parties, or any of them, from performance otherwise required pursuant to the terms of this Agreement. In the event that the Parties are unable to resolve disputed issues after utilizing the procedures set forth above, any Party may resort to whatever legal remedies are otherwise available to it.

ARTICLE 7 - FINANCIAL PROVISIONS

APPLICABLE TO THE FLOOD CONTROL PORTIONS OF THE PROJECT

Section 7.01. Participation Percentages of the Parties. The Parties agree to be responsible for SREP expenses, liabilities and any other obligations incurred by the Lead Agency pursuant to the terms of this Agreement, the PCA and the LPCA, which are to be shared by
percentage, (herein referred to as the "Participation Percentage") in the following amounts:

<table>
<thead>
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<th>Organization</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY OF PORTERVILLE</td>
<td>15%</td>
</tr>
<tr>
<td>COUNTY OF KINGS</td>
<td>3%</td>
</tr>
<tr>
<td>TULARE COUNTY FLOOD CONTROL DISTRICT</td>
<td>25%</td>
</tr>
<tr>
<td>LOWER TULE RIVER IRRIGATION DISTRICT</td>
<td>20%</td>
</tr>
<tr>
<td>TULARE LAKE BASIN WATER STORAGE DISTRICT</td>
<td>37%</td>
</tr>
</tbody>
</table>

Other than as expressly set forth herein, the sharing of costs by the Participation Percentages set forth above shall apply to the total flood control costs for all pre-construction engineering and design, construction, operation, maintenance, administration, overhead and any other reasonable obligations and liabilities incurred by the Lead Agency pursuant to this Agreement, the PCA and the LPCA, including, but not limited to, approved expenses incurred by the Lead Agency or incurred by any other Party to this Agreement for which reimbursement is authorized under the provisions of Section 7.06 hereof. Each Party shall be liable for its Participation Percentage of such costs and to pay when due assessments for such costs which are imposed under the provisions of Section 7.04, subject to the limitations and restrictions herein set forth. Any change in the Participation Percentages set forth herein may be approved only by an amendment of this Agreement approved as set forth in Section 9.01.

Section 7.02. Limitations on Sharing of Costs By Parties. (a) It is the understanding of the Parties that The Reclamation Board shall be responsible for 70% of the creditable non-federal flood control costs of the Project, and it is the intention of the Parties that their joint obligation to share in the local costs of the Project as set forth in Section 7.01 above is contingent upon The Reclamation Board providing such funds for its share.

(b) Long Term Financial Obligations. Each party hereby agrees to be liable for and to pay for its Participation Percentage multiplied by the monetary value of (1) all responsibilities, liabilities and costs of the Project allocated to the Lead Agency pursuant to this Agreement, the PCA and the LPCA and (2) all responsibilities, liabilities and costs of the SREP.

Section 7.03. Fiscal Year. The Fiscal Year shall be the period beginning on July 1 of each year and ending on June 30 of the following year.

Section 7.04. Budget Adoption and Assessments. The SREP budget shall be based on the Fiscal Year. The Lead Agency shall prepare a Preliminary Budget for the next Fiscal Year and present it to the Technical Committee for consideration by February 1 of the preceding
Fiscal Year. The Executive Committee shall adopt the Final Budget (hereinafter referred to as the “Budget”) by July 1 of the Fiscal Year or as soon as practical thereafter. The Budget shall include the amount of the annual assessment (hereinafter referred to as “Annual Assessment”) to be imposed on each Party for that Fiscal Year, calculated as each Party’s Participation Percentage multiplied by the total amount of the budgeted expenditures for that Fiscal Year, which may include payments into reserve or contingency funds as hereinafter provided.

(a) Reserve and Contingency Funds. The Budget may provide for contingency and reserve categories.

(b) Expenditure Approval.

(1) Expenditure of Budgeted Amounts. Funds may be expended by the Lead Agency as set forth in the Budget. Any expenditure of funds for a line item in excess of the amount for said line item in the approved Budget is allowable only if there are such unexpended funds for other line items in the Budget and if the expenditure is approved by at least three representatives of the Technical Committee.

(2) Expenditure of Contingency or Reserve Funds. Any expenditure of funds from the contingency or reserve categories in the Budget shall require approval of the Executive Committee under the guidelines described in Section 6.01 (d)(2).

(3) Expenditure of Reimbursed Amounts. Any reimbursement from the State of California or other revenues, including interest, accruing to the Parties’ SREP fund shall not be included in the assessment or budget limits stated above and are available for expenditure with the approval of the Executive Committee on the basis of the voting procedures set forth in Section 6.01, subject to the allocation requirements set forth in subsection 7.05(a) below.

(c) Assessments. After consultation with the Technical Committee, the Lead Agency shall give written notice of each assessment to each Party as funds are needed during the Fiscal Year. All assessments shall be due and payable within sixty days after receipt of such written notice and shall be delinquent if not paid within said sixty days. Notice of an assessment shall be deemed received by a Party five days after mailing by the Lead Agency. Assessment payments which are delinquent shall be charged interest computed at the average quarterly rate applied by Tulare County to warrant fund accounts. In addition, any assessments not paid within ninety days of receipt of written notice thereof shall be assessed a service charge on the unpaid amount at the rate of 5/6% per month.
(1) Unbudgeted Special Assessments. Notwithstanding the budget and assessment process set forth above, it is recognized by the Parties to this Agreement that there may be a need to expend funds in excess of the Annual Assessments or in excess of the amounts approved under the Budget on items such as utility company power transmission lines and facilities, bridge design, real estate acquisition, and other costs for which the timing may be uncertain. Therefore, if there is a need to expend an amount of money in a Fiscal Year which exceeds the Annual Assessment or Budget amount, the Executive Committee shall determine a specific increase, modify the Budget and set the assessment pursuant to the voting procedures set forth in Section 6.01, subsection (d)(3)a).

(2) Internal Funding of Assessment Shortfall. Parties may make arrangements between or amongst themselves to temporarily fund all or a portion of another Party’s assessment within the SREP accounting system.

(3) Advance Payments. Any Party may make advance payments to the SREP.

Section 7.05. Fund Deposits and Accounting. All funds of the SREP shall be deposited in and disbursed from an account, or accounts, established by the Lead Agency in the Tulare County Treasury in the name of the Lead Agency. All such accounts shall carry the designation “Success Reservoir Enlargement Project”. All such funds shall be strictly and separately accounted for, and regular reports shall be rendered of all receipts and disbursements periodically as determined by the Executive Committee, but no less than annually. In addition, the Lead Agency shall provide an annual financial examination of the SREP books, records and accounts by a qualified, independent Certified Public Accountant. The books, records and accounts kept pursuant to this Agreement shall be open to inspection by each Party.

(a) Accounting for Funds Reimbursed to SREP. Funds that are received from the U.S. Army Corps of Engineers, The Reclamation Board, or any other third party for reimbursement of Project flood control costs shall be allocated to or distributed to the Parties on the basis of the Participation Percentages set forth in Section 7.01, unless a Party owes an outstanding delinquent payment, in which event the amount of the outstanding delinquent payment, interest, and service charges shall not be allocated to or provided to that Party, but shall instead be credited to the payment of that Party's outstanding delinquent payment.

Section 7.06. Reimbursement of Party Expenses. With approval of the Executive Committee under Section 6.01, any Party providing services or incurring expenses may receive
reasonable reimbursement for all costs and expenses associated with such service. Any expense paid or cost advanced by a Party shall be repaid with interest at the Tulare County average quarterly warrant fund rate for the corresponding period. Interest shall begin to accrue 90 days from the date the Lead Agency receives a written request for reimbursement.

Section 7.07. Projected Total Project Flood Control Costs. The "total project flood control costs" as defined in the PCA as of effective date of the PCA are projected to be $21,995,000. If at any time during the term of this Agreement the Corps makes a revised projection of such total project flood control costs, the Lead Agency shall forthwith notify the Parties of such revised projection prior to any corresponding increases in annual assessments to be imposed on each Party under Articles 6 and 7 of this Agreement.

ARTICLE 8 - LIABILITY, INSURANCE AND PROPERTY

Section 8.01. Agreed Upon Share of Liability for Judgment or Damages. If any Party is held liable for acts or omissions which occur in the performance of this Agreement, such Party shall be entitled to contribution from each of the other Parties to the Agreement, so that after said contribution each Party shall be responsible for a percentage share of such liability equal to its Participation Percentage, except that such Party shall not be entitled to such contribution if its liability is based upon the Party's intentionally wrongful or reckless conduct. To the extent that such Party's liability is based upon its reckless or intentionally wrongful conduct, such Party shall indemnify, defend, and hold harmless all the other Parties from and against any and all third party claims for loss, injury, death, or damages to person or property arising from such intentionally wrongful or reckless conduct.

Section 8.02. Insurance. The insurance coverage for the SREP shall be in the name of the Lead Agency, shall name each of the other Parties as an additional insured, and shall be agreed upon by the Technical Committee representatives. Insurance costs incurred by the Lead Agency that are related to the SREP shall be included among the other expenses to be allocated to the Parties pursuant to the Participation Percentages.

(a) Public Liability and Property Damage Insurance. The Lead Agency shall during the entire term of this Agreement obtain, keep and maintain in full force and effect a policy or policies of public liability and property damage insurance in amounts protecting the Parties' interests and in amounts satisfactory to the Executive Committee. Such policy or policies shall
name each of the Parties as additional insureds and shall contain a provision which states that the policy may not be canceled or otherwise terminated without thirty days prior written notice to the Executive Committee. Upon the request of any Party, the Lead Agency shall provide a certificate of insurance as to each policy kept in compliance with this Section. The Lead Agency shall be reimbursed the costs of any insurance it purchases to fulfill the requirements of this Article.

(b) Workers’ Compensation Insurance. Each Party shall obtain, keep and maintain in full force and effect during the entire term of this Agreement workers’ compensation insurance in one of the forms allowed and provided for under the Insurance Code and the Labor Code of the State of California.

Section 8.03. Property.

(a) Reservoir Take Land - Holder of Title. Pursuant to recent federal legislation, the federal government has the authority to hold title to those lands required to be purchased around the perimeter of Success Reservoir for the Project (hereinafter referred to as the “take lands”). If the federal government declines to hold title to the take lands or relinquishes title to the take lands, and The Reclamation Board declines to hold title to the take lands, then title may be held in the name of the Lead Agency or such other entity as the Parties may agree pursuant to the provisions of Section 6.01(d)(2), subject to the consent of the party which would be holding title.

(b) Mitigation Lands - Holder of Title. It is the intention of the Parties that title to mitigation lands not contiguous to lands of the United States or to Reservoir take lands purchased for the Project, which may be located in Tulare County or in Kings County, may either be held in the name of the Lead Agency or such other entity as the Parties may agree pursuant to the provisions of Section 6.01(d)(2), subject to the consent of the party which would be holding title, the Corps and The Reclamation Board.

ARTICLE 9 - MISCELLANEOUS PROVISIONS

Section 9.01. Amendment. This Agreement may be amended only by a written agreement approved and executed by all of the Parties.

Section 9.02. Severability. If one or more clauses, sentences, paragraphs or provisions of this Agreement shall be held to be unlawful, invalid or unenforceable, it is hereby agreed by the Parties that the remainder of the Agreement shall not be affected thereby. Similarly should the participation of any Party to this Agreement be decided by the courts or legislature to be illegal
or in excess of that Party's powers, the validity of the participation of the remaining Parties to the Agreement shall continue upon the same terms as provided herein as if that Party had not been a party to the Agreement.

Section 9.03. Assignment. Except as otherwise provided in this Agreement, the rights and duties of the Parties, or any individual Party, may not be assigned or delegated without the written consent of all Parties. Any attempt to assign or delegate such rights or duties in contravention of this Agreement shall be null and void. Any approved assignment or delegation shall be consistent with the terms of any contracts, resolutions, indemnities and other obligations of the Agreement then in effect. This Agreement shall inure to the benefit of, and be binding upon the approved successors and assigns of the Parties hereto.

Section 9.04. Notices. Notices authorized or required to be given pursuant to this Agreement shall be in writing and shall be deemed to have been received within five days of the date mailed, postage prepaid, or on the date when delivered during working hours to the addresses set forth in Exhibit D attached hereto or to such changed addresses as are communicated to the Parties in writing.

Section 9.05. Counterparts. This Agreement may be executed by the Parties in separate counterparts, each of which when so executed and delivered shall be an original. All such counterparts shall together form one and the same instrument.

Section 9.06. Choice of Law. This Agreement shall be governed by the laws of the State of California.

Section 9.07. Headings. The titles of paragraphs or articles of this Agreement are for convenience only, and no presumption or implication of the intent of the parties as to the construction of the Agreement shall be drawn therefrom.

Section 9.08. Disputes. If a disagreement or dispute arises between any of the Parties to this Agreement with respect to interpretation or implementation of this Agreement or concerning the obligations of the Parties under this Agreement, the Parties in dispute shall advise the Lead Agency in writing of such dispute or disagreement as soon as possible, but in no event later than five days, after learning of the dispute or disagreement. The following procedure shall be followed to attempt to resolve the dispute if the dispute cannot be resolved through discussion at regular Technical Committee and Executive Committee meetings:
(a) The Technical Committee and Executive Committee representatives of each of the involved Parties shall meet and confer and attempt to reach agreement on the issue, and if damages are claimed, the amount of the damages, and the measure of damages, if any, each Party shall be responsible for.

(b) If the involved Parties are unable to reach agreement under subsection (a), the entire Executive Committee shall meet and confer and attempt to reach agreement on the issues.

(c) If the entire Executive Committee representatives are unable to reach agreement, each Party shall have recourse to all appropriate legal and equitable remedies.

(d) The procedures to be followed in the resolution of disputes may be modified at any time by mutual written agreement of the Parties hereto.

Section 9.10. Each of the persons signing this Agreement warrants and represents that he has been duly authorized to sign this Agreement by the governing body of the local public agency on whose behalf he has signed.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first above written.

DATE: 4-8-03

BY

DATE: 02-25-03

County of Kings

BY

DATE: APR 22 2003

Tulare Lake Basin Water Storage District

BY

DATE: 3-4-03

Tulare County Flood Control District

BY

DATE: 4/9/03

City of Porterville

BY

Page 19 of 20
ESTIMATED COST FOR CONSTRUCTION OF THE SUCCESS RESERVOIR
TULE RIVER PROJECT
FLOOD CONTROL AND IRRIGATION STORAGE

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<td>Local Non-Federal Sponsors</td>
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(1) Corps of Engineers 01 October 2002 pricing level.
SUBJECT: ACCEPTANCE OF THE JOINT POWERS AGREEMENT - W. NORTH GRAND AVENUE, CITY-COUNTY JOINT MAINTENANCE

SOURCE: Public Works Department - Engineering Division

COMMENT: The City of Porterville and County of Tulare desire to grind and overlay, with plant run cold mix asphalt concrete material, portions of W. North Grand Avenue (Avenue 170) between Beverly Street (Road 234) and State Route 65.

A portion of W. North Grand Avenue is within the City and a portion is within the County. Both agencies feel it is economically feasible and convenient to have one agency provide all labor, equipment and materials to complete the proposed road maintenance project. Attached is an agreement for execution by the agencies whereby the County will grind and overlay the road on behalf of both parties. The City will reimburse the County for their portion of the cost including construction, administration, engineering and management.

Upon completion of said work and receipt of a billing from the County, the City shall reimburse the County for the City’s portion of the total cost of doing the work, which shall be 45% of the total cost of the project. The City’s share is estimated to be $43,875. Total cost of the entire completed project is estimated to be $97,500.

Funding for street overlay in the amount of $100,000 was approved in the 2003/2004 Annual Budget from Local Transportation Funds.

RECOMMENDATION: That City Council:

1. Accept the Joint Powers Agreement prepared by the County of Tulare;

2. Authorize the Mayor to sign the Joint Powers Agreement;

3. Approve the funding source; and

4. Authorize payment to the County of Tulare upon completion of the work.

ATTACHMENT: Locator Map Agreement

BSR Y:\Engineering\Council Items\Acceptance of JPA, City-County Joint Project.wpd

Appropriated/Funded CM Item No. 8
AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of ____________, 2004, by and between the COUNTY OF TULARE, hereinafter referred to as the "County", and the CITY OF PORTERVILLE, hereinafter referred to as the "City".

WHEREAS, both the City and the County desire to grind and overlay with plant cold mix asphalt concrete material on portions of North Grand (Avenue 170) between Beverly (Road 234) and State Route 65; and

WHEREAS, portions of the aforementioned roads are within the City and portions within the County; and

WHEREAS, economy and convenience require that rather than having each of the parties grind and overlay their portions of said project within its jurisdiction, that an agreement be entered into between the parties whereby the County will grind and overlay the project on behalf of both parties; and

WHEREAS, the City has expressed a willingness to reimburse to the County a portion of the costs for construction, administration, engineering, and management of the affected aforementioned roads; and

WHEREAS, Government Code 6100et seq. authorize the parties to enter into agreements to provide for the joint grind and overlay of roads in their respective jurisdictions.

NOW, THEREFORE, it is mutually agreed as follows:

1. Schedule of work. The County shall supply all necessary equipment, personnel, and materials to grind and overlay the existing surface of the aforementioned street as its schedule permits. The County shall have sole discretion to determine the priority of the work so that such work may be performed without undue interference with other County work.

TULARE COUNTY AGREEMENT NO. ________________

1
schedules. The County will provide information concerning the work schedule on this project to the City prior to commencing work.

2. **Traffic Control.** The County shall supply all necessary traffic control, including but not limited to, signing and flagging, to ensure the protection of the public and County personnel and equipment while the County is performing any work under this Agreement.

3. **Compensation.** Upon completion of said work and receipt of a billing from the County, the City shall reimburse the County for the City's portion of the total cost of doing the work, which shall be 45% of the total cost of the project. The city's share is estimated at $43,875. Such costs shall include, but not be limited to, the following equipment costs, based upon the standard equipment rental rates established by the County’s Resource Management Agency, multiplied by the actual hours of operation; labor costs, based upon County wage rates, including fringe benefits; the costs of any materials provided by the County; standard overhead rates established by the County’s Resource Management Agency; all actual expenses incurred in the transportation of the equipment, materials, and personnel to the job site; and the cost to engineer, manage and administer the project. It is estimated that the total cost for completing the entire project will be $97,500 but both parties understand that actual costs may exceed this amount and the City agrees to pay its percentage in excess of this amount upon presentation of itemized invoices for actual costs.

4. **Method for Computing Charges and Billing.** Determination of the actual charges to be billed to the City by the County shall be in conformance with generally accepted accounting principals. After completion of the work, or any part thereof, the County shall submit an itemized invoice for the costs incurred in such performance, and the City shall pay its share of the bill no later than 30 days following receipt of said invoice.
5. Hold Harmless/Indemnification. It is expressly understood that the County has not evaluated or in any way entered into any decision regarding the appropriateness of the grind and overlay of these streets. The County assumes no responsibility for the finished project properly serving the purposes intended. The City shall hold the County harmless from, and indemnify the County for, any liability or injury to any persons or damage to any property arising out of the performance of activities under this Agreement by the City, the County, or the employees, officers, or agents of either party. The County shall hold the City harmless from, and indemnify the City for, any liability or injury to any persons or damage to any property arising out of the performance of activities under this Agreement by the City, the County, or the employees, officers, or agents of either party.

6. Termination. This Agreement shall terminate upon completion of all of the acts required hereunder, unless earlier termination at the option of either party by delivery of not less than 30 days prior written notice to the other at the addresses noted below:

COUNTY: Board of Supervisors  
County of Tulare  
Administration Building  
2800 W. Burrel  
Visalia, CA 93291

CITY: City of Porterville  
P. O, Box 432  
Porterville, California 93258

///

///

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

COUNTY OF TULARE

By ____________________________

Chairman
Board of Supervisors
"County"

ATTEST: C. BRAIN HADDIX
County Administrative Officer/
Clerk of the Board of Supervisors

By ____________________________
Deputy

CITY OF PORTERVILLE

By ____________________________

CITY

Approved as to Form
County Counsel

By ____________________________
Deputy
SUBJECT: SURFACE WATER TREATMENT REVIEW - PERMITS AND REPORTS SURVEY

SOURCE: Public Works - Engineering Division

COMMENT: At the March 2, 2004 Council meeting, the treating of surface water for potable use was expressed as an option for council’s consideration.

It is staff’s understanding that there are a number of permits and study reports that must be included as part of any surface water treatment operation. Staff is of the opinion that a survey must be conducted to serve as a guide in determining what permits and reports must be obtained prior to spending any funds for the design and construction of a surface water treatment facility.

RECOMMENDATION: That City Council authorize staff to:

1. Seek consultant proposals for the purpose of preparing a "Surface Water Treatment Permits & Reports" Survey; and

2. Negotiate a Consultant Service Agreement with a "not to exceed" $10,000 limit with the Consultant who best demonstrates an understanding of the City's needs.
STATUS REPORT ON CAR WASH ISSUES

On December 2, 2003, Community Development Staff reported on the status of car wash operations within the City. Staff noted that enforcement of the prohibition on discharging wash water into the City storm drain system is a particular concern.

On December 12, 2003, a letter was sent to all businesses identified as car washes. A second letter was sent to a variety of nonprofit agencies which regularly conduct car washes as fundraisers. Ample time was allowed for businesses to address any deficiencies and contact Staff to explore options for compliance.

Planning and Engineering Division Staff conducted inspections of twelve fixed car washes on March 25, 2004. One business was identified that was not in operation on that day, so no determination regarding its status could be made. Of the twelve businesses inspected, nine were operating in compliance with the regulations which require wash water to be directed to the sewer system rather than the storm drain system.

One of the three businesses in violation is already the subject of an ongoing enforcement action. They have retained the services of a plumber to design and install the appropriate equipment to correct the problem, but have not yet secured permits to begin construction. Staff will continue to pursue enforcement on this violation case.

A second business which discharges into the City storm drain system is located on the north side of Orange Avenue immediately adjacent to the Neighborhood Community Center. The car wash use is apparently a recent addition to an existing car repair business. This business is expected to be significantly altered to resolve encroachments onto the Neighborhood Community Center site. Staff has opened a violation case for this site and is pursuing enforcement of wash water discharge regulations. Staff will coordinate this effort as necessary with the resolution of the encroachment issue.

The third business which appears to discharge into the storm drain system has been located on Third Street, north of Olive Avenue for at least thirty years. City Staff will contact the business owner to discuss options for achieving compliance with City standards.
December 12, 2003

Car Wash Operations In Porterville

Dear Business Owner:

This letter is to remind commercial car wash operators of the regulations which apply to car washes within the City of Porterville.

It is not legal to allow wash water to flow into the public streets or storm drain system (City Code Section 25-5, Zoning Ordinance Section 2618 G, 2002 California Plumbing Code Section 1009.0, and NPDES requirements). The purpose of this regulation is to avoid the wasting of water and to protect streams and rivers from pollutants such as oil, grease and detergents.

Car washes with fixed locations must discharge all wash water into the City sewer system. In order to connect to the system, a sand/grease trap is required. Appropriate plumbing and other permits must be secured as necessary and sewer related fees will apply. Fixed car wash operators are also encouraged to install high pressure wash systems and water recycling systems. These systems dramatically reduce water usage and will often pay for themselves in lower water bills. Reduced water use can also reduce the sewer treatment plant impact fee charged for new connections to the sewer system.

Mobile car wash and detailing businesses are also prohibited from discharging wash water into City streets and storm drains. All such operations are required to use high pressure wash systems to reduce water usage. Excess wash water, if any, should be directed into landscaped areas. Mobile car wash operators are also reminded that all business activities must occur on private property and with the consent of the owner. Public streets and parking lots may not be used for this purpose.

Any business which is not in compliance with these regulations is operating in violation of one or more municipal ordinances and may be subject to a variety of potential consequences which can include citations, court orders for corrective action, loss of business license, etc.

We appreciate your interest and cooperation. If you have any questions regarding these requirements and recommendations, please call Randy Rouda or Mike Reed at (559) 782-7460. Water is a valuable resource in our community and we will continue to encourage its conservation and protection.

Sincerely,

Bradley D. Dunlap, AICP
Community Development Director
December 12, 2003

Car Wash Operations In Porterville

Dear Nonprofit Operator:

This letter is to remind non-profit organizations which conduct car washes for fund-raising of the regulations which apply to car washes within the City of Porterville.

It is not legal to allow wash water to flow into the public streets or storm drain system (City Code Section 25-5, Zoning Ordinance Section 2618 G, 2002 California Plumbing Code Section 1009.0, and NPDES requirements). The purpose of this regulation is to avoid the wasting of water and to protect streams and rivers from pollutants such as oil, grease and detergents.

The City of Porterville acknowledges the community benefits associated with non-profit fund-raising and the difficulty such operations may have in complying with City regulations. However, the community also benefits from reduced water use and the protection of water resources. Non-profit groups are encouraged to use high pressure wash systems, but such systems are not anticipated to be required at this time. Excess wash water should be directed into landscaped areas, not the public streets. Any group which establishes a continuous pattern of car washes may be asked to acquire a high-pressure wash system, and possibly to use a fixed location where wash water can be discharged into the sewer system.

City Staff members are prepared to meet with any group to discuss the implications of these regulations. It is our goal to find solutions which will continue to allow non-profit organizations to conduct successful fund-raising while still protecting local water resources.

We appreciate your interest and cooperation. If you have any questions regarding these requirements and recommendations, or if you would like to schedule a meeting to seek solutions to any inconvenience these regulations may cause, please call Randy Rouda or Mike Reed at (559) 782-7460. Water is a valuable resource in our community and we will continue to encourage its conservation and protection.

Sincerely,

Bradley D. Dumas, AICP
Community Development Director
STAFF REPORT

TITLE: AD ZONE SITE REVIEW 1-2004

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Ken Dewing
Endurequest
1813 Thunderbolt Dr.
Porterville, CA 93257

AGENT: Laubacher Construction
P.O. Box 909
Porterville, CA 93257

PROJECT LOCATION: 1813 Thunderbolt Dr.

At the regularly scheduled City Council meeting of April 6, 2004, Staff was directed to carry this item over to the April 20, 2004 City Council meeting.

SPECIFIC REQUEST: The applicant is requesting approval of an AD (Airport Development) Zone Site Review to allow for the construction of a 10,000 square foot metal building with a proposed 936 square foot office inside of the building and a proposed patio/picnic area next to the proposed building. The subject site consists of 1.80± acres and is currently developed with an existing 10,000 square foot building with an office inside, a 1,728 square foot covered work area, open storage and existing parking. The proposed building will replace the covered work area.

The site is within the AD/AS (Airport Development/Airport Safety Overlay) Zone. Within the AS Zone, there are six (6) types of aviation related zones to ensure safe operation of the airport. The subject site is within the H (Horizontal) Zone which imposes a 150 foot height limit. Notification of the proposed project has been sent to the FAA. Prior to issuance of a building permit, approval from the FAA will be required.

ENVIRONMENTAL: Pursuant to Section 15332 Class 32 (In-Fill Development Projects) of the California Environmental Quality Act, the proposed project is categorically exempt.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution with findings and conditions approving AD Zone Site Review 1-2004.

DD _____ APPROPRIATED/FUNDED _____ CM _____ ITEM NO. 11
CITY COUNCIL AGENDA: APRIL 20, 2004

STAFF REPORT

TITLE: AD ZONE SITE REVIEW 1-2004

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

APPLICANT: Ken Dewing
Endurequest
1813 Thunderbolt Dr.
Porterville, CA 93257

AGENT: Laubacher Construction
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The subject site consists of 1.80± acres. The site is currently developed with an existing 10,000 square foot building with an office inside, a 1728 square foot covered work area, open storage and existing parking. The proposed building will replace the covered work area.

On May 1, 1990, the Porterville City Council approved AD (Airport Development) Zone Site Review 1-90 (Poly Portables) by Resolution 56-90 for the currently existing 10,000 square foot metal building, to include an office within that building located to the east of the proposed building. Additionally, two (2) uncovered product storage areas are located to the south of the proposed and existing buildings.

GENERAL PLAN DESIGNATION: Industrial

SUBJECT SITE ZONING AND LAND USE: The site (presently developed as mentioned above) is within the AD/AS (Airport Development/Airport Safety Overlay) Zone. Within the AS Zone, there are six (6) types of aviation related zones to ensure safe operation of the airport. The subject site is within the H (Horizontal) Zone which imposes a 150 foot height limit. Notification of the proposed project has been sent to the FAA.
SURROUNDING AREA ZONING AND LAND USE:

NORTH: County - Orange grove
SOUTH: City AD/AS - Industrial uses
EAST: City - Vacant land
WEST: City - Airplane hangers

ENVIRONMENTAL: Pursuant to Section 15332 Class 32 (In-Fill Development Projects) of the California Environmental Quality Act, the proposed project is categorically exempt.

STAFF ANALYSIS: The proposed development is consistent with the requirements of the AD/AS (Airport Development/Airport Safety Overlay) Zone, other Zoning Ordinance Section and the Airport Master Plan.

Prior to issuance of a building permit, approval from the FAA will be required.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would allow the applicants to continue operating at this location absent the proposed building.

2. Approve the project. Approval of the request would result in the applicants being conditionally allowed to continue the existing use of the site with the 10,000 square foot building.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: January 15, 2003

DATE ACCEPTED AS COMPLETE: March 5, 2004

RECOMMENDATION: That the City Council:

(a) Adopt the draft resolution with findings and conditions approving AD Zone Site Review 1-2004.

ATTACHMENTS:

1. Notice of Exemption
2. Draft Resolution of Approval to include plot plan, floor plan, office plan and elevations (Exhibit “A” of Approval Resolution)
RESOLUTION NO._________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE APPROVING AD ZONE SITE REVIEW 1-2004 TO ALLOW THE
CONSTRUCTION OF A 10,000 SQUARE FOOT METAL BUILDING TO BE LOCATED AT
1813 THUNDERBOLT DRIVE IN THE PORTERVILLE AIRPORT COMPLEX

WHEREAS: At the regularly scheduled City Council meeting of April 6, 2004, Staff was
directed to carry this item over to the April 20, 2004 City Council meeting.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of April 6, 2004, considered AD Zone Site Review 1-2004 to allow for the construction of a 10,000
square foot metal building at 1813 Thunderbolt Drive; and

WHEREAS: It is the determination of the Porterville City Council that the subject
development proposal as submitted by the applicant for the non-aviation oriented industrial building
is not likely to disrupt the balance of airport uses.

NOW THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville
does hereby approve Airport Development Zone Site Review 1-2004 subject to the following
conditions:

1. Prior to issuance of a building permit, approval from the FAA will be required.

2. The proposed construction will be required to comply with the standards for development
within the Airport Industrial Park.

3. Unless otherwise noted herein, the developer/applicant shall comply with City Master Plans,
Specifications (Rev. 8-20-02), the Tulare County Hazardous Waste Management Plan, the

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

5. The developer/applicant shall comply with Appendix Chapter 33 of the Uniform Building
Code including provision of a grading and drainage plan signed by a licensed civil engineer
or architect. The developer/applicant shall comply with City Retaining Wall Standards
(adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
6. The developer/applicant shall construct and/or repair any street, curb, gutter, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. 1306).

7. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. 1306).

8. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 of the Zoning Ordinance.

9. If it is anticipated that interstate (extra length) trucks will be used to service this property, then the developer/applicant shall pay the required fee and apply for revision to the STAA Truck Route before the permit is issued. Then he shall pay the cost for the City to construct any required improvements and wait for the City to construct them before the certificate of occupancy is issued.

10. The developer/applicant shall comply with Ordinance No. 1288 regarding Waste Water Discharge requirements and shall complete and submit the following:

   a. Wastewater Discharge Permit Application; and
   b. Payment of Permit Fee.

If monitoring is required, based on the responses to questions in the Wastewater Discharge Permit, then the developer/applicant shall provide monitoring facilities complying with City standards to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

11. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, develop and maintain a Hazardous Materials Business Plan Program, comply with Chapter 6.95 of the Health and Safety Code, notify the Hazardous Materials unit of the Tulare County Division of Environmental Health, and submit written proof of compliance with County requirements prior to issuance of a certificate of occupancy.

12. If an underground storage tank(s) is to be used for storage of hazardous substances, comply with California Health and Safety Code, Division 20, Chapter 6.7, Section 25280 through 25299.6, governing the underground storage of hazardous substances.

13. The developer/applicant shall construct the pipe connecting to on-site fire hydrant(s) to City water main standards and shall provide easements for maintenance of on-site fire hydrants.
14. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

15. The landscape planting shall be watered by an automatic irrigation system and shall be landscaped as shown on the revised plans. All landscaping shall be installed prior to occupancy and be permanently maintained.

16. The developer/applicant shall pay for a minimum of three street tree(s) along Thunderbolt Drive. The tree(s) shall either be planted by the City of Porterville, or the developer, or by payment of a planting deposit, refundable upon the planting of each tree as each phase develops.

17. Subject to plan, Lots #1 and #4 will be subject to LMD fees, $.00374 per sq. ft., based on lot size. See attached formula.

18. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law.

19. That all construction/improvements will be in conformance with the attached EXHIBIT “A” of the approval resolution.

Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By ____________________________
Georgia Hawley, Deputy
SUBJECT: AUTHORIZE A MUNICIPAL CODE AMENDMENT PERTAINING TO THE SUBDIVISION REVIEW COMMITTEE AND MISCELLANEOUS TECHNICAL PROVISIONS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On January 20, 2004, the City Council approved modifications to a number of committees served by the Community Development Department. Included among the changes was the direction to amend the Municipal Code to eliminate the Subdivision Review Committee. Since the Code requires amendment, Staff is seeking authorization to amend provisions of the Subdivision Ordinance relative to the section on “Authority to vary requirements” for hillside developments, and bring other provisions of the Code into conformance with the Subdivision Map Act and other regulations.

In order to implement the Council’s direction, Staff is seeking authorization to set a public hearing for consideration of the code amendment. Changes would include but are not limited to provisions for lot mergers, lot line adjustments, variations, etc. As staff has not completed development of the specific amendment language, the amendment could consist of language changes in various sections of the Municipal Code.

RECOMMENDATION: That City Council authorize Staff to schedule and advertise for a public hearing for a general amendment to the Municipal Code pertaining to subdivision regulations, procedures and technical updates.
SUBJECT: CONSTRUCTION AGREEMENTS FOR PORTERVILLE MITIGATION AREA NO. 1 (VALLEY ELDERBERRY LONGHORN BEETLE PRESERVE)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: At a prior meeting, the City Council authorized Staff to enter into sole source negotiations with the California Conservation Corps to construct Porterville Mitigation Area No. 1. The City of Porterville has a contract with Impact Sciences to provide consulting services for compliance with the Endangered Species Act. Impact Sciences retained Wildlands, Inc. as a subconsultant. On March 4, 2003, the City Council authorized an amendment to the contract with Impact Sciences to expand the role of Wildlands, Inc. to include design of the irrigation and planting plans for the mitigation site. At the time, it was understood that a subsequent amendment would be prepared to authorize Wildlands, Inc. to provide construction management services as well. The development plans are approaching completion and Staff is now prepared to present the following for review and approval by City Council.

1) Agreement for construction services by the California Conservation Corps. At Staff’s request, Wildlands, Inc. conducted an informal survey of various landscape construction contractors and has concluded that the cost estimate of $8,500 prepared by the California Conservation Corps compares quite favorably to other available alternatives. Among other advantages, the California Conservation Corps is able and willing to contribute State Bond Funds to offset a portion of the labor costs and is also prepared to contribute various materials out of their existing inventory at no cost to the City.

2) Wildlands, Inc. has prepared an estimate for providing construction management and oversight services for the project of $19,235.00 to include continuous oversight of construction by a restoration ecologist and provision of daily construction logs and As-Built drawings. Impact Sciences is expected to provide an amended agreement incorporating this estimate shortly.
The remaining expenditures yet to be brought to City Council for approval include the installation of an irrigation well and pump and the purchase of irrigation and related project materials. Funds for this project have been set aside from Certificates of Participation.

RECOMMENDATION: That the City Council:

1. Authorize the Mayor to sign the agreement with the California Conservation Corps to provide construction services for Porterville Mitigation Area No. 1 and authorize payment of $8,500 plus 10% for contingencies.

2. Authorize the Mayor to sign an amended agreement with Impact Sciences to include Construction Management services by Wildlands, Inc. and authorize payment of $19,235.00 plus 10% for contingencies.

ATTACHMENTS:

1. California Conservation Corps Project Evaluation
2. Wildlands, Inc., Scope of Work
**A** PROJECT DATA

<table>
<thead>
<tr>
<th>Project/Work Code: R-04-3024</th>
<th>Center Code: 850 SEQUOIA</th>
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<tbody>
<tr>
<td>Location Code: 00 PORTERVILLE</td>
<td>Resource Category: CRC</td>
</tr>
<tr>
<td>Project Title: VELB MITIGATION PROJECT</td>
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</table>

**Project Description:**
The City of Porterville in order to comply with regulations set by the Federal Endangered Species Act has established a land preserve in which 1416 trees will be planted including 885 Sambucus Mexicana or Blue Elderberry.

This work will provide the CCC with the opportunity to complete a majority of the mitigation site preparation. The CCC work at this site will include a worker entrance, 1900 LF of new five strand barbed wire fence, 2500 LF ...

**B** SPONSOR INFORMATION

<table>
<thead>
<tr>
<th>Agency Code: 40000</th>
<th>Sponsoring Agency: CITY OF PORTERVILLE</th>
<th>Address: 291 N MAIN STREET</th>
</tr>
</thead>
<tbody>
<tr>
<td>City: PORTERVILLE</td>
<td>State: CA</td>
<td>ZIP: 93257-</td>
</tr>
</tbody>
</table>

**Sponsor Representative:** BRADLEY DUNLAP  
**Title:** COMMUNITY DEVELOPMENT DIRECTOR  
**Phone:** (559) 782-7460

**Technical Supervisor:** RANDY ROUDA  
**Title:** ASSOCIATE PLANNER  
**Phone:** (559) 782-7460

**C** EMERGENCY RESPONSE INFORMATION

<table>
<thead>
<tr>
<th>CDF Incident #</th>
<th>Request #</th>
<th>OES #</th>
<th>HQ Ref. #</th>
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<tbody>
<tr>
<td>CCC Index #</td>
<td>Corpsmember Overtime Pay Serial #</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**D** ESTIMATE INFORMATION

| Hours: 0 |
| Start Date: 04/12/2004 |

**E** WORKSITE INFORMATION

| Directions to Worksite Location: |
| ZIP: 93257- | County Code: 54 | County: TULARE |

**F** FOR HQ USE ONLY

| Received: | Logged: | Verified: |
| Analyst: | Entered: | Checked: |

Field Operations Database System Ver: 1.0.11 (10/01/2003)

ATTACHMENT ITEM NO. 2
[G] EDUCATIONAL ACTIVITIES

Sponsor: Educational presentation to increase Corpsmember understanding of the natural environment. Length of time scheduled: 3.50 Hrs.
The City of Porterville will have a restoration ecologist from Wildlands, Inc. at the project site. Besides the technical advise, this person will also be able to provide backround and educate Corpsmembers in restoration principals and theories. Corpsmembers will also learn biology and characteristics of the Valley Elderberry Longhorn Beetle.

CCC: The CCC will be doing the following work/learn activities. Length of time scheduled: 3.50 Hrs.
Corpsmembers will learn how to read blueprints, build barbed wire fence, trenching, irrigation and planting. CM's will recieve an orientation regarding mitigation site standards for each phase of the project. CM's will be asked about thier ability to retain presented information. Educating, skill building and hands on training will be the focus of this project ...

[H] EQUIPMENT, MATERIALS, AND LABOR

To be supplied by Sponsor:
Materials related to project
Restoration Ecologist
Tractor for mowing
Trencher

To be supplied by CCC:
70 "T" post
2680 ft. Barbed wire
Stays
Crew Supervisor
Basic Hand Tools

Special SPIKE equipment needed by crew:

SPIKE Information (description and location of housing):
[I] NARRATIVE ON HOW PROJECT WILL MEET ALL LEGISLATIVELY MANDATED OBJECTIVES
(Assign a numerical rating: 0=none, 1=low, 2=medium, 3=high)

Conserving, improving, developing natural resources, maintaining environmentally important lands or waters. RATING: 3
The Valley Elderberry Longhorn Beetle is on the Federal list of endangered species. Blue elderberry plays a role in every phase of its life cycle.

Providing public benefit or access (Estimated visitor use, increased safety, reduced maintenance costs, etc.) RATING: 3
The VELB mitigation site will be used for public education and will eventually be part of the Tule River Parkway.

Providing Corpsmembers with opportunities for training in employable skills (e.g. specific tools and use, fire control, carpentry) RATING: 3
On the first day Corpsmembers will receive three and a half hours of orientation and training. Throughout the project CMs will receive vario...

[J] PROJECT CHECKLIST & SIGNATURE BLOCKS

SIGNING THIS DOCUMENT VERIFIES THAT:

- A Sponsor Agreement (CCC 96) is on file at Headquarters.
- If a reimbursable project, a CCC-96A or STD-13 agreement has been submitted to Headquarters.
- If the Sponsor is a non-profit entity, a statement of non-profit status and Private Property/Sponsor Authorization form have been submitted to HQ.
- If the Sponsor is a for-profit entity, a Private Property/Sponsor Authorization has been submitted to HQ.
- The project conforms to CCC's Injury and Illness Prevention Program (IIPP)

Project Coordinator: MIKE ANDERSON
Print: [Signature]
Date: 04/08/04

District Director:

THE SPONSOR REPRESENTATIVE AGREES TO THE FOLLOWING:

- If there are hazardous materials present, the sponsor has provided the location, identity, and amounts of any hazardous substances at the worksite and provided all Material Safety Data Sheets for hazardous materials that are present at the worksite
- To the best knowledge of the sponsor, the worksite is free of any known hazardous materials.

AND

- That all applicable local, state, and federal permits, approvals, and clearances have been obtained.

Sponsor Representative: [Signature]
Date: [Signature]
Project Description: (cont.)
worker entrance, 1900 LF of new five strand barbed wire fence, 2500 LF of irrigation and 1416 trees planted complete with stakes and tree shelters.

Elderberry is the sole habitat for Federally threatened Valley Elderberry Longhorn Beetle. The beetle depends on the elderberry tree in every phase of its life cycle.

This mitigation site will eventually be part of the Tule River Parkway trail system which the CCC has been a part in its construction and maintenance. Until the time in which this trail is connected the site will be used for public educational purposes.

CCC: Work/Learn activities: (cont.)
and hands on training will be the focus of this project.

1. Trenching- CM's will learn to operate a gas powered hand held trencher.

2. Laying PVC Pipe- CM's will learn the different types and sizes of PVC pipe, how to use a tape measure, pipe fitting and testing.

3. Planting Trees- CM's will learn about the six species of plants being planted, proper planting technics, and tree shelter placement.

LEGISLATIVE MANDATE - Corpsmember Skills: (cont.)
orientation and training. Through out the project CMs will recieve various training and environmental awareness topics. Corpsmembers will learn how to read blueprints, who the key sponsors are and the benefits to the community, and the recreational educational advantages when the trail is complete. Corpsmembers will gain skills in various landscaping technics including fence construction, trenching, irrigation pipe layout, and planting.

Field Operations Database System Ver: 1.0.11 (10/01/2003)
STATE OF CALIFORNIA
AGREEMENT ADDENDUM
CCC-96A (REV. 5/95)

A) The California Conservation Corps (CCC), agrees to provide crew labor for the project titled:
VELB Mitigation Project

☐ □ FIRST YEAR FISCAL DISPLAY FY __03/04__

<table>
<thead>
<tr>
<th>LABOR</th>
<th>Hours</th>
<th>Rate/HR</th>
<th>Totals</th>
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<td>CM Overtime:</td>
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EXPENSES

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See Section D. TOTAL: $ 8,500.00

D) The total amount payable by Sponsor to CCC under this agreement shall not exceed $ 8,500.00

E) The CCC shall forward billing for labor and/or operating expenses with supporting documentation in triplicate to Sponsor, □ monthly, □ quarterly, X at end of contract. Sponsor agrees to pay CCC within 50 days from receipt of bill.

Negotiated Advance Payments $____

STATE OF CALIFORNIA
California Conservation Corps
Date: __________________________

Signature: ______________________
Print: __________________________
Title: __________________________

SPONSOR MAILING ADDRESS
291 N. Main St.
Porterville, Ca. 93257

SPONSOR BILLING ADDRESS:

CCC DISTRICT VERIFICATION
Conservation Supervisor
Business Services

FORWARD PAYMENTS TO:
California Conservation Corps
Accounting/Receivables
1719 24th Street
Sacramento, CA 95816

Office of Budget Management
CALIFORNIA CONSERVATION CORPS PROJECT EVALUATION

[A] PROJECT DATA

Center Code: 850 SEQUOIA
Location Code: 00 PORTERVILLE
Resource Category: CRC

Project/Work Code: P-04-3025

Project Title: PARK BOND-VELB MITIGATION PROJECT

Project Description:
The City of Porterville in order to comply with regulations set by the Federal
Endangered Species Act has established a land preserve in which 1416 trees
will be planted including 885 Sambucus Mexicana or Blue Elderberry.

This park bond project will provide the CCC with the opportunity to complete a
majority of the mitigation site preparation. The CCC work at this site will
include a worker entrance, 1900 LF of new five strand barbed wire fence, 25

[B] SPONSOR INFORMATION

Agency Code: 40000
Sponsoring Agency: CITY OF PORTERVILLE
Address: 291 N MAIN STREET

City: PORTERVILLE State: CA ZIP: 93257-

Sponsor Representative: BRADLEY DUNLAP
Title: COMMUNITY DEVELOPMENT DIRECTOR
Phone: (559) 782-7460

Technical Supervisor: RANDY ROUDA
Title: ASSOCIATE PLANNER
Phone: (559) 782-7460

[C] EMERGENCY RESPONSE INFORMATION

CDF Incident # - Request # - OES # - HQ Ref. # - Corpsmember Overtime Pay Serial #

CCC Index #

[D] ESTIMATE INFORMATION

Hours: 1618
Start Date: 04/12/2004

[E] WORKSITE INFORMATION

Directions to Worksite Location:
Hwy 190, 2 miles east of Plano Street, north side of highway.

ZIP: 93257- County Code: 54 County: TULARE

[F] FOR HQ USE ONLY

MIKE ANDERSON 04/08/2004, 11:48am

Received: Logged: Verified:
Analyst: Entered: Checked:

Field Operations Database System Ver: 1.0.11 (10/01/2003)
[G] EDUCATIONAL ACTIVITIES

Sponsor: Educational presentation to increase Corpsmember understanding of the natural environment. Length of time scheduled: 3.50 Hrs. The City of Porterville will have a restoration ecologist from Wildlands, Inc. at the project site. Besides the technical advise, this person will also be able to provide backround and educate Corpsmembers in restoration principals and theories. Corpsmembers will also learn biology and characteristics of the Valley Elderberry Longhorn Beetle.

CCC: The CCC will be doing the following work/learn activities. Length of time scheduled: 3.50 Hrs. Corpsmembers will learn how to read blueprints, build barbed wire fence, trenching, irrigation and planting. CM's will recieve an orientation regarding mitigation site standards for each phase of the project. CM's will be asked about thier ability to retain presented information. Educating, skill building and hands on training will be the focus of this project ...

[H] EQUIPMENT, MATERIALS, AND LABOR

| To be supplied by Sponsor: |
| Materials related to project |
| Restoration Ecologist |
| Tractor for mowing |
| Trencher |

| To be supplied by CCC: |
| 70 "T" post |
| 2680 ft. Barbed wire |
| Stays |
| Crew Supervisor |
| Basic Hand Tools |

Special SPIKE equipment needed by crew:

SPIKE Information (description and location of housing):
[I] NARRATIVE ON HOW PROJECT WILL MEET ALL LEGISLATIVELY MANDATED OBJECTIVES
(Assign a numerical rating: 0=none, 1=low, 2=medium, 3=high)

Conserving, improving, developing natural resources, maintaining environmentally important lands or waters. RATING: 3
The Valley Elderberry Longhorn Beetle in on the Federal list of endangered species, Blue elderberry plays a role in every phase of its life cycle.

Providing public benefit or access (Estimated visitor use, increased safety, reduced maintenance costs, etc.) RATING: 3
The VELB mitigation site will be used for public education and will eventually be part of the Tule River Parkway.

Providing Corpsmembers with opportunities for training in employable skills (e.g. specific tools and use, fire control, carpentry) RATING: 3
On the first day Corpsmembers will receive three and a half hours of orientation and training. Throughout the project CMs will receive vario ...
Project Description: (cont.)
include a worker entrance, 1900 LF of new five strand barbed wire fence, 2500 LF of irrigation and 1416 trees planted complete with stakes and tree shelters.

Elderberry is the sole habitat for Federally threatened Valley Elderberry Longhorn Beetle. The beetle depends on the elderberry tree in every phase of its life cycle.

This mitigation site will eventually be part of the Tule River Parkway trail system which the CCC has been a part in its construction and maintenance. Until the time in which this trail is connected the site will be used for public educational purposes.

CCC: Work/Learn activities: (cont.)
and hands on training will be the focus of this project.

1. Trenching- CM's will learn to operate a gas powered hand held trencher.

2. Laying PVC Pipe- CM's will learn the different types and sizes of PVC pipe, how to use a tape measure, pipe fitting and testing.

3. Planting Trees- CM's will learn about the six species of plants being planted, proper planting technics, and tree shelter placement.

LEGISLATIVE MANDATE - Corpmember Skills: (cont.)
orientation and training. Through out the project CMs will recieve various training and environmental awarness topics. Corpsmembers will learn how to read blueprints, who the key sponsors are and the benefits to the community, and the recreational educational advantages when the trail is complete. Corpsmembers will gain skills in various landscaping technics including fence construction, trenching, irrigation pipe layout, and planting.
SCOPE OF WORK FOR CONSTRUCTION OVERSIGHT SERVICES FOR THE CITY OF PORTERVILLE'S HEADGATE MITIGATION SITE PROJECT

Wildlands, Inc. (Wildlands) will assist the City of Porterville (City) in implementing the Headgate Mitigation Site project. This assistance will consist of the following tasks:

Task 1. Materials Procurement

Wildlands will assist in identifying vendors and materialmen for the City to then purchase the necessary construction materials needed to implement the project. This includes:

- Container plant materials
- Planting supplies, including tree tubes, weed mats, and fertilizer
- Irrigation supplies, including PVC pipe and fittings, valves, and drip emitters
- Geotechnical fabric for the perimeter access road
- Crushed rock for access road
- Fencing material

Wildlands will help arrange the purchase of the above supplies and arrange for their transport to the project site. The City will reimburse Wildlands for the cost of any time spent in arranging, purchasing, and transporting the materials.

Task 2. Provide Construction Oversight

Wildlands will work closely with the City and the contractor during project implementation to ensure project completion. Wildlands will assist in preparing and conducting a pre-construction meeting with the City and the contractor to review the construction documents, and become familiar with the project site. A Restoration Ecologist from Wildlands will work with the contractor on a daily basis to observe and document construction progress. The Wildlands Restoration Ecologist will be on-site at all times during the construction period. The following is a list of tasks that will be completed by Wildlands during construction.

1. Pre-Construction Review
   - Observation of protective fencing installation
   - Observation of mowing and pruning (if necessary) of firebreaks

2. Irrigation Review
   - Irrigation component staking
   - Observation of irrigation system installation
• Observation of pressure testing

3. Planting Review
  • Plant location staking
  • Observation of plant installation

4. Other Construction Activities
  • Observation of access road installation
  • Fencing installation observation

5. Post-construction
  • Observation of erosion control materials installation

Detailed construction logs will be prepared on a daily basis documenting construction progress. Issues that arise during construction will be documented in the construction log for future action. Wildlands will also review and make recommendations on any change orders submitted by the contractor.

Once construction is complete, Wildlands will attend a final walk-through of the site with the City and the contractor to review the completed project. If construction items are found to be incorrect or incomplete, a ‘punch list’ will be compiled and given to the contractor. Final acceptance of the project will be given after all of the items on the punch-list have been addressed.

Task 3. Prepare As-Built Drawings

After construction of the project is complete, a set of as-built construction drawings will be prepared by Wildlands. These drawings will reflect the actual as-constructed condition of project elements and reflect any changes made in the field as directed by the restoration ecologist. Two copies of the as-built drawings will be prepared.

Assumptions

1. City will obtain all permits associated with project implementation

2. City will arrange to conduct operations and maintenance of the project site after final acceptance.

3. The cost estimate assumes a 3 week construction period.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT  
COMISION HONORIFICA MEXICANA-AMERICANA, INC.  
CINCO DE MAYO FESTIVITIES  
April 30, 2004 – May 2, 2004

SOURCE: Administrative Services - Finance Division, Business Tax Section

COMMENT: The Comision Honorifica Mexicana-Americana, Inc., is requesting approval to hold its annual Cinco de Mayo festivities from April 30 to May 2, 2004. The event includes a parade down Main Street on Saturday, May 1, 2004, from 7:00 a.m. to 12:00 p.m., and a fiesta with a beer garden in the Municipal Ball Park from April 30, 2004, through Sunday, May 2, 2004, from 8:00 a.m. to midnight.

The following street and sidewalk closures are requested:

PARADE ROUTE: Main Street from Morton Avenue to Vine Avenue.
PARADE LINEUP:  
Harrison Avenue from Division Street to the alley east of Main Street;  
Thurman Avenue from Division Street to the alley east of Main Street; and  
Putnam Avenue from Division Street to the alley east of Main Street.
PARADE DISBURSEMENT: Olive Avenue from Hockett Street to Third Street.
PARADE VIEWING:  
Garden Avenue from the alley west of Main Street to the alley east of Main Street;  
Mill Avenue from the alley west of Main Street to the alley east of Main Street; and  
Oak Avenue from the alley west of Main Street to the alley east of Main Street.
SIDEWALKS: Main Street from Putnam Avenue to Olive Avenue, both sides.

No street closure has been requested for Olive Avenue between A Street and Plano Street for the fiesta; however staff is recommending that Council give the authority to the Chief of Police, or his designated representative, to close the street if the volume of pedestrian and vehicular traffic warrants closure for reasons of public safety.

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

The street closures for the parade will cause a disruption in Fixed Route bus service between 7:00 a.m. and 12 noon. Staff is recommending that Fixed Route bus service be suspended on Saturday, May 1, 2004, until 1:00 p.m. Demand-Response service will operate within its normal schedule.

RECOMMENDATION: That the Council approve:

1. The Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application, Agreement, and Exhibit "A".

2. Authorize the Chief of Police, or his designee, to close Olive Avenue between A Street and Plano Street, if warranted to address public safety concerns; and

3. Authorize the Fixed Route bus service to suspend operations until 1:00 p.m. on Saturday, May 1, 2004.

ATTACHMENT: Community Civic Event Application, Agreement, Exhibit A Outside Amplifier Permit Alcoholic Beverage Permit
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
COMISION HONORIFICA MEXICANA-AMERICANA, INC.
CINCO DE MAYO FESTIVITIES
APRIL 30, 2004 - MAY 2, 2004

Business License Supervisor: K. Maxwell

Public Works Director: Baldo Rodriguez
No comments.

Community Development Director: B. Dunlap
Obtain City Council approval for use of public right-of-way.

Field Services Manager: B. Styles
City to provide street closure, cans, sweeper.

Fire Chief: F. Guyton
No comments.

Parks/Leisure Services Operations: M. Stowe
Stay out of planters, clean-up after event.

Police Chief: S. Rodriguez
Council approval required for street closure. Beer garden confined to ball park area. Security guards are to be posted at the entrance/exit locations of beer garden. Parade should have adequate dispersal area.

Risk Manager: D. Pyle
See Page 2.

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

Sponsor: Comision Honorifica Mexicana-Americana, Inc.
Event: Cinco de Mayo Festivities
Event Chairman: Roberto de la Rosa (559) 784-1214
Location: Parade - Main Street from Morton Avenue to Olive Avenue including the closure of select cross-streets and parallel streets
Fiesta - Municipal Ball Park on Olive Avenue
Date of Event: April 30, 2004 to May 2, 2004

RISK MANAGEMENT: Conditions of Approval

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

3. That the Comision Honorifica Mexicana-Americana, Inc., provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $2,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event; and a Certificate of Liquor Liability Insurance evidencing coverage of not less than $1,000,000 per occurrence and naming the City of Porterville, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation of a beer garden.

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

   a. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an “admitted” insurer in the State of California.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Comision Honorifica Mexicana-Americana, Inc.
Event: Cinco de Mayo Festivities
Event Chairman: Roberto de la Rosa (559) 784-1214
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   a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

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

EXHIBIT “A,” Page 2
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
COMISION HONORIFICA MEXICANA-AMERICANA, INC.
CINCO DE MAYO FESTIVITIES
APRIL 30, 2004 - MAY 2, 2004

Business License Supervisor:  
K. Maxwell


Public Works Director:  
Baldo Rodriguez

No comments.

Community Development Director:  
B. Dunlap

Obtain City Council approval for use of public right-of-way.

Field Services Manager:  
B. Styles

City to provide street closure, cans, sweeper.

Fire Chief:  
F. Guyton

No comments.

Parks/Leisure Services Operations:  
M. Stowe

Stay out of planters, clean-up after event.

Police Chief:  
S. Rodriguez

Council approval required for street closure. Beer garden confined to ball park area. Security guards are to be posted at the entrance/exit locations of beer garden. Parade should have adequate dispersal area.

Risk Manager:  
D. Pyle

See Page 2.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 3-17-04  Event date: 5-1-04 & 5-2-04

Name of Event: Cinco de Mayo Festivities
Sponsoring organization: Comision Honorifica Mex. Am. Inc
Address:
Authorized representative: Fred Beltran
Address: 24737 AVE 80
Event chairperson: Roberto dela Rosa
PHONE # 535-2607  PHONE # 784-1214
Location of event (location map must be attached):

Type of event/method of operation: Parade

Nonprofit status determination: 501C-3

City services requested (any fees associated with these services will be billed separately):
Barricades (quantity):  Street sweeping  Yes  ✔  No  
Police protection  Yes  ✔  No  Refuse pickup  Yes  ✔  No  
Other:

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

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

Approve  Deny

Bus Lic Spvr
Pub Works Dir
Comm Dev Dir
Field Svcs Mgr
Fire Chief
Parks Dir
Police Chief
Risk Manager
CITY OF PORTERVILLE

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

Authorization: This permit must be submitted 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:

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

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

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

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

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

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

(Name of organization)  (Signature)  (Date)
CITY OF PORTERVILLE

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

Name of event: Cinco de Mayo

Sponsoring organization: Comision Honorifica Mex. Am. Inc.

Location: Main ST Event date: 5/1/04

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION. This form should be completed at the time of application, but must be submitted one week prior to the event.

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3 of 4
CITY OF PORTERVILLE

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

Name of event: Cinco de Mayo Parade

Sponsoring organization: Comision Honorifica Mexicana Americana Inc.

Event date: 5/1/04  

Hours: 7 Am to 12:00 noon

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

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Parking lots and spaces

Location

Activity
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-14 & 18-9)

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

1. Name and home address of the applicant:
   
   **Comision Honorifica Mex. Am.**
   
   Phone # 535-2607
   
   368 E. DATE AVE
   
   MAIL
   
   P.O. BOX 2043

2. Address where amplification equipment is to be used:
   
   **Porterville Municipal Ballpark**
   
   Phone # 285-6054

3. Names and addresses of all persons who will use or operate the amplification equipment:
   
   **Diane Martinez**
   
   1028 N. Beaver St.
   
   Porterville CA

   **Radio Campesino**
   
   3106 S. Mooney Blvd
   
   Visalia CA

4. Type of event for which amplification equipment will be used:
   
   **Cinco de Mayo Festivities**

5. Dates and hours of operation of amplification equipment:
   
   4/30/04 - 9 AM to 2:00 PM - 6:00 PM to 10:00 PM
   
   5/1/04 - Noon until 11:00 PM
   
   5/2/04 Noon until 11:00 PM

6. A general description of the sound amplifying equipment to be used:
   
   **Outdoor Concert**
I hereby certify that all statements and answers on this registration form are true and correct.

Applicant

Silver Rodriguez
Chief of Police

Date

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

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

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

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

cc: Watch Commander ppo

3/27/01
Department of Alcoholic Beverage Control
APPLICATION FOR DAILY LICENSE

Instructions: Complete all items. Submit with required fee (Cashier's Check or Money Order) payable to ABC. Once license is issued, fee cannot be refunded.

1. ORGANIZATIONS NAME

           Comision Honorifica Mexicana Americana, Inc.

2. LICENSE TYPE (Check appropriate license type AND organization type)
   a. [ ] Daily General ($25.00)  (Includes beer, wine and distilled spirits)
      [ ] Political Party/Affiliate Supporting Candidate for
      Public Office or Ballot Measure
      [ ] Fraternal Organization in Existence Over Five Years
         with Regular Membership
      [ ] Organization Formed for Specific Charitable or Civic Purpose
      [ ] Religious Organization
      [ ] Vessel per Section 24045.10 B&P
      [ ] Other:

   b. [x] Special Daily Beer ($15.00)
       [ ] Special Daily Beer & Wine ($30.00)
       [ ] Special Daily Wine ($15.00)
       [ ] Charitable
       [ ] Fraternal
       [ ] Social
       [ ] Political
       [ ] Civic
       [ ] Religious
       [ ] Cultural
       [ ] Amateur Sports Organization

3. [ ] Special Temporary License ($100.00)  (Different privileges depending on statute)
   [ ] Television Station per Section 24045.2 or 24045.9 B&P
   [ ] Nonprofit Corporation per Sections 24045.4 and 24045.6 B&P
   [ ] Person conducting Estate Wine Sale per Section 24045.8 B&P
   [ ] Women's Educational and Charitable Organization per
       Section 24045.3 B&P
   [ ] Other:

   Other Special Temporary Licenses, per Section

   Amount $  

4. EVENT TYPE
   [ ] Dinner  [ ] Dance  [ ] Wedding  [ ] Lunch  [ ] Picnic  [ ] Barbeque  [ ] Social Gathering  [x] Festival  
   [ ] Concert  [ ] Birthday  [ ] Mixer  [ ] Carnival  [ ] Dinner Dance  [ ] Other:

5. ESTIMATED ATTENDANCE

   $ 2, 500

6. TOTAL # OF DAYS

   FROM NOON
   TO 10:00 PM

7. EVENT DATE(S)

   5/1/04  5/2/04

8. EVENT IS OPEN TO THE PUBLIC
   [x] Yes  [ ] No

9. EVENT LOCATION (Give facility name, if any; street number and name, and city)

   Porterville Municipal Ballpark

10. LOCATION IS WITHIN THE CITY LIMITS
    [x] Yes  [ ] No

11. TYPE OF ENTERTAINMENT
    [x] D.J. & LIVE BANDS  [ ] No

12. SECURITY GUARDS
    [x] Yes  [ ] No
    If yes, how many? See attachment

13. AUTHORIZED REPRESENTATIVE'S NAME

   Fred Beltran

14. REPRESENTATIVE'S TELEPHONE NUMBER

   333-4200

15. REPRESENTATIVE'S ADDRESS

   24737 AVE 80 TERRA B bella CA. 93270

16. ORGANIZATION'S MAILING ADDRESS (If different from #15 above)

   P.O. BOX 2043 PORTERVILLE CA. 93276

17. AUTHORIZED REPRESENTATIVE'S SIGNATURE

   Fred Beltran

18. DATE SIGNED

   3/1/04

LAW ENFORCEMENT APPROVAL REQUIRED BY (Name), if applicable
Silver Rodriguez, Chief of Police
PORTERVILLE POLICE DEPARTMENT

LAW ENFORCEMENT SIGNATURE

DATE SIGNED
MARCH 30, 2004

For Department Use Only

PROPERTY OWNER APPROVAL REQUIRED
[ ] Yes, attached  [ ] No

CONDITIONS/ACKNOWLEDGMENTS REQUIRED
[ ] Yes, attached  [ ] No

DIAGRAM REQUIRED
[ ] Yes, attached  [ ] No

LAW ENFORCEMENT APPROVAL REQUIRED
[ ] Yes, attached  [ ] No

DISTRICT APPROVAL BY (Name)

ABC EMPLOYEE SIGNATURE

ISSUANCE DATE

ABC-221 (10/02)

TOTAL P. 81
COUNCIL AGENDA: APRIL 20, 2004

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE MUSEUM BIKE SHOW
August 14, 2004

SOURCE: Administrative Services - Finance Division, Business Tax Section

COMMENT: Porterville Museum is requesting approval to hold a Bike Show on Saturday, August 14, 2004, from 6:00 a.m. to 4:30 p.m. No street closures are requested. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and reviewed by all of the departments involved. All requirements are listed on the attached Exhibit "A." The application, Exhibit "A," the agreement, request for street closures, and a map showing the street closures requested are attached.

RECOMMENDATION: That Council approve the Community Civic Event Application and Agreement from Porterville Museum for a Bike Show on Saturday, August 14, 2004, subject to the insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement.

ATTACHMENT: Community Civic Event Application and Agreement.

D.D. Appropriated/Funded C.M. Item No. 15
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

PORTERVILLE MUSEUM

BIKE SHOW

AUGUST 14, 2004

Business License Supervisor:  
K. Maxwell
Council approval required; business license verification of any vendors.

Acting Public Works Director:  
B. Rodriguez
Provide general clean-up after event.

Community Development Director:  
B. Dunlap
Obtain City Council authorization for use of park and approval of alcohol in park.

Field Services Manager:  
B. Styles
No comments.

Fire Chief:  
F. Guyton
No comments.

Parks and Leisure Services Director:  
J. Perrine
Pick up trash following event. Order Porta Potties, secure premises for unauthorized cars and bikes for unnecessary riding.

Police Chief:  
S. Rodriguez
If alcohol is consumed, it should be confined to beer garden.

Risk Manager:  
D. Pyle
See Page 2
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Museum
Event: Bike Show
Event Chairman: Jeff Quiram, Jerry Lynch
Location: Murry Park
Date of Event: August 14, 2004
Time of Event: 6:00 a.m. to 4:30 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Museum provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $2,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event; and, if a beer garden is approved, a Certificate of Liquor Liability Insurance evidencing coverage of not less than $1,000,000.00 per occurrence and naming the City of Porterville, its Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation of a beer garden.

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

b. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an “admitted” insurer in the State of California.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 04/03/14    Event date: 14/07/04

Name of Event: Hot August Bikes II

Sponsoring organization: PORTERVILLE MUSEUM    PHONE # 784-2053
Address: 257 N. "O"

Authorized representative: JERRY LYNCH    PHONE # 781-1911
Address: 1490 N. ATWOS WY

Event chairperson: JEFF ARMSTRONG, JERRY LYNCH    PHONE # 781-1441

Location of event (location map must be attached): MURRY PARK

Type of event/method of operation: BIKE SHOW

Nonprofit status determination: YES

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

<table>
<thead>
<tr>
<th>Service</th>
<th>Yes</th>
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<tr>
<td>Barricades (quantity)</td>
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<td>Police protection</td>
<td>Yes</td>
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<td>Street sweeping</td>
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<td>No</td>
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<td>Refuse pickup</td>
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<td>Other</td>
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Parks facility application required: YES    NO

Assembly permit required: YES    NO

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

Approve Deny

Bus Lic Spvr
Pub Works Dir
Comm Dev Dir
Field Svcs Mgr
Fire Chief
Parks Dir
Police Chief
Risk Manager
CITY OF PORTERVILLE

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

Name of event: **Hot August Bikes II**

Sponsoring organization: **Porterville Museum**

Location: **Murry Park**  
Event date: **14 Aug 04**

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION.** This form should be completed at the time of application, but must be submitted one week prior to the event.

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<th>Vendor name</th>
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3 of 4
CITY OF PORTERVILLE
PARKS & LEISURE SERVICES DEPARTMENT
REQUEST FOR USE OF FACILITIES

PLEASE PRINT CLEARLY - PRESS HARD

FACILITY REQUESTED:
☒ Murry Park  ☐ Community Center  ☐ Sports Complex  ☐ Burton Ballfields
☐ Veterans Park  ☐ Library  ☐ Hayes Fields  ☐ Zalud Garden
☐ Zalud Park  ☐ Municipal Ballpark  ☐ College Ballfields  ☐ Other

Area/Room: NORTH PARK S #1  #2  #3

Nature of Use: ☐ GAMES/SHOW  ☐ Other
Are fees being charged? ☐ Yes ☐ No
Date of Event: 24-04-04 Time: 0800 To: 1830 205
Amplified Equipment/Music: ☐ Yes ☐ No
Bounce House: ☐ Yes ☐ No Bounce House Company:

Attendance: 500 Will food or drink be served: ☐ Yes ☐ No
Will Alcohol be Served: ☐ Yes ☐ No Number of Drinking Adults ($2 per person):
Requested Requirements: Beer Garden — Must be approved by Council. Liquor Liability Fee $1 million

*********

Organization: PORTERVILLE HIS. MUSEUM.
Name: Jerry Byrch
Mailing and/or Billing Address: 257 NORTHERN ST.
Phone: Day/Work: 784-2057 Cell No: 357-7451 Evening/Home: 781-1411

Applicant hereby agrees to hold the City of Porterville, their employees, agents and officers free and harmless from any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use or occupancy of said facilities. The applicant agrees to furnish such liability or other insurance for the protection of the public and the City as the City shall require. Applicant agrees to leave the facility in the same condition as found before use. Any damages, misuse or destruction of City property or equipment is the responsibility of the applicant. Applicant agrees to reimburse City for all charges. The CITY OF PORTERVILLE does not provide accident, medical, liability or any other insurance for facility users. In the event staff is taking photos of the park and/or the recreational activities it affords on the day of my event, I give my permission for the City to use said photos in promotional materials. I have read, understand and agree to the rules and regulations that are listed on the back of this form.

SIGNATURE: Jerry Byrch Date: 3-4-04

*** FOR OFFICE USE ONLY ***

APPROVED: S. Rodriguez DATE: 3/5/04
POLICE DEPT.: RENTAL CHARGE: 4-2-2004
ALCOHOL PERMIT CHARGE: Date Paid: Received By:
SECURITY/KEY DEPOSIT: Date Paid: Received By:
ENTERTAINMENT CHARGE: Date Paid: Received By:
INSURANCE REQUIRED: Date Submitted: Received By:
SPECIAL DEPARTMENT NOTATIONS: INSURANCE FOR $1 MILLION NAMING CITY AS ADDITIONAL
INSURED. Fee $33 PER PERSON $3 REGISTRATION BEER GARDEN Fee $200.00 FOR FOOD PERMITS

PARK IN DESIGNATED AREAS ONLY

Distribution: Original - Dept: Green - Parks: Blue - Police: Yellow - Applicant
291 NORTH MAIN STREET, PORTERVILLE. CA 93257, PHONE (559) 782-7461
FAX (559) 791-7854. Park/facility information available @ www.ci.porterville.ca.us

SEE BACK PAGE FOR RULES, REGULATIONS AND POLICIES
I hereby certify that all statements and answers on this registration form are true and correct.

Applicant:  
Silver Rodriguez  
Chief of Police

Date:  
4-2-2004

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

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

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

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URG
YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE
NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN
RESULT IN REVOCATION OF THE PERMIT.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE UNIFIED SCHOOL DISTRICT, PORTERVILLE CELEBRATES READING, APRIL 24, 2004

SOURCE: Administrative Services - Finance Division, Business Tax Section

COMMENT: Porterville Unified School District is requesting approval for a partial street closure in conjunction with its Community Civic Event, Porterville Celebrates Reading, to be held on Saturday, April 24, 2004, from 8:30 a.m. to 2:00 p.m. at the fair grounds. The closure is intended to accommodate a pedestrian crossing corridor on Olive Avenue from the fair gates on the north side of the street to the parking lot on the south side of the street. Porterville Unified School District has been in contact with the Porterville Police Department to arrange for the use of Police Explorers in traffic control if the street closure is denied.

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

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from Porterville Unified School District, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit "A."

ATTACHMENT: Community Civic Application, Agreement, Exhibit "A," and map

D.D.  Appropriated/Funded  C.M.  Item No. 16
 REQUIREMENTS FOR COMMUNITY CIVIC EVENT  
CITY OF PORTERVILLE  
PORTERVILLE CELEBRATES READING  
APRIL 24, 2004  

Business License Supervisor:  
K. Maxwell  
Submit vendor list 1 week prior to event for business license verification.  

Public Works Director:  
B. Rodriguez  
No comments.  

Community Development Director:  
B. Dunlap  
Obtain City Council approval for street closure.  

Field Services Manager:  
B. Styles  
If City to close street, bill estimate $150.  

Fire Chief:  
F. Guyton  
No comments.  

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

Police Chief:  
S. Rodriguez  
Street closure requires Council approval. Traffic control and adequate warning devices to warn motorists.  

Risk Manager:  
D. Pyle  
Pending Council approval. See page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Unified School District
Event: Porterville Celebrates Reading
Event Chairman: Darlene Byars
Location: Porterville Fairgrounds
Date of Event: April 24, 2004
Time of Event: 8:30 a.m. to 2:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an “admitted” insurer in the State of California.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 3-15-04  Event date: 4-24-04

Name of Event: PORTERVILLE CELEBRATES READING

Sponsoring organization: PORTERVILLE UNITED SCHOOLS
PHONE # 735-2457

Address: 600 W. GRAND AVE. PORTERVILLE

Authorized representative: GARY FICKERMAN
PHONE # 735-2457

Address: 600 W. GRAND AVE. PORTERVILLE

Event chairperson: DARLENE BURRIS
PHONE # 735-2457

Location of event (location map must be attached): Porterville Fairgrounds

Request for street closing on Olive St from Fire station parking lot

Type of event/method of operation: Volunteer

Nonprofit status determination: F I S T + R O T A R Y

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

Barricades (quantity): 6 - 8  Street sweeping  Yes  No

Police protection  Yes  No  Refuse pickup  Yes  No

Other: 2 12 pm to 7 pm reserved for traffic control

Parks facility application required: Yes  No  

Assembly permit required: Yes  No

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

Approve  Deny

---  ---  Bus Lic Spvr
---  ---  Pub Works Dir
---  ---  Comm Dev Dir
---  ---  Field Svcs Mgr
---  ---  Fire Chief
---  ---  Parks Dir
---  ---  Police Chief
---  ---  Risk Manager
CITY OF PORTERVILLE

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

Name of event: ________________________________________________________________

Sponsoring organization: _______________________________________________________

Location: _____________________________ Event date: _____________________________

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION.** This form should be completed at the time of application, but must be submitted one week prior to the event.

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<th>Type of Activity</th>
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*Note: The event will be held on city property.

*Note: Restriction only for Olive St.

*Note: Safe passage from parking to stage is required.*
CITY OF PORTERVILLE

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

Name of event: Porterville Celebrates Reading

Sponsoring organization: Push and Retrieve

Event date: 4/24/2022 Hours: 5:30 AM - 2:00 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Closed</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Olive St.</td>
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<td>Street Crossing from Fair Gates to Parking on South Side</td>
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<tr>
<th>Sidewalks</th>
<th>From</th>
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<th>Activity</th>
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<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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SUBJECT: OHV GRANT PROGRAM

SOURCE: Department of Parks and Leisure Services

COMMENT: Each year the City of Porterville applies for a grant from the State of California to provide funding for the operation and maintenance of the Porterville Off Highway Vehicle Park. The park opened in April of 1996, providing casual riding for motorcycle and quad riders. The grant covers staffing, equipment and supplies. The City must provide a match of 25% which will consist of the gate fees collected from riders and in kind wage credit for volunteer labor. With the gate fees we are covering the required match.

The total grant request for operation and maintenance is $66,000.00.

The casual riding schedule consists of Thursdays, 3:00 p.m. until dusk, Saturdays 8:00 a.m. to 2:00 p.m., and every other Sunday from 8:00 a.m. to 3:00 p.m. during the spring, summer and fall. Winter schedule consists of Saturdays and every other Sunday. Racing takes place each month. A total of 7,037 participants used the OHV Park in the 2002-2003 fiscal year.

A Public Meeting was held on Wednesday, April 14, 2004, to receive input from the riders. Riders expressed concern with the rising cost of insurance and inquired about the status of contract operator consideration. Other public comments came from those supporting the development of the four wheel drive safety training park.

RECOMMENDATION: That the City Council adopt a resolution approving the grant application entitled Porterville O & M for Fiscal Year 2004-2005, and approve the 2004-2005 OHV Budget.

ATTACHMENTS: 1. Budget
               2. Resolution Approving the Grant Application Entitled Porterville O & M for Fiscal Year 2004-2005
               3. OHV Spring Calendar

ITEM NO.: 17
# OHV 2004-2005

## Proposed Grant Budget

### Staff

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<tr>
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$20,000

### Total

City’s Match Rounded $22,000

Grant Amount Requested Rounded $66,000
RESOLUTION NO. __________

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
APPROVING THE APPLICATION FOR STATE
OFF-HIGHWAY VEHICLE GRANT ENTITLED PORTERVILLE
O&M AND DEVELOPMENT PROJECT FOR FISCAL YEAR 2004-2005

WHEREAS, the people of the State of California have enacted the Off Highway Motor Vehicle Recreation Act of 1999, which provides funds to the State of California and its political subdivisions for planning, acquiring, developing, operating, conserving, and maintaining off-highway vehicle recreation; and

WHEREAS, the Off Highway Motor Vehicle Recreation Division within the California Department of Parks and Recreation has been delegated the responsibility to administer the program; and

WHEREAS, procedures established by the California Department of Parks and Recreation require the applicant to certify by resolution the approval of applications before submission to the State; and

WHEREAS, this project appears on, or is in conformance with, this jurisdiction’s adopted general or master plan, and is compatible with the land use plans of those jurisdictions.

NOW, THEREFORE, BE IT RESOLVED that the Porterville City Council hereby:

1. Approves the filing of an application for an Off Highway Vehicle Grant; and
2. Certifies that this Agency understands its legal obligations to the State upon approval of the grant; and
3. Certifies that this agency understands the California Public Resources Code requirement that acquisition and development projects be maintained to specific conservation standards; and
4. Certifies that the project will be well maintained during its useful life; and
5. Certifies that this agency will implement the project with diligence once funds are available and a Project Agreement has been consummated between the State and this agency; and
6. Certifies that this agency will provide the required matching funds (as applicable); and
7. Certifies that the public and adjacent property owners have been notified of this project (as applicable); and
8. Appoints the City Manager of the City of Porterville to conduct all negotiations and execute and submit all required documents, including, but not necessarily limited to, applications, agreements, amendments, payment requests, etc., which may be necessary for the completion of the project.

__________________________
Pedro R. Martinez, City Mayor

ATTEST:
John Longley, City Clerk

By: ____________________________
Georgia Hawley, Deputy
Porterville Off-Highway Vehicle Park
Cycle Park ★ Quad Track ★ Kid's Track
2701 W. Scranton
Porterville, CA
(559) 782-7541

Fees:
Adult Riders $10
Youth Riders $5
Spectators $2

Casual Riding Schedule:
Thursday / Saturday / Alt. Sunday*
See below for dates and times.

Sunday schedule is tentative and subject to change. Call the track hotline for updated information.

### March 2004

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### April 2004

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*Races are held by Central Valley Racing
call (559) 562-8160 for more information

*All riders must be IMSA members. Membership fee is $23 per year. Membership cards must be presented at gate for entry. Membership forms available at the track, staff members will collect your dues and issue you a temporary IMSA card. Your permanent card and your membership benefits will be mailed to you by IMSA.
All operators shall operate their OHVs in a safe and controlled manner and obey all park rules.

**Park Rules:**
- Everyone must sign in
- Green / Red Sticker required
- Muffler or spark arrester required
- No three wheelers
- No riding in the pits
- No passengers
- No alcoholic beverages allowed.
- No pets
- Spectators are not allowed on the track
- Skill test may be required before using track
- All riders must have an properly use Personal Protective Equipment that meets sport and industry specifications. Items include DOT approved helmet, goggles, long sleeves, gloves, long jeans or off-road pants (no shorts of any kind) and over the ankle boots. Kidney belts and chest protectors are highly recommended.
- No firearms or fireworks allowed
- Each operator must conform to state statutes regarding age and size/fit regulations

All rules and regulations will be enforced by municipal ordinance or by rules and regulations established by state law.
SUBJECT: ANNUAL REPORT ON SENIOR COUNCIL UTILITY STIPEND

SOURCE: Parks and Leisure Services Department

COMMENT: In December 2003, the Council approved a request to provide the Porterville Senior Council with a $500 per month stipend. This payment is to assist with utility service costs for operating the Santa Fe Depot for senior programs and activities. As part of the approval, Council directed that each year during either March or April, a status report be provided to compare the stipend paid by the City to the actual cost for utilities at the Santa Fe Depot. This is the first such report, and it covers the first quarter of calendar year 2004.

The total stipend paid by the City to the Senior Council during the report period was $1,500. The total charges for utility services at the Santa Fe Depot during the report period was $1,465.03. Costs are only services for telephone, electrical power, natural gas, water, sewer, and refuse.

It is anticipated that utility expenses during the summer months will rise, offsetting the $35 stipend surplus. A report next April for a twelve-month period will provide a better comparison of the stipend to actual utility cost.

RECOMMENDATION: Receive and file this annual report.
SUBJECT: Annual Review of City of Porterville/Chamber of Commerce Agreement

SOURCE: Administration

COMMENT: On August 21, 1990, the City of Porterville entered into an Agreement with the Porterville Chamber of Commerce for the purpose of having the Chamber provide contributing support in conducting and maintaining certain Chamber programs and activities which best achieve the community promotion objectives of the City. Under the terms of the Agreement, the Chamber is compensated by the City for actively promoting civic, social and cultural events and activities; disseminating information relative to promoting the advantages of Porterville; and, for asserting positive community values.

Section V of the Agreement requires the Agreement to be reviewed annually to determine whether it should be amended to increase or decrease the scope of services contracted for and the base amount allotted and payable to the Chamber under the terms thereof. This provision was intended to prevent an automatic and obligatory annual commitment of municipal funds in times of limited revenues, and to validate charges for services actually provided or expected. Information required to be provided the City by the Chamber prior to the Council’s annual review of the Agreement includes: (1) Annual Chamber Activity Report; and, (2) Current Financial Statements. The required Activity Report and Financial Statements were received from the Chamber on April 14, 2004, and are attached hereto for the Council’s annual review.

In accordance with the Agreement, the Chamber has requested an annual performance allotment of $20,000.00 for FY 2003-04 (i.e., from November 1, 2003 through October 31, 2004). Unless the Agreement is amended following an annual review, payments of $20,000.00 can be made annually to the Chamber by the City on or before September 1st of each year (in this instance, 09/01/04), but in no event earlier than City Council receipt, and acceptance, of the requisite Chamber Reports.

During the first two years of the Agreement, i.e., FY 1990-91 and FY 1991-92, no changes were made in the Agreement and the City’s allotment to the Chamber was $20,000.00 each year. The Agreement was modified for FY 1992-93, and compensation paid the Chamber by the City was reduced to $18,000.00. In FY 1993-94, the City’s allotment to the Chamber was restored to $20,000.00, and in FY 1994-95, the base allotment of $20,000.00 was supplemented by an additional $9,500.00 for the purpose of promoting All-America City activities. In FY 1995-96, and in each of the following years through FY 2000-01, the City’s allotment remained constant at $20,000.00. In FY 2001-02, the base allotment of $20,000.00 was supplemented by an additional $25,000.00 to help fund Centennial Activities marking the 100th Anniversary of the incorporation of the City of Porterville.
The Chamber is requesting consideration of an additional $2,000 in funding for this fiscal year to cover additional expenses for the 2005 All America City Conference.

Subsequent to Council review and acceptance of the Chamber’s Activity Report and current Financial Statements, no action is required to maintain the level of services rendered, or the base compensation to be received, as set forth in the Agreement. However, should the Council decide to increase or decrease either services or compensation for FY 2003-04, such a modification requires affirmative Council Action, and a written amendment to the agreement must be executed by a representative of both the City and the Chamber. Included in the Community Promotion Budget for FY 2003-04 was $20,000.00 to maintain the City/Chamber Agreement without amendment.

RECOMMENDATION: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements; and if concurred to by Council, direct staff to prepare an amendment to the agreement to be executed by the City and the Chamber to incorporate the additional $2,000 in funding for Fiscal Year 2003-04 to cover additional expenses for the 2005 All America City Conference.

CAVEAT: Notwithstanding the Chamber’s successful history of performance, but inasmuch as pending and proposed state budget actions are expected to significantly curtail, and perhaps even eliminate in certain instances, revenues that otherwise have traditionally been earmarked and allocated to cities and counties, staff believes it both prudent and fiscally responsible that:

The City Council direct Administration to advise the Porterville Chamber of Commerce the City’s FY 2004-05 Budget may not permit maintaining the base performance allotment of $20,000.00 next year, augmented by $2,000 to support the additional expenses for the 2005 All America City Conference; and, that until the budget is adopted, the extent of funding, if any, cannot be ascertained.

ATTACHMENTS: 1. City/Chamber Agreement
               2. Chamber Activity Report
               3. Chamber Financial Statements
The Honorable Pedro “Pete” Martinez  
Mayor, City of Porterville  
291 N. Main Street  
Porterville, CA 93257

Dear Mayor Martinez and Members of the Council:

The Porterville Chamber of Commerce recently completed another exciting year of introducing new projects and enhancing existing programs while effectively serving Porterville businesses and the community. During our 2003 Fiscal Year, we continued to see increases in the number of individuals visiting our area for tourism activities. Likewise, we maintained our pattern of an annual increase in the amount of individuals contacting our office for referrals and for community inquiries for relocation purposes.

The Chamber was pleased to present the most successful Iris Festival event ever to celebrate our city’s flower and provide an opportunity for tourism traffic and local family involvement. The 4th Annual Sierra Music Fest in the Fall was also successful in bringing tourists and their dollars to our community. These events were widely publicized through various media, tourism publications, and the internet.

Our organization was fortunate to have had the opportunity to take on the coordination of the City’s Centennial Project which culminated during our FY2003. It was a pleasure to lead the effort to celebrate “100 Years of the Good Life” in Porterville. We also appreciated the privilege of again partnering with the City to orchestrate the highly popular Excellence in Business event recognizing the tireless efforts of our local businesses. Additionally, we jointly presented employer workshops with the City and other partners to keep our businesses aware of various critical issues, and assist with business retention and expansion. Finally, 2003 also brought about the much-anticipated, long-awaited visit of over 1,000 members of the National Speleological Society to our community. The Chamber worked with this organization for five years to help coordinate this national conference which impacted our city’s tourism income.

Enclosed, please find the Chamber’s 2003 Fiscal Year activity report including agreement and other activities, and our financial report. Both are for your review and presented in accordance with the “Agreement Between the City of Porterville and the Porterville Chamber of Commerce,” dated August 21, 1990. This letter also serves as our official request for the City’s budgeted 2003/2004 allotment to the Porterville Chamber of Commerce of $20,000. Additionally, the Chamber is requesting the Council’s consideration to provide an additional $2,000 in support for partial reimbursement of the Chamber’s expenses for the coordination of the All America City Conference.

The members, Board of Directors, volunteers and staff of the Chamber sincerely appreciate all of the support that the City Council and City staff provided to us in 2003. We are pleased to continue in this partnership of promoting our community and tourism while working toward a stronger economy for our businesses and residents. For us, and as our theme relayed, it was most certainly a year of ‘Building Upon Our Heritage.’

Sincerely,

Janice Castle, Board Chair

Donnette Silva Carter, CEO

E-Mail chamber@porterville.com

World Wide Web http://chamber.porterville.com
Annual Report

to the Porterville City Council
City of Porterville

2003 Fiscal Year

Porterville Chamber
of Commerce
In compliance with the agreement between the City of Porterville and the Porterville Chamber of Commerce, the Chamber has met and exceeded its obligation to provide tourism promotion, relocation and visitor assistance, and community promotion. These and other accomplishments for the Chamber’s Fiscal Year 2003 are outlined below:

1. The Chamber sponsored the 5th Annual Iris Festival to again provide a spring event for family entertainment, tourism, and the celebration of our city’s official flower, the purple iris. This event was widely advertised locally, regionally and statewide and included in some national publications. The 2003 Iris Festival again saw the Chamber involved in collaborative efforts with various other local groups and area activities held that day including Porterville Celebrates Reading and the Springville Rodeo. The attendance was at its best with a record crowd exceeding 15,000. We had another 20% increase in the number of vendor booths, including vendors traveling from out of state. The event also welcomed visitors from outside of California. Numerous downtown merchants reported that their sales were up on the day of this event.

2. Presented the 4th Annual Sierra Music Fest with the cooperative efforts of various groups and local businesses. This activity was widely advertised locally, regionally and statewide, and provided another excellent venue for tourism traffic, local family entertainment, and the celebration of the diversity of music and cultures in our community. The types of musical venues featured were: country & western, rock & roll, Mariachi, Native American, African American, Peruvian, Hispanic, big band, jazz and more. The attendance was estimated at over 7,500 people and included visitors from throughout California.

3. Served as the community’s active visitor information bureau by providing community information on recreational activities, entertainment, special events, available lodging, restaurants, etc. to an average of over 275 phone and walk-in contacts per month.

4. Partnered with the City of Porterville to again sponsor the extremely successful Excellence in Business Recognition Dinner featuring ten local business organizations who have contributed to the economic vitality of the Porterville area. This year’s event had over 450 attendees.

5. Supported the City of Porterville in its economic development efforts by maintaining our collaborative Economic Development Committee and by providing information to City staff on those businesses who contact the Chamber with an interest in locating in Porterville. The Chamber fulfills the requests from interested parties for information about community demographics, real estate availability, the retail industry, community events, and recreational opportunities.

6. Promoted tourism in Porterville and the surrounding area in recognition of the economic impact tourism has on the community. We expanded our presence in the Land of the Giants tourism publication which is distributed nationally and internationally at tourism trade shows.

7. Maintained our partnership and participation in the Employment Connection for the promotion of workforce resources for our residents and the providing of services to businesses through the Business Resource Center.

8. Continued long-term support for established community projects such as the Porterville Fair, Jackass Mail Run, Veteran’s Day Parade, Sierra Winter Classic, Downtown Porterville Car Show, City of Hope Spectacular, Cinco de Mayo Celebration, Flag Day Ceremony, and Lamb Slam.

9. The Chamber fulfilled requests from individuals researching or planning a relocation to Porterville. On the average, we received 10-30 requests per month. Additionally, over 300 special relocation packets were prepared for employers involved in employee hiring campaigns.
10. Completed the presentation of the city’s Centennial Celebration of “100 Years of the Good Life,” which included numerous monthly events and the grand finale celebration with the burying of a time capsule.

11. Sponsored the Highway 190 Committee which seeks to secure funding for the expansion of the highway to provide enhanced connectivity to the greater Porterville area. The Chamber cooperated with the City to engage the services of a lobbyist to assist with this process.

12. Over 2300 community visitor packets were distributed at special events and professional conferences. The materials in these packets provide information about our community and promote our local businesses. Some of those events were: Abate Motorcycle Run - 500, Sierra Winter Classic and the Lamb Slam - 300, Billiou’s Dealer Conference - 60, and the National Speleological Society - 1,100.

13. Maintained a world wide web page through which we receive daily requests for information about the community from individuals and businesses. Requests are received from throughout the United States and many foreign countries as well.

14. Coordinated the media and activities for the premier showing of the Universal Studios production, “The Hulk,” for which the Chamber assisted in the facilitation of filming in the area and conducted recruitment of local residents for work as extras the prior year. Also, provided information to various location scouts inquiring about filming in and around Porterville.

15. The Chamber maintained membership in the Sequoia Regional Visitor’s Council which promotes tourism for Tulare County. We increased our participation in this effort by supporting our CEO’s election to a leadership role in this organization.

16. Participated as a partnering sponsor for the 2003 Central California Business Conference focused on regional issues of community and economic development.

17. Constructed Porterville community booths at the Tulare County and Porterville Fairs with the purpose of highlighting the offerings of our community.

18. Co-sponsored with the EDD, City of Porterville, and Employer Advisory Council, valuable and low cost employer seminars to keep local businesses up-to-date on important issues which impact their operation i.e. employee retention and expansion, employer laws, etc..

19. Provided substantial support to the National Speleological Society’s National Conference coordination. The conference was held in August and brought over 1,100 attendees to Porterville.

20. Presented the annual Children’s Christmas Parade in cooperation with the Rotary Club of Porterville, Downtown Porterville Association, and the City of Porterville.

21. Participated in the Pow Wow coordinating committee and provided promotion support.

22. Acted as a community media response agency in various instances including the disappointing loss of the downtown JC Penney store.
22. Coordinated the “Business Partner for a Day” project whereby local educators and administrators were placed into business sites. This project continued to provide a unique opportunity to strengthen the relationship between business and education in our community; create a greater awareness of the educational process in Porterville; and, increase the knowledge of our educators as to the training and education necessary to secure employment in our local workforce. It is the hope of the Chamber that the insights gained by both educators and business leaders will be invaluable as schools work to meet the challenges of preparing the future workforce.

23. Maintained an active Government Affairs Committee charged with the responsibility of advocating on behalf of business in our community. The committee continued its membership in the regional Business, Industry & Government coalition and they sponsored a community Legislative Forum.

24. Supported the efforts of many community organizations by serving as an information center for over 150 social, cultural, business and miscellaneous events.

25. Sponsored six local community blood drives.

26. Continued to support the Leadership Porterville program, a valuable project which promotes civic leadership by training and educating emerging community leaders.

27. Presented an expanded and sold-out Business Showcase trade show event to promote business to business marketing in Porterville.

28. Coordinated the collaborative participation of Tulare County chambers in the Tulare Kings Hispanic Chamber of Commerce Business Expo.

29. Completed the final session of the Breakfast with Business project under the direction of the Chamber’s Business & Education Committee. The project targeted middle school students and provided a forum in which industry and education representatives could meet, and define the best methods to reach our middle school youth. Each session was followed up with a plan of action for implementation.

30. Participated in the City of Porterville Partners Network and the City Strategic Planning Sessions.

31. Continued active support of the community Mural Project Committee to begin the process of mural production in Porterville. This project contributes to community beautification, downtown redevelopment, and tourism attraction.

32. Hosted 22 local ground breaking and ribbon cutting events in the community.

33. Participated in the coordinating committee for the very successful Paint the Town community project.

34. In partnership with the Porterville Police Department, established the Anti-Graffiti Rewards Program and Graffiti hotline.

35. Held 11 monthly mixers for business networking in Porterville.
Chamber of Commerce of Porterville
Balance Sheet
As of October 31, 2003

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Fixed Assets

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<tr>
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<td>Accum Dep Leasehold Improvmts</td>
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<tr>
<td>Accum Dep Office Equip</td>
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<tr>
<td>Accum Dep Equip &amp; Software</td>
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<td>Building Investments</td>
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<td>Leasehold Improvements</td>
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TOTAL ASSETS

| TOTAL ASSETS | 624,705.39 |

LIABILITIES & EQUITY

Liabilities

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Chamber of Commerce of Porterville  
Balance Sheet  
As of October 31, 2003  

<table>
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<th>Long Term Liabilities</th>
<th>Oct 31, 03</th>
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<td>Construction of Building Loan</td>
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<td>Member Equity</td>
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<td>Retained Earnings</td>
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<td>Net Income</td>
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<td>Total Equity</td>
<td>200,504.92</td>
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</table>

| TOTAL LIABILITIES & EQUITY | 624,705.39 |
AGREEMENT BETWEEN THE CITY OF PORTERVILLE
AND THE PORTERVILLE CHAMBER OF COMMERCE

This Agreement is made and entered into by and between the City of Porterville, hereinafter referred to as "City", and the Porterville Chamber of Commerce, hereinafter referred to as "Chamber", both of whom understand and agree as follows:

WHEREAS, the City is desirous of maintaining and asserting positive community values, of disseminating information relative to promoting the advantages of Porterville, and of supporting public interest activities; and

WHEREAS, Section 37110 of the Government Code of the State of California authorizes the expenditure of not more than five percent (5%) of monies accruing to the General Fund in any one fiscal year for music and promotional activities, including promotion of sister city and town affiliation programs; and

WHEREAS, the Chamber is actively engaged in promoting civic, social and cultural events and activities, and is therefore believed to be organized, equipped and capable of conducting promotional activities on behalf of the City; and

WHEREAS, it is not the intent of the City to fully underwrite, subsidize or sponsor any particular program or activity, but to provide contributing support toward the maintenance and continuance of certain existing programs and activities of the Chamber which best achieve the promotional objectives of the City.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. CHAMBER RESPONSIBILITIES. The Chamber shall:

   A. Continue to carry on programs and promotional activities which include:

      1. Mail solicitations, information pool, referral services and visitors information bureau.

      2. Holiday advertising campaigns, and the design and construction of the Porterville Booth for the Tulare County Fair.

      3. Printing and distribution of informational pamphlets and brochures.

   B. Carry on such other activities on behalf of the City as may be mutually agreed upon from time to time during the period of this Agreement.

   C. By May 15 of each year, furnish an annual activity report to the City covering the prior year's promotional programs and activities for the reporting period from May 1 through April 30, with specific emphasis on sufficient relevant information to satisfy the terms and intent of this Agreement as hereinafter enumerated. The Chamber shall also furnish the City with copies of its annual financial reports within thirty (30) days after they are prepared.
II. PAYMENT BY THE CITY. In consideration of the above recitals, the City shall, during the term of this Agreement, pay the Chamber the sum of Twenty Thousand Dollars ($20,000.00) per year. Such annual payments shall be made on or before September 1 of each year, commencing in 1990. However, such annual payments shall not be made until the City receives and reviews the annual activity report referred to in paragraph 1.C. for the preceding May 1 through April 30 reporting period.

III. TERM. This Agreement shall be in effect commencing on the approval date noted hereinbelow, and shall continue in effect until June 30, 1991. Thereafter, this Agreement shall continue on a year-to-year basis, beginning on July 1 of each year, until terminated.

IV. UNILATERAL TERMINATION. This Agreement may be terminated by either party by giving thirty (30) days written notice to the other. This Agreement shall terminate forthwith thirty (30) days following the date written notice is given.

V. ANNUAL REVIEW. This Agreement shall be reviewed annually to determine whether it should be amended to increase or decrease the amount payable to the Chamber. Subject to City budgetary limitations, any increases or decreases shall be based on services provided and expected to be provided during the then current and next fiscal years by the Chamber, and the expected tax revenues to the City from business activities during the then current and next fiscal years.

IV. AMENDMENT. This Agreement may be amended or modified only by written agreement signed by both parties. Failure on the part of either party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provisions.

VII. ASSIGNMENT. This Agreement shall not be assigned by the Chamber without the written consent of the City.

VIII. NOTICES. All notices required herein shall be in writing and delivered in person or sent by registered mail, postage prepaid.

IX. RELATIONSHIP OF PARTIES. It is understood that the contractual relationship of the Chamber to the City is that of an independent contractor.

APPROVED AND DATED THIS 21st day of August, 1990.

"CITY"

Théodore G. Ennslin, Mayor
City of Porterville

ATTEST:

C. G. Chinappi, City Clerk
City of Porterville

"CHAMBER"

Ron Mlinich, President
Porterville Chamber of Commerce

ATTEST:

Robert Engle, Secretary to Board of Directors, Porterville Chamber of Commerce

APPROVED AS TO FORM:

Morgan L. Fokey, Porterville City Attorney
SUBJECT: RESTORATION OF MUNICIPAL FRANCHISE FEES

SOURCE: Administrative Services

COMMENT: In 1988, the City of Porterville entered into an agreement with Management Services Institute (MSI) for the purpose of calculating and establishing fees for service. The report issued by MSI calculated municipal franchise fees to be paid by the Sewer, Water, and Refuse Enterprise Funds into the General Fund to cover the cost of street repair for damage and accelerated wear and tear attributable to enterprise fund use.

At the time the report was issued, the revenue streams in these enterprise funds were not sufficient to cover the full cost as determined by the study. A reduced fee was collected from that original calculation to allow some level of contribution to begin to reduce the General Fund obligation.

As discussed during the budget update presented to Council during the January 13, 2004 study session, staff proposed to restore the municipal franchise fee to the amount calculated in January of 1988 in order to reduce the General Fund obligation in street maintenance to the fullest extent possible. The amount previously collected was $816,000 annually from the three enterprise funds combined. The amount calculated by MSI is $998,180 annually from the three enterprise funds combined. It is proposed that a portion of the General Fund resources that would no longer be needed for street maintenance could be used to fund an updated city-wide fee study.

RECOMMENDATION: That the Council set a public hearing for May 18, 2004 to receive comment on the proposed increase in the municipal franchise fees.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
ANNUAL PORTERVILLE FAIR - MAY 12 - 16, 2004

SOURCE: Administrative Services - Finance Division, Business Tax Section

COMMENT: The Porterville Community Fair Board is requesting approval for its annual Fair to be held from Wednesday, May 12 to Sunday, May 16, 2004. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended. It has been routed according to the ordinance regulations and reviewed by all of the departments involved. All requirements are listed on the attached Exhibit “A.”

The following street closures during the Annual Porterville Fair, from May 12 to May 16, 2004:

<table>
<thead>
<tr>
<th>May 2004</th>
<th>Wednesday, 12th</th>
<th>Thursday, 13th</th>
<th>Friday, 14th</th>
<th>Saturday, 15th</th>
<th>Sunday, 16th</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olive Avenue - 3rd St. To Plano St.</td>
<td>7:00 a.m. to Midnight</td>
<td>7:00 a.m. to Midnight</td>
<td>7:00 a.m. to Midnight</td>
<td>7:00 a.m. to Midnight</td>
<td>7:00 a.m. to Midnight</td>
</tr>
<tr>
<td>Garden Avenue - Fig St. To Murry St.</td>
<td>6:00 p.m. to 11:00 p.m.</td>
<td>6:00 p.m. to 11:00 p.m.</td>
<td>7:00 p.m. to 11:00 p.m.</td>
<td>7:00 p.m. to 11:00 p.m.</td>
<td>7:00 p.m. to 11:00 p.m.</td>
</tr>
<tr>
<td>Garden Avenue - Murry St. To Plano St.</td>
<td>7:00 p.m. to 11:00 p.m.</td>
<td>7:00 p.m. to 11:00 p.m.</td>
<td>7:00 p.m. to 11:00 p.m.</td>
<td>7:00 p.m. to 11:00 p.m.</td>
<td>7:00 p.m. to 11:00 p.m.</td>
</tr>
<tr>
<td>Plano Street - Garden Ave. To Olive Ave. (Westerly lane only)</td>
<td>8:30 p.m. to 11:00 p.m.</td>
<td>8:30 p.m. to 11:00 p.m.</td>
<td>8:30 p.m. to 11:00 p.m.</td>
<td>8:30 p.m. to 11:00 p.m.</td>
<td>8:30 p.m. to 11:00 p.m.</td>
</tr>
</tbody>
</table>

Street closures would be done with barricades and would not limit the access to the residents along the residential street frontages.

Mr. John Corkins of the Fair Board has sent a letter to the City requesting use of the parking lot on the south side of Olive Avenue and the bare ground directly south of that parking lot from May 8 through May 17, 2004, for patron parking and set up activities. Mr. Corkins' letter is attached as are two maps of the desired parking area and response letter to Mr. Corkins from City Manager John Longley.
RECOMMENDATION:

1. That Council approve the Community Civic Event Application and Agreement from the Porterville Community Fair Board, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit "A;" and

2. That Council approve the use of the parking lot on the south side of Olive Avenue and bare ground south of that parking lot for fair patron parking and set up from May 8 - 17, 2004.

ATTACHMENT:

1. Community Civic Event Application, Agreement, Exhibit "A," request for street closures, and a map showing the street closures requested; and

2. Letter from Mr. John Corkins, Fair Board of Directors, maps of parking areas desired, and response letter from City Manager, John Longley.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE COMMUNITY FAIR BOARD
ANNUAL PORTERVILLE FAIR
MAY 12 - 16, 2004

Business Licence Supervisor:  
  K. Maxwell  
  Council approval required. Pending vendor list  
  and carnival ride company information.

Public Works Director:  
  B. Rodriguez  
  No comments.

Community Development Director:  
  B. Dunlap  
  Obtain council approval.

Field Services Manager:  
  B. Styles  
  Estimated bill to fair for closures $700.00.

Fire Chief:  
  F. Guyton  
  Maintain emergency access.

Parks and Leisure Services Director:  
  M. Stowe  
  Facility request needed for the use of the Municipal Ball Park. Pay all fees.

Police Chief:  
  S. Rodriguez  
  Street closure requires council approval. Have adequate traffic control and warning devices to  
  warn motorists. Beer garden should have at least one (1) security guard assigned to control  
  access and restrict alcohol from leaving garden. Coordinate with police department for  
  security during fair.

Risk Manager:  
  D. Pyle  
  See page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Fair Board
Event: Annual Porterville Fair
Event Chairman: Robert Mailand
Location: Olive Avenue, Garden Avenue and Plano Street
Date of Event: May 12 - 16, 2004

RISK MANAGEMENT: Conditions of Approval

That the Porterville Fair Board provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $2,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents, and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event; and a Certificate of Liquor Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents, and Volunteers as "Additional Insured" against all claims arising from, or in connection with, the Permittee’s operation of a beer garden.

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

D. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an “admitted’ insurer in the State of California.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 3-24-2004 Event date: May 12-16, 2004

Name of Event: Porterville Fair

Sponsoring organization: Porterville Fair Phone # 731-6532
Address: P.O. Box 369 - 300 E. Olive Ave Porterville

Authorized representative: Naima Cordt Phone # 731-6532
Address: P.O. Box 369 Porterville CA 93257

Event chairperson: Robert Maindina Phone # 782-7239

Location of event (location map must be attached):

Type of event/method of operation: Community Fair

REQUEST FOR STREET CLOSURES

Nonprofit status determination: 501 C 3

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

- Barricades (quantity): _______________ Street sweeping Yes ____ No ____
- Police protection Yes ____ No ____ Refuse pickup Yes ____ No ____
- Other: ________________________________

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

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

<table>
<thead>
<tr>
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<th>Deny</th>
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<tr>
<td>_______</td>
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<tr>
<td>Pub Works Dir</td>
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</tr>
<tr>
<td>Comm Dev Dir</td>
<td>See Attached</td>
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<tr>
<td>Field Svcs Mgr</td>
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</tr>
<tr>
<td>Fire Chief</td>
<td>Exhibit A</td>
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<tr>
<td>Parks Dir</td>
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<tr>
<td>Police Chief</td>
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<tr>
<td>Risk Manager</td>
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</tr>
</tbody>
</table>
CITY OF PORTERVILLE

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

Authorization: This permit must be submitted 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:

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

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

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

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

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

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

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

Name of event: **PORTERVILLE FAIR**

Sponsoring organization: **PORTERVILLE FAIR**

Location: **Fairgrounds & Ballpark**  Event date: **MAY 12-16, 2004**

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION.** This form should be completed at the time of application, but must be submitted one week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will be provided.</td>
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</table>
CITY OF PORTERVILLE

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

Name of event: **PORTERVILLE FAIR**

Sponsoring organization: **PORTERVILLE FAIR**

Event date: **May 12-14, 2004** Hours: **7:00 am to midnight**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>OLIVE AVE</td>
<td>THIRD ST</td>
<td>PLAN ST</td>
<td>7:00 am to 12:00 am</td>
</tr>
<tr>
<td>GARDEN AVE</td>
<td>FIRST ST</td>
<td>MURRY ST</td>
<td>6:00 pm to 11:00 pm</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>PLANO ST</td>
<td>GARDEN AVE</td>
<td>OLIVE AVE</td>
<td>WEST TRAVEL</td>
</tr>
<tr>
<td>GARDEN AVE</td>
<td>MURRY ST</td>
<td>PLANO ST</td>
<td>LANE</td>
</tr>
<tr>
<td>MURRY ST</td>
<td>GARDEN AVE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
</table>
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:
   PORTERVILLE FAIR.
   P.O. BOX 369
   3007 E. OLIVE AVE
   Phone # 781-6582

2. Address where amplification equipment is to be used:
   3007 E. OLIVE AVE
   Phone # 781-6582

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

4. Type of event for which amplification equipment will be used:
   ____________

5. Dates and hours of operation of amplification equipment:
   ____________________________________________________________

6. A general description of the sound amplifying equipment to be used:
   ____________________________________________________________
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature] 3-31-04
Applicant  Date

Chief of Police  Date

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

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

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

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

cc:  


3/27/01
March 31, 2004

John Longley  
City Manager  
City of Porterville  
291 N. Main St.  
Porterville, CA 93257

Dear John:

As per our recent discussions the Fair Board would like to request the use of the bareground directly south of our parking lot on the south side of Olive Ave. The attached map denotes the ground as 7.97 acres POR.2 (13). The fair would be responsible for any liability associated with such use and would add the city as an additional insured for this property. The designated use period would be from 5/8/04 through 5/17/04.

Our intent is to use this property strictly for parking during the fair and we would provide a defined perimeter to designate such use.

We have appreciated the opportunity to discuss this matter with you and welcome any questions or comments that you may bring to the board. Please do not hesitate to contact me at 784-5787.

Sincerely,

John S. Corkins  
Board of Directors

cc: Fair Board
April 6, 2004

Mr. John S. Corkins  
Board of Directors  
Porterville Fair  
P.O. Box 369  
Porterville, CA 92357

Dear Mr. Corkins

Thank you for the map defining the area to be utilized for parking at the Fair. To the extent that it is City property, it is my understanding that the property would be included in the Community Events permit approved by the City Council on May 6, 2004 for which you made application on April 17th. By this administrative finding the conditions of approval for indemnification, insurance and all other matters are incorporated. The term of use is May 8, 2004 through May 17, 2004. If you have any question, please call me at 782.7466.

Sincerely,

John Longley  
City Manager

cc: Mayor and City Council  
    Darrel Pyle, DCM  
    Susan Slayton, CFO

Atch: Fair Board Letter of March 31, 2004
PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 2-2004 - SPECIFIC PLAN WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT FOR THE CONSTRUCTION OF AN EMERGENCY AND TRANSITIONAL HOUSING COMPLEX LOCATED AT THE SOUTHEAST CORNER OF INDIANA STREET AND SPRINGVILLE AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit to amend the Specific Plan for the Viejo Robles Planned Development to allow for the construction of an emergency and transitional housing complex for women and children on a 3± acre vacant site located on the southeast corner of Indiana Street and Springville Avenue.

The project, as proposed, will be built in four (4) phases. When all phases are complete, the development will consist of four (4) single-story duplexes and four (4) two-story duplexes for a total of 16 units for transitional housing, an office, a 23,760 square foot main facility with 56 beds (2 beds per room - 28 rooms) for women’s and children’s emergency housing together with drives, parking, landscaping, play yard facilities, carports, loading areas and similar appurtenances. The full length of the south end of the property and the full length of the east side of the property will have a six (6) foot tall block wall. The full length of the north property line fronting on Springville Avenue and the full length of the west property line fronting on Indiana Street will have a landscaped berm. Ingress/egress will be from Indiana Street.

Porterville’s General Plan designates the subject site for High Density Residential uses. The proposed use is consistent with the General Plan designation and the PD (Planned Development) Zone.

On March 10, 2004, the Environmental Review Committee made a preliminary determination that a Mitigated Negative Declaration would be appropriate based on the Initial Study. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for a twenty (20) day review period which ran from March 16, 2004 to April 5, 2004. At the end of that period, no agencies responded.

DD_____ APPROPRIATED/FUNDED_____ CM_____ ITEM NO. 21
RECOMMENDATION: That the City Council:

1). Adopt the Draft Resolution approving the Negative Declaration prepared for Conditional Use Permit 2-2004.

2). Adopt the Draft Resolution approving Conditional Use Permit 2-2004 to adopt a specific Plan within the Viejo Robles Planned Development to allow the construction of the proposed project on the 3± acre vacant parcel located on the southeast corner of Indiana Street and Springville Avenue, subject to conditions of approval.

ATTACHMENTS:

1. Complete Staff Report
CITY COUNCIL AGENDA: APRIL 20, 2004

PUBLIC HEARING

STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 2-2004 - SPECIFIC PLAN WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT FOR THE CONSTRUCTION OF AN EMERGENCY AND TRANSITIONAL HOUSING COMPLEX LOCATED AT THE SOUTHEAST CORNER OF INDIANA STREET AND SPRINGVILLE AVENUE

APPLICANT: Central CA Family Crisis Center, Inc.
P.O. Box 2033
Porterville, CA 93258

AGENT: Townsend Architectural Group
633 N. Westwood Street
Porterville, CA 93257

LOCATION: Southeast corner of Indiana Street and Springville Avenue.

SPECIFIC REQUEST: The applicant is requesting approval of a Conditional Use Permit to amend the Specific Plan for the Viejo Robles Planned Development to allow for the construction of an emergency and transitional housing complex for women and children on a 3± acre vacant site.

PROJECT DETAILS: The project as proposed, will be built in four (4) phases. When all phases are complete, the development will consist of four (4) single-story duplexes and four (4) two-story duplexes for a total of 16 units for transitional housing, an office, a 23,760 square foot main facility with 56 beds (2 beds per room - 28 rooms) for women's and children's emergency housing together with drives, parking, landscaping, play yard facilities, carports, loading areas and similar appurtenances. The full length of the south end of the property and the full length of the east side of the property will have a six (6) foot tall block wall. The full length of the north property line fronting on Springville Avenue and the full length of the west property line fronting on Indiana Street will have a landscaped berm. Ingress/egress will be from Indiana Street.

The apartment units will have a stucco finish in earth tones and composition shingles.

The main structure will have a stucco finish and metal roof. This building will also have beige and earth tone colors.
GENERAL PLAN LAND USE DESIGNATION AND ZONING:

Porterville’s General Plan designates the subject site for High Density Residential uses. The proposed use is consistent with the PD (Planned Development) zone.

SURROUNDING AREA ZONING AND LAND USE:

NORTH: PD (Planned Development) Springville Avenue, Low Density Residential portion of the Viejo Robles Planned Development and New Horizons single family residential subdivision.

SOUTH: PD (Planned Development) vacant land and State Highway 190.

EAST: PD (Planned Development) vacant land and South Jaye Street.

WEST: PD (Planned Development) Indiana Street, Low Density Residential portion of Viejo Robles Planned Development and New Expressions single family residential subdivision.

ENVIRONMENTAL: The Environmental Review Committee on March 10, 2004, recommended to the City Council that a Negative Declaration be adopted for this project. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 180 days from the date the application was accepted as complete to prepare a Negative Declaration. If necessary, an additional 60 days may follow certification of the Negative Declaration in order to make a determination regarding the project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: October 8, 2003

DATE ACCEPTED AS COMPLETE: March 10, 2004

STAFF ANALYSIS: The proposed project would help fulfill specific goals of the recently adopted Housing Element of the General Plan. A variety of sources, including information from current service providers indicates that Transitional Housing and Emergency Shelter options currently available do not meet the need for such services.

The proposed transitional housing units are designed to be compatible with nearby single family residences and are placed closest to Springville Avenue and Indiana Street. The larger, main facility is buffered from surrounding residential areas, but is also less compatible in scale and architectural design. The developer/applicant has successfully maintained a similar, smaller facility within the City of Porterville for many years. For this reason, Staff has generally accepted their assertions with regard to operational and functional issues, concentrating instead on questions of neighborhood compatibility and design.
Throughout the review and processing of this project, Staff has raised concerns with regard to the project's interaction with anticipated surrounding land uses. At this time, the property immediately east and south of the subject site is designated as High Density Residential by the Land Use Element of the General Plan. However, Staff has received application fees and partial application documents for a General Plan Amendment to change the designation of the immediately surrounding area to General Commercial, to match the designation of the remainder of the property bounded by State Hwy 65, State Hwy 190, Springville Avenue and Jaye Street. It is Staff's opinion that the proposed project is likely to be more compatible with the existing residential development than with the proposed commercial development, however, both developers are aware of the prospective proposals and have stated that the two projects, as they are intended to function, should be compatible at a minimum and may be complementary. It should be noted that land use compatibility concerns will be discussed with the future proposed General Plan Amendment.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No Project. Denial of the proposed project would prohibit the construction as proposed. The Viejo Robles Conceptual Plan would continue to identify the site for High Density Residential uses, however, an approved Specific Plan would be necessary for future development of the subject site.

2. Approve the Project. Approval of the request would result in conditional approval and allow for construction of the site as proposed.

RECOMMENDATION: That the City Council:

1) Adopt the Draft Resolution approving the Negative Declaration prepared for Conditional Use Permit 2-2004;

2) Adopt the Draft Resolution approving Conditional Use Permit 2-2004 to adopt a specific Plan within the Viejo Robles Planned Development to allow the construction of the proposed project on the 3± acre vacant parcel located on the southeast corner of Indiana Street and Springville Avenue, subject to conditions of approval.
ATTACHMENTS:

1. General Plan/Zoning/Land Use Map
2. CUP Application
3. Elevations and colored renderings
4. Letter from Ronald Jenkins
5. Letter from John Snayley, ED.D. Superintendent, Porterville Unified School District
6. Draft Environmental Resolution
7. Draft Resolution of Approval (including the Specific Plan as Exhibit “A”)
APPLICATION FOR CONDITIONAL USE PERMIT
(See Page 3 of this form for information on preparing and filing this application)

The Applicant(s) Central California Family Crisis Center is/are the owner(s) or tenant(s) of property situated at S/E Corner of Springville Ave. & Indiana St. between Jaye Springville Street/Avenue and Street/Avenue. Exact legal description of said property being (Use separate sheet if necessary) THE NORTH 423.75' OF THE WEST 308.12' OF LOT 44 OF PLEASANT GROVE TRACT AS RECORDED IN BOOK 9, PAGE 1 OF MAPS IN THE TULARE COUNTY RECORDS.

As applicable, a Plot Plan and 300' radius property owners map, and corresponding mailing list are hereto attached and made a part of this application (See detailed instructions on Page 3 of this form).

(A) Above described property is owned by VIEJO ROBLES CORP. Date acquired 09/01/1977

(B) If applicant is the lessee, give date property was leased: N/A

(C) List below the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted. Give date said restrictions expire N/A

(You may attach copy of original printed restrictions in answer to this question after property underlining those features controlling the type and class of uses permitted thereby).

(D) REQUEST: The applicant requests a Conditional Use Permit to USE the above described property for the following purposes:

(Use this space ONLY to state exactly what is intended to be done, on or with the property).

EMERGENCY AND TRANSITIONAL HOUSING COMPLEX FOR WOMEN AND CHILDREN CONSISTING (WHEN ALL PHASES ARE COMPLETE) OF 16 UNITS OF TRANSITIONAL HOUSING, AND APPROXIMATELY 25,000 S.F. EMERGENCY WOMEN AND CHILDREN HOUSING TOGETHER WITH DRIVES, PARKING AREA, LANDSCAPING, PLAY YARD FACILITIES, CARPORTS, LOADING AREAS AND SIMILAR APPURTENANCES.
NOTE: The basic purpose of the Conditional Use Permit Article of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

1. State how the proposed use will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which the use is proposed to be located.

   THE RESIDENTIAL NATURE OF THE FACILITY IS A BLEND OF SINGLE FAMILY-LIKE TRANSITIONAL HOUSING AND THE SHELTER ITSELF. THE SHELTER IS ALSO RESIDENTIAL BUT INCLUDES BUSINESS ASPECTS WHICH COMBINE WELL WITH THE COMMERCIAL DEVELOPMENT PLANNED BEHIND IT.

2. Principal requirements of intended use (Please answer the following statements, if applicable):

   (a) Total number of people that the building (or grounds if the use is not conducted in a building) can accommodate at one time (Seating Capacity).

   MAXIMUM 20 EMPLOYEES WITH ±60 BEDS IN MAIN FACILITY.

   (b) Total number of employees that will work on the property.

   IN PHASE ONE AND PHASE TWO, NO FULL TIME EMPLOYEES PRESENT.

   UPON COMPLETION OF PHASE THREE (MAIN FACILITY) EXPECT BETWEEN 15 AND 20 EMPLOYEES.

   (c) Total number of off-street parking spaces provided or planned.

   (51) FIFTY-ONE PARKING SPACES PROVIDED: (BREAK DOWN AS FOLLOWS)

   (46) FORTY-SIX REGULAR SPACES AND (5) FIVE HANDICAP SPACES.

   (d) Maximum height of buildings or structures.

   35'-0" ABOVE FINISHED FLOOR ELEVATION.

   (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.

   N/A
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED (Add additional sheets where necessary. These signatures are desirable but not required).

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<tr>
<th>No. on Map</th>
<th>Name</th>
<th>Address</th>
<th>Lot</th>
<th>Block</th>
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APPLICANT'S DECLARATION

STATE OF CALIFORNIA )
COUNTY OF TULARE ) ss."

I (WE), __________________________, Dennis A. Townsend, Architect
being duly sworn,
declare and say that I am (we are) the owner (lessee or agent) of property
involved in this application and that I (we) have completed this application and
all other documents and maps required hereby to the best of my (our) ability and
that the statements and information above referred to are, in all respects, true
and correct, except, as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct,
executed at Porterville, December __________, this __________ day of __________,
2003.

Telephone No. 559.789.9999

Signature

633 North Westwood, St., Ste “A” Porterville, CA 93257

Mailing Address

This is to certify that the foregoing application has been inspected by me and
has been found to be thorough and complete in every particular and to conform to
the rules and regulations of the City of Porterville governing the filing of such
application.

By __________________________

Date Received __________________________
March 17, 2004

Porterville City Council
291 North Main Street
Porterville, CA 93257

RE: Project Proposed By The Central California Family Crisis Center

Dear Members of the City Council:

I am Ronald Jenkins and I am the owner of commercial rental property located adjacent to the existing shelter owned and operated by the Central California Family Crisis Center. I have owned my property for over 20 years and thus I have been a neighbor of the shelter ever since the shelter was built at that location.

During the entire time period, neither I nor my tenants have had any ongoing issues, problems or concerns arising out of the use of that property as a shelter. There have been no problems with noise, hoodlums, violence, confrontations or annoyance that has affected either my tenants or myself. The shelter is a quiet and courteous neighbor. Please consider my input in making your determination as to the special use permit for the shelter at its proposed new location.

Yours truly,

Ronald Jenkins
April 13, 2004

Randy Rouda, Associate Planner
City of Porterville
2911 North Main Street
Porterville, CA 93257

RE:  CONDITIONAL USE PERMIT 2-2004

Dear Mr. Rouda:

We are in receipt of information regarding the relocation of facilities from its current location on Villa Street to a location identified in the Conditional Use Permit referenced above.

Given the expected timeline for construction and build-out and the fact that the Porterville Unified School District recently revised boundary lines for its elementary and middle school populations, which included projection for growth in the vicinity of the new location, the District does not anticipate this application having a significant impact upon our school enrollments. Therefore, we do not have concerns with approval of this application.

Should you require additional information, please telephone me at 793-2455.

Sincerely,

John Snavelly, Ed.D.
Superintendent

John Snavelly, Ed.D.
Superintendent

JS/JS
cc: Nanette Villereal
Correspondence-Misc
COP – Cond Use Permit 2-2004
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR CONDITIONAL USE PERMIT 2-2004 TO ADOPT A SPECIFIC PLAN WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT TO ALLOW FOR THE CONSTRUCTION OF AN EMERGENCY AND TRANSITIONAL HOUSING COMPLEX LOCATED AT THE SOUTHEAST CORNER OF INDIANA STREET AND SPRINGVILLE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 20, 2004 conducted a public hearing to consider Conditional Use Permit 2-2004, to adopt a Specific Plan within the Viejo Robles Planned Development to allow for the construction of an emergency and transitional housing complex for women and children on a 3± acre vacant site located on the southeast corner of Indiana Street and Springville Avenue; and

WHEREAS: On March 10, 2004, the Environmental Review Committee accepted as complete a Negative Declaration for the proposed project; and

WHEREAS: The potential environmental effect of the proposed Conditional Use Permit was considered at a public meeting; and

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

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

2. That the subject project will not create adverse environmental impacts. The approved Negative Declaration was evaluated in light of the prepared environmental initial study with studies, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

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

4. That the Negative Declaration prepared for Conditional Use Permit 2-2004 was made available for public review and comment. At the end of the twenty (20) day review period, which ran from March 16, 2004 to April 5, 2004, no agencies responded.

5. That review of the environmental circumstances regarding the project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.
6. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.

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

8. That the environmental assessment and analysis prepared for the project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

NOW THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Conditional Use Permit 2-2004 to adopt a Specific Plan within the Viejo Robles Planned Development to allow for the construction of an emergency and transitional housing complex for women and children on a 3± acre vacant site located on the southeast corner of Indiana Street and Springville Avenue.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ________________________________
Georgia Hawley, Deputy
# Attachment A

## Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
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<td>Geologic Problems</td>
<td>Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>City of Porterville</td>
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<td>Potential Impact</td>
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<td>Air Quality 5.a</td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e./ bicycles and walking). Mitigation through construction management. 1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SJVUAPCD, City of Porterville</td>
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<td>Potential Impact</td>
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<td><strong>Air Quality</strong></td>
<td>a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.</td>
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<td>5. a (continued)</td>
<td>b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.</td>
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<td>c. One or more of the following means of dust control should be employed after the completion of earth grading operations:</td>
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<td>i. Seeding and watering of new vegetation.</td>
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<td>ii. Hydromulching or spreading of soil binders.</td>
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<td>iii. Maintenance of the site’s soil surface crust through repeated soakings.</td>
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<td>Air Quality 5. a (continued)</td>
<td>2. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months. 3. As many energy-conserving features as possible should be included in the design/construction of the new dwellings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating. 4. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed. 5. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
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<td><strong>Air Quality</strong></td>
<td>6. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.</td>
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<td>5.a (continued)</td>
<td>7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
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<td>8. Limit engine idling at the project site.</td>
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<td>9. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.</td>
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<td>10. Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling.</td>
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<td>11. With the purchase of any house, included Air Quality incentive items is natural gas barbecues and electric lawn mowers.</td>
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<td>Air Quality 5.a (continued)</td>
<td>12. Any gas-fired appliances should be low nitrogen oxide (NOX) emitting gas-fired appliances complying with California NOX Emission Rule #1121. 13. House units should be oriented to maximize passive solar cooling and heating when practicable. 14. The following regulations of the San Joaquin Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project: a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace. b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre. c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.</td>
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<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
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<td>Air Quality 5.a (continued)</td>
<td>d. A new residential development is defined as any single or multiple family housing unit for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.</td>
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<td>Transportation and Circulation 6.a</td>
<td>Mitigation measures include the careful design of the site’s future development circulation patterns and conformance to the City’s development standards and Circulation Element of the General Plan will provide partial mitigation. Subsequent development will be required to design and install proper and necessary traffic circulation facilities for both vehicular and pedestrian traffic. Additional mitigation measures include the development of existing and future contiguous streets to their full right-of-way widths, the provision of traffic signals, if necessary, and the installation of median islands and turn lanes.</td>
<td>The City of Porterville</td>
<td>The City of Porterville</td>
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<td>Potential Impact</td>
<td>Mitigation Measures</td>
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<td>Transportation and Circulation</td>
<td><strong>Additionally, the environmental document (Negative Declaration) has been accepted and approved by the Porterville City Council for a traffic light to be installed at the intersection of Jaye Street and Springville Avenue. The Engineering Division has indicated that this signal light will be installed towards the end of the summer in 2004.</strong></td>
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<td>6.a (continued)</td>
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| Utilities and Service Systems          | **The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001).**  
Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).  
The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required.                                                                                                                                                                                                 | The City of Porterville and the affected utility companies.                | The City of Porterville and the affected utility companies.                     |
<table>
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<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
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<td>Aesthetics 13.c</td>
<td>Create light and glare.</td>
<td>The installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site’s eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT 2-2004 TO ADOPT A SPECIFIC PLAN WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT TO ALLOW FOR THE CONSTRUCTION OF AN EMERGENCY AND TRANSITIONAL HOUSING COMPLEX LOCATED AT THE SOUTHEAST CORNER OF INDIANA STREET AND SPRINGVILLE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 20, 2004 conducted a public hearing to consider Conditional Use Permit 2-2004, to adopt a Specific Plan within the Viejo Robles Planned Development to allow for the construction of an emergency and transitional housing complex for women and children on a 3± acre vacant site located on the southeast corner of Indiana Street and Springville Avenue; and

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

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan.

2. That the design and operation of the proposed project will be consistent with the General Plan.

3. That the site is physically suitable for the type and density of development proposed.

4. That the design of the project and the proposed improvements are not likely to cause substantial environmental damage.

5. That a Negative Declaration was approved for this project in compliance with the California Environmental Quality Act indicating that the project will not have a significant effect on the environment.

6. That the proposed location of the project and the conditions under which the project will be developed, operated and maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
7. That the standards of population density, site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 2-2004 subject to the following conditions:

1. A six-foot tall concrete block wall is required as shown along the easterly and southerly property lines.

2. Provide a barrier curb or other physical barrier acceptable to the Community Development Director between the developed portion of the site and the undeveloped portion. No parking or vehicular circulation is allowed on unpaved portions of the site.


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

5. The developer/applicant shall comply with Appendix Chapter 33, “Excavation and Grading” of the California Building Code by providing a grading and drainage plan signed by a civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

6. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).

7. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council and property necessary for disabled ramp(s) (Ord. 1306).

8. The developer/applicant shall construct street paving (half street), if necessary to match grades), curb, gutter, sidewalk, wheelchair ramp(s), etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer.
9. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).

10. The developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

11. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of an occupancy permit (e.g., foundations, septic tanks, irrigation pipes, etc.).

12. The developer/applicant shall abandon existing wells, if any, after first obtaining an abandonment permit from the County Department of Environmental Health, and shall provide the City Engineer with proof of compliance with County regulations prior to performing any grading.

13. The developer/applicant shall provide off-site improvements, easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the improvements or an adjacent development (e.g. water, sewer, drainage, etc.).

14. The developer/applicant shall design and improve the parking area/lot in conformance with Section 2206 and 2211 of the Zoning Ordinance.

15. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance of the fire hydrants.

16. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

17. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.

18. A grease trap or grease interceptor is required.

19. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required flow.
20. The developer/applicant shall install a refuse container enclosure according to City standards. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

21. Based on the occupancy classification, a fire sprinkler and/or fire alarm will be required.

22. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required.

23. The City will test and maintain all fire hydrants in the City whether on private property or not. An "casement" is required from the owner.

24. Submit 2 complete sets of sprinkler and/or fire alarm plans to Fire Department for review prior to installation.

25. All dead-end access roads in excess of 150 feet must be provided with a approved turn-around complying with City Standards.

26. The developer/applicant shall provide for adequate fire flow to the subject site to meet adopted codes.

27. The landscape planting shall be watered by an automatic irrigation system and shall be landscaped as shown on the revised plans. All landscaping shall be installed prior to occupancy and be permanently maintained.

28. Based on the occupancy classification, a fire sprinkler and/or fire alarm will be required. Submit 2 complete sets of sprinkler and/or fire alarm plans to Fire Department for review prior to installation.

29. All dead-end access roads in excess of 150 feet must be provided with a approved turn-around complying with City Standards.

30. Fire hydrants spacing shall be as follows: Residential development, one hydrant shall be installed at every 500 feet interval along the two streets. Additional hydrant(s) will be required inside the development.

31. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.
32. When a fire sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:

   a. Twenty or more in Group I, Divisions 1.1 and 1.2 Occupancies.
   b. One hundred or more in all other occupancies.

33. The developer/applicant shall install and maintain a minimum of eight street trees along Springville Avenue, and a minimum of ten street trees along Indiana Street.

34. A minimum of five (5) percent of the interior of all parking areas in excess of one-half acre shall be landscaped with specimen trees and live plant materials. Such landscaped areas shall be equally distributed throughout the parking area and shall be permanently maintained in a neat and orderly manner.

35. A minimum five (5) foot wide screen planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.

36. Any project with a landscaped area of more than 2,500 square feet shall be subject to complying with Ordinance No. 1483, the Water Efficient Landscape Ordinance. Landscape and irrigation criteria must be approved. Two (2) sets of landscape and irrigation plans are required with a $25.00 plan check fee.

37. Upon completion of landscaping and prior to building occupancy, submit a certificate of substantial completion to the Parks and Leisure Services Director.

38. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. At the time of building permit issuance, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.

39. Rooftop equipment shall be screened from view by materials which match the architectural features of the building. The Community Development Director shall review the architectural elements including elevations, colors and materials to ensure compatibility with nearby residential uses.

40. The proposed project shall be constructed pursuant to Exhibit “A”.
41. Conditional Use Permit 2-2004 shall become null and void on April 20, 2006 if it is not undertaken and actively and continuously pursued. Any additional time would require an approval of an extension of time by the Porterville City Council.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Georgia Hawley, Deputy
CITY COUNCIL AGENDA: APRIL 20, 2004

PUBLIC HEARING

TITLE:  CONDITIONAL USE PERMIT 5-2004 - PROPOSED CONSTRUCTION OF A 42 UNIT APARTMENT COMPLEX TO BE LOCATED GENERALLY ON THE NORTHEAST CORNER OF WESTFIELD AVENUE AND STATE HIGHWAY 65

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT:  The applicant is requesting approval of a Conditional Use Permit to allow construction of a 42 unit apartment complex on a 2.86± acre vacant site located generally on the northeast corner of Westfield Avenue and State Highway 65.

The 42 units (two (2) story-Town House concept) will consist of nine (9) fourplexes, and two (2) triplexes. A play area is located on the east side of the subject site, approximately half way between the front and rear of the subject site. Another play area is located at the rear of the subject site. The site will be fully landscaped around the units. Adequate parking to include covered and uncovered spaces has been provided.

The minimum lot size per family in the R-2 Zone is 3,000 square feet. At that rate, the subject site can accommodate 41.52 units. Section 3001 B-5 of the Zoning Ordinance gives the Zoning Administrator the authority to round the number of units up to 42 units. The Zoning Administrator has determined that such an action would be appropriate for the proposed project.

RECOMMENDATION:  It is recommended that the City Council adopt the draft resolution approving Conditional Use Permit 5-2004.

ATTACHMENT:

1.  Complete Staff Report

DD_____ APPROPRIATED/FUNDED_____ CM_____  ITEM NO. 22
PUBLIC HEARING - STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 5-2004

APPLICANT: David Paskwietz
22310 W. Harrison Avenue
Porterville, CA 93257

APPLICANT’S AGENT: Hillman Building Designers
620 W. Olive Avenue
Porterville, CA 93257

SPECIFIC REQUEST: The applicant is requesting approval of a Conditional Use Permit to allow construction of a 42 unit apartment complex on a 2.86± vacant site located generally on the northeast corner of Westfield Avenue and State Highway 65.

PROJECT DETAILS: The 42 units (two (2) story-Town House concept) will consist of nine (9) fourplexes, and two (2) triplexes. A play area is located on the east side of the subject side, approximately half way between the front and rear of the subject site. Another play area is located at the rear of the subject site. The site will be fully landscaped around the units. Adequate parking to include covered and uncovered spaces has been provided.

The proposed units will consist typically of stucco, composition shingles and typical earth tone Mediterranean colors.

The minimum lot size per family in the R-2 Zone is 3,000 square feet. At that rate, the subject site can accommodate 41.52 units. Section 3001 B-5 of the Zoning Ordinance gives the Zoning Administrator the authority to round the number of units up to 42 units. The Zoning Administrator has determined that such an action would be appropriate for the proposed project.

GENERAL PLAN AND LAND USE/ZONING DESIGNATION:

The site is designated for Medium Density Residential uses and is zoned R-2 (Four Family Zone).

SURROUNDING AREA ZONING AND LAND USE:

NORTH: City- R-2 - Multiple family residential subdivision
SOUTH: County- Westfield Avenue, mini-mart, county retention basin and rural residential uses
EAST: City- R-2 - Multiple family residential subdivision
WEST: City- R-2 - Existing church and State Highway 65
STAFF ANALYSIS: Development of the site as proposed will provide needed housing in conformance with the City’s General Plan Land Use and Housing Elements and requirements of the State Subdivision Map Act and local ordinances.

The proposal to develop the 2.86± acre vacant site with a multiple family residential complex is consistent with the General Plan’s Medium Density Residential land use designation and R-2 (Four Family Residential) zoning classification for the site. Additionally, this will in-fill a site that has been vacant for several years.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would preclude the applicant to develop the site as proposed.

2. Approve the project. Approval of the request would result in the applicant being conditionally allowed to construct the 42 unit apartment complex.

ENVIRONMENTAL: The project is Categorically Exempt pursuant to Section 15332, Class 32 of the CEQA Guidelines - (In-Fill Development Projects). Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: August 27, 2003

DATE ACCEPTED AS COMPLETE: February 9, 2004

RECOMMENDATION: It is recommended that the City Council approve the application for Conditional Use Permit 5-2004.

ATTACHMENTS:

1. Locator/Land Use/Zoning Map
2. Site plan and elevation plans (Exhibit “A”)
3. Application
4. Notice of Exemption
5. Draft Resolution
APPLICATION FOR CONDITIONAL USE PERMIT
(See Page 3 of this form for information on preparing and filing this application)

The Applicant(s) **DAVE PARKWITZ** is/are the owner(s) or tenant(s) of property situated at **HWY 65 & WESTFIELD** between **HWY 65** Street/Avenue and **MILCO** Street/Avenue. Exact legal description of said property being (Use separate sheet if necessary)

**APN 246-218-35** A PORTION OF LOT 171 OF PIONEER LAND CO.
FIRST SUBDIVISION R/M 3/3 TULARE COUNTY RECORDS SITUATED IN THE SOUTH Y2 OF THE NORTHEAST 1/4 OF SECTION 27, T21S R27E

As applicable, a Plot Plan and 300' radius property owners map, and corresponding mailing list are hereto attached and made a part of this application (See detailed instructions on Page 3 of this form).

(A) Above described property is owned by **DAVE PARKWITZ**
Date acquired ________________

(B) If applicant is the lessee, give date property was leased:

(C) List below the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted. **NA**
Give date said restrictions expire **NA**
(You may attach copy of original printed restrictions in answer to this question after property underlining those features controlling the type and class of uses permitted thereby).

(D) REQUEST: The applicant requests a Conditional Use Permit to USE the above described property for the following purposes:

ALLOW CONSTRUCTION OF 42 APARTMENTS.
1. State how the proposed use will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which the use is proposed to be located.

The density being asked for is supported by surrounding properties.

2. Principal requirements of intended use (Please answer the following statements, if applicable):

(a) Total number of people that the building (or grounds if the use is not conducted in a building) can accommodate at one time (Seating Capacity).

42 APARTMENTS

(b) Total number of employees that will work on the property.

(c) Total number of off-street parking spaces provided or planned.

68 =
42 COVERED
26 UNCOVERED

(d) Maximum height of buildings or structures.

26'

(e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.

N/A
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED (Add additional sheets where necessary. These signatures are desirable but not required).

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<tr>
<th>No. on Map</th>
<th>Name</th>
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<th>Lot</th>
<th>Block</th>
<th>Tract</th>
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APPLICANT'S DECLARATION

STATE OF CALIFORNIA )
COUNTY OF TULARE ) ss.)

I (WE), DAVE PARK WiETL / MARK HUMAN AGENT, being duly sworn, declare and say that I am (we are) the owner (lessee or agent) of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct, except, as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at PORTERVILLE this 8 day of FEB 2004.

Telephone No. 781-1538

Signature

22310 W. HARRISON PORTERVILLE

Mailing Address

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the City of Porterville governing the filing of such application.

By

Date Received

3
NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Tulare County Clerk
County Civic Center
Visalia, CA 93291

FROM: City of Porterville
291 N. Main Street
Porterville, California 93257

Dave Paskwietz
22310 W. Harrison Avenue
Porterville, CA 93257

Conditional Use Permit 5-2004
Project Title

Generally the northeast corner of Westfield Avenue and State Highway 65
Project Location (Specific)

City of Porterville
Tulare
Project Location (City) Project Location (County)

A Conditional Use Permit to allow for the construction of a 42 unit complex on a 2.86 vacant site.
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Dave Paskwietz, 22310 W. Harrison Avenue, Porterville, Ca, 93257
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

________ Ministerial (Section 15073)

________ Declared Emergency (Section 15071 (a ))

________ Emergency Project (Section 15071 (b) and (c ))

X Categorical Exemption. State type and section number: 15332 Class 32

In-fill Development Projects.
Reasons why project is exempt

Bradley D. Dunlap, Community Development Director
Contact Person
If Filed by Applicant:

1. Attached certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the projected ? Yes: No:

Date Received for filing: __________________________

Signature
Community Development Director
Title

ATTACHMENT ITEM NO. 4
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR CONDITIONAL USE PERMIT 5-2004 TO ALLOW FOR THE CONSTRUCTION OF A 42 UNIT APARTMENT COMPLEX TO BE LOCATED GENERALLY AT THE NORTHEAST CORNER OF WESTFIELD AVENUE AND STATE HIGHWAY 65

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 20, 2004, conducted a public hearing to consider Conditional Use Permit 5-2004, being a request to allow construction of a 42 unit apartment complex on a 2.86± acre vacant site located generally on the northeast corner of Westfield Avenue and State Highway 65; and

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

WHEREAS: The City Council made the following findings:

1. The project is Categorically Exempt pursuant to Section 15332, Class 32 of the CEQA Guidelines - (In-Fill Development Projects).

2. That Section 301 A (2) of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for a lot with more than four (4) units provided the minimum lot area per family does not exceed one family unit per three thousand (3,000) square feet of lot area.

3. The minimum lot size per family in the R-2 Zone is 3,000 square feet. At that rate, the subject site can accommodate 41.52 units. Section 3001 B-5 of the Zoning Ordinance gives the Zoning Administrator the authority to round the number of units up to 42 units. The Zoning Administrator has determined that such an action would be appropriate for the proposed project.

4. That the design and operation of the proposed project are consistent with the General Plan.

5. That the proposed use is not likely to cause substantial environmental damage.

6. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

7. That the standards of population density, site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

ATTACHMENT ITEM NO. 5
8. That the proposed construction of the 42 unit apartment complex is allowed in the R-2 (Four Family) Zone subject to the approval of a Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 5-2004 subject to the following conditions:

1. The proposed trash enclosures shall be constructed to City standards. Additionally, a signed waiver of liability for refuse truck damage to the parking lot will be required.

2. One (1) street tree for every 35 lineal feet of street frontage will be required.

3. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. Fees are subject to change annually.

4. The developer/applicant shall comply with Chapter 70 (Excavation and Grading) of the California Building Code, and provide a soils engineering report and a grading and drainage plan signed by a civil engineer. The developer/applicant shall comply with the City Retaining Wall Standards at lot lines adopted by the City Council January 3, 1989.

5. The developer/applicant shall provide a street light on a marbelite pole complying with Southern California Edison Company specifications, as approved by the City Engineer. The street light shall be located at the entrance to the property.

6. The developer/applicant shall abandon existing wells, if any, after first obtaining an abandonment permit from the County Department of Environmental Health, and shall provide the City Engineer with proof of compliance with County regulations prior to performing any grading.

7. The developer/applicant shall extend water, sewer and storm drain service into the parcel.

8. The developer/applicant shall install a backflow prevention device at the water meter for domestic water service.

9. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required flow.

10. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

11. Fire hydrants spacing shall be as follows: In Residential development, one hydrant shall be installed at every 500 feet intervals.

12. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.
13. The minimum fire flow for one and two family dwellings having an area not exceeding 3,600 square feet shall be 1,000 g.p.m. with 20 psi residual pressure. One and two family dwellings having a fire area greater than 3,600 square feet shall be 1,500 g.p.m. with 20 psi residual pressure.

14. All dead-ends access roads in excess of 150 feet must be provided with a approved turnaround complying with City Standards.

15. All turn radii must meet minimum arcs per Porterville Fire Department Standards.

16. Any proposed signing will require a separate sign permit and shall be architecturally compatible with the proposed development to the satisfaction of the Community Development Director.

17. The fence facing the entry to the apartment complex (fence located on the south side of the triplex) shall be completely obscured with landscaping.

18. An on-site resident manager shall be continuously provided to serve the apartment complex.

19. Automatic irrigation controllers shall be provided for all landscaped areas and all landscaping shall be maintained in good condition.

20. The developer/applicant shall construct a six (6) foot high fence of greater durability than a typical wood fence, to the satisfaction of the City Engineer, along the east, north and west side of the property.

21. The subject site will be developed pursuant to Exhibit “A”.

22. Conditional Use Permit 5-2004 shall become null and void on April 20, 2006 if it is not undertaken and actively and continuously pursued. Any additional time would require an approval of an extension of time by the Porterville City Council.

______________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

______________________________
Georgia Hawley, Deputy
PUBLIC HEARING

SUBJECT: MEADOW BREEZE PHASE ONE - TENTATIVE SUBDIVISION MAP (SMEE BUILDERS)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Meadow Breeze Tentative Subdivision Map to divide (in one phase) a 30.7± acre vacant parcel into 44 single family residential lots and a 20± acre remainder. The subject site is generally located on the southwest corner of Castle Avenue and Salisbury Street.

A convertible lot design has been submitted showing potential future development phases which are not part of this application, but have been analyzed for CEQA compliance purposes. The remainder portion (20± acres) is proposed to contain future development of approximately 93± single family residential lots.

The remaining portion of the tentative subdivision map may be encumbered by land use designations for school/park purposes. Any conflicts that may arise from these designations will be addressed on application of future phases.

On February 25, 2004, the Environmental Review Committee made a preliminary determination that a Mitigated Negative Declaration would be appropriate based on the Initial Study. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for a twenty (20) day review period. The only agency that responded was Burton School District.

RECOMMENDATION: That the Subdivision Review Committee recommends that the Council:

(1) Adopt the draft resolution approving the Negative Declaration for Meadow Breeze Phase One Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Meadow Breeze Phase One Tentative Subdivision Map.

ATTACHMENT:

1. Complete Staff Report

DD_____ APPROPRIATED/FUNDED_______ CM_______ ITEM NO. 23
CITY COUNCIL AGENDA: APRIL 20, 2004

PUBLIC HEARING

SUBJECT: MEADOW BREEZE PHASE ONE - TENTATIVE SUBDIVISION MAP (SMEE BUILDERS)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Meadow Breeze Tentative Subdivision Map to divide (in one phase) a 30.7± acre vacant parcel into 44 single family residential lots and a 20± acre remainder. The subject site is generally located on the southwest corner of Castle Avenue and Salisbury Street.

A convertible lot design has been submitted showing potential future development phases which are not part of this application, but have been analyzed for CEQA compliance purposes. The remainder portion (20± acres) is proposed to contain future development of approximately 93± single family residential lots.

The remaining portion of the tentative subdivision map may be encumbered by land use designations for school/park purposes. Any conflicts that may arise from these designations will be addressed on application of future phases.

On February 25, 2004, the Environmental Review Committee made a preliminary determination that a Mitigated Negative Declaration would be appropriate based on the Initial Study. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for a twenty (20) day review period. The only agency that responded was Burton School District.

RECOMMENDATION: That the Subdivision Review Committee recommends that the Council:

(1) Adopt the draft resolution approving the Negative Declaration for Meadow Breeze Phase One Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Meadow Breeze Phase One Tentative Subdivision Map.

ATTACHMENT:

1. Complete Staff Report

DD\[APPRIOPRIATED/FUNDED] CM\[ ] ITEM NO. \[ ]
STAFF REPORT - PUBLIC HEARING

TITLE: MEADOW BREEZE PHASE ONE - TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Smee Builders
            3023 S. Byrd Court
            Visalia, CA 93292

AGENT: James Winton & Associates
        150 West Morton Avenue
        Porterville, CA 93257

PROJECT LOCATION: Generally on the southwest corner of Castle Avenue and Salisbury Street.

SPECIFIC REQUEST: The applicant is requesting approval for Meadow Breeze Phase One Tentative Subdivision Map.

PROJECT DETAILS: The applicant is requesting approval of Meadow Breeze Tentative Subdivision Map to divide (in one phase) a 30.7± acre vacant parcel into 44 single family residential lots and a 20± acre remainder. The subject site is generally located on the southwest corner of Castle Avenue and Salisbury Street.

A convertible lot design has been submitted showing potential future development phases which are not part of this application, but have been analyzed for CEQA compliance purposes. The remainder portion (20± acres) is proposed to contain future development of approximately 93± single family residential lots.

The remaining portion of the tentative subdivision map may be encumbered by land use designations for school/park purposes. Any conflicts that may arise from these designations will be addressed on application of future phases.

The design of the tentative parcel map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance and is consistent with the density allowed by the General Plan.

GENERAL PLAN DESIGNATION: Low Density Residential.
SURROUNDING ZONING LAND USE:

North: City/County - Developed city single family residential subdivision, Castle Avenue, single family residences and rural residential uses.

South: City - Developed single family residential subdivision.

East: City - Developed single family residential subdivision, single family residential uses and Newcomb Street.

West: City - Vacant land.

SUBDIVISION REVIEW: Pursuant to Article 4 of the Subdivision Ordinance, a request for comment dated March 3, 2004, was mailed to the following public/private agencies for a 20 day review period:

- San Joaquin Unified Air Pollution
- Resources Management Agency- Long Range Planning
- Resources Management Agency- Engineering/Flood/Traffic Division
- Tulare County Health and Human Services Agency
- Department of Fish and Game
- California Regional Water Quality Control Board
- Tulare County Association of Government
- District Archaeologist
- Charter Communications
- Southern CA Edison
- Postmaster
- Pacific Bell
- Southern CA Gas
- Porterville Unified School District
- Burton School District

No response

The Subdivision Review Committee on March 31, 2004, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval.

STAFF ANALYSIS: Development of the site as proposed will provide needed housing in conformance with the City’s General Plan Land Use and Housing Elements and requirements of the State Subdivision Map Act and local ordinances.
The proposal is consistent with the General Plan’s Low Density Residential land use designation and R-1 (One-Family Residential) zoning classification for the site.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The site would remain undeveloped until an amended development plan is approved.

2. Approve the project. Conditional approval of the proposed tentative subdivision map would allow the site to be developed in conformance with its current General Plan land use designation while contributing additional housing units towards the City’s Fair Share Regional Housing Goal as identified by the General Plan Housing Element.

ENVIRONMENTAL: The Environmental Review Committee on February 25, 2004, recommended to the City Council that a Negative Declaration be adopted for this project. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 180 days from the date the application was accepted as complete to prepare a Negative Declaration. If necessary, an additional 60 days may follow certification of the Negative Declaration in order to make a determination regarding the project.

DATE FILED FOR SUBDIVISION REVIEW COMMITTEE PROCESSING: March 31, 2004

DATE ACCEPTED AS COMPLETE: March 31, 2004

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Meadow Breeze Phase One Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Meadow Breeze Phase One Tentative Subdivision Map.

ATTACHMENTS:

1. Meadow Breeze Phase One Tentative Subdivision Map
2. Negative Declaration
4. Draft Environmental Resolution
5. Draft Resolution of Approval
NEGATIVE DECLARATION

LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, California 93257

APPLICANT: Smee Builders
3023 S. Burd Soutt
Visalia, CA 93257

PROJECT TITLE: Meadow Breeze Tentative Subdivision Map

ADDRESS/LOCATION: Generally the southwest corner of Casitel Avenue and Salisbury Street.

PROJECT APPLICANT: Smee Builders

PROJECT DESCRIPTION: The Tentative Subdivision Map for Meadow Breeze proposes to divide a 30.7± acre vacant parcel zoned City R-1 (One-Family Residential Zone) into a 44 lot single family residential subdivision and a 20± acre remainder.

Aa convertible lot design has been submitted showing potential future development phases which are not part of this application, but have been analyzed for CEQA compliance purposes. The remainder portion (20± acres) is proposed to contain future development of approximately 93± single family residential lots.

The remaining portion of the tentative subdivision map may be encumbered by land use designations for school/park purposes. Any conflict that may arise from these designations will be addressed on application of future phases.

CONTACT PERSON: Bradley D. Dunlap (559) 782-7460

Per Resolution No. 6956, the Environmental Review Committee of the City of Porterville has reviewed the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

1. The project does not 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.

2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

3. The project does not have possible environmental effects which are individually limited but cumulatively considerable, "Cumulatively considerable" means that the incremental effects of an individual 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.

4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

5. Mitigation measures ___ were,____ were not made a condition of the approval of the project.

On February 25, 2004, the Environmental Review Committee determined that the above project will have no significant effect on the environment.

Copies of plans and other documents relating to the subject project may be examined by interested parties at the City Planning Division, 291 North Main Street, Porterville, California.

Dated: February 25, 2004
Word: NegdecMeadowoodBREEZE

Approved: Bradley D. Dunlap, Environmental Review Committee

291 N. Main St., Porterville, CA 93257 PHONE 559.782.7460 FAX 559.781.6437
Bradley D. Dunlap  
City of Porterville  
291 North Main Street  
Porterville, CA 93257  

Re: Project Title: Meadow Breeze Tentative Subdivision Map  
Comment on Proposed Mitigated Negative Declaration  

Dear Mr. Dunlap:  

The purpose of this letter is to comment on the Notice of Intent to Adopt a Negative Declaration of Environmental Impact for the real property located near the southwest corner of Castle Avenue and Salisbury Street and for the Burton School District to express its support of the City’s designation of the 20 acre remainder for school/park purposes.  

The project is described as division of an approximately 30 acre vacant parcel into 44 single family residences, and leaving an approximately 20 acre remainder. The application also includes a convertible lot design that is not part of this application, but that would contain approximately 93 single family residential lots in the 20 acre remainder.  

The Environmental Checklist Form included with the Notice states that the 20 acre remainder of the tentative subdivision map may be encumbered by land use designations for school/park purposes and that any conflicts from these designations will be addressed on application of future phases.  

In anticipation of conflicts from these designations, the School District wishes to convey its interest in possible development of the 20 acre remainder. Although no specific site has been designated, the School District has seriously considered approximately 12 of the 20 acre remainder for an elementary school site. We understand the remainder has a “floating designation” for school and park use. The City moved the “floating designation” to this site after the former site at Pioneer and Mathew was developed into single family residences. The School District is concerned about having adequate facilities to service the students of Porterville and accordingly, is concerned about the possibility that the current “floating designation” site may be moved again to make way for additional residential development. Accordingly, the School District requests to be notified by the City should it consider moving the “floating designation” from this site.  

Board of Trustees  
Mr. Tom Henry, President  
Mr. Leonard Ratekin  Mr. John Burkey  Mrs. Obdulia Guzman-Alvarado  Dr. John Buckton  
264 North Westwood Street • Porterville, CA 93257-2542 • Phone: (559) 781-8020 • Fax (559) 781-1403
and that the City contact the School District to discuss the issues before any further relocation of the designation.

Although the School District has not yet designated a specific location for a new school site, it has identified this area of Porterville as one for future growth. This is supported by not only the current application but by other development in the area, including that referenced above.

Accordingly, the School District supports the City's designation of the 20 acre remainder for school/park use outlined in the current application and welcomes further dialogue with the City regarding future development in this area of our community. We look forward to working cooperatively with the City to serve the best interests of present and future community residents.

Sincerely,

Gary Mekeel, Ph.D.
Superintendent
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR MEADOW BREEZE PHASE ONE TENTATIVE SUBDIVISION MAP FOR THAT 30.7± ACRE SITE LOCATED GENERALLY ON THE SOUTHWEST CORNER OF CASTLE AVENUE AND SALISBURY STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 20, 2004, conducted a public hearing to consider approval of Meadow Breeze Phase One Tentative Subdivision Map, being a division (one phase) of a 30.7± vacant parcel into 44 single family residential lots and a 20± acre remainder for that site generally located on the southwest corner of Castle Avenue and Salisbury Street; and

WHEREAS: A convertible lot design has been submitted showing potential future development phases which are not part of this application, but have been analyzed for CEQA compliance purposes. The remainder portion (20± acres) is proposed to contain future development of approximately 93± single family residential lots; and

WHEREAS: The remaining portion of the tentative subdivision map may be encumbered by land use designations for school/park purposes. Any conflicts that may arise from these designations will be addressed on application of future phases; and

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

1. That a Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act;

2. That the proposed project will not create adverse environmental impacts;

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

4. That the Negative Declaration prepared for this project was made available for public review and comment;

5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A;

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

ATTACHMENT ITEM NO. 4
7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department's consideration of a "de minimis impact" pursuant to Section 711.2 et. seq. of the Fish and Game Code; and

8. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration for Meadow Breeze Phase One Tentative Subdivision Map as described herein.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
    Georgia Hawley, Deputy
## Attachment A

### Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
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<tbody>
<tr>
<td><strong>Geologic Problems</strong></td>
<td>Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>City of Porterville</td>
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<td>3.f Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.</td>
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<td><strong>Water</strong></td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>City of Porterville</td>
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<td>4.a Changes in absorption rates, drainage patterns or the rate and amount of surface runoff.</td>
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<tr>
<td>Air Quality</td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e./ bicycles and walking). Mitigation through construction management. 1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SJVUAPCD, City of Porterville</td>
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<tr>
<td><strong>Air Quality</strong></td>
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<td>5. a (continued)</td>
<td>a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.</td>
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<td>b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.</td>
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<td>c. One or more of the following means of dust control should be employed after the completion of earth grading operations:</td>
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<td>i. Seeding and watering of new vegetation.</td>
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<td>ii. Hydromulching or spreading of soil binders.</td>
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<td>iii. Maintenance of the site's soil surface crust through repeated soakings.</td>
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| Air Quality 5. a (continued) | 2. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months.  
  3. As many energy-conserving features as possible should be included in the design/construction of the new dwellings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.  
  4. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed.  
  5. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues. |            |                  |
<table>
<thead>
<tr>
<th>Potential Impact</th>
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<td><strong>Air Quality</strong></td>
<td>6. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.</td>
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<tr>
<td>5.a (continued)</td>
<td>7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
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<td>8. Limit engine idling at the project site.</td>
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<td>9. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.</td>
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<td>10. Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling.</td>
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<td>11. With the purchase of any house, included Air Quality incentive items is natural gas barbecues and electric lawnmowers.</td>
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<td>Air Quality 5.a (continued)</td>
<td>12. Any gas-fired appliances should be low nitrogen oxide (NOX) emitting gas-fired appliances complying with California NOX Emission Rule #1121. 13. House units should be oriented to maximize passive solar cooling and heating when practicable. 14. The following regulations of the San Joaquin Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project: a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace. b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre. c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.</td>
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<td><strong>5.a (continued)</strong></td>
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<td>d. A new residential development is defined as any single or multiple family housing unit for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.</td>
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<td><strong>Utilities and Service Systems</strong></td>
<td><strong>12.e</strong></td>
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<td>Storm water drainage.</td>
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<td>The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001).</td>
<td>The City of Porterville and the affected utility companies.</td>
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<td>Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
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<td>The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required.</td>
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<td>Aesthetics 13.c</td>
<td>Create light and glare.</td>
<td>The installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site’s eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
</tr>
</tbody>
</table>
RESOLUTION NO.______________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
MEADOW BREEZE PHASE ONE TENTATIVE SUBDIVISION MAP FOR THAT 30.7±
ACRE SITE LOCATED GENERALLY ON THE SOUTHWEST CORNER OF CASTLE
AVENUE AND SALISBURY STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of April 20, 2004, conducted a public hearing to consider approval of Meadow Breeze Phase One
Tentative Subdivision Map, being a division (one phase) of a 30.7± vacant parcel into 44 single
family residential lots and a 20± acre remainder for that site generally located on the southwest
corner of Castle Avenue and Salisbury Street; and

WHEREAS: A convertible lot design has been submitted showing potential future
development phases which are not part of this application, but have been analyzed for CEQA
compliance purposes. The remainder portion (20± acres) is proposed to contain future development
of approximately 93± single family residential lots; and

WHEREAS: The remaining portion of the tentative subdivision map may be encumbered
by land use designations for school/park purposes. Any conflicts that may arise from these
designations will be addressed on application of future phases; and

WHEREAS: The Subdivision Review Committee on March 31, 2004, reviewed and
discussed concerns and conditions that should be addressed before the City Council. Conditions
developed as a result of this meeting and subsequent staff review have been discussed with the
applicant’s agent and incorporated into the draft resolution of approval; and

WHEREAS: The City Council received testimony from all interested parties relative to the
proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the
   General Plan.

2. That the site is physically suitable for the type and density of the proposed
development.

3. That the Negative Declaration prepared for this project is in compliance with the
   California Environmental Quality Act indicating that such will not have a significant
effect on the environment.
4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage.

5. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.

6. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

WHEREAS: On February 25, 2004, the Environmental Review Committee accepted as complete a Negative Declaration for the proposed tentative subdivision.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Meadow Breeze Phase One Tentative Subdivision Map subject to the following conditions:

1. The required twelve (12) foot side yard setback for all reverse corner lots shall be shown on the final map. As currently designed, Lot 6 and Lot 127 are reverse corner lots.

2. The developer/applicant shall pay for a minimum of one street tree per lot frontage (one tree for interior lots, two trees for corner lots). The trees shall either be planted by the City of Porterville, or by payment of a planting deposit, refundable upon the planting of each tree as each phase develops.

3. The following regulations of the San Joaquin Valley Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project:

   a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.

   b. In new residential development with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two(2) EPA Phase II Certified wood burning heaters (wood-stove, pellet-stove, or wood-burning insert) per acre.

   c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.

   d. A new residential development is defined as any single or multi-family housing unit for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.

5. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

6. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23).

7. The developer/applicant shall provide and show all required utility easements on the Final Map.

8. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.

9. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping, if any (3) Public walls/fences, if any (4) Temporary on-site drainage reservoir, if any, etc.

10. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:
   a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;

c. Soils Report(s) in accordance with Chapter 18 of the California Building Code.

11. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

12. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months prior to recording the final map for each phase.

13. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615 for all wells that will remain in service.

14. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.

15. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).

16. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

17. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).
18. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

19. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

20. Building or foundation permits shall not be issued until all of the following items are accepted as complete:

a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;

b. The water system, is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);

c. Street base rock for accessibility by the public safety officials and building inspectors;

d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommendations contained in the Preliminary Soils Report;

e. Lot corners are marked;

f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

21. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system.
22. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

23. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.

24. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate with Knox padlock to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long.

25. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

26. The developer/applicant shall construct two City standard barricades at the end of all dead end streets.

27. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.

28. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).
29. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

30. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

31. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

32. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.

33. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to recording the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.

__________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
Georgia Hawley, Deputy
PUBLIC HEARING

SUBJECT: AIRPORT FEE SCHEDULE

SOURCE: FIRE DEPARTMENT/AIRPORT

COMMENT: On April 4, 2004, the Porterville City Council approved Ordinance No. 1652, Chapter 4 of the Porterville Municipal Code, which included the authority to adopt, by resolution, various fees for activities at the Airport. These fees are subject to review and/or modification by the City Council as needed. The fees are in addition to any other fees already authorized by Council. i.e. business license fees, civic permit fees, etc. It is being recommended that the fees go into effect on May 20, 2004, the effective date of Ordinance 1652.

RECOMMENDATION: 1- That the City Council hold a public hearing on the proposed fees.

2- That the City Council adopt the attached resolution adopting the fees.

ATTACHMENTS: 1- Resolution
RESOLUTION NO. ______-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE SETTING FEES FOR ACTIVITIES AT THE PORTERVILLE MUNICIPAL AIRPORT

Whereas, on April 6, 2004, the City Council did adopt Ordinance 1652 adopting Chapter 4, Airport, which governs the rules and regulations at the Porterville Municipal Airport; and

Whereas, Sections 2.10, 2.35, 4.25, 4.30 of Chapter 4 state that the required fees shall be set by resolution of the City Council of the City of Porterville.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Porterville that the fees as stated in Sections 2.10, 2.35, 4.25, 4.30 of Chapter 4 shall be as follows:

- Call Out Fee $35.00
- Tie Down Fee, Single Engine $2.00 a night or $20.00 a month
- Tie Down Fee, Twin Engine $2.50 a night or $25.00 a month
- City Owned Hangar Rental Fee $75.00 a month
- Short Term Parking Passenger Vehicle $2.00 a day
- Monthly Parking Permit Passenger Vehicle $20.00 a month
- Monthly Parking Permit, Trailers and Motor Homes $1.00 per foot, $20.00 min. per month
- Photo Identification Card with Gate Pass (lease holders) $10.00
- A Photo Identification Card with Gate Pass (others) $20.00
- Additional Cards $10.00
- Replacement of Lost Photo ID Card $20.00
- Advertizing space $1.00 per square foot per month, $5.00 min. per month

This Resolution shall become effective on May 20, 2004, the effective date of Ordinance No. 1652.

ADOPTED this 20th day of April, 2004.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By: Georgia Hawley, Deputy City Clerk
SUBJECT: SECOND READING - ORDINANCE 1651, AMENDING CHAPTER 17, MOTOR VEHICLES AND TRAFFIC, SECTION 17-15, OF THE CODE OF THE CITY OF PORTERVILLE

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1651, Amending Chapter 17, Article XV, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, of the Code of the City of Porterville, was given First Reading on April 6, 2004, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1651 and waiving further reading, and adopt said ordinance.

Attachment: Ordinance No. 1651

Item No. 25
ORDINANCE NO. 1651

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 17, ARTICLE XV, SECTION 17-15, PRIMA FACIE SPEED LIMITS DETERMINED ON CERTAIN STREETS, OF THE CODE OF THE CITY OF PORTERVILLE

THE COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

A. That Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, of the Code of the City of Porterville is hereby amended as follows:

   MAIN STREET

   Reid Ave. to Henderson Ave.  45 mph
   Henderson Ave. to Morton Ave.  30 mph
   Morton Ave. to Date Ave.  25 mph
   Date Ave. to South City Limits  40 mph

B. This ordinance and code amendment shall be in full force and effect thirty (30) days from and after its publication and passage.

DATED this 20th day of April, 2004.

__________________________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

__________________________________________________________
By: Georgia Hawley, Deputy
SUBJECT: SECOND READING - ORDINANCE 1652, ADOPTING A NEW CHAPTER 4, AIRPORT, OF THE PORTERVILLE MUNICIPAL CODE

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1652, revising Chapter 4, Airport, of the Code of the City of Porterville, was given First Reading on April 6, 2004, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1652 and waiving further reading, and adopt said ordinance.

Attachment: Ordinance No. 1652

Item No. 26
ORDINANCE NO. 1652

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
ADOPTING A NEW CHAPTER 4, AIRPORT, OF
THE PORTERVILLE MUNICIPAL CODE

WHEREAS, Chapter 4 of the Porterville Municipal Code, which defines the operations at the City’s airport, was adopted by Ordinance No. 1194 on February 5, 1980, and later amended by Ordinance 1537 on August 6, 1996; and

WHEREAS, Airport Staff, in conjunction with City Management, the Airport Technical Advisory Group, Fixed Base Operators, and all interested parties, reviewed the operations at the Porterville Municipal Airport and developed a revised ordinance to assure concurrence with present practices and legal requirements.

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

Section A: That Ordinance No. 1194, adopted February 5, 1980, and any and all amendments thereto, known as Chapter 4, Airport, of the Porterville Municipal Code shall be rescinded in its entirety.

Section B: That Chapter 4, Airport, of the Porterville Municipal Code, is hereby adopted to read as follows:

Attached Hereto as Exhibit “A”

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

________________________________________

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

________________________________________

By: Georgia Hawley
Rules and Regulations for the Porterville Municipal Airport

City of Porterville, California

April 6, 2004
# Rules and Regulations for the Porterville Municipal Airport

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INTRODUCTION

This ordinance is enacted to protect the health, safety, peace, and to promote the welfare and convenience of the public using the Porterville Municipal Airport. These Rules and Regulations are intended to be added to the existing Federal Aviation Regulations, the State of California Aeronautics Act, Uniform Fire Code and Chapter 4 of the Code of the City of Porterville.

These Rules and Regulations are written in 14 sections. Each section addresses a different aspect of the Airport Community with regard to the safety and enjoyment of the public. Article I defines terms used throughout this ordinance. Articles II and III review the general rules and regulations of airport operations and aircraft flight respectively. Article IV contains provisions for vehicle safety on or around the Porterville Municipal Airport. Article V restates the Uniform Fire Code for airport operations. Articles VI and VII explain hangar, tie-down, and Fixed Base Operator leases and permits. They also set the policies and procedures for late or delinquent payments on all leases and permits.

Article VIII reviews emergency procedures with respect to accident scenes, vehicle and aircraft safety, and public welfare. Article IX contains the policies for fueling and defueling of aircraft and fuel sales. This section also discusses the storage of flammable liquids. Article X states insurance requirements and city and owner liability. Article XI contains rules and regulations prohibiting any illegal activities on or in the vicinity of the Airport. Article XII states the policies and procedures for any special events, such as, the Fly-In and Open House. Article XIII provides an appeal process for Airport users who feel they have a compelling, legitimate reason to dispute a violation notice or a notice to cease. Article XIV protects this ordinance if one or more Sections are ever found unconstitutional. Also included are a set of Appendixes covering traffic patterns, forms for lease permits, registration, and accidents.

SHORT TITLE: This ordinance may be referred to as the Porterville Municipal Airport Rules and Regulations. It may be amended by a majority vote of the City Council of the City of Porterville, California.

NECESSITY: This ordinance is enacted to protect the health, safety and peace, and to promote the welfare and convenience of the general public using the Porterville Municipal Airport, or affected by activities related to the Airport by providing for the orderly conduct of activities on, or related to, the Airport.

AUTHORITY: The provisions of these Rules and Regulations are intended to augment the existing laws of the State of California by the authority of Title IX of the Aeronautics Act, Public Utilities Code Sections 2100 et. Seq., the Federal Aviation Regulations and Chapter 4 of the Code of the City of Porterville. The City of Porterville, as owner of the Airport, is directed by Federal and State law to provide for the safe and efficient operation of the facility as a public Airport, and to provide for the health, safety, and welfare of the flying public.

APPLICABILITY: The provisions in these Rules and Regulations shall be applicable to any and all persons upon the Airport, who lease or rent property directly from the City of Porterville, who have been granted any license or permit by the City of Porterville, and to any person(s) engaged in activities thereon.
ARTICLE 1 ~ DEFINITIONS

For the purposes of this chapter, the following definitions and meanings shall apply unless otherwise specified:

_Aerobatics_ means maneuvers intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal acceleration, or deceleration.

_Air Carrier_ means any person who undertakes directly, by lease, or other arrangement, to engage in air transportation of persons or things. They operate, in various categories, under authority or certification by the California Public Utilities Commission. Categories include certificated route air carriers, trunk carriers, flag carriers, local service carriers, all-cargo carriers, helicopter carriers, commercial air operators, air taxi operators, and charter air carriers.

_Aircraft_ means a device that is used, or intended to be used, for flight in the air. This includes airplanes, helicopters and gliders, and lighter-than-air devices such as blimps or balloons, but does not include hang gliders. (See Ultralights FAR’s part 103)

_Airport_ means the Porterville Municipal Airport, its buildings and facilities, all lands owned by the City adjacent to the Airport, including airspace above such land and the designated approaches thereto.

_Air Operations Area_ means any area used for landing, taking off, taxiing or surface maneuvering aircraft.

_Airport Operations Manager_ means that person or his designee (Airport Operations Supervisor), designated by the City of Porterville, as the competent authority charged with the safe and efficient operation of the Airport and the enforcement of the regulations herein.

_Air Traffic_ means aircraft operating in the air or on an Airport surface, exclusive of loading ramps or parking areas.

_Air Traffic Clearance_ means an authorization issued by air traffic control personnel for an aircraft to proceed under specified traffic conditions within controlled airspace.

_Auto Rotation_ means a rotor craft flight condition in which the lifting rotor is driven entirely by the action of air when the rotor craft (helicopter) is in motion.

_Balloon_ means a lighter-than-air aircraft that is not engine driven.

_Based Aircraft_ means any aircraft which utilizes the Airport as a base of operations and is assigned a permanent parking space, tie-down, or hangar space on the Airport or adjoining property, for the period of at least one month, by virtue of a lease agreement.

_Ceiling_ means the height above the earth's surface of the lowest layer of clouds or obscuring phenomena, that is reported as "broken," "overcast," or "obscuration," and is not classified "thin" or "partial."

_City_ means the City of Porterville.
Commercial Operator means any person who, for compensation or hire, engages in the carriage of persons, property or mail in air commerce, or engages in other aerial activity such as flight instruction, aerial photography, fire fighting, agricultural aviation activities, and/or traffic surveillance.

Commercial Use means use of the Porterville Municipal Airport for revenue-producing commercial activities.

Common Use Area means all runways for landing and takeoff, all runway markers, guidance, signal, and beacon lights used to guide aircraft operations; all apparatus or equipment for disseminating weather and wind information, for signaling, for radio-directional finding, or for radio or other electrical communication and any other structure, equipment or mechanism having similar purpose for guiding or controlling flight in the air or the landing and takeoff of aircraft, and together with such aprons, ramps, tie-down area, taxiway and improvements.

Council means the City Council of the City of Porterville, who, as governing body of the municipality which owns the Airport, is final authority in all matters of policy and procedure in the operation of the Airport.

Fixed Base Operator (FBO) means any person who rents, leases or owns facilities located in an area designated for FBOs at the Porterville Municipal Airport, who, by virtue of his specific type of aviation (or aviation-related) activity, requires the occupancy of a site with contiguous aircraft apron and direct access to the aircraft operation area, and who engages in a business activity providing aviation sales or services, including, but not limited to any of the following:

(a) Selling and/or servicing new and used aircraft and component parts
(b) Aircraft maintenance and repairs
(c) Sales and/or repair of avionics
(d) Aviation training (including ground or flight instruction)
(e) Aerial photography
(f) Air ambulance service
(g) Aircraft agricultural operations (crop dusting, spraying, or the application of seed, fertilizers, pesticides, defoliants, etc.)
(h) Aircraft rental, charter, and leasing
(i) Hangar rentals in support of FBOs

Flight Visibility means the average forward horizontal distance from the cockpit of an aircraft in flight, at which prominent unlighted objects may be seen and identified by night.

Ground Visibility means prevailing horizontal visibility near the earth's surface.

Helicopter means a rotor-driven aircraft (rotorcraft) that, for its horizontal motion, depends primarily on its engine-driven rotors.

IFR means instrument flight rules covering meteorological conditions below the minimums for flight under visual (VFR) conditions.

Maintenance means inspection, overhaul, repair, preservation and the replacement of parts, but excludes preventive maintenance.
**Maximum Gross Landing Weight** means the maximum landing weight stipulated for a particular aircraft by the Federal Aviation Administration (FAA).

**Motor Vehicle** as defined in Section 415 of the California Vehicle Code.

**Night** means the time between the end of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac, converted to local time.

**Person** means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, and includes a trustee, receiver, assignee or similar representative of any of them.

**Ramp** means the area used for the parking and maneuvering, loading, and servicing of aircraft while they are on the ground.

**Traffic Pattern** means the traffic flow that is prescribed for aircraft landing at, or taking off from the Porterville Municipal Airport.

**Transient Aircraft** means all aircraft not permanently based at the Airport (as opposed to based aircraft).

**Ultralight** means a vehicle to be used as an in-air manned operation for recreation or sport. If powered, weighs less than 254 pounds empty, having a maximum fuel capacity of 5 U.S. gallons, not capable of more than 55 knots at full power at level flight and having a power off stall speed of 24 knots or less.

**Word Construction.** The following construction applies throughout this chapter:

- (a) Words importing the singular include the plural
- (b) Words importing the plural include the singular
- (c) Words importing the masculine gender include the feminine

**VFR** means visual flight rules covering meteorological conditions, above those requiring flight under IFR conditions.

**ARTICLE II ~ AIRPORT OPERATION AREA REQUIREMENTS, GENERAL**

**Section 4-2.05 RESPONSIBILITIES**

(a) **Management:** It shall be the responsibility of the Airport Manager/Airport Operations Supervisor of Porterville Municipal Airport to fairly and impartially administer the Porterville Municipal Airport Rules and Regulations. The Airport Manager/Airport Operations Supervisor is responsible for the safe and efficient operation of the Airport.

(b) **Users:** It shall be the responsibility of every user of the Porterville Municipal Airport, pilot or other, to become familiar with the Porterville Municipal Airport Rules and Regulations and to obey those Rules and Regulations. The use of the Airport or any of its facilities in any manner shall constitute an acceptance by the user of these Rules and Regulations and shall create an obligation on the part of the user to abide by and obey said Rules and Regulations. A copy will be maintained current to reflect any amendments and will be posted in the Administration Building. Additional copies will be provided by the Porterville Municipal Airport Manager/Airport Operations Supervisor to any user of the Airport who requests a copy.
Section 4-2.10 HOURS OF OPERATION
The Porterville Municipal Airport shall be open for public use (24 hours), subject to any restrictions imposed by the Airport Manager/Airport Operations Supervisor, the condition of the landing area, the presentation of special events, construction or repair activities, or similar causes. The Airport is attended from 8 a.m. to 5 p.m. daily in the winter and 8 a.m. to 6 p.m. daily in the summer. Services may be obtained at other times by contacting the numbers posted on the door of the Airport lobby. A call out fee will be charged per the Airport fee schedule set by City Council Resolution. The fee schedule will be reviewed by City Council on an annual basis. (Winter hours are October 1 through May 15; Summer hours are May 16 through September 30, unless situations occur that require the Airport Manager to modify the hours.)

Section 4-2.15 COMMON USE AREAS
All runways, taxiway, and associated turnoffs, and aprons, together with associated lighting, marking and navigational fixtures shall be considered common use areas and shall be maintained as being available for use by all persons flying or operating aircraft on the Airport. Certain areas of the main ramp, including parking areas and helipads shall also be designated as Common Use Areas. No FBO or other person shall use any Common Use Area for the parking or storing of aircraft, repair, servicing, or for any other purpose other than the flying and operation of aircraft, without the prior consent or authorization of the Airport Manager/Airport Operations Supervisor.

Section 4-2.20 MAINTENANCE
Unless otherwise authorized by the Airport Manager/Airport Operations Supervisor, no aircraft or vehicle maintenance (other than that required to remove damaged aircraft from the runway or taxiway, or replacing a flat tire) shall be performed on the Porterville Municipal Airport except in areas specifically designated by the Airport Manager/Airport Operations Supervisor for that purpose.

Section 4-2.25 ANIMALS
(a) No person shall willfully and knowingly permit any animal owned, possessed or harbored by him to enter the Airport unless the animal is leashed or restricted so as to be under control, or in a shipping container, or otherwise under physical restraint. Nor shall he permit such animal, except a "seeing-eye" dog, to enter any Airport building.
(b) Owner shall be responsible for cleanup of animal defecation.

Section 4-2.30 BASED AIRCRAFT
Any person desiring to store or base his/her aircraft at the Porterville Municipal Airport shall register his aircraft at the Airport Office prior to beginning such storage or operations, and at any time that a change in ownership occurs. The use of the Airport or any of its facilities in any manner shall create an obligation on the part of the user to obey all of the Rules and Regulations.

Section 4-2.35 COMMERCIAL ACTIVITY
No person shall utilize the Porterville Municipal Airport for any revenue producing commercial activities without first obtaining a Business License from the City for such activities and paying the fees and charges established for such use. The Airport Manager/Airport Operations Supervisor shall maintain available for examination upon request, a schedule of fees and charges for the use of the Airport and its facilities. Any aircraft owner who fails to pay any fee duly charged for aircraft owned or controlled by him shall have such aircraft subject to impounding until the fees are paid, along with any impound fees, or until the aircraft is sold for charges.
Section 4-2.40 AIRCRAFT STORAGE AND PARKING
Aircraft shall only be stored or parked at places designated by the Airport Manager/Airport Operations Supervisor and such storage or parking shall be at the sole risk of the owner or operator of the aircraft, and without any responsibility of the Porterville Municipal Airport, the City, or any of its officers, agents or employees, for any loss of, or damage to the aircraft while so stored or parked. The owner or operator of the aircraft shall be responsible for the tying-down and securing of his aircraft. He shall likewise be responsible for any liability arising from or caused by his aircraft or his activities. Transient aircraft shall only be parked in the area designated by the Airport Manager/Airport Operations Supervisor.

Section 4-2.45 UNATTENDED AIRCRAFT
No aircraft shall be left unattended on the Airport unless properly secured or within a hangar. Owners of the aircraft left unattended shall be liable for damage to other aircraft or property resulting from the failure to adequately secure or tie down their aircraft.

Section 4-2.50 RESTRICTED AREAS
No person shall enter any restricted area which is posted or closed to the public except: (a) persons duly authorized by the Airport Manager/Airport Operations Supervisor (b) law enforcement or fire-fighting personnel.

Section 4-2.55 DUMPING REFUSE
No person shall place, deposit, or dump any garbage, cans, bottles, papers, ashes, sewage, carcass of any dead animal, of all trash, rubbish, debris, or any other refuse in any location on the Airport except in containers plainly marked for such purposes.

Section 4-2.60 PLACE OF ABODE
No person shall erect lodge shelters, structures, or house(s) on the Airport nor shall any person reside at the Airport without consent of the City Council.

ARTICLE III ~ AIRCRAFT FLIGHT RULES, GENERAL

Section 4-3.05 STARTING ENGINES:
No person shall start any aircraft engine on the Porterville Municipal Airport:
(a) Unless a competent operator is at the controls;
(b) Unless the aircraft is equipped with adequate brakes fully applied or the wheels are securely blocked with blocks or chocks that can be removed safely;
(c) When the aircraft is in such a position that the propeller slipstream or jet blast can cause damage to, or interfere with the operation of other aircraft, vehicles, mobile equipment, hangar shops or other buildings, or can cause injury to passengers, spectators or other personnel.

Section 4-3.10 TAXIING
(a) No person shall taxi any aircraft into, out of, or within any hangar or other building on or adjacent to the Airport.
(b) Nor shall any person move any aircraft under its own power on the Airport unless he is in full control of such aircraft, and has assured himself that there is no danger of collision with other aircraft, vehicles, equipment, buildings, or other obstacles.
(c) Aircraft shall be taxied at a safe speed.
(d) No aircraft shall use the runway for taxi back purpose, unless communicating intentions over Unicom.
(c) No aircraft shall be taxied without an adequate braking system, unless aircraft is accompanied by an attendant to help in stopping or slowing movement.

Section 4-3.15 TAKE-OFFS AND LANDINGS
No aeronautical activity shall be conducted at the Porterville Municipal Airport except in conformance with current Federal Air Regulations, State of California law and regulations, and this ordinance.

Section 4-3.20 TRAFFIC PATTERN
It is recommended that every aircraft, before landing and after takeoff, shall be flown in accordance with the traffic pattern illustrated on the diagram attached hereto as Appendix "A," and made part of this ordinance. Aircraft traveling faster than 125 knots per hour, shall be flown using the outside pattern shown on Appendix "A." If a conflict is observed, the right-of-way rules of FAR 91.113 shall prevail. In all cases, the offending aircraft shall yield the right-of-way as appropriate and overfly the pattern to re-enter the downwind leg of the pattern.

Section 4-3.25 NOISE
(a) No person shall operate any aircraft in flight or on the ground so as to cause unnecessary noise as determined by the applicable Federal or State or local laws and regulations. 
(b) No person shall unnecessarily create noise through loudspeaker systems, radios or other means, or to create disturbances of a nature which will disturb other Airport tenants or users of the Airport facility.

ARTICLE IV – VEHICLE OPERATIONS

Section 4-4.05 GENERAL
All persons who operate motor vehicles on Airport premises shall do so in accordance with all applicable Federal, State, and City Rules and Regulations. The Airport Operations Area was designed for aircraft use and for safety. Vehicular traffic must be kept to a minimum.

Section 4-4.10 RIGHT-OF-WAY
Motor-vehicle traffic shall yield the right-of-way to aircraft. Right of way shall also be given to emergency response equipment and aircraft fueling vehicles. When emergency conditions exist on the field area, motor vehicles not involved in the emergency shall remain a safe distance away from the emergency area and abide by all existing Airport regulations.

Section 4-4.15 MOTOR VEHICLE SPEED LIMITS
No person shall operate any motor vehicle on the Airport in excess of ten (10) miles per hour, except emergency vehicles responding to an emergency situation.

Section 4-4.20 PARKING
Vehicles shall not be parked on the Airport other than in the manner and locations indicated by posted traffic signs. Vehicles parked other than §4.20 specifies may be removed by Airport personnel, and in such event a towing charge will be levied prior to releasing the vehicle from impound. No liability for damages sustained by such vehicles during said movement will be assumed by the City of Porterville or any of its officers or employees.
Section 4-4.25 SHORT-TERM PARKING
The parking lot located adjacent to the administration building is available for public parking for less than 72 hours. Parking inside the airport security fences, in a designated parking area, is permitted for a fee per the Airport fee schedule set by City Council Resolution. This fee schedule will be reviewed by City Council on an annual basis.

Section 4-4.30 LONG-TERM STORAGE
The City does not authorize long-term storage of vehicles, operable or not, except as provided below:
Persons desiring to store and not move a vehicle off the Airport’s common area for more than 72 consecutive hours must ask the permission of the Airport Manager/Airport Operations Supervisor. A long term parking permit may be purchased. The permit fee shall be set by City Council Resolution. This fee schedule will be reviewed by City Council on an annual basis.

Section 4-4.35 ACCIDENT REPORTS
All persons involved in a vehicle accident, occurring on the Airport, shall make a full report to the City Police Department as soon after the accident as possible. This report shall include names and addresses of all persons involved.

Section 4-4.40 MOTORBIKES, BICYCLES, SKATEBOARDS
Skateboards are prohibited on the Airport. Further, no person shall ride or park motorbikes, bicycles, or other equipment in the Aircraft Movement Area in such a manner as to cause distraction or create an obstruction to aircraft, pedestrian traffic or authorized vehicles or in front of "No Vehicle Parking" signs.

ARTICLE V ~ FIRE HAZARDS

All activities at the Porterville Municipal Airport shall be in compliance with the latest edition of the Uniform Fire Code (UFC) with State amendments as adopted by the City of Porterville.

Section 4-5.05 SOURCES OF IGNITION
Open flames, flame-producing devices and other sources of ignition shall not be permitted except where allowed by the Fire Code.

Section 4-5.10 SMOKING
Smoking shall be prohibited in aircraft refueling vehicles, commercial aircraft hangars, and aircraft operation areas. No smoking signs shall be provided in accordance with the Fire Code.

Section 4-5.15 HOUSEKEEPING
The Aircraft Operation Area (AOA) and related areas shall be kept free of combustible debris at all times.

Section 4-5.20 FIRE DEPARTMENT ACCESS
Fire lanes and access roads shall be provided and maintained and shall not be blocked.
Section 4-5.25 DISPENSING FLAMMABLE AND COMBUSTIBLE LIQUIDS
Dispensing, transferring and storage of flammable and combustible liquids shall be in accordance with UFC.

Section 4-5.30 COMBUSTIBLE STORAGE INSIDE OF HANGARS
Combustible materials stored in aircraft hangars shall be stored in approved locations and containers as allowed by the Fire Code.

Section 4-5.35 HAZARDOUS MATERIAL DISPOSAL
No person shall dispose of any hazardous materials in any manner other than as designated by the United States Environmental Protection Agency, the Department of Environmental Conservation, the laws and regulations of the State of California, the City of Porterville and/or otherwise designated by the Airport Manager/Airport Operations Supervisor.

Section 4-5.40 AIRCRAFT MAINTENANCE
Aircraft maintenance shall only be done in accordance with the UFC.

Section 4-5.45 CLEANING PARTS
Class 1-A liquids shall not be used to clean aircraft, aircraft parts or aircraft engines.

Section 4-5.50 SPILLS
Spills shall be cleaned immediately.

Section 4-5.55 NOTIFICATION OF THE FIRE DEPARTMENT IN THE EVENT OF A SPILL
The Fire Department shall be notified of any fuel spill that is considered a hazard to people or property or that meets one or more of the following criteria, any dimension of the spill is greater than 10 feet, or the spill area is greater than 50 square feet.

Section 4-5.60 ENGINE RUN
Aircraft engines shall not be run in aircraft hangars except in approved engine test areas.

Section 4-5.65 PORTABLE FIRE EXTINGUISHERS
Portable fire extinguishers shall be provided as per the Fire Code.

Section 4-5.70 REPORTING OF USE
Use of any fire extinguisher equipment under any circumstances shall be reported to the Airport Manager/Airport Operations Supervisor of the Airport and the Fire Chief immediately after use.

Section 4-5.75 OPERATION, MAINTENANCE AND USE OF AIRCRAFT FUELING VEHICLES
Operation, maintenance and use of aircraft fueling vehicles shall be in compliance with the Fire Code.

Section 4-5.80 OPEN FLAMES ON AIRCRAFT FUEL SERVICING RAMPS
Open flames and open flame devices are prohibited within 50 feet of any aircraft fuel servicing operation or fueling equipment.

Section 4-5.85 AIRCRAFT FUEL-SERVICING LOCATIONS
Aircraft fuel-transfer operations shall be prohibited indoors and comply with the Fire Code.
ARTICLE VI - AIRCRAFT HANGARS/TIE-DOWN PERMITS

Section 4-6.05 GENERAL
This section refers to the general occupancy of private aircraft storage hangars on the Airport. Distinction is made between such small hangars and larger FBOs or aircraft maintenance facilities. This section applies exclusively to smaller, private aircraft storage hangars. The occupancy of larger maintenance or FBO hangars is addressed in Article VII of this code.

Section 4-6.10 AIRCRAFT STORAGE
No person shall park or store any aircraft or associated equipment in any hangar on the Airport except by authority of and in compliance with the provisions of this section.

Section 4-6.15 TENANTS/LESSEE
All tenants of hangars and/or holders of tie-down permits shall be subject to the following terms and conditions:
(a) Aircraft shall be stored only in hangars or tie-down spaces assigned by the Airport Manager/Airport Operations Supervisor. Occasionally it may be necessary for the Airport Manager/Airport Operations Supervisor to relocate airplanes.
(b) When more than one aircraft (owned by the same person) can be stored safely in a hangar the Airport Manager/Airport Operations Supervisor will be notified in writing.

Section 4-6.20 HANGAR/TIE-DOWN AGREEMENTS
All hangar agreements and tie-down permits (except hangars and tie-downs under control of concession lessees) shall be assigned by the Airport Manager/Airport Operations Supervisor based upon present rent or fees. An agreement for permanent hangar storage or tie-down permit must be in the name of an individual, flying club, corporation or entity. Tenants/Permittee(s)/Lessee(s) must be at least eighteen (18) years old to sign a permit agreement.

Section 4-6.22 CITY-OWNED HANGARS
All City-owned hangar tenants shall be responsible for hangar damage caused by their occupancy other than proven vandalism or acts of God. Such damage refers particularly to rough use or misuse of hangar doors by tenants or visitors.

Section 4-6.25 PROOF OF OWNERSHIP
The Airport Manager/Airport Operations Supervisor shall require tenants/permittees to establish proof of ownership or vested interest for the aircraft.

Section 4-6.30 ADDITIONAL USE
Individual aircraft hangars are allowed on the Airport for the primary purpose of aircraft storage and the normal maintenance, repair and service activities associated with said aircraft. Any additional uses within said hangars shall comply with all applicable City Regulations.

Section 4-6.35 AGREEMENT/PERMIT TRANSFERENCE
Lessee shall not sublet the premises, or any part thereof or assign, transfer, mortgage, or otherwise convey this agreement without the prior written consent of the City. Any consent by the City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a consent to any other different or subsequent sublease, assignment, transfer, mortgage, or conveyance.
Section 4-6.40 INCIDENTAL STORAGE
Storage of personal items, in addition to aircraft storage, within the hangar shall conform to all local fire and safety codes and the provisions of these regulations.

Section 4-6.41 VEHICLE STORAGE
Vehicles belonging to the hangar or aircraft owner and guests may be stored in the hangar while the aircraft is away, or for other short durations of time. The storage of any motor vehicle within a hangar shall conform to applicable fire and safety codes.

Section 4-6.45 OUTSIDE PARKING
No vehicle shall be parked or left unattended in any aircraft operating area or in a manner which limits aircraft operation. Vehicles may be stopped in such areas for short periods of time so long as the owner is readily available to move the vehicles should the needs of aircraft traffic so dictate.

Section 4-6.50 MAINTENANCE
Maintenance in private hangars shall be limited to routine service and inspection of owner's personal aircraft. Said maintenance may include minor repair, required lubrication and engine oil change, and component replacement by aircraft owner or authorized mechanic. All other maintenance activities shall be done in accordance with applicable fire and safety codes. Other FAA maintenance tasks are approved only if the hangar meets current building, fire, and zoning regulations.

Section 4-6.51 DISASSEMBLED AIRCRAFT
Aircraft in any state of disrepair or assembly may be stored in the hangar while awaiting repairs. Long-term storage of such aircraft shall be subject to the fire and safety provisions of this code.

Section 4-6.55 ENGINE RUN
No aircraft engine shall be run while inside any hangar. Aircraft shall be moved from the hangar to a safe position as provided in §3.05 for run-up, or at least outside of the hangar for low-power engine runs.

Section 4-6.60 BUSINESS ACTIVITIES
No person shall conduct any type of business activity or service from individual hangars, unless specifically authorized by City.

Section 4-6.65 ADDITIONAL OCCUPANCY
No residential occupancy or use shall be allowed in an aircraft storage hangar or elsewhere on the Airport unless specifically authorized by City.

Section 4-6.70 HANGAR INSPECTION
City may inspect each hangar annually, and more often if deemed necessary to determine compliance.

Section 4-6.75 FIRE AND SAFETY
All occupants of aircraft hangars shall comply with this section, as well as all principles of fire safety. All persons shall exercise the utmost care to guard against any threat of fire or injury to persons and property on the Airport. All occupancies shall comply with applicable provisions of City Regulations.
Section 4-6.76 BEQUEST OF HANGAR/TIE-DOWN/LEASE

With the death of a hangar tenant/tie-down permittee/lessee, a hangar/tie-down permit/lease may be transferred to an heir by inheritance of the aircraft.

Section 4-6.77 USE OF HANGAR/TIE-DOWN

No tenant/permittee/lessee may sublease, sub-rent, his hangar/tie-down permit/lease to another person for storage, charter, rental or otherwise without notifying the Airport Manager/Airport Operations Supervisor and according to standard procedure set forth. The use of hangar/tie-down by an aircraft other than the tenant/permittee/lessee must be approved by the Airport Manager/Airport Operations Supervisor.

A tenant/lessee may sublet a portion of his hangar to a second owner whose aircraft will safely fit in the available space. In such an instance, the second occupant of the space is subject to the same Rules and Regulations as if they were a primary tenant/lessee. The subtenant/lessee is not the primary tenant/lessee under any circumstance and must comply with all applicable provisions of City regulations.

Section 4-6.80 PAYMENT TERMS AND CONDITIONS

(a) Payment Schedule

1. All City-owned hangar agreements/tie-down permits will be on a monthly basis with an option to renew.
2. All private hangar land leases will be billed as per the lease agreement.
3. Rental agreements/permits will be prorated to the nearest week upon initial occupancy, but not prorated upon termination of occupancy.

(b) Delinquent Accounts: Rules and Regulations prescribing penalties and procedures relating to delinquent accounts of the Airport are as follows:

For the purpose of these Rules and Regulations every Airport tenant, permit account, lease shall become due and payable on the first day of the calendar month during which the agreement, permit or instrument of tenancy became effective. It shall remain due and owing to the City together with all penalties thereon as herein prescribed, until paid in full, unless otherwise expressly provided by terms of such agreement, permit, or lease.

1. For the purpose of these Rules and Regulations, all such accounts shall be classified as delinquent when not paid in full by the tenth of the calendar month in which said accounts shall become due, unless otherwise expressly provided by the agreement.

2. Tenant, permit accounts, leases delinquent for thirty (30) days, or on the tenth day of the month succeeding the date of the account initially became due, will be subject to the following procedure:

(a) A penalty of 10% of the sum will be added to the original amount due.

(b) A due bill will be prepared clearly setting forth the sum and the basic amount. The bill will designate the amount of the penalty, and will be sent to the delinquent party by registered mail accompanied by a letter of termination of tenancy/lease; said termination to be effective on the 45th day of delinquency, which will be fifty-five (55) days succeeding the date the account first became due.
3. Upon termination of any agreement, by the foregoing procedure, the former tenant/permittee/lessee shall at once relinquish and vacate any and all premises of the Airport and shall return any and all lands, building or properties if owned by the City to the control of the City, and the tenant/permittee/lessee shall have no further right, title, estate or interest in said Airport.

4. The provisions of these Rules and Regulations, when carried to termination, shall in no way mitigate, modify or cancel any tenant/permittee/lessee indebtedness to the City and any delinquent account shall be subject to any and all methods of collection determined appropriate by the City.

5. Reinstatement of an agreement/permit/lease terminated by the forgoing procedure may be accomplished only by complete payment of any and all indebtedness, including penalties, and by instituting a successful request for such consideration by the Airport Manager. Reinstatement action described herein shall be subject to an administrative charge payable by said applicant in advance.

6. The provisions of these rules shall be deemed a part of each and every agreement or permit now in effect and heretofore issued to any tenant or permittee of any portion of the Airport, or which may be hereafter issued to any party.

Section 4-6.85 NOTICE OF INFRACTION

The tenant will be given a notice of infraction if he violates the provisions of these rules or other applicable rules, ordinances, resolutions or regulations. Within thirty (30) days the tenant may exercise the appeal process in Article XIII unless superseded by a current and valid lease agreement.

ARTICLE VII ~ FIXED BASE OPERATORS

Section 4-7.05 GENERAL

This section applies to any person or entity who provides aviation support services to the flying public.

Section 4-7.10 CLASSIFICATION

Fixed Base Operator (FBO) means any person who rents, leases or owns facilities located in an area designated for FBOs at the Porterville Municipal Airport, who, by virtue of his specific type of aviation (or aviation-related) activity, requires the occupancy of a site with contiguous aircraft apron and direct access to the aircraft operation area, and who engages in a business activity providing aviation sales or services, including, but not limited to any of the following:

(a) Selling and/or servicing new and used aircraft and component parts
(b) Aircraft maintenance and repairs
(c) Sales and/or repair of avionics
(d) Aviation training (including ground or flight instruction)
(e) Aerial photography
(f) Air ambulance service
(g) Aircraft agricultural operations
   (crop dusting, spraying, or the application of seed, fertilizers, pesticides, defoliants, etc.)
(h) Aircraft rental, charter, and leasing
(i) Hangar rentals in support of FBOs
Section 4-7.20 CITY REPRESENTATION
No employee or representative of any FBO or lessee shall be authorized or assumed to be authorized to act as an agent for or on behalf of the City in matters of Airport operation or policy.

Section 4-7.25 LEASE TRANSFERENCE
Lessee shall not sublet the premises, or any part thereof or assign, transfer, mortgage, or otherwise convey this agreement without the prior written consent of the City. Any consent by the City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a consent to any other different or subsequent sublease, assignment, transfer, mortgage, or conveyance.

Section 4-7.30 INCIDENTAL STORAGE
Storage of items, in addition to aircraft storage, within the hangar shall conform to all local fire and safety codes and the provisions of these regulations.

Section 4-7.35 VEHICLE STORAGE
Vehicles belonging to the hangar or aircraft owner and guests may be stored in the hangar while for short durations of time. The storage of any motor vehicle within a hangar shall conform to applicable fire and safety codes.

Section 4-7.40 OUTSIDE PARKING
No vehicle shall be parked or left unattended in any aircraft operating area or in a manner which limits aircraft operation. Vehicles may be stopped in such areas for short periods of time so long as the owner is readily available to move the vehicles should the needs of aircraft traffic so dictate.

Section 4-7.45 ENGINE RUN
No aircraft engine shall be run while inside any hangar. Aircraft shall be moved from the hangar to a safe position as provided in §3.05 for run-up, or at least outside of the hangar for low-power engine runs.

Section 4-7.50 ADDITIONAL OCCUPANCY
No residential occupancy or use shall be allowed in an aircraft storage hangar or elsewhere on the Airport unless specifically authorized by City.

Section 4-7.55 HANGAR INSPECTION
City may inspect each hangar annually, and more often if deemed necessary to determine compliance.

Section 4-7.60 FIRE AND SAFETY
All occupants of aircraft hangars shall comply with this section, as well as all principles of fire safety. All persons shall exercise the utmost care to guard against any threat of fire or injury to persons and property on the Airport. All occupancies shall comply with applicable provisions of City Regulations.

Section 4-7.65 BEQUEST OF LEASE
With the death of a lessee, a lease may be transferred to an heir by inheritance of the aircraft.
Section 4-7.70 PAYMENT TERMS AND CONDITIONS

Delinquent Accounts: Rules and Regulations prescribing penalties and procedures relating to delinquent accounts of the Airport are as follows:

For the purpose of these Rules and Regulations every Airport lease shall become due and payable on the first day of the calendar month during which the agreement became effective. It shall remain due and owing to the City together with all penalties thereon as herein prescribed, until paid in full, unless otherwise expressly provided by terms of such lease.

1. For the purpose of these Rules and Regulations, all such accounts shall be classified as delinquent when not paid in full by the tenth of the calendar month in which said accounts shall become due, unless otherwise expressly provided by the agreement.

2. Leases delinquent for thirty (30) days, or on the tenth day of the month succeeding the date of the account initially became due, will be subject to the following procedure:

(a) A penalty of 10% of the sum will be added to the original amount due.
(b) A due bill will be prepared clearly setting forth the sum and the basic amount. The bill will designate the amount of the penalty, and will be sent to the delinquent party by registered mail accompanied by a letter of termination of lease; said termination to be effective on the 45th day of delinquency, which will be fifty-five (55) days succeeding the date the account first became due.

3. Upon termination of any agreement, by the foregoing procedure, the former lessee shall at once relinquish and vacate any and all premises of the Airport and shall return any and all lands, building or properties if owned by the City to the control of the City, and the lessee shall have no further right, title, estate or interest in said Airport. Personal property shall be removed upon termination of the lease. Hangar(s) will be removed within 90 days during which the hangar owner will be responsible for the lease payment.

4. The provisions of these Rules and Regulations, when carried to termination, shall in no way mitigate, modify or cancel any lessee indebtedness to the City and any delinquent account shall be subject to any and all methods of collection determined appropriate by the City.

5. Reinstatement of a lease terminated by the forgoing procedure may be accomplished only by complete payment of any and all indebtedness, including penalties, and by instituting a successful request for such consideration by the Airport Manager. Reinstatement action described herein shall be subject to an administrative charge payable by said applicant in advance.

6. The provisions of these rules shall be deemed a part of each and every agreement or permit now in effect and hereetofore issued to any lessee of any portion of the Airport, or which may be hereafter issued to any party.

Section 4-7.75 NOTICE OF INFRACTION

The lessee will be given a notice of infraction if he violates the provisions of these rules or other applicable rules, ordinances, resolutions or regulations. Within thirty (30) days the lessee may exercise the appeal process in Article XIII.
ARTICLE VIII ~ EMERGENCY

Section 4-8.05 GENERAL
This section provides for the authority and designated responsibilities of individuals and agencies in the event of an Airport emergency. Such emergencies would include fires of any type, aircraft emergencies or accident, or incident of personal injury.

Section 4-8.10 NOTIFICATION
It shall be the responsibility of any person or Airport tenant who observes or has knowledge of any type of Airport emergency which has not, to their knowledge, been reported, to initiate a report as specified. Said report shall be accomplished by dialing 9-1-1 from any Airport telephone or otherwise contacting the City Police/Fire Department. The person shall then give the dispatcher all information which he has available.

Section 4-8.15 RESPONSE ACTIVATION
Upon receipt of notification of an Airport emergency, the Police/Fire dispatcher shall activate the Fire Department and/or Police Department.

Section 4-8.25 RIGHT-OF-WAY
All persons not responding to an Airport emergency shall yield the right-of-way to emergency service personnel.

Section 4-8.30 EMERGENCY VEHICLE RIGHT-OF-WAY
Emergency service vehicles displaying proper red lights and other required markings shall have the right-of-way on all taxiways. When responding to an aircraft incident, all aircraft and other vehicles shall yield to said equipment.

Section 4-8.35 SPEED WAIVER
The Airport speed limit requirements are waived for all emergency vehicles and authorized personnel responding to an Airport emergency.

Section 4-8.40 AUTHORIZED PERSONNEL
Upon the arrival of the Fire Department and/or Police Department to an Airport emergency, all other persons, including aircraft owners, operators, and interested parties shall remain clear of the area until the designated Incident Commander has determined that the accident scene is stabilized and safe for entry by Airport personnel. The Airport Manager/Airport Operations Supervisor shall then designate only those essential persons authorized to enter the accident scene.

Section 4-8.45 INCIDENT COMMAND
Immediately upon arrival at any Airport emergency, the affected area shall come under the full control of the Fire Department and the designated Incident Commander. The Incident Commander shall control all access to and from the site, as well as all rescue, stabilization, and suppression efforts.

Section 4-8.50 AIRPORT PERSONNEL
It shall be the duty of the Airport Manager/Airport Operations Supervisor to coordinate or even curtail any and all Airport operations which may be in conflict with or endangered by an emergency situation.
Section 4-8.55 AIRCRAFT ACCIDENT

Aircraft accident scenes, as defined by FAR, fall within the jurisdiction of the FAA and its associated investigating bodies. All persons on or near a crash scene shall preserve any and all aircraft pieces, parts, papers, and other pertinent data and document their positions and content as additional aid to the appropriate investigating authority. Only those persons authorized by the Incident Commander or the Airport Manager/Airport Operations Supervisor shall be on the accident scene or within 2,000 feet thereof.

Section 4-8.60 AUTOMATIC CLOSURE

Any runway, taxiway, or other operating area of the Airport which becomes the scene of an aircraft accident shall immediately be considered closed and unusable until determined otherwise by the Airport Manager/Airport Operations Supervisor. The Airport Manager/Airport Operations Supervisor shall provide for proper notification of closures and the coordination of air traffic so long as the closure remains in effect.

Section 4-8.65 REMOVAL OF AIRCRAFT

No aircraft or parts thereof shall be removed from an accident scene until such removal has been authorized by the appropriate FAA/NTSB representative. Airport Management may assist in securing proper removal authority; however, it shall be the ultimate responsibility of the aircraft owner to acquire the proper authorizations for removal, as specified by Federal regulation.

Section 4-8.70 SCENE PRESERVATION

In the event an accident scene must be preserved for a prolonged period of time, the Airport Manager shall provide for adequate protection as may be necessary for such preservation. The charges for any such protection shall be borne by the aircraft owner.

Section 4-8.75 OWNER RESPONSIBILITY

Any aircraft involved in an accident or incident on the Airport shall bear the responsibility of the registered owner for its prompt and proper removal from the accident site. Said removal shall be accomplished only after proper authorization has been received as specified in §8.65. The owner may engage local services at his option.

Section 4-8.80 CITY RESPONSIBILITY

In the case where an owner is unable to remove a disabled aircraft from an Airport Operating Area, the Airport Manager/Airport Operations Supervisor may at his discretion remove, or authorize the removal of said aircraft to the appropriate storage area. The charges for such removal shall be borne by the aircraft owner.

Section 4-8.85 CITY INDEMNITY

In the event that Airport Management removes said aircraft or parts thereof from an accident site in order to facilitate airport operations, to the fullest extent permitted by law, all tenants and persons shall indemnify, defend and hold harmless airport management, its agents and employees from and against all claims, damages, losses and expenses attributed to bodily injury, sickness, disease or death, or injury to or destruction of tangible property including the loss of use resulting therefrom, regardless of whether or not it is caused in part by a party indemnified hereunder, and including but not limited to attorney's fees, arising out of, resulting from, or in any manner related to any work performed or services provided in the course of such a removal. Said removal shall be done only after the proper authorization has been obtained from the FAA, and only if it is determined to be necessary to assist airport operation, or to protect the safety of the general public and users of the airport.
Section 4-8.90 AIRCRAFT STORAGE
Any aircraft involved in an accident or incident which is rendered disabled or unairworthy shall be parked or stored in an area designated by the Airport Manager/Airport Operations Supervisor.

Section 4-8.95 OWNER RESPONSIBILITY
The registered owner of any aircraft which requires special handling, parking or storage as a result of an accident, shall be responsible for any and all charges incurred as a result of such storage.

Section 4-8.96 AIRPORT CLOSURE
The Airport Manager/Airport Operations Supervisor is hereby directed and authorized to close the Airport, or portions thereof, or suspend operations related to the landing, takeoff, or taxing of aircraft during any period in which he/she determines that such operations, or their continuance, would be hazardous. Causes for such closure could include, but would not be limited to runway maintenance or repairs, runway obstacles, fire, aircraft or other accident. Any such closure shall be effective only during such time as there is placed at each end of each runway so closed, a letter "X," the arms of which are at least sixty (60) feet long and twenty (20) feet wide, and so colored as to contrast with the background or other surface. The Airport Manager/Airport Operations Supervisor shall immediately notify the Rancho Murrieta Flight Service Station and issue a Notice to Airmen (NOTAM), advising of the closure. Phone 1-800-992-7433

ARTICLE IX – FUELING AND SALES

Section 4-9.05 AIRCRAFT FUELING AND DEFUELING
All fueling operations conducted at the Porterville Airport shall be in compliance with City Regulations and the Uniform Fire Code.

1. No aircraft shall be fueled or defueled while the aircraft engine is running or while the aircraft is in a hangar or other enclosed space.

2. No smoking shall be permitted within fifty (50) feet of the aircraft or fuel truck while the aircraft is being fueled or defueled.

3. During fuel handling, no passenger shall be permitted in or on the aircraft.

4. All hoses, funnels and apparatus used in fueling or defueling activities shall be equipped properly with a grounding device to prevent possible static ignition of volatile liquids. Such grounding devices shall be used during all fueling and defueling activities.

5. During fueling handling activities, no person shall operate any radio transmitter or receiver, nor switch electrical appliances on or off in such aircraft, or in the immediate vicinity (50 feet) thereof.

6. Every person engaged in aircraft fuel handling shall exercise due care to prevent the overflow or spilling of fuel.
7. Any fuel spills in excess of 44 gallons shall be reported to the Airport Manager/Airport Operations Supervisor. All fuel spills shall be cleaned up immediately, following guidelines as set forth by the EPA.

8. During fuel handling, no person shall use any material or device which is likely to cause a static spark within fifty (50) feet of such aircraft or fuel truck.

9. Where there has been a fuel spill or leak, no person shall start the engine of any aircraft in close proximity until the spill or leak has been stopped and cleaned up. In the event of such spills or leaks, the Fire Department shall be notified.

10. All fueling equipment including but not limited to pumps and hoses shall be maintained in a safe and sound, non-leaking condition.

11. Prior to fuel transfer to storage tanks, the fuel dealer and dispensary shall conduct tests as to fuel type and signs of contamination. Furthermore, in accordance with environmental laws, the fuel dispensary or authorized agent shall conduct daily inventory reconciliation in order to assess fuel loss. A reconciliation log shall be maintained daily. Any fuel loss due to apparent leakage or any other reason shall be reported to the Airport Manager/Airport Operations Supervisor.

Section 4-9.10 FUEL SALES

No person shall deliver aviation fuels or lubricants to, or dispense such fuel from, at, or upon the Airport without written approval from the City Council. For the right, privilege and concession of making deliveries of all types of aviation fuels and lubricants, and other fuels, to any person or location at or upon the Airport, or to a bulk storage plant of an oil company on the Airport, there is levied against such individual or firm a gallonage charge, which will be established by resolution of the City Council, for each gallon so delivered. No fuel shall be stored anywhere on the Airport except in tanks as may be approved by the Fire Department.

ARTICLE X ~ INSURANCE

Section 4-10.05 LIABILITY

The privileges of using the airport and its facilities shall be conditioned upon the assumption of full responsibility and risk by the user thereof. To the fullest extent permitted by law the City, its agents, and/or employees shall not be liable for claims, damages, losses and expenses including but not limited to attorney’s fees arising out of, resulting from or in any manner related to loss, incident or mishap of any nature whatsoever, and/or from any cause whatsoever to individual, aircraft or property, which occurs at the airport. Such indemnification shall include loss or expense attributable to bodily injury, sickness, death or disease or any injury to or destruction of tangible property including the loss of use resulting therefrom regardless of whether or not it is caused in part by a party indemnified hereunder.

No person, firm or corporation shall maintain a local based aircraft at the airport unless such proprietor has filed with the airport manager/airport operations supervisor, and kept in current effect, a certificate of public liability insurance with the coverage set by the risk manager of the City of Porterville. This section shall apply to all airport users.

In order to protect the City, its agents, officers, and employees against all claims and liability for death, injury, loss, and damage as a result of use and operations on the Airport, lessee shall name
the City as additional insured on the aircraft insurance policy or policies. Such insurance for additional insured shall apply as primary insurance and any other insurance maintained by airport management shall be excess.

Provided coverage shall not be suspended, voided, canceled, reduced in coverage or otherwise materially changed except after 30 days prior written notice by certified mail, return receipt requested, has been provided to airport management.

Section 4-10.10 ROUTINE MAINTENANCE
The City conducts routine maintenance and contracts for special events, construction and various airport improvement projects with certain equipment and machinery and because of these ongoing occurrences cannot fully protect aircraft or person using the airport facility from damage or injury to persons and/or property arising from dust, debris, vehicle equipment operation or the related condition of the facility.

Section 4-10.15 CITY LIABILITY
To the fullest extent permitted by law, the tenant and other persons on premises shall indemnify, defend and hold harmless the City, its agents and employees from and against all claims, demands, damages, debts, liabilities, obligations, costs, expenses, liens and actions or causes of actions of any kind whatsoever resulting from the activities including but not limited to foreign object damage, collision, equipment or vehicles, closure of gates, access, runway or ramp facilities or any other circumstances whatsoever. Tenants indemnification to defend and hold harmless relative to City, its agents and employees, shall extend as well to attorney’s fees arising out of or resulting from any incident which occurs on the premises.

ARTICLE XI ~ ILLEGAL ACTIVITIES

Section 4-11.05 RUNWAY
No person shall land, take off, taxi, or otherwise operate any aircraft on, at, or from, the Porterville Municipal Airport when he/she knows such aircraft is not operating properly, or is equipped with any part or safety device which is defective or unsafe. Deviations from this restriction shall only be permitted by the issuance of a ferry permit by the FAA. Nor shall any aircraft be operated on or at the Airport, or on any runway thereof, when the Airport or runway has been closed to traffic by the Airport Manager/Airport Operations Supervisor or other legal authority, and such closure has been indicated by the placement of an "X" at each end of the closed runway.

Section 4-11.10 SAFETY
No person shall operate any aircraft (or vehicle) on, at, or in the vicinity of the Porterville Municipal Airport in willful or wanton disregard for the safety of persons or property, whether his own or that of others.

Section 4-11.15 STUNTS
No person shall engage in the performance of any aerobatics, stunt, maneuver not necessary to a normal takeoff, landing, normal turn or level flight of the aircraft over or within one mile of the exterior boundaries of the Airport, except for FAA approved air shows.
Section 4-11.20 BUSINESS PERMITS
No person shall engage in the sale of any goods, wares, merchandise, or services at or upon the Airport without first having complied with Chapter 15 of the City Code of the City of Porterville (Business License Tax).

Section 4-11.25 DISORDERLY CONDUCT
No person shall commit any disorderly, obscene, indecent or unlawful act or commit any nuisance on the Airport.

Section 4-11.30 INTOXICATING LIQUORS/ILLCIT DRUG USE
No person shall drink any intoxicating liquors upon any portion of the Airport open to the public, except in a restaurant or other place designated and licensed for on-sale liquor dispensing, or in an area protected by the right to privacy.

No person shall become intoxicated or use habit forming and/or illicit drugs on any portion of the Airport nor shall any person under the influence enter upon or loiter on or about the Airport property.

ARTICLE XII ~ SPECIAL EVENTS

No person or organization shall hold or cause to be held any Community Civic Event utilizing Airport facilities, involving the assembly of more than 10 aircraft and/or 30 people, outside of normal prescribed Airport operations, without first obtaining a Community Civic Event Permit from the City.

Section 4-12.05 APPLICATION
An applicant for a Community Civic Event shall submit an application to the City Council. Such application shall include the name and address of the sponsoring organization, those principal persons involved, the scope and extent of the proposed event, and the number of persons and/or aircraft anticipated to attend.

Section 4-12.10 EVALUATION
Applications for a Community Civic Event shall be evaluated on the basis of relative merit, compatibility with Airport operations, anticipated benefit to the Airport, the Public, and the City of Porterville, and the compatibility with allowed uses for City and Airport property.

Section 4-12.15 LIABILITY EXPOSURE
No application for an Airport Special Events Permit shall be approved which unduly creates additional hazard or liability exposure to the Public, the Airport, or the City of Porterville.

Section 4-12.20 LIABILITY INSURANCE
Each applicant for an airport special events permit shall provide adequate liability insurance in a form and by an underwriter approved by the State of California, to those minimum limits as specified by the City. Said insurance shall include coverage for liability and property damage, and insurance against liability for personal injury including accidental death, as well as liability for property damage which may arise in any way during the term of the permit. Such insurance shall remain in effect during that period of time of the event as specified in the special events permit. Each policy covering the special event on the airport shall name the City of Porterville as an additional primary insured without offset to the City’s own liability insurance.
Section 4-12.25 CROWD CONTROL/OPERATIONS

Each applicant for an Airport Special Events Permit who proposes to involve more than thirty (30) persons outside of normal Airport Operations for said event shall submit a Crowd Control/Operations Plan to the Airport Manager/Airport Operations Supervisor for review and approval. Such plan shall include but not be limited to provisions for the following as pertains to the proposed event:

1. Vehicle Parking
2. Transient (Spectator) Aircraft Parking
3. Participant Aircraft Parking
4. Static Display Area
5. Spectator Area
6. Crowd Line
7. Participant Aircraft Pattern and Limitations
8. Concession Areas
9. Public Accommodations (Restrooms, First Aid, etc.)
10. Tactical Communications
11. Additional Aircraft Communications
12. Ground Handling of Aircraft and Vehicles
13. Personnel Training and Coordination
14. Public Address and Communication

The Airport Manager/Airport Operations Supervisor may waive, approve, or require additional information or provision for any of the elements above, based upon the scope of the proposed event.

ARTICLE XIII ~ APPEALS PROCESS

Section 4-13.05 Violations of the regulations contained herein and administered by the Airport Manager/Airport Operations Supervisor may result in a notice of violation or an order to cease. Any notice or order so levied may be appealed.

(a) The person receiving the notice of violation or order to cease may appeal, in writing, within ten (10) working days to the Airport Manager/Airport Operations Supervisor.
(b) Within ten (10) days after the receipt of the appeal by the Airport Manager/Airport Operations Supervisor the time and place for a meeting will be set to be held within 30 days. Further actions by the Airport Manager/Airport Operations Supervisor will be stayed (where the violation is not a hazard) pending the meeting. The person requesting the appeal shall have the right of the presence of any supporting person he chooses at the meeting. The decision reached shall be binding, subject to appeal.
(c) If party does not agree with the decision from the meeting, he may appeal to the City Council for final determination.
ARTICLE XIV ~ SEVERABILITY

Should any article, section, subsection, sentence, clause or phrase of this ordinance be held invalid or unconstitutional for any reasons, such decision shall not affect the remaining portions of the ordinance. The City Council hereby declares that it would have adopted this ordinance and each article, section, subsection, sentence, clause or phrase, regardless of the fact that any one or more articles, sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.
APPENDIX

APPENDIX "A"

TRAFFIC PATTERN

PORTERVILLE MUNICIPAL AIRPORT - RUNWAY 30

1. Enter pattern in level flight, abeam midpoint of runway, at pattern altitude. Light aircraft with pattern speed under 125 knots use inner pattern at altitude of 1,000' AGL (above ground level = 1,444' indicated altitude.)

2. Maintain pattern altitude until abeam approach end of landing runway, on downwind leg.

3. Complete turn to final as least 1/4 mile from end of runway.

4. Continue straight ahead until beyond departure end of runway.

5. If remaining in traffic pattern, commence turn to crosswind leg 2,000 feet beyond the departure end of the runway at the designated marker, at pattern altitude.

6. If departing traffic pattern, continue straight out, or exit with a 45° left turn beyond the departure end of the runway, after reaching pattern altitude.

-28-
APPENDIX "A" - Continued

TRAFFIC PATTERN

PORTERVILLE MUNICIPAL AIRPORT - RUNWAY 12

1. Enter pattern in level flight, abeam midpoint of runway, at pattern altitude. Light aircraft with pattern speed under 125 knots use inner pattern at altitude of 1,000' AGL (above ground level = 1,444' indicated altitude.)

2. Maintain pattern altitude until abeam approach end of landing runway, on downwind leg.

3. Complete turn to final as least 1/4 mile from end of runway.

4. Continue straight ahead until beyond departure end of runway.

5. If remaining in traffic pattern, commence turn to crosswind leg 2,000 feet beyond the departure end of the runway at the designated marker, at pattern altitude.

6. If departing traffic pattern, continue straight out, or exit with a 45° left turn beyond the departure end of the runway, after reaching pattern altitude.
FORMS

for

The Porterville Municipal Airport:
City of Porterville
MUNICIPAL AIRPORT
General Information Form

Name/Company Name: _____________________________

Address: _____________________________

Phone Number: _____________________________

Emergency Contact: _____________________________

Phone Number: _____________________________

Brief Description of Airport Business: _____________________________

Insurance Co.: _____________________________

Description of Aircraft: _____________________________

Hangar Lease Lot #: _____________________________
PORTERVILLE MUNICIPAL AIRPORT
AIRCRAFT PARKING AND TIE-DOWN AGREEMENT
(MONTHLY BASIS)

NAME

ADDRESS

AIRCRAFT REGISTRATION NUMBER

OWNER OF AIRCRAFT IF OTHER THAN ABOVE

AIRCRAFT DESCRIPTION: COLOR NO. OF ENGINES:

MANUFACTURER MODEL

YEAR GROSS WEIGHT

INSURANCE POLICY

The Undersigned:
1. Understands this agreement extends the right to park and/or tie-down one aircraft in a designated space at the Porterville Municipal Airport and conveys no other right or interest.
2. Agrees to pay monthly parking and tie-down fees as specified in this agreement.
3. Understands that the monthly fees are $ for single engine aircraft and $ for twin engine aircraft at the time of the signing of this agreement and that the City Council of the City of Porterville may, at any time, adjust the fees at their discretion.
4. Understands that he/she will be billed each month in advance for parking/tie-down fees and that all fees unpaid after one month of the billing date will be charged interest at a rate of one percent (1%) per month on any unpaid balance.
5. Agrees to comply with all codes, ordinances and rules of operation applicable to Porterville Municipal Airport.
6. Agrees to indemnify, defend and save harmless the City, its agents, officers, and employees, and each of them, from any and all losses, costs, expenses, claims, liabilities, actions, or damages, including liability for injuries to person or persons, or damage to property of third persons, arising out of or in any way connected with the above described aircraft.
7. Agrees, in the event the City has to resort to legal action to enforce payment under this agreement, to pay all court costs including reasonable attorney’s fees, of such action.
8. Agrees that the fees due under this agreement shall be due on the day of , and the first of each month thereafter.

AIRCRAFT OWNER/AGENT:

SIGNATURE

DATE

APPROVED FOR PORTERVILLE MUNICIPAL AIRPORT:

SIGNATURE TITLE

DATE
NOTICE OF VIOLATION
CITY OF PORTERVILLE ~ MUNICIPAL AIRPORT

Name ____________________________________________

Address _________________________________________

Phone ( ) __________________

VIOLATION

Your actions have been found to conflict with Article ____________ of the Rules and Regulations for the Porterville Municipal Airport. You are hereby formally ordered to cease any and all actions conflicting with the established Rules and Regulations.

Airport users who feel they have a compelling, legitimate reason to dispute a violation notice or a notice to cease may follow the Appeals Procedure set forth in Article XIII of the Rules and Regulations for the Porterville Municipal Airport.

Non-compliance with an official NOTICE OF VIOLATION may result in termination of lease agreement or the loss of Airport privileges.

__________________________________________  ____________
Signed                                              Date

__________________________________________  ____________
Designated City Officer                           Date

NOTICE OF VIOLATION
CITY OF PORTERVILLE ~ MUNICIPAL AIRPORT

Name ____________________________________________

Address _________________________________________

Phone ( ) __________________

VIOLATION

Your actions have been found to conflict with Article ____________ of the Rules and Regulations for the Porterville Municipal Airport. You are hereby formally ordered to cease any and all actions conflicting with the established Rules and Regulations.

Airport users who feel they have a compelling, legitimate reason to dispute a violation notice or a notice to cease may follow the Appeals Procedure set forth in Article XIII of the Rules and Regulations for the Porterville Municipal Airport.

Non-compliance with an official NOTICE OF VIOLATION may result in termination of lease agreement or the loss of Airport privileges.

__________________________________________  ____________
Signed                                              Date

__________________________________________  ____________
Designated City Officer                           Date
1. DATE OF ACCIDENT ________________________________ TIME __________ A.M. □ P.M. □
   (Month) (Date)

2. Location of Accident
   ____________________________________________________________
   ____________________________________________________________

3. Operator (Pilot)
   (Name) ________________________________ (Telephone Number) ________________________________
   (Number and Street, Apartment No., etc.) ________________________________
   (City, State, Zip Code) ________________________________

4. Owner (If different)
   (Name) ________________________________ (Telephone Number) ________________________________
   (Number and Street, Apartment No., Etc.) ________________________________
   (City, State, Zip Code) ________________________________

5. Type of Aircraft
   (Manufacturer) ________________________________ (Model) ________________________________
   (Identification No.) ________________________________

6. Total Number of Persons on Board Aircraft ________________________________

7. (Name, Address, Extent of Injuries to Occupants and/or Persons on the ground. Use additional
   Sheets if number exceeds space.)

<table>
<thead>
<tr>
<th>Crew</th>
<th>Passenger</th>
<th>Non-Occupant</th>
<th>Fatal</th>
<th>Serious</th>
<th>Minor</th>
<th>None</th>
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</tbody>
</table>

8. Damage to Property (Other than that of Owner, Operator or Passenger, or in their care, custody or control).
   Describe fully, and give best estimate of dollar cost. Use additional sheets if necessary.

OVER
9. Was a Report made to Any of the Following Agencies?

Federal Aviation Administration  Yes ☐  No ☐
National Transportation Safety Board  Yes ☐  No ☐
Law Enforcement Agency  Yes ☐  No ☐

If such a report was made, to whom and at what address?

10. Was there, at the time of the accident, an Aircraft Liability Policy?  Yes ☐  No ☐
    or Bond?  Yes ☐  No ☐
    or any other form of Liability Protections covering the aircraft operation?
    Yes ☐  No ☐

    or have you registered with the Department of Aeronautics as a Self-Insurer?  Yes ☐  No ☐

11. If answer to 10 was Yes, furnish the following data on Insurer or Bonding firm which issued your Policy or Bond to cover liability for damages or injury to others:

    Complete name and address of Company

    ----------------------------------------
    ----------------------------------------

    Policy Number  Period of Coverage  (from)  (to)

    Policy issued to  (named individual or firm)

    ----------------------------------------

12. Report made by (print)

    (Name)

    (Number and Street)

    (City, State, Zip Code)

    (Telephone Number)

    (Signature)
REMARKS or Additional Information:

Pilot Certificate Number

Ratings Total Flying Time

Weather/Visibility Conditions at time of accident:
CITY OF PORTERVILLE
MUNICIPAL AIRPORT

<table>
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<tr>
<th>After-Hours</th>
<th>Tie-Down</th>
<th>Fees</th>
</tr>
</thead>
</table>

Name
__________________________

Address

__________________________

__________________________

__________________________

Phone Number (______)

Description of Aircraft

Manufacturer ____________________
Model/Year ____________________

No. of Engines ____________________

Aircraft Number ____________________

Overnight Tie-Down Fees:

$2/night (single engine)
$2.50/night (twin engine)

I agree to comply with all codes, ordinances and rules of operation applicable to Porterville Municipal Airport.

I agree not to hold the City and its employees liable for any losses, costs, expenses, claims, liabilities, actions, or damages.
SUBJECT: ECONOMIC DEVELOPMENT ADMINISTRATION GRANT OPPORTUNITIES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – ECONOMIC DEVELOPMENT

COMMENT: At the February 3, 2004 City Council meeting, Council reviewed three projects that staff proposed as potential projects for U.S. Department of Economic Development Administration (EDA) funding. EDA provides grant funds for programs that revitalize, expand, and upgrade the physical infrastructure to attract new industry, encourage business expansion, diversify local economies, and generate or retain long-term, private sector jobs and investment. Porterville qualifies for EDA funding of up to 80% of project costs.

EDA grant criteria include job creation, private sector investment, political entities affected, and ownership of the project. In the case of a building project, the primary applicant must be the owner or hold a long-term lease for a period not less than the estimated useful life of the project. For all projects, every entity that holds title to land, buildings, or utilities affected by the project, i.e., CalTrans, Southern California Edison, etc., must be named as co-applicants to the application.

The following three projects have been identified as beneficial to the community and meet the EDA grant criteria:

1) Jaye Street/Highway 190 Improvements – Infrastructure improvements to realign the surface streets accessing Highway 190 at the Jaye/190 intersection and facilitate future development on the north and south sides of Highway 190. The project will realign both the north and south intersections; however, the concentration of the project will be the south intersection and surrounding area.

   - Approximate Cost - $4 million
   - EDA Contribution - $1.75 million
   - Non EDA Match - $2.25 million

Pros:
   - Realignment of surface streets at Highway 190 and Jaye Street
   - Improved traffic circulation
   - Proactive improvements for future development

Cons:
   - Coordination with multiple agencies
   - Potential impact to limited number of residential units
   - EDA budget currently limits projects to funding of $1.75 million
2) Airport Industrial Park Business Incubator – Development of infrastructure and speculative buildings at the Airport Industrial Park for incubator businesses. The buildings would be built to house industrial-based start-up businesses and warehousing of products at a reduced lease rate for a pre-determined period of time. At the end of the lease, it is anticipated that the business would have expanded and would be ready to move to a permanent location within the community.

Additionally, there is a perceived need for existing facilities to accommodate industries looking to locate in the Central Valley. The City does not currently have an inventory of vacant buildings zoned for manufacturing/industrial uses. The ability to promote existing buildings would allow staff to more readily promote the City to new, relocating, or expanding businesses.

- Approximate Cost - $4 million
- EDA Contribution - $1.75 million
- Non EDA Match - $2.25 million

Pros:
- Could provide significant financial assistance to Airport
- Ability to construct in phases reducing initial cost
- Availability of buildings for prospective businesses and assistance to start-up businesses

Cons:
- No assurance of occupancy
- Competition with private sector
- EDA budget currently limits projects to funding of $1.75 million

3) Training Center for Food and Hospitality Services (Joint Project with Porterville Unified School District) – Rehabilitation of a portion of the Rockwell Building for a center to be utilized for training in the food and hospitality trades. The center would be suitable for up to 1,800 persons in an assembly style setting and available to the community as a conference center. The project would also include a 40,000 square foot parking area.

- Approximate Cost - $2.9 million
- EDA Contribution - $1.75 million
- Non EDA Match - $1.15 million
Pros:
- Partnership with multiple agencies reduces City’s financial investment in project
- Maintenance of facility PUSD responsibility
- Facility versatile to serve the community for a variety of uses, i.e., conference center, meeting room
- Use of meeting facility would provide opportunity for hands-on training of students
- Proximity to highway

Cons:
- Coordination with multiple agencies
- Facility not owned by City; long-term lease required
- May not be utilized by public
- Potential wages for hospitality services may not qualify for EDA funding
- EDA budget currently limits projects to funding of $1.75 million

Projects submitted to EDA for funding must be identified on the County Comprehensive Economic Development Strategy (CEDS) report. A training facility project was previously identified on the CEDS for a health care training facility. Porterville College is proceeding with the expansion of their health care facilities and, therefore, the 2004-05 CEDS will be modified to incorporate the above proposed training facility project. The infrastructure project and the business service center project will be added to the 2004-05 CEDS Update in June 2004 as projects under consideration.

Technical assistance is available through the EDA to assist local communities in implementing new projects through grants for technical studies. The assistance aims at focusing the effort on addressing major causes of economic development distress in the area. Technical assistance projects are awarded on a competitive basis, similar to other EDA grants.

RECOMMENDATION: That City Council direct staff to include all projects on the Comprehensive Economic Development Strategy (CEDS) and direct staff to make a proposal in the upcoming budget cycle for a writer to prepare a preliminary feasibility study and an application for an EDA technical assistance grant, if warranted, for the Airport Industrial Park Business Incubator project

ATTACHMENTS: EDA Grant Qualification Factors Matrix
## EDA Grant Qualification Factors

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Approx Cost</th>
<th>EDA $ (Limited to $1.75 mil)</th>
<th>Non-EDA Match $</th>
<th>Name of Applicant</th>
<th>Political Entities Affect %</th>
<th>Jobs Created/Retained</th>
<th>Private Sector Investment</th>
<th>Contract Provisions</th>
<th>2003 CEDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jaye Street &amp; Hwy 190 Improvements</td>
<td>$4 mil</td>
<td>$1.75 mil</td>
<td>$2.25 mil</td>
<td>City of Porterville</td>
<td>Cal Trans Tulare County</td>
<td># Unknown Retail, manufacturing</td>
<td>Civic Development Foundation</td>
<td>City must own the project area</td>
<td>NO</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Maint/Jaye/ Gibbons only</td>
</tr>
<tr>
<td>Airport Industrial Park</td>
<td>$4 mil</td>
<td>$1.75 mil</td>
<td>$2.25 mil</td>
<td>City of Porterville</td>
<td></td>
<td># Unknown Industrial, manufacturing, start-up businesses</td>
<td>Civic Development Foundation</td>
<td>Primary applicant must own building</td>
<td>NO</td>
</tr>
<tr>
<td>(Business Service Center)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Infrastructure only</td>
</tr>
<tr>
<td>Training Center</td>
<td>$2.9 mil</td>
<td>$1.75 mil</td>
<td>$1.15 mil</td>
<td>City of Porterville</td>
<td>PUSD/City of Porterville</td>
<td># Unknown Food Service, Hospitality, Hotel Industry</td>
<td>Primary applicant must own building</td>
<td>Primary applicant must own building</td>
<td>YES</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Training Facility</td>
</tr>
</tbody>
</table>

All projects must be included on county comprehensive economic development strategy (CEDS) report to be eligible for EDA funding. Projects not currently on CEDS may be added to the 2004-05 update in June 2004.

EDA budget currently limits projects to funding of $1.75 million.

Building projects: Primary applicant must own building; EDA is 1st position lien; Useful life 20 yrs new/12-15 used.

All projects must include job creation: How many jobs will be created and/or saved, time frame for creation, types of positions.

Monitoring: Job creation shown at close of project (may be 0 at completion); 3-4 years after close of project; and another 3 years after.

If conditions of contract are not met, City may be required to repay grant OR City may not be eligible for future funding.

Contracts include: Budget (City initiated); Time Schedule (City initiated); EDA provisions including prevailing wage language, special provisions tailored to Project.

LW S/Exx01/MA2A/Matrix CC Attachment
SUBJECT: BUSINESS IMPROVEMENT DISTRICT ASSESSMENT REVIEW

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – ECONOMIC DEVELOPMENT

COMMENT: At the January 20, 2004 City Council meeting, Council reviewed the method of levying assessments in the Business Improvement District (BID) and authorized no changes to be made in the 2003-2004 fiscal year. Furthermore, Council directed staff to further review the options presented for implementation in 2004-2005 and subsequent fiscal years. The Business Improvement District provides revenue for improvements and activities, which benefit businesses located and operating in the area. The Downtown Porterville Association, Inc. (DPA) currently administers the BID funds and provides Council with a budget and work program annually during a public hearing.

Staff met with representatives from the DPA and non-retail businesses on February 12, 2004 to determine a fair and equitable method of levying assessments. As a result of that meeting, staff proposed that the options be presented to all businesses located within the BID for their recommendation to Council. To accommodate the various schedules of the businesses, two meetings were held. One meeting was held at 7:30 a.m. on Wednesday, February 3, 2004, and the second meeting was held at 5:30 p.m. on Thursday, February 4, 2004. Staff mailed notices to the 186 businesses located in the BID. The BID meetings were attended by approximately 12% of the businesses, with a total of 23 BID representatives at the two meetings.

At the January 20, 2004 City Council meeting, Council was presented several options that have minimal impact on the BID budget. It became evident during the conversations with BID businesses that continuing the current level of funding is not a priority to the non-retail sector businesses represented at the meetings. The current annual assessment for the entire district is approximately $28,140. For the purposes of analysis, staff divided the BID into “Areas of Benefit”. “Area A” contains 137 businesses, located within boundaries from Morton Avenue to Olive Avenue, and both sides of Hockett Street to the west side of Second Street, and pays 56% of the total assessment. “Area B” contains 49 businesses, located within the boundaries from Morton Avenue to Olive Avenue, both sides of D Street and the east side of Second Street and pays 44% of the total assessment. The zones are represented on the map shown in Exhibit A.
The following table summarizes the voting of the BID representatives present. The options presented to the audience are detailed in Exhibit B.

<table>
<thead>
<tr>
<th></th>
<th>NUMBER</th>
<th>% OF BUSINESS IMPROVEMENT DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>No response</td>
<td>166</td>
<td>89.2%</td>
</tr>
<tr>
<td>No change in method of assessment</td>
<td>7</td>
<td>3.8%</td>
</tr>
<tr>
<td>Some change in method of assessment</td>
<td>8</td>
<td>4.3%</td>
</tr>
<tr>
<td>Dissolution of Business Improvement District*</td>
<td>5</td>
<td>2.7%</td>
</tr>
</tbody>
</table>

* After further discussion 3 of the 5 businesses suggested that the funding be used for tangible projects.

Should the Council desire to change the method of levying assessments in the Business Improvement District, pursuant to the Parking and Business Improvement Area Law of 1979, Streets and Highways Code Section 36541(a), a resolution of intention which states the proposed modification shall be adopted, and a public hearing shall be held not less than 20 or more than 30 days after the adoption of the resolution of intention.

Staff has reviewed the various aspects of the BID and strongly believes the BID funds are necessary to the vitality of the downtown area. The City Manager, Community Development Director, and staff are in agreement on the necessity of these funds. The funds can be used for a variety of improvements and activities that keep downtown competitive with modern shopping centers. Should Council consider elimination of the BID, staff recommends that the improvements, projects, activities, and/or administration of the funds be reviewed before acting to dissolve the BID.

RECOMMENDATION: Based on a no response from 89% of the businesses and the request of no change by 3.8% of the businesses that were represented at the two meetings, staff recommends that no change be made to the current method of levying assessments in the 2004-2005 and subsequent fiscal years.

ATTACHMENTS: 1) Exhibit A – "Area of Benefit" Map  
2) Exhibit B – Options Presented to the Business Improvement District  
3) February 2 and 3, 2004 Presentation to the Business Improvement District  
4) January 20, 2004 City Council Agenda Item
<table>
<thead>
<tr>
<th>OPTION PRESENTED</th>
<th>IMPACT TO BID ASSESSMENT</th>
<th>VOTING RESULTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OPTION 1</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continue to pay an assessment equal to the business license. There is a $500</td>
<td>“Area A” $15,886</td>
<td>7</td>
</tr>
<tr>
<td>cap semi-annually.</td>
<td>“Area B” $12,252</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Area C” $28,138</td>
<td>3.7%</td>
</tr>
<tr>
<td><strong>OPTION 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Area A” continues to pay an assessment equal to the business license; “Area</td>
<td>“Area A” $15,886</td>
<td>0</td>
</tr>
<tr>
<td>B” would pay an assessment equal to 50% of the business license.</td>
<td>“Area B” $6,126</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Area C” $22,012</td>
<td></td>
</tr>
<tr>
<td><strong>OPTION 3</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A single flat fee for all license holders in the BID.</td>
<td>“Area A” $20,550</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>“Area B” $7,350</td>
<td>0.5%</td>
</tr>
<tr>
<td></td>
<td>“Area C” $27,900</td>
<td></td>
</tr>
<tr>
<td><strong>OPTION 4</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Area A” would pay an assessment equal to 150% of the business license; “Area</td>
<td>“Area A” $23,829</td>
<td>5</td>
</tr>
<tr>
<td>B” would pay an assessment equal to 50% of the business license.</td>
<td>“Area B” $6,126</td>
<td>2.7%</td>
</tr>
<tr>
<td></td>
<td>“Area C” $29,955</td>
<td></td>
</tr>
<tr>
<td><strong>OPTION 5</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Area A” would pay a $165 flat fee; “Area B” would pay a $100 flat fee.</td>
<td>“Area A” $22,605</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>“Area B” $4,900</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Area C” $27,505</td>
<td></td>
</tr>
<tr>
<td><strong>OPTION 6</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The assessment would be based on business type. Retail would pay a $200 flat</td>
<td>Retail $14,200</td>
<td>2</td>
</tr>
<tr>
<td>assessment; Restaurant/Service would pay a $150 flat assessment; Professional/</td>
<td>Restaurant/Service $8,700</td>
<td>1.0%</td>
</tr>
<tr>
<td>Office would pay a $100 flat assessment.</td>
<td>Professional/Office $5,700</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Area C” $28,600</td>
<td></td>
</tr>
<tr>
<td><strong>OPTION 7</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continue current method of assessment equal to business license, with the “cap”</td>
<td>“Area A” $15,886</td>
<td>0</td>
</tr>
<tr>
<td>lowered to $250 annually.</td>
<td>“Area B” $12,252</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reduction in Cap $6,220</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$21,918</td>
<td></td>
</tr>
<tr>
<td><strong>OPTION 8</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continue current method of assessment equal to business license, with the “cap”</td>
<td>“Area A” $15,886</td>
<td>0</td>
</tr>
<tr>
<td>lowered to $500 annually.</td>
<td>“Area B” $12,252</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reduction in Cap $3,450</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$24,688</td>
<td></td>
</tr>
<tr>
<td><strong>OPTION 9</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disestablish the BID</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*The second group presented this option; therefore the earlier group did not</td>
<td></td>
<td></td>
</tr>
<tr>
<td>have an opportunity to comment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>It should be noted that upon further discussion only 2 representatives</td>
<td></td>
<td></td>
</tr>
<tr>
<td>maintained that the BID should be disestablished, with the majority</td>
<td></td>
<td></td>
</tr>
<tr>
<td>suggesting that the funding be used for tangible projects, such as Christmas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>lights, banners, and furnishings, rather than advertising.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NO RESPONSE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>There was no response from 166 businesses located in the BID.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>166</td>
<td>89.2%</td>
</tr>
</tbody>
</table>
BUSINESS IMPROVEMENT DISTRICT

REVIEW OF FEE ASSESSMENTS

MARCH 3 – 4, 2004

LIBRARY COMMUNITY ROOM

GUIDELINES FOR A BUSINESS IMPROVEMENT DISTRICT

- State law allows for the formation of a "Business Improvement District"
  - In 1965, the California State Legislature enacted the "Parking and Business Improvement Area Law" (AB103, updated to AB1693 in 1979, and further updated to the current SB1424 in 1989)

GUIDELINES FOR A BUSINESS IMPROVEMENT DISTRICT

- The law allows for an assessment to businesses within the BID and the revenues to be used for:
  - Improvements
    - Parking facilities
    - Benches
    - Trash receptacles
    - Street Lighting
    - Decorations
    - Parks
    - Fountains

- Revenues may also be used for:
  - Activities
    - Promotion of public events which benefit businesses in the area and which take place on or in public places within the area.
    - Furnishing of music in any public place in the area.
    - Activities which benefit businesses located and operating in the area.
HISTORY OF THE PORTERVILLE BID

- Early 1960's – Central Business District Plan developed by the City
- 1960's – Early 1970's – Chamber of Commerce Merchants' Committee sold promotional packages to sponsor special events.
- 1976 – Heart of Porterville Association (HOPA) formed to focus on downtown issues. HOPA was a volunteer organization of approximately 80 members who paid monthly dues.

1978 – HOPA's first attempt at the formation of a BID failed
1986 – Porterville designated as one of the first five California Main Street projects by the State. (City and HOPA worked cooperatively on the application.) The first Main Street Porterville Board of Directors was established.

Note: Due to increasing program requirements, the City and Main Street Porterville voluntarily removed itself from the Main Street status in 2001.

WHAT CAN A BID DO FOR YOU?

- 1987 – The BID was established as a result of Main Street Porterville's organizational efforts.
- Funding for Downtown Porterville Association (changed from Main Street Porterville in 2003) derived from BID assessments and supplemented with promotional revenues.
- Through a public hearing process, City Council annually authorizes the levy of the assessment.

- Provide you with adequate funding for your marketing and advertising programs, and for downtown improvements.
- Allow your area to compete efficiently for business with the shopping malls and other areas because you have more equal resources and strengths.
- Provide you with clout at City Hall because you are an organization – not just an individual businessperson.
How Does a BID Benefit Retail and Non-Retail Businesses?

- All businesses benefit from the BID programs, such as civic beautification, downtown image building campaigns, Christmas decorations, etc.
- Provides an opportunity for retail to become economically revived and revitalized in the face of today's extreme competition from the suburban malls.
  - A dying district is characterized by bars, used merchandise outlets, and vacant store fronts

TODAY'S ISSUE

- A number of non-retail businesses have expressed concern that their businesses do not benefit from the District and the assessments are not equitable to their business.
- City Council has directed a review of the method of assessing businesses in the district.
- The current annual assessment for the entire district is $28,140.

*FOR ANALYSIS PURPOSES, THE BID WAS DIVIDED INTO TWO AREAS – “A” AND “B”

➤ “Area A” businesses are located along the main corridor within the boundaries from Morton Avenue to Olive Avenue, and both sides of Hockett Street to the west side of Second Street. “Area A” has a total of 137 businesses which pay 56% of the total assessment.

➤ “Area B” businesses are located within the boundaries from Morton Avenue to Olive Avenue, both sides of “D” Street, and the east side of Second Street. “Area B” has a total of 49 businesses which pay 44% of the total assessment.
OPTION 1
Current Method of Assessment
Currently all businesses pay an assessment equal to their business license. There is a $500 cap semi-annually.

<table>
<thead>
<tr>
<th>Area</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Equal to business license</td>
<td>$15,886</td>
</tr>
<tr>
<td>B</td>
<td>Equal to business license</td>
<td>$12,252</td>
</tr>
<tr>
<td></td>
<td>Total Assessment</td>
<td>$28,138</td>
</tr>
</tbody>
</table>

OPTION 2
Hold Area “A” constant and Reduce Area “B” to 50% of current

<table>
<thead>
<tr>
<th>Area</th>
<th>Percentage</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Equal to business license</td>
<td>$15,886</td>
</tr>
<tr>
<td>B</td>
<td>50% of business license</td>
<td>$6,126</td>
</tr>
<tr>
<td></td>
<td>Total Assessment</td>
<td>$22,012</td>
</tr>
</tbody>
</table>

OPTION 3
Flat Fee for All Areas
➢ This option would provide for a single flat fee for all license holders in the BID
➢ Area A $150 flat assessment $20,550
➢ Area B $150 flat assessment $7,350
➢ Total Assessment $27,900

Many businesses pay the minimum assessment of $50 annually. For those businesses, this option would equate to a 300% increase.

OPTION 4
Area of Benefit
➢ This option supports an “area of benefit” methodology of assessment. Those businesses located in “Area A” are perceived to derive greater benefit from the BID than those located in “Area B”
➢ Area A 150% of license $23,829
➢ Area B 50% of license $6,126
➢ Total Assessment $29,955

For those businesses paying the minimum assessment of $50 annually, this option would result in an increase of $25 annually.
**OPTION 5**
Area of Benefit with a Flat Fee

- This option also supports an “area of benefit” methodology of assessment with a flat fee associated with each area.
- Area A $165 flat assessment $22,605
- Area B $100 flat assessment $4,900
  
  **Total Assessment** $27,505

For those businesses paying the minimum of $50 annually, this option would result in an increase of $115 annually.

**OPTION 6**
Assessment Based on Business Type

- This option supports the methodology that certain types of businesses benefit more than others
- Retail $200 flat assessment $14,200
- Restaurant/Service $150 flat assessment $8,700
- Professional/Office $100 flat assessment $5,700
  
  **Total Assessment** $28,600

For those businesses paying the minimum of $50 annually, this option would result in an increase ranging from $50 - $150 annually.

**OPTION 7**
Reduce “cap” from $500 semi-annually to $250 annually

- Continue current method of assessment equal to business license, with the “cap” lowered to $250 annually.
- Area A Equal to Business License $15,886
- Area B Equal to Business License $12,252
- Less reduction in “cap” ($6,220)
  
  **Total Assessment** $21,918

Results in a savings ranging for $20 to $750 annually for 28 businesses.

**OPTION 8**
Reduce “cap” from $500 semi-annually to $500 annually

- Continue current method of assessment equal to business license, with the “cap” lowered to $500 annually.
- Area A Equal to Business License $15,886
- Area B Equal to Business License $12,252
- Less reduction in “cap” ($3,450)
  
  **Total Assessment** $24,688

Results in a savings ranging for $100 to $1,000 annually for 7 businesses.
WHAT IS YOUR RECOMMENDATION?

- Which option is the most equitable for all businesses in the BID?
- Which option provides adequate resources for the BID to effectively serve its members?
- Would you like to present an alternate option?
SUBJECT: BUSINESS IMPROVEMENT DISTRICT ASSESSMENT REVIEW

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – ECONOMIC DEVELOPMENT

COMMENT: At the September 4, 2003 City Council meeting, Council reviewed and approved the Business Improvement District (BID) assessment for the fiscal year 2003-2004, with instructions for this assessment to be reviewed in December 2003. At the November 18, 2003 City Council meeting, Council requested this review to be brought to the January 20, 2004 meeting.

Staff has surveyed ten (10) Business Improvement Districts (which included two Property Improvement Districts) regarding how assessments are levied. Six districts levied an assessment equal to the business license fee, three districts levied an assessment based on zone of benefit, and one district used a graduated fee schedule. Zone of benefit assessments ranged from 50% to 75% of business license fees.

Staff has been working to establish Options that have minimal impact on the BID budget should Council elect to move to a method of levying assessment other than the current assessment equal to the business license fee.

The current annual assessment for the entire district is $28,140. “Area A” businesses are located along the main corridor within boundaries from Morton Avenue to Olive Avenue, and both sides of Hockett Street to the west side of Second Street pay 56%. Area A contains 137 businesses. “Area B” businesses are located within the boundaries from Morton Avenue to Olive Avenue, both sides of D Street, and the east side of Second Street pay 44%. Area B contains 49 businesses.

**Option 1 – Current Method of Assessment**

<table>
<thead>
<tr>
<th>Area</th>
<th>Equal to business license</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A</td>
<td></td>
<td>15,886</td>
</tr>
<tr>
<td>Area B</td>
<td></td>
<td>12,252</td>
</tr>
<tr>
<td>Total Assessment</td>
<td></td>
<td>28,138</td>
</tr>
</tbody>
</table>

DD_____ Appropriated/Funded____ CM_____ Item No. 19
**Option 2 – Flat Fee for All Areas**

<table>
<thead>
<tr>
<th>Area</th>
<th>$150 flat assessment</th>
<th>$20,550</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A</td>
<td>$150 flat assessment</td>
<td>$ 7,350</td>
</tr>
<tr>
<td>Total Assessment</td>
<td>$27,900</td>
<td></td>
</tr>
</tbody>
</table>

Option 2 results in a loss of less than 1% revenue to the BID.

**Option 3 – Area of Benefit**

<table>
<thead>
<tr>
<th>Area</th>
<th>150% of license</th>
<th>$23,829</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A</td>
<td>50% of license</td>
<td>$ 6,126</td>
</tr>
<tr>
<td>Total Assessment</td>
<td>$29,955</td>
<td></td>
</tr>
</tbody>
</table>

Option 3 results in a gain of 6% revenue to the BID.

**Option 4 – Area of Benefit**

<table>
<thead>
<tr>
<th>Area</th>
<th>$165 flat assessment</th>
<th>$22,605</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area B</td>
<td>$100 flat assessment</td>
<td>$ 4,900</td>
</tr>
<tr>
<td>Total Assessment</td>
<td>$27,505</td>
<td></td>
</tr>
</tbody>
</table>

Option 4 results in a loss of 2% revenue to the BID.

**Option 5 – Assessment Based on Business Type**

<table>
<thead>
<tr>
<th>Type</th>
<th>$200 flat assessment</th>
<th>$14,200</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>$150 flat assessment</td>
<td>$ 8,700</td>
</tr>
<tr>
<td>Restaurant/Service</td>
<td>$100 flat assessment</td>
<td>$ 5,700</td>
</tr>
<tr>
<td>Professional/Office</td>
<td>$100 flat assessment</td>
<td>$ 5,700</td>
</tr>
<tr>
<td>Total Assessment</td>
<td>$28,600</td>
<td></td>
</tr>
</tbody>
</table>

Option 5 results in a 1% gain of revenue to the BID.

**Option 6 – All Businesses Assessed**

Currently only those businesses that pay a business license are assessed a BID fee. In this option all businesses, with the exception of non-profit, religious institutions, utility companies, and the postal service would pay an assessment.

| 10 Businesses | $150 flat assessment | $1,500 |

Option 6 results in additional revenue for the BID.
Options 2 through 5 create the greatest impact to those businesses that currently pay the minimum assessment of $50 annually. The increases presented in the options would increase from 50% (Option 3) to 400% (Option 5).

Input from the Downtown Porterville Association (DPA) Board was solicited regarding the material being presented to Council. The DPA Board does not support a flat fee rate structure based on the inequity that this option would provide to small business. The DPA Board provided the information for and supports Option 3. In addition, the DPA Board does not support Option 6, the mandatory assessment for those businesses now exempt; preferring instead to approach these exempt businesses for voluntary contributions and associate membership in the BID as currently allowed in the BID by-laws.

Changing the method in which assessments are calculated at this mid-year juncture does not provide the Downtown Porterville Association (DPA) with the means to carryout their work program as submitted and approved by City Council. If Council should elect to make changes in the method of levying assessments, a public hearing shall be conducted to propose the changes pursuant to California Streets and Highways Code Sections 36524 and 36525.

RECOMMENDATION: That City Council:

1) Authorize no changes to the method of levying assessments be made in the 2003-2004 fiscal year; and

2) Make a recommendation for options to be implemented in 2004-2005 and future fiscal years.
SUBJECT: SWIMMING POOL SHADE STRUCTURE OPTIONS

SOURCE: Parks and Leisure Services Department

COMMENT: A member of the City Council has requested consideration of funding the installation of shade structures for the Municipal Pool from current year budget savings. Since the City will not be initiating a swimming program during the remainder of the current fiscal year there will be some savings in expected expenditures within the current budget. This savings is partially offset from a loss in anticipated revenue which would have resulted from the charges for swimming lessons and recreational swimming. Attached is a summary of the current year budget estimates. This illustrates an anticipated budget savings of $31,636.

The two shade structures for the pool are estimated to cost $30,354. The City could either issue a change order to the pool contractor to install the shade structures or issue a separate contract in July for furnishing and installing the shade structures, once the current pool contract is completed.

Staff anticipates that additional CDBG funding will be available for the shade structures and water slide in the fiscal year 04/05 budget. This would allow for the installation of the shade structures in August or September and not impact the general fund. Should the council wish to get the shade structures installed earlier it would be most cost effective to direct that a change order be issued immediately to Webb & Son.

RECOMMENDATION: Direct staff to:

1. Issue a change order to Webb & Son for the installation of the two swimming pool shade structures, and
2. Re-appropriate $30,354 of funds from the swimming pool operations budget to the swimming pool capital improvement budget.

ATTACHMENT: 1. Estimated FY 03/04 Swimming Pool Budget Savings
ESTIMATED FY 03/04 SWIMMING POOL BUDGET SAVINGS

REVENUE:

Anticipated FY 03/04 revenue $ 43,500
Estimated Actual FY 03/04 revenue 19,604
Loss in revenue 23,896

EXPENSES:

Anticipated FY 03/04 expenses $ 134,079
Estimated Actual FY 03/04 expenses 78,547
Budgeted unencumbered funds 55,532

FY 03/04 ESTIMATED BUDGET SAVINGS

Budgeted unencumbered funds $ 55,532
Loss in revenue 23,896
Budget savings available $ 31,636
SUBJECT: SKATEBOARD PARK STATUS AND GRANT FUNDING CONSIDERATION

SOURCE: Parks and Leisure Services Department

COMMENT: A skateboard park has been contemplated for many years. The site that was chosen for the facility is on Newcomb Street at Veterans Park. The City has received a State Needs-Basis grant for the development of the park in the amount of $346,500. The State grant funds can be utilized for up to 70% of the cost for the skateboard facility, including the related fencing, parking lot and other amenities. The State Department of Parks and Recreation recently has confirmed that the use of modular composite components for the skate ramps is allowable under the current grant.

The City has endeavored to raise the required 30% matching funds for the facility. To date a total of $6,530 has been received in donations and fundraising profits. This includes $641 raised at the recent Teen Spring Fling where 208 children enjoyed an evening of music, dance and activities as a fundraiser for the skateboard park.

Another grant opportunity for the facility is the Federal Land and Water Conservation Fund (LWCF). A LCWF grant can be used to match the State grant. Similarly, the LCWF 50% match requirement can be met by the State grant. The City applied for a LCWF grant last year for the skateboard park and other improvements at Veterans Park. The application was not successful in achieving a grant. Staff has learned that there was a perception that there was uncertainty in the City’s commitment towards the skateboard park at the time the LCWF grant was in final consideration during September, 2003. The LCWF grant program is very competitive. Funds for the LCWF are derived from Federal recreation fees, sales of Federal surplus property, the Federal motor boat fuel tax and the Outer Continental Shelf mineral receipts.

Staff has prepared an updated application for this year’s submission to the LCWF grant program. The amount of the application is $148,500. This amount will be sufficient to fund the grant match needed for the skateboard park project. A City Council Resolution supporting the project and approving the LWCF application is needed as a part of the application package. The City should be notified in September or October if a LWCF grant is obtained.

If the LWCF grant is obtained, the City would be ready to obtain the services of an experienced skateboard park designer for the community design efforts. A final determination on the type of skateboard park facility, modular versus concrete, would not be needed until the search for a designer begins. If approved by the City Council, design work would be conducted during the early part of 2005. Construction of the facility would then be anticipated to occur during the summer of 2005.

RECOMMENDATION: That the City Council adopt the attached Resolution to:

1) State support for the skateboard park to be constructed at Veterans Park; and

2) Approve filing of an application for a Land and Water Conservation Fund Grant; and

3) Authorize the Parks and Leisure Services Director to execute all necessary documents on behalf of the City of Porterville.

ATTACHMENTS: Resolution Approving the LWCF Application
RESOLUTION NO. _________

RESOLUTION OF THE PORTERVILLE CITY COUNCIL SUPPORTING THE SKATEBOARD PARK TO BE CONSTRUCTED AT VETERANS PARK AND APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS PORTERVILLE SKATEBOARD PARK PROJECT

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-In-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes; and

WHEREAS, the State Department of Parks and Recreation is responsible for administration of the program in the state, setting up necessary rules and procedures governing application by local agencies under the program; and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of local matching funds prior to submission of said applications to the state; and

WHEREAS, the proposed Porterville Skateboard Park project is consistent with the Statewide Comprehensive Recreation Resources Plan: California Outdoor Recreation Plan - 1994; and

WHEREAS, the project must be compatible with the land use plans of the local jurisdiction;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Reaffirms the support for a skateboard park to be constructed at Veterans Park within the City of Porterville; and

2. Approves the filing of an application for Land and Water Conservation Fund assistance; and

3. Certifies that said agency has matching funds from the following sources(s): Roberti Z’Berg Harris Urban Open Space and Recreation Grant Program and can finance 100 percent of the project; and

4. Certifies that the project is compatible with the land use plans of the local jurisdiction; and

5. Appoints Jim Perrine, Director of Parks and Leisure Services as agent of the City to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

Adopted this 20th day of April, 2004.

Pedro R. Martinez, Mayor

John Longley, City Clerk

By ___________________________
Georgia Hawley, Deputy
SUBJECT: TRAFFIC SAFETY - NO PARKING SIGNS

SOURCE: Public Works Department - Engineering Division

COMMENT: On March 16, 2004 staff proposed periodic traffic safety reviews of non-conforming (unimproved) arterial streets. The City Engineer reported on a number of non-conforming arterial streets throughout Porterville with high traffic volumes. Evaluating these types of arterial streets and identifying segments that warrant safety mitigation measures was the purpose of the report.

Plano Street, in the immediate vicinity of the Tule River Bridge, is one of those streets included in the City Engineer’s report. There are small unimproved segments of Plano Street near the bridge abutments that fall under the category discussed in said report. It is the opinion of the City Engineer that parking within these areas is a traffic hazard.

RECOMMENDATION: That the City Council authorize the City Engineer to install “No Parking” signs on each side of the Plano Street Bridge, where warranted, in accordance with Article X of the Traffic Ordinance.

ATTACHMENT: Locator Map

Y:\Engineering\Council Items\Traffic Safety - No Parking Signs.wpd

Dir [Signature] Appropriated/Funded [Signature] CM [Signature] Item No. 31
SUBJECT: Report on Status of Shopping Cart Collection in Community

SOURCE: City Manager

Consistent with Council direction, the City staff members met with representatives from Porterville retailers on March 11, 2004. At the meeting, the City’s procedure for picking up shopping carts was outlined. The concern was expressed, that a significant number of shopping carts are left around the City.

The retailers indicated their efforts to recover shopping carts. The direction of discussion was that a cooperative effort among retailers would be the best approach to the issue. At the end of the meeting, the following program was outlined:

1. A report will be made to the Council regarding the meeting and efforts to pick up shopping carts.

2. The City staff and retailers would meet again in 3 months (around the middle of June, 2004) to review progress with picking up shopping carts.

3. Retailers in Porterville would work together to assure rapid pick-up and return of carts.

4. The City will monitor the recovery of carts and define how well the cooperative program is working.

5. An inquiry will be made to the Sheltered Workshop to define if they are interested in beginning a shopping cart pick-up program.

6. The City’s retail contact list would be standardized, and for each business there would be a specific point of contact.

The Sheltered Workshop is currently evaluating a shopping cart pick-up program. They will be providing information to the City in this regard, which will be provided to the retailers. It is expected that this will be a subject of the meeting to occur in June, 2004.

RECOMMENDATION: It is the staff’s perception that there has been progress with the shopping cart pick-up program. The retailers have volunteered to cooperate with the pick-up, and an optional program is being formulated by the Sheltered Workshop. Staff recommends that the program outlined above be approved and that a further report be made to the Council at the first meeting in July, 2004.
SUBJECT: CONSIDERATION OF THE FORMATION OF A NONPROFIT CORPORATION

SOURCE: City Attorney’s Office

COMMENT: At a prior meeting, the City Council directed staff to take steps towards the formation of a nonprofit public benefit corporation to be used for various purposes, including the accepting of charitable contributions. Although donations made to the City are tax exempt under the Internal Revenue Code (26 U.S.C. 170(c)(1)), individuals often feel more comfortable donating to a Foundation (nonprofit public benefit corporation). This is primarily because there is more familiarity with the concept of making tax-exempt contributions to a nonprofit organization (rather than a public entity), and also because there is a perception this provides for assurances as to how the funds will be spent, because the organization is “not for profit” and is limited by the purposes outlined in its bylaws with regard to use of the funds.

There have also been inquiries concerning the other powers and functions that can be given to an organization, and the restrictions and limitations that may apply to nonprofit organizations. Consequently, I have researched certain legal issues concerning the powers and restrictions applicable to nonprofit private companies that are either formed or work in conjunction with cities or other public entities. The restrictions that will apply depend on how the corporation is formed, and the extent of the City’s involvement in its operations. In order to gain regulatory flexibility, it would likely be necessary for the City to have very little, if any, control over the corporation. The City could, as an alternative to being involved in the formation of a corporation, consider entering into an agreement with a nonprofit corporation already in existence.

If the Council wishes to authorize the formation of a nonprofit organization created for the sole purpose of accepting donations and engaging in fund raising for certain City projects (for example, the Zalud House or the Skateboard Park), it may be to the benefit of the City to form and maintain ultimate authority over the corporation.

This office and staff are therefore requesting direction concerning the formation of a nonprofit corporation. The direction needed includes: 1) the purpose for the corporation and activities the corporation will engage in; 2) the agent for service of process; 3) the principal office; 4) the composition, powers and terms of the Board of Directors (who and how many); 5) the designation and powers of the officers/management (e.g. general manager and chief financial officer); and 6) the capitalization/funding for the corporation.

Item No. 33
RECOMMENDATION: That City Council:

1. Consider and give direction concerning the parameters of the powers of the nonprofit corporation as discussed above; and

2. Provide direction as to how it wishes the City to proceed.

Attachment: Memorandum Concerning Legal Issues
TO: Porterville City Council

FROM: Julia Lew

DATE: April 1, 2004

SUBJECT: Formation and Use of Public Benefit Corporations by Cities and other Public Entities

This is provided pursuant to recent inquiries and issues concerning the formation of a nonprofit, public benefit corporation by the City for various public purposes, including that of accepting donations and assisting in fund raising for public projects.

Charitable contributions to a City are tax exempt under the Internal Revenue Code, 26 U.S.C. 170(c)(1). The City is deemed to be a political subdivision of the State qualified to receive tax exempt contributions, so long as the funds are used for public purposes and certain procedures are followed. However, there is a public perception that a nonprofit organization is either required or preferred. Consequently, many public entities have formed public benefit corporations (e.g. “Foundations”) that serve this purpose.

Cities and other public entities have also formed private corporations for other purposes, such as the constructing and operating of certain public facilities, the management and administration of Business Assessment Districts (BIDs), and even for bond financing issues. Over the years, these corporations have been viewed as a viable means to achieve a certain amount of flexibility that the public entities would not otherwise have due to laws applicable to public entities.

Cities have the ability to form nonprofit corporations. Public entities may delegate the performance of its administrative functions to a private entity if the public entity retains ultimate control over the administration, in order to safeguard the public interest. [See Irwin v. City of Manhattan Beach (1966) 65 Cal.2d 13, 23.] The formation of public benefit corporations is governed by California Corporations Code Section 5110 et seq. Although in the past these types of corporations have been viewed to be solely private entities separate from the identity of the Cities, recent California cases and Attorney General Opinions have scrutinized these organizations and have limited their flexibility.

In 1999, the Second District of the California Court of Appeal opined that Los Angeles Export Terminal, Inc. (LAXT), a private corporation in which the Harbor Department of the City of Los Angeles was a shareholder, was subject to the Brown Act. [International LWU v. Los Angeles Export Termin. (1999) 69 Cal.App.4th 287.]

LAXT was formed to design, construct, and operate a dry bulk handling facility on land leased
from the City. The City was a 15% shareholder in the corporation, contributed capital to the corporation, and was entitled to nominate 3 of the 19 board members. The corporation was formed due to a Resolution adopted by the Board of Harbor Commissioners, which had the authority under the City's charter over the Harbor Department of the City. The corporation's articles of incorporation were filed by the city attorney's office. The International Longshoreman's and Warehousemen's Union (ILWU) filed a lawsuit after the corporation's board authorized the corporation to enter into an operating agreement with another, separate corporation (PCS). The union alleged that PCS was nonunion and employing workers at substandard (nonprevailing) wage rates, and the union alleged that LAXT was subject to the Brown Act and that therefore the contract with PCS was null and void. The appellate court affirmed the trial court's ruling that the corporation was a "legislative body" subject to the Brown Act and that therefore, the agreement between PCS and LAXT was null and void because it was approved at a meeting that had not been noticed or held in compliance with the Act.

The Brown Act, by its own terms, applies to corporations that 1) are created by the elected legislative body in order to exercise authority that may be lawfully delegated to such a corporation, or 2) receive funds from the local agency and whose board membership includes a member of the local agency appointed to the board as a full voting member. [Government Code Section 54952(c)(1)(A) and (B).] The City argued that LAXT was not created by the City Council, but rather by the Harbor Commission, an appointed body. The Court determined that "created by" really meant merely playing a role in bringing the corporation into existence. The Court noted that the City adopted an ordinance approving the shareholder agreement of LAXT and authorizing its execution, and that thereafter the articles of incorporation were filed. Furthermore, because the City retained plenary authority over the Harbor Department's affairs and could overturn any of the Department's decisions, this triggers the applicability of the Brown Act. The City also contended that LAXT did not exercise any governmental authority. The Court countered that so long as the authority delegated to the corporation is such that the City could have performed the function itself, "governmental authority" has been exercised.

The Court in International LWU did note that had LAXT been a preexisting corporation which simply entered into a contractual arrangement with the Harbor Department, the Brown Act would not necessarily apply.

In 2001, the Second District addressed this issue again, in Epstein v. Hollywood Entertainment District II (2001) 87 Cal.App.4th 862. This case involved a nonprofit corporation that administered BID funds. Plaintiff claimed that the corporation was subject to the Brown Act as well as competitive bidding requirements. The Court reversed the trial court's ruling that the corporation was not subject to the Brown Act. In this case, the City Council had adopted an ordinance providing that BID programs would be governed by a nonprofit association. A BID was formed and administered by a nonprofit. At a later time, a "new" BID was created when amendments were made. The City claimed that the "preexisting corporation" exception noted by the Court in 1999 should apply. To the contrary, the appellate court built on its earlier decision and found that the City had in fact been involved in the creation of the organization, because the organization was formed in order to comply with the ordinance. Furthermore, the City retained the ability to overturn the corporation's actions because it could remove the corporation as the managing entity of the BID. The Court did not find the City's argument that the "new" district was simply contracting with a preexisting organization.
persuasive, and found that the history behind the creation of the corporation could not be ignored. The Court also found the City's claim that an exemption should apply because services provided by the BID were "supplemental" (as opposed to "basic") in nature unpersuasive. The Court provided that if the funds involved are public monies, the public has the right to participate in how those funds are expended.

Additionally, the Court expanded on its 1999 findings, providing, albeit in dicta, that nonprofit corporations to whom administrative functions are delegated must comply with all of the same laws and regulations applicable to the public entity, including public bidding and prevailing wage regulations. Although the Court remanded the case to the trial court with regard to the competitive bidding issue, the Court instructed the lower court to consider its application to competitive bidding requirements, in light of it’s finding that the corporation was a legislative body subject to the Brown Act.

These issues were addressed again in 2002 by the California Attorney General. In Opinion No. 01-401, the Attorney General further expanded on the definition of organizations "created by" public entities, and opined that this requirement was satisfied by 1) the City granting a franchise to the cable company, 2) requiring the cable company to set aside a channel for education, 3) designating the corporation to operate the channel, and 4) providing the initial capitalization. The Attorney General then found that since the entity is a legislative body for the purposes of the Brown Act, the Public Records Act will apply as well. Although Attorney General Opinions are not binding authority, they are persuasive authority and are at times utilized by the Courts in the formation of their rulings.

In 2003, the Attorney General did find that the employees of a public benefit corporation, which was a subsidiary of and totally owned by another public entity, was not subject to the public employment retirement system. However, there were distinguishable facts in the case that would not apply in most circumstances. (A Transit Board created by State legislature, acquired a public benefit corporation, and a specific public utilities state statute provided that under such circumstances the corporation maintains its preexisting responsibilities with regard to pension plans.) This Corporation was determined to be a "separate, legal corporate entity."

Although the legal effect of the California case law (notwithstanding the Attorney General's view) is currently limited to the application of the Brown Act, the strongly worded dicta indicates that Courts may be inclined to apply other laws and regulations that are applicable to cities as well. This does not mean, however, that the formation of a nonprofit public benefit corporation by a City is never appropriate. These corporations can still serve as effective tools under certain circumstances, such as for the purpose of fund raising or accepting charitable contributions for certain city-related programs or projects. The City must understand any corporation "created" by it will be subject to the Brown Act, and it is likely that if it is considered a public "legislative body" for Brown Act purposes, it will be considered a public entity under other circumstances as well.
SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Administrative Services - Finance Division

COMMENT: During the 1995 Legislative Session, the State adopted SB 564 and SB 866 which became effective January 1, 1996. These pieces of legislation set formal requirements for annual reaffirmation of the Investment Policy by Council, as well as for quarterly portfolio updates to Council. These quarterly updates are to be delivered no later than 30 days after the end of each quarter.

Items identified in the summary that are requirements under SB 564 and SB 866 include the fact that all current holdings are in compliance with the current Investment Policy and that all City cash needs will be met. The date of the next update has also been identified.

RECOMMENDATION: That City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

ATTACHMENTS: Quarterly Portfolio Summary

D.D. Appropriated/Funded C.M. Item No. 34
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**Portfolio Summary as of 31st July 2004**

**City of Portland**
SUBJECT: INTERIM FINANCIAL STATUS REPORT
SOURCE: Administrative Services - Finance Division
COMMENT: The City Charter requires financial information to be provided to City Council members on a monthly basis. Staff will deliver this information publicly on a quarterly basis in conjunction with the quarterly portfolio summary. The approved dates for these presentations are the second Council meeting following the quarters ended March 31, June 30, September 30, and December 31.

In accordance with Council Minute Order #13-041602, the interim financial status reports for the 3rd quarter ended March 31, 2004, are submitted.

RECOMMENDATION: Accept the interim financial status reports as presented.
ATTACHMENT: Interim financial reports
# CITY OF PORTERVILLE


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<td>3,500</td>
<td>4,671</td>
<td>133.46%</td>
<td>3,500</td>
<td>2,966</td>
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<tr>
<td>OTHER REVENUES</td>
<td>70,125</td>
<td>95,340</td>
<td>135.96%</td>
<td>65,975</td>
<td>134,836</td>
</tr>
<tr>
<td><strong>SUBTOTALS</strong></td>
<td><strong>$16,903,640</strong></td>
<td><strong>$10,873,711</strong></td>
<td><strong>64.33%</strong></td>
<td><strong>$16,717,274</strong></td>
<td><strong>$11,959,035</strong></td>
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<tr>
<td><strong>DEBT SERVICE TRANSFERS</strong></td>
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</tr>
<tr>
<td></td>
<td>880,036</td>
<td>660,027</td>
<td>75.00%</td>
<td>855,933</td>
<td>641,950</td>
</tr>
<tr>
<td><strong>$17,783,676</strong></td>
<td><strong>$11,533,738</strong></td>
<td><strong>64.86%</strong></td>
<td><strong>$17,573,207</strong></td>
<td><strong>$12,600,985</strong></td>
<td><strong>71.71%</strong></td>
</tr>
</tbody>
</table>
GENERAL FUND REVENUES
Fiscal Year Ended March 31, 2004

DEBT SERVICE (5.72%)
PROPERTY TAXES (7.40%)
CHARGES FOR SERVICES (15.36%)
SALES & USE TAX (25.92%)
OTHER (5.46%)
MOTOR VEHICLE IN-LIEU (10.62%)
OTHER TAXES (7.72%)
LICENSES AND PERMITS (4.93%)
UTILITY USERS TAX (16.86%)

GENERAL FUND REVENUES
Fiscal Year Ended March 31, 2003

DEBT SERVICE (5.09%)
PROPERTY TAXES (6.47%)
CHARGES FOR SERVICES (13.36%)
SALES & USE TAX (23.54%)
OTHER (9.96%)
MOTOR VEHICLE IN-LIEU (14.16%)
OTHER TAXES (7.03%)
LICENSES AND PERMITS (4.79%)
UTILITY USERS TAX (15.59%)
CITY OF PORTERVILLE

REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE NINE MONTHS ENDED
MARCH 31, 2004 AND MARCH 31, 2003

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>$418,753</td>
<td>$920,220</td>
<td>219.8%</td>
<td>$566,470</td>
<td>63.5%</td>
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<tr>
<td>SPECIAL GAS TAX</td>
<td>1,780,000</td>
<td>1,007,846</td>
<td>56.6%</td>
<td>4,103,260</td>
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<tr>
<td>LOCAL TRANSPORTATION FUNDS (LTF)</td>
<td>572,706</td>
<td>2,509</td>
<td>0.4%</td>
<td>435,000</td>
<td>8.9%</td>
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<td>TRAFFIC SAFETY FUND</td>
<td>101,000</td>
<td>31,723</td>
<td>31.4%</td>
<td>113,500</td>
<td>55.5%</td>
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<td>ZALUD ESTATE</td>
<td>9,000</td>
<td>4,943</td>
<td>54.9%</td>
<td>9,000</td>
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<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>4,724,000</td>
<td>655,693</td>
<td>13.9%</td>
<td>751,000</td>
<td>109.6%</td>
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<td>TRANSIT</td>
<td>1,913,800</td>
<td>771,274</td>
<td>40.3%</td>
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<td>41.7%</td>
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<td>SPECIAL POLICE GRANTS</td>
<td>137,500</td>
<td>231,577</td>
<td>168.4%</td>
<td>229,100</td>
<td>72.5%</td>
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<tr>
<td>SEWER OPERATING</td>
<td>5,314,763</td>
<td>3,790,957</td>
<td>71.3%</td>
<td>4,468,098</td>
<td>74.4%</td>
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<td>REFUSE REMOVAL</td>
<td>3,934,524</td>
<td>2,822,413</td>
<td>71.7%</td>
<td>3,448,217</td>
<td>76.1%</td>
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<tr>
<td>AIRPORT OPERATIONS</td>
<td>620,554</td>
<td>561,827</td>
<td>90.5%</td>
<td>597,621</td>
<td>96.2%</td>
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<tr>
<td>GOLF COURSE</td>
<td>264,000</td>
<td>175,521</td>
<td>66.5%</td>
<td>289,212</td>
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<td>WATER OPERATING</td>
<td>4,704,678</td>
<td>3,540,884</td>
<td>75.3%</td>
<td>4,615,747</td>
<td>74.1%</td>
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<td>RISK MANAGEMENT</td>
<td>2,480,000</td>
<td>2,234,105</td>
<td>90.1%</td>
<td>2,475,100</td>
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<td>EQUIPMENT MAINTENANCE</td>
<td>1,047,434</td>
<td>687,434</td>
<td>65.6%</td>
<td>956,245</td>
<td>82.9%</td>
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<td>EQUIPMENT REPLACEMENT</td>
<td>1,363,619</td>
<td>949,470</td>
<td>69.6%</td>
<td>1,200,860</td>
<td>70.9%</td>
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<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>141,080</td>
<td>47,991</td>
<td>34.0%</td>
<td>140,149</td>
<td>48.6%</td>
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<tr>
<td>WATER REPLACEMENT</td>
<td>598,850</td>
<td>301,995</td>
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<td>456,862</td>
<td>105.0%</td>
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<tr>
<td>SOLID WASTE RESERVE</td>
<td>244,549</td>
<td>185,635</td>
<td>75.9%</td>
<td>6,000</td>
<td>176.0%</td>
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<tr>
<td>SEWER REVOLVING</td>
<td>189,000</td>
<td>97,136</td>
<td>51.4%</td>
<td>221,000</td>
<td>83.2%</td>
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<tr>
<td>TRANSPORTATION DEVELOPMENT</td>
<td>136,800</td>
<td>182,482</td>
<td>133.4%</td>
<td>224,200</td>
<td>398.7%</td>
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<tr>
<td>PARK DEVELOPMENT</td>
<td>51,300</td>
<td>101,994</td>
<td>198.8%</td>
<td>83,000</td>
<td>177.0%</td>
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<td>TREATMENT PLANT RESERVE</td>
<td>8,603,000</td>
<td>614,734</td>
<td>7.1%</td>
<td>995,000</td>
<td>93.9%</td>
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<tr>
<td>STORM DRAIN DEVELOPMENT</td>
<td>271,980</td>
<td>83,569</td>
<td>30.7%</td>
<td>260,000</td>
<td>115.3%</td>
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<tr>
<td>BUILDING CONSTRUCTION</td>
<td>50,000</td>
<td>36,366</td>
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<td>AIRPORT REPLACEMENT</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$39,672,890</strong></td>
<td><strong>$20,041,286</strong></td>
<td><strong>50.5%</strong></td>
<td><strong>$29,489,727</strong></td>
<td><strong>67.8%</strong></td>
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</table>
## CITY OF PORTERVILLE
### EXPENDITURE STATUS REPORT - GENERAL FUND
#### FOR THE NINE MONTHS ENDED
##### MARCH 31, 2004 AND MARCH 31, 2003

<table>
<thead>
<tr>
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<tbody>
<tr>
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<td>AMENDED</td>
<td>YEAR-TO-DATE</td>
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<td>EXPEND</td>
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<td><strong>LEGISLATIVE:</strong></td>
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<tr>
<td>City Council</td>
<td>$63,662</td>
<td>$50,183</td>
<td>78.8</td>
<td>$53,662</td>
<td>$54,324</td>
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<td>Community Promotion</td>
<td>167,527</td>
<td>116,387</td>
<td>69.5</td>
<td>167,527</td>
<td>133,919</td>
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<td><strong>ADMINISTRATIVE &amp; LEGAL:</strong></td>
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<tr>
<td>City Manager</td>
<td>223,994</td>
<td>149,451</td>
<td>66.7</td>
<td>207,255</td>
<td>146,781</td>
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<td>City Clerk</td>
<td>110,009</td>
<td>77,306</td>
<td>70.3</td>
<td>135,009</td>
<td>64,376</td>
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<td>Human Resources</td>
<td>129,117</td>
<td>83,948</td>
<td>65.0</td>
<td>129,117</td>
<td>78,141</td>
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<td>City Attorney</td>
<td>107,340</td>
<td>128,503</td>
<td>119.7</td>
<td>107,340</td>
<td>81,687</td>
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<tr>
<td><strong>FINANCE:</strong></td>
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<td>Finance &amp; Accounting</td>
<td>603,801</td>
<td>410,186</td>
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<td>596,845</td>
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<td>Information Services</td>
<td>241,187</td>
<td>157,640</td>
<td>65.4</td>
<td>221,314</td>
<td>120,658</td>
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<td>Administrative Services</td>
<td>342,354</td>
<td>251,617</td>
<td>73.5</td>
<td>369,183</td>
<td>222,441</td>
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<tr>
<td><strong>POLICE PROTECTION:</strong></td>
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<tr>
<td>Administration</td>
<td>618,012</td>
<td>461,950</td>
<td>74.7</td>
<td>626,334</td>
<td>384,624</td>
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<td>Operations</td>
<td>2,572,953</td>
<td>1,930,375</td>
<td>75.0</td>
<td>2,567,055</td>
<td>1,609,623</td>
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<td>Investigative</td>
<td>1,874,183</td>
<td>1,327,636</td>
<td>70.8</td>
<td>1,868,050</td>
<td>1,149,330</td>
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<td>Animal Control</td>
<td>139,000</td>
<td>81,754</td>
<td>58.8</td>
<td>138,000</td>
<td>78,719</td>
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<td>Fire Protection</td>
<td>2,363,925</td>
<td>1,825,621</td>
<td>77.2</td>
<td>2,352,424</td>
<td>1,515,491</td>
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<tr>
<td><strong>COMMUNITY DEVELOPMENT:</strong></td>
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</tr>
<tr>
<td>Engineering &amp; Building</td>
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<td>428,160</td>
<td>69.9</td>
<td>612,469</td>
<td>410,947</td>
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<tr>
<td>Planning &amp; Zoning</td>
<td>257,414</td>
<td>173,118</td>
<td>67.3</td>
<td>257,414</td>
<td>176,222</td>
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<tr>
<td>Economic Development</td>
<td>172,239</td>
<td>108,275</td>
<td>62.9</td>
<td>172,239</td>
<td>77,605</td>
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<td>Street Maintenance</td>
<td>341,241</td>
<td>196,464</td>
<td>58.5</td>
<td>365,241</td>
<td>254,872</td>
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<td>Signals, Signing &amp; Striping</td>
<td>270,574</td>
<td>189,668</td>
<td>70.1</td>
<td>280,574</td>
<td>177,884</td>
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<td>Street Lighting</td>
<td>298,120</td>
<td>177,094</td>
<td>59.4</td>
<td>266,120</td>
<td>203,944</td>
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<td>Storm Drains</td>
<td>92,204</td>
<td>37,292</td>
<td>40.4</td>
<td>92,204</td>
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<td>24,462</td>
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<td>37,208</td>
<td>26,484</td>
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<td><strong>PARKS &amp; LEISURE:</strong></td>
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<td>Park Maintenance &amp; Operation</td>
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<td>831,937</td>
<td>67.1</td>
<td>1,218,363</td>
<td>829,444</td>
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<td>Street Trees &amp; Parkways</td>
<td>263,818</td>
<td>132,746</td>
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<td>239,847</td>
<td>132,606</td>
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<td>Community Centers</td>
<td>227,305</td>
<td>144,634</td>
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<td>228,459</td>
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<td>Leisure Services</td>
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<td>107,785</td>
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<td>Leisure Services - Special Prog</td>
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<td>564,735</td>
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<td>775,001</td>
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<td>Swimming Pool</td>
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<td>76,480</td>
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<td>552,627</td>
<td>431,405</td>
<td>72.8</td>
<td>591,879</td>
<td>461,470</td>
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<td>54,131</td>
<td>45.7</td>
<td>263,323</td>
<td>194,485</td>
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<td><strong>SUB TOTALS</strong></td>
<td>$15,150,739</td>
<td>$10,752,120</td>
<td>71.0</td>
<td>$15,215,602</td>
<td>$10,013,821</td>
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<td>Debt Service</td>
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<td>$1,376,162</td>
<td>75.0</td>
<td>$1,837,508</td>
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<tr>
<td><strong>TOTALS</strong></td>
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<td>$12,128,282</td>
<td>71.4</td>
<td>$17,053,110</td>
<td>$11,391,952</td>
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</table>
GENERAL FUND EXPENDITURES
Fiscal Year Ended March 31, 2004

- Community Development (11.03%)
- Debt Service (11.35%)
- Police (31.35%)
- Parks & Leisure (19.48%)
- Administrative & Legal (3.62%)
- Finance (6.76%)
- Legislative (1.37%)
- Fire (15.05%)

GENERAL FUND EXPENDITURES
Fiscal Year Ended March 31, 2003

- Community Development (11.97%)
- Debt Service (12.10%)
- Police (28.29%)
- Parks & Leisure (22.51%)
- Administrative & Legal (3.26%)
- Finance (6.92%)
- Legislative (1.65%)
- Fire (13.30%)
CITY OF PORTERVILLE

EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE NINE MONTHS ENDED
MARCH 31, 2004 AND MARCH 31, 2003

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>$ 588,840</td>
<td>$ 463,508</td>
<td>78.7%</td>
<td>$ 699,000</td>
<td>$ 615,841</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>29,189</td>
<td>18,603</td>
<td>63.7%</td>
<td>34,421</td>
<td>17,499</td>
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<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>199,800</td>
<td>140,816</td>
<td>70.5%</td>
<td>150,200</td>
<td>90,430</td>
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<td>TRANSIT</td>
<td>1,725,996</td>
<td>1,636,529</td>
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<td>SPECIAL POLICE GRANTS</td>
<td>433,454</td>
<td>209,680</td>
<td>48.4%</td>
<td>423,120</td>
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<td>SEWER OPERATING</td>
<td>5,557,771</td>
<td>3,454,293</td>
<td>62.2%</td>
<td>5,285,950</td>
<td>3,165,791</td>
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<tr>
<td>REFUSE REMOVAL</td>
<td>3,880,149</td>
<td>2,960,668</td>
<td>76.3%</td>
<td>3,642,796</td>
<td>2,294,635</td>
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<tr>
<td>AIRPORT</td>
<td>671,554</td>
<td>532,299</td>
<td>79.3%</td>
<td>597,072</td>
<td>530,866</td>
</tr>
<tr>
<td>GOLF COURSE</td>
<td>300,434</td>
<td>203,208</td>
<td>67.6%</td>
<td>298,508</td>
<td>192,119</td>
</tr>
<tr>
<td>WATER OPERATING</td>
<td>4,418,527</td>
<td>2,575,556</td>
<td>58.3%</td>
<td>4,245,182</td>
<td>2,659,287</td>
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<tr>
<td>RISK MANAGEMENT</td>
<td>3,074,832</td>
<td>2,301,733</td>
<td>74.9%</td>
<td>2,819,172</td>
<td>2,188,054</td>
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<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>907,290</td>
<td>582,149</td>
<td>64.2%</td>
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<td>626,222</td>
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<td>CENTRAL STORES</td>
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<td>145,728</td>
<td>83.9%</td>
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<td>EQUIPMENT REPLACEMENT</td>
<td>1,187,108</td>
<td>846,655</td>
<td>71.3%</td>
<td>1,650,757</td>
<td>964,398</td>
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<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>141,078</td>
<td>64,017</td>
<td>45.4%</td>
<td>140,149</td>
<td>58,781</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$ 23,289,739</strong></td>
<td><strong>$ 16,135,442</strong></td>
<td><strong>69.3%</strong></td>
<td><strong>$ 23,146,823</strong></td>
<td><strong>14,780,159</strong></td>
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CITY OF PORTERVILLE  
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS  
As of March 31, 2004

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<tr>
<th>FUND</th>
<th>REVENUES</th>
<th>EXPENSES</th>
<th>NET PROFIT (LOSS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zalud Estate</td>
<td>$ 4,942.78</td>
<td>(18,602.91) $</td>
<td>(13,660.13)</td>
</tr>
<tr>
<td>Sewer</td>
<td>3,790,956.77</td>
<td>(3,454,292.92)</td>
<td>336,663.85</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>2,822,412.74</td>
<td>(2,960,668.40)</td>
<td>(138,255.66)</td>
</tr>
<tr>
<td>Airport</td>
<td>561,827.39</td>
<td>(532,298.66)</td>
<td>29,528.73</td>
</tr>
<tr>
<td>Golf</td>
<td>175,520.66</td>
<td>(203,207.57)</td>
<td>(27,686.91)</td>
</tr>
<tr>
<td>Water</td>
<td>3,540,884.27</td>
<td>(2,575,556.44)</td>
<td>965,327.83</td>
</tr>
</tbody>
</table>

NOTE: The Transit Fund is not included as it does not contain any retained earnings
CITY COUNCIL AGENDA

April 20, 2004

SUBJECT: Presentation of Quarterly Grant Status Summary

SOURCE: CITY MANAGER

Attached for the Council’s information is a grant status summary. This summary is now an aspect of the City’s quarterly financial reporting program.

The status of grants will be reviewed with the Council by the staff at the City Council Meeting.

REQUEST: Receive the report - No specific action is requested.

Item No. 36
<table>
<thead>
<tr>
<th>Grant Description</th>
<th>City</th>
<th>Grant Number</th>
<th>Amount of Grant</th>
<th>Proceeds Received to Date</th>
<th>Last Drawdown Requested Date</th>
<th>Drawdown Received Date</th>
<th>Final Grant Date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMUNITY DEVELOPMENT DEPARTMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2001 CDBG entitlement allocation</td>
<td>B. Dunlap</td>
<td>HUD</td>
<td>758,000.00</td>
<td>271,021.00</td>
<td>04/05/04</td>
<td>04/05/04</td>
<td>Completed</td>
<td></td>
</tr>
<tr>
<td>2002 CDBG entitlement allocation</td>
<td>B. Dunlap</td>
<td>HUD</td>
<td>751,000.00</td>
<td>758,000.00</td>
<td></td>
<td></td>
<td></td>
<td>Balance to be expended or drawn: $473,079</td>
</tr>
<tr>
<td>2003 CDBG entitlement allocation</td>
<td>B. Dunlap</td>
<td>HUD</td>
<td>869,000.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Balance to be expended or drawn: $669,000</td>
</tr>
<tr>
<td>1999 HOME grant for historic mixed use rehabilitation</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td>1,900,000.00</td>
<td>1,835,000.00</td>
<td>03/18/04</td>
<td>04/05/04</td>
<td>04/05/04</td>
<td>Balance to be expended or drawn: $303,159</td>
</tr>
<tr>
<td>2000 HOME grant for FHM (first-time homebuyer program)</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td>500,000.00</td>
<td>121,951.00</td>
<td>04/05/04</td>
<td></td>
<td>04/05/04</td>
<td>Balance to be expended or drawn: $17,206</td>
</tr>
<tr>
<td>2001 HOMES grant for FHIM</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td>500,000.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Balance to be expended or drawn: $500,000</td>
</tr>
<tr>
<td>2002 HOME grant for housing rehabilitation</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td>200,000.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Balance to be expended or drawn: $200,000</td>
</tr>
<tr>
<td>2000 CalHOME grant for FHIM</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td>500,000.00</td>
<td>203,000.00</td>
<td>07/14/04</td>
<td>07/29/04</td>
<td>10/05/04</td>
<td>Balance to be expended or drawn: $297,000</td>
</tr>
<tr>
<td>Central Valley Infrastructure grant</td>
<td>B. Dunlap</td>
<td>HCD</td>
<td>500,000.00</td>
<td>152,907.36</td>
<td>04/14/04</td>
<td>03/26/04</td>
<td>06/01/04</td>
<td>Balance to be expended or drawn: $247,093.54</td>
</tr>
<tr>
<td>FIRE DEPARTMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic Preparedness Grant</td>
<td>F. Guyton</td>
<td>OES #107</td>
<td>21,450.00</td>
<td>21,450.00</td>
<td>03/24/04</td>
<td></td>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td>Emergency operations plan</td>
<td>F. Guyton</td>
<td>FEMA</td>
<td>10,000.00</td>
<td>10,000.00</td>
<td>01/14/06</td>
<td></td>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td>Domestic Preparedness Grant</td>
<td>F. Guyton</td>
<td>EMMC</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Approved</td>
</tr>
<tr>
<td>Assistance to Firefighters Grant</td>
<td>F. Guyton</td>
<td>FEMA</td>
<td>126,170.00</td>
<td>126,170.00</td>
<td>02/05/04</td>
<td></td>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td>EMS Prevention and Safety Grant</td>
<td>F. Guyton</td>
<td>FEMA</td>
<td>N/A</td>
<td>150,000.00</td>
<td></td>
<td></td>
<td></td>
<td>Failed</td>
</tr>
<tr>
<td>PARKS AND LEISURE SERVICES DEPARTMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rails-to-Trails</td>
<td>J. Perine</td>
<td>CA Trans Com (CMGA)</td>
<td>992,421.00</td>
<td>69.53%</td>
<td>459,020.51</td>
<td>12/20/03</td>
<td>Awarded</td>
<td></td>
</tr>
<tr>
<td>Pedestrian Safety Program</td>
<td>J. Perine</td>
<td>CA Trans Com (Pedestrian Safety Program)</td>
<td>125,250.00</td>
<td>100.00%</td>
<td></td>
<td>12/20/03</td>
<td>Awarded</td>
<td></td>
</tr>
<tr>
<td>Roberta, T &amp; Benj. Harris (competition)</td>
<td>J. Perine</td>
<td>CA Dept. of Parks &amp; Rec (2000 Park Bond Act)</td>
<td>346,300.00</td>
<td>100.00%</td>
<td></td>
<td>12/20/03</td>
<td>Awarded</td>
<td></td>
</tr>
<tr>
<td>Roberts, T &amp; Benj. Harris (block)</td>
<td>J. Perine</td>
<td>CA Dept. of Parks &amp; Rec (2000 Resources Bond Act)</td>
<td>111,222.00</td>
<td>80.00%</td>
<td></td>
<td>12/20/03</td>
<td>Awarded</td>
<td></td>
</tr>
<tr>
<td>Per Capita</td>
<td>J. Perine</td>
<td>CA Dept. of Parks &amp; Rec (2000 Resources Bond Act)</td>
<td>250,000.00</td>
<td>90.00%</td>
<td></td>
<td>12/20/03</td>
<td>Awarded</td>
<td></td>
</tr>
<tr>
<td>Tule River Parkway, Ph II</td>
<td>J. Perine</td>
<td>CA Resources Agency (Enviroment/Rehabilitation)</td>
<td>250,000.00</td>
<td>88.53%</td>
<td></td>
<td>12/20/03</td>
<td>Awarded and retracted</td>
<td></td>
</tr>
<tr>
<td>Tule River Parkway, Ph III</td>
<td>J. Perine</td>
<td>CA Resources Agency (Enviroment/Rehabilitation)</td>
<td>250,000.00</td>
<td>88.53%</td>
<td></td>
<td>12/20/03</td>
<td>Awarded and retracted</td>
<td></td>
</tr>
<tr>
<td>Porter River Parkway, Ph III</td>
<td>J. Perine</td>
<td>CA Resources Agency (Enviroment/Rehabilitation)</td>
<td>250,000.00</td>
<td>88.53%</td>
<td></td>
<td>12/20/03</td>
<td>Awarded and retracted</td>
<td></td>
</tr>
<tr>
<td>Porter River Bike Path</td>
<td>J. Perine</td>
<td>CA Dept. of Parks &amp; Rec (Off-Highway Motor Veh Rec)</td>
<td>33,000.00</td>
<td>95.50%</td>
<td></td>
<td>12/20/03</td>
<td>Awarded</td>
<td></td>
</tr>
<tr>
<td>CA Library Literacy services</td>
<td>J. Perine</td>
<td>CA State Library (Adult &amp; Family Literacy)</td>
<td>79,873.00</td>
<td>100.00%</td>
<td></td>
<td>12/20/03</td>
<td>Awarded</td>
<td></td>
</tr>
<tr>
<td>CA Library Literacy services</td>
<td>J. Perine</td>
<td>CA State Library (English Language Immersion Education)</td>
<td>133,000.00</td>
<td>100.00%</td>
<td></td>
<td>12/20/03</td>
<td>Awarded</td>
<td></td>
</tr>
<tr>
<td>Youth Experiencing Success (YES)</td>
<td>J. Perine</td>
<td>CA Department of Education</td>
<td>1,155,782.00</td>
<td>60.00%</td>
<td>143,236.95</td>
<td>01/21/04</td>
<td>12/23/03</td>
<td>Awarded - no payments on last 2 billings</td>
</tr>
<tr>
<td>Grant Description</td>
<td>City</td>
<td>Granting Agency</td>
<td>Grant Number</td>
<td>Amount of Grant Award</td>
<td>Proceeds Matched</td>
<td>Last Drawdown Request Date</td>
<td>Final Drawdown Date</td>
<td>Notes</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>---------------</td>
<td>----------------------------------</td>
<td>--------------</td>
<td>-----------------------</td>
<td>------------------</td>
<td>-----------------------------</td>
<td>---------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Office of Traffic Safety Grant (OTS)</td>
<td>S. Rodriguez</td>
<td>CA Office of Traffic Safety</td>
<td>AI-0133</td>
<td>124,100.00</td>
<td>20,000.00</td>
<td>03/05/04</td>
<td></td>
<td></td>
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<tr>
<td>Calif. Law Enforcement Equipment Program Grant (CLEEP)</td>
<td>S. Rodriguez</td>
<td>State of CA, Dept. of Finance</td>
<td></td>
<td>177,317.73</td>
<td>177,317.73</td>
<td></td>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td>Citizens Option for Public Safety (COPS)</td>
<td>S. Rodriguez</td>
<td>State of CA, Dept. of Finance</td>
<td></td>
<td>100,000.00</td>
<td>100,000.00</td>
<td>12/31/03</td>
<td>12/31/03</td>
<td></td>
</tr>
<tr>
<td>Bulletproof Vest Grant</td>
<td>S. Rodriguez</td>
<td>US, Dept. of Justice</td>
<td></td>
<td>12,538.06</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California Kids Plates Grant</td>
<td>S. Rodriguez</td>
<td>San Diego University, CDEP</td>
<td></td>
<td>564.41</td>
<td>564.41</td>
<td></td>
<td></td>
<td>Completed</td>
</tr>
<tr>
<td>Department of Motor Vehicles Special Trust Funds</td>
<td>S. Rodriguez</td>
<td>State of CA, DMV</td>
<td></td>
<td>53,865.53</td>
<td>53,865.53</td>
<td>01/15/04</td>
<td>01/15/04</td>
<td></td>
</tr>
<tr>
<td>Local Law Enforcement Block Grant (LLEBG)</td>
<td>S. Rodriguez</td>
<td>US, DOJ, Office of Justice Planning</td>
<td></td>
<td>35,791.00</td>
<td>35,791.00</td>
<td>11/01/03</td>
<td>11/01/03</td>
<td>Completed</td>
</tr>
<tr>
<td>Plano St @ Tyle River Bridge widening project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBRB</td>
<td>89-9701</td>
<td>930,000.00</td>
<td>80.00%</td>
<td>260,876.09</td>
<td>05/02/03</td>
<td>N/A: Design authorized by Caltrans</td>
</tr>
<tr>
<td>Jayne St @ Tyle River Bridge widening project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBRB</td>
<td>89-9199</td>
<td>25,000.00</td>
<td>89.00%</td>
<td>N/A</td>
<td></td>
<td>N/A: Preliminary design authorized by Caltrans</td>
</tr>
<tr>
<td>Traffic signal #7 (Villa St @ Putnam Ave) project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAG</td>
<td>89-9193</td>
<td>51,130.00</td>
<td>88.50%</td>
<td>32,047.00</td>
<td>01/27/03</td>
<td>N/A: Design completed</td>
</tr>
<tr>
<td>Traffic Signal #8 (Plano St @ Mulberry Ave) project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - SR26</td>
<td>89-9188</td>
<td>213,000.00</td>
<td>88.50%</td>
<td>N/A</td>
<td></td>
<td>N/A: Design and construction authorized by Caltrans</td>
</tr>
<tr>
<td>Core area curb, gutter &amp; sidewalks project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAG</td>
<td>89-9187</td>
<td>2,437,100.00</td>
<td>88.50%</td>
<td>N/A</td>
<td></td>
<td>Construction authorized by Caltrans</td>
</tr>
<tr>
<td>Henderson Ave (Jayne St to San Joaquin Valley Railroad) reconstruction</td>
<td>B. Rodriguez</td>
<td>CALTRANS - RPSTIP</td>
<td>89-9186</td>
<td></td>
<td></td>
<td>N/A</td>
<td></td>
<td>Environmental awarded, design not authorized</td>
</tr>
</tbody>
</table>
SUBJECT: COMPLIANCE PROCEDURES FOR SB 564 AND SB 866 AND RESOLUTION OF AFFIRMATION OF INVESTMENT POLICY

SOURCE: Administrative Services, Finance Division

COMMENT: As a result of the crash of the Orange County portfolio, two Senate Bills were adopted, effective January 1, 1996, that further regulated the nature and frequency by which the City Treasurer will provide portfolio information to the City Council during a public meeting. As per SB 564 and SB 866, amending sections of the Government Code, the City Treasurer/Treasurer will annually prepare and submit to the Governing Body a written Statement of Investment Policy, as well as quarterly reports on the pooled money invested.

This Statement is the ninth annual submittal of the written Statement of Investment Policy. This Policy has been developed from the standards established by the National Municipal Treasurer's Association and the Governmental Finance Officer's Association. As new legislation appears, this Policy will be updated and brought before Council for approval.

RECOMMENDATION: That City Council adopt a resolution accepting the Statement of Investment Policy in accordance with SB 564 and SB 866.

ATTACHMENTS: 1. Draft Resolution
2. Statement of Investment Policy
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
AFFIRMING THE ANNUAL INVESTMENT POLICY

WHEREAS, The Investment Policy dated April 2004, Attachment "A", establishes guidelines to be followed for portfolio management practices for the next 12 months; and

WHEREAS, the City Council has determined that the Investment Policy, dated April 2003 Attachment "A", is appropriate to meet the criteria established by SB 564 and SB 866.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby adopts the Investment Policy dated April 2004, to be re-affirmed annually.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ______________________

Georgia Hawley, Deputy
CITY OF PORTERVILLE

Statement of Investment Policy

INTRODUCTION - PRUDENT INVESTOR RULE

As a charter city, Porterville operates its pooled cash investments under the prudent investor rule. Investments are made with the judgment and care, under the circumstances then prevailing, which investors of prudence, discretion, and intelligence would make considering the probable income as well as safety of their capital. This affords the City a broad spectrum of investment opportunities as long as the investment is deemed prudent and is allowable under current legislation of the State of California and the charter of the City of Porterville. Investments will be made in a range of instruments to insure diversification of the City’s portfolio and liquidity of assets in an emergency situation.

Porterville strives to maintain the level of investment of all funds as near 100% as possible through daily and projected cash flow determinations. Investments are made so maturities match or precede the cash needs of the City. The City will maintain adequate cash availability and maximum yield on invested funds while insuring that principal invested is protected from loss.

SCOPE

It is intended that this Investment Policy cover all funds and investment activities under the direct authority of the City of Porterville organization.

PHILOSOPHY

The basic premise underlying Porterville’s investment philosophy is to insure that money is always available when needed. An amount of not less than one months payables and one months payroll, about $2.5 million, are maintained in immediately available investments, such as the State Treasurer’s Local Agency Investment Fund or other cash equivalents. This may include commercial paper or banker’s acceptances.

Porterville takes an active investment posture in an attempt to earn a higher yield. This investment posture is best demonstrated by the City’s long term investments. By taking advantage of the positive yield curve (i.e., longer term rates are higher than shorter maturities) in the long run the City should average a higher yield.

The City’s investments will be limited to an average life of three years or less. When the market warrants purchase of longer maturities to capture a higher rate of return, purchases will be limited to United States Treasury Notes and Bonds and Mortgage Backed Securities. No investment will be made in securities which have a final maturity over five years.

The economy and various markets are monitored carefully to assess the probable course of interest rates. In a market with increasing interest rates, the City will attempt to invest in securities with shorter maturities. This makes funds available for other investments
when the interest rates are higher. When interest rates appear to be near a relative high rate, the City will attempt to purchase investments with medium to long-term maturities to lock in the higher rate of return. When interest rates are falling, the City will invest in securities with longer maturities to hold the higher rate for a longer period of time.

The City will also take advantage of any new vehicle that becomes eligible for municipal investment only after a detailed study of the investment, its safety, liquidity, and yield.

**INVESTMENT CRITERIA**

Criteria for selecting investments are:

1. Safety
2. Liquidity
3. Yield

Porterville attempts to obtain the highest yield available when selecting investments, provided that criteria for safety and liquidity are met. Because, ordinarily yield curves are positively sloped, (i.e., longer term rates are higher than shorter maturities), the City attempts to ladder its maturities. This meets anticipated cash needs in such a way that new investment money can be placed in maturities that carry a higher rate than is available in the extremely short market of 90 days or under.

Government and agency paper are the highest quality investments available in terms of safety and liquidity. Certificates of deposit, savings accounts, and bankers acceptances are insured or collateralized. Only direct-issue commercial paper, with A-1 Moody’s and Standard and Poor’s ratings, will be purchased. These quality rating criteria shall apply at the time of investment. Should a particular issuer fall below these standards (“be downgraded”) while the investment is in the City’s portfolio, the prudent investor rule shall apply. Negotiable Certificates of Deposit are not insured or collateralized.

Most investments are highly liquid, with the exception of collateralized certificates of deposit held by banks, savings and loans, and Small Business Administration notes. Maturities are selected to anticipate cash needs, thereby avoiding the need for forced liquidation.

**STATE AND CHARTER REGULATIONS**

The City operates its investment pool with many State and self-imposed constraints. In accordance with SB 564 and SB 866, effective January 1, 1996, the City Treasurer will bring this Policy before City Council annually for its reaffirmation. Government Code Section 53601 restricts the City portfolio to:

- 30% in Medium Term Notes
- 40% in Negotiable Certificates of Deposit
- 40% in Bankers Acceptance Notes, not to exceed 270 days in maturity
- 30% in Commercial Paper, not to exceed 180 days in maturity

These restrictions primarily apply to short-term investments and are interpreted to apply at the time of investment. If, as the portfolio mix changes over time, a particular segment
exceeds these restrictions the prudent investor rule shall apply. The City does not buy stocks and it does not speculate.

The City will be selective in purchasing long-term negotiable certificates of deposit and medium term notes, placing such an investment only with a large stable institution.

**MATURITY OF INVESTMENTS**

The City of Porterville will operate a portfolio with an average life of three years or less. This is to insure liquidity and the ability to move with changing markets and interest rate movements.

Accordingly, no investment will be made in securities which have a final maturity over five years. The long-term securities shall only be Treasury Notes and Bonds and Mortgage Backed Securities.

**SECURITIES DEALERS AND BROKERS**

The City of Porterville will undertake a yearly review of its broker/dealer relationships. The City will deal generally with the major broker/dealer firms or major banks in the country and then with only their institutional investment divisions. Primary government securities dealers are preferred for conducting transactions of all eligible securities. Primary dealers must report daily to the Federal Reserve, are very tightly regulated, and must keep specified levels of working capital. Secondary dealers are those dealers who buy and sell securities in the open market. Secondary and other security dealers who wish to engage in transactions with the City must meet the City's requirements for reliability and safety and be approved prior to purchase. These relationships are formalized through a corporate statement. The City will deal with both after meeting the City's requirements.

The City shall also be open to contracting investment management services for a portion of the portfolio. That portion shall be limited to longer term investments of two years or longer. Any investment management firm contracted shall meet criteria established by the Finance Department. All investments made under contract will be purchased in the City's name and in accordance with the guidelines established by the City's investment policy.

**PERIODIC REPORTING**

Also in accordance with SB 564 and SB 866, each quarter, the City Treasurer will issue a report of the City's current investment portfolio, detailing securities, purchase and maturity date, and face and market value. This report will also confirm that current portfolio holdings are in compliance with this policy and that the City's cash needs will be met.

Each quarter some of the long-term investments will be reviewed in order to determine if it is advantageous to sell those securities and purchase others. The review will consider current market conditions and various spread relationships among security types. The monitoring of the conditions set forth in this policy statement is the responsibility of the City Treasurer or his delegate.
TYPES OF INVESTMENTS

Cash management and investment transactions are the responsibility of the City Treasurer or his delegated investment officer. For a summary of eligible City investments, see Exhibit A. Investments are made in the following security types:

1. **Securities of the U.S. Government**

   Securities of the Government include U.S. Treasury bills, notes and bonds.

   **U.S. Treasury Bills** - are issued by the U.S. Treasury and are available in maturities out to one year. They are non-interest bearing and sold on a discount basis. The face amount is paid at maturity.

   **Treasury Notes** - are issued by the U.S. Treasury with maturities from two to ten years. They are issued in coupon form and many issues are also available in registered form. Interest is payable at six month intervals until maturity.

   **Treasury Bonds** - are issued by the U.S. Treasury with maturities of ten years to thirty years. The City may purchase the interest and/or principal of a U.S. Treasury Bond. A principal only instrument is commonly called a “stripped” or “zero” coupon. Stripped coupons are sold at discount basis. The face amount is paid at maturity.

2. **Securities of U.S. Government Agencies**

   The capital of U.S. Government agencies was initially financed by the United States Treasury. But as they have grown and operated profitably over the years, the Treasury’s investment has been replaced in large measure by private capital. At the present time, obligations of only a few agencies are backed by the full faith and credit of the U.S. Government. The obligations of all the federal agencies described in the following sections are not guaranteed by the U.S. Government with the exception of (GNMA), but are considered to be investments of the highest quality.

   **Federal National Mortgage Association (Fannie Mae)** - Is a quasi-public corporation created by an act of Congress to assist the home mortgage market by purchasing mortgages insured by the Federal Housing Administration and the Farmers Home Administration, as well as those guaranteed by the Veterans Administration. FNMA issues Notes and Bonds. Notes are issued with maturities of less than one year with interest paid at maturity. Bonds are issued for 15 and 30 year maturities with interest paid semi-annually. Interest is computed on a 30/360 day basis. There is a strong secondary market in these securities. A secondary market in these securities. A secondary market means these instruments are actively traded, they are bought and sold daily.

   **Government National Mortgage Association (Ginnie Mae)** - Is a wholly owned corporate instrumentality of the United States within the Department of Housing and Urban Development. A certificate collateralized by FHA/VA residential mortgages represents a share in a pool of FHA or VA mortgages. Ginnie Maes are registered securities. Principal and interest are paid monthly and sent directly from the issuer.
of the pool, usually a mortgage banker, to the City. Original maturities range from 12 to 30 years with a 7 to 12 year assumed average life (Assumed average life is due to prepayments of mortgages).

Federal Home Loan Banks - Provide credit to member lending institutions such as savings and loan associations, cooperative banks, insurance companies and savings banks. The agency offers bonds in the public market with maturities of one year to ten years. These bonds are usually offered on a quarterly basis depending on the current demands of the housing industry. Interest is paid semi-annually on a 30/360 day basis.

Federal Farm Credit Banks - are debt instruments issued to meet the financial needs of farmers and the national agricultural industry. Discount notes are issued monthly with 6 and 9 month maturities. Discount notes pay interest at maturity. Longer term debentures (2-5 years) are also issued. Debentures pay interest semi-annually on a 30/360 day basis. These issues enjoy an established secondary market.

Small Business Administration Loans (SBA) - The Small Business Administration is an independent agency of the United States government which furnishes financial and management assistance to small businesses. The SBA guarantees the principal portion of the loans it approves. Porterville purchases the guaranteed portion of these loans. Maturity can be for 1 year to 30 years. These loans can be either set at a fixed rate or variable rate which is usually tied to the prime rate. Principal and interest are paid monthly on a 30/360 day basis.

Federal Home Loan Mortgage Corporation (Freddie Macs) - FHLMC participation certificates are backed by 30 year conventional residential mortgages and are 100 percent guaranteed by the Federal Home Loan Mortgage Corporation. The Federal Home Loan Mortgage Corporation is wholly owned by the Federal Home Loan Banks. The Mortgage Corporation is a corporate instrumentality of the United States. Freddie Mass are registered securities. Principal and interest passed through the Mortgage Corporation and then to the City monthly. These instruments have an assumed life of approximately 12 years and pay on a 30/360 day basis.

Other U.S. government securities available to the City for investment purposes include: Student Loan Marketing Association (SLMA or Sallie Mae), Aid for International Development (AID), and debentures of Tennessee Valley Authority (TVA). However, these instruments are not offered on a regular basis and do not offer the same liquidity as the before mentioned instruments.

3. **Time Deposits or Certificates of Deposit**

Time deposits are placed with commercial banks an savings and loan agencies. A time deposit is a receipt for funds deposited in a financial institution for a specified period of time at a specified period of time at a specified rate of interest. Generally, the time is 3 months to 2 years. Denominations can be any agreed upon amount and interest is normally calculated using actual number of days on a 360-day year and paid monthly. Deposits of $100,000 (commonly referred to as Jumbo C.D.'s)
per institution are insured by the government and Certificates of Deposit can be supported by either 110% Government agency notes or 150% mortgages currently held by the bank or savings and loan. An institution must meet the following criteria to be considered by the City:

The institution must maintain a net worth to asset ratio of at least 3% and a positive earnings record.

The institution must be in compliance with the Financial Institution Reform Act (FIRREA) capital ratio requirements for risk-based, tangible, and core capital.

The institution must make available a current FDIC call reports (banks) or FHLB report. A call report presents the financial condition of the institution to the agency with oversight responsibility of that institution.

4. **Negotiable Certificates of Deposit**

Negotiable Certificates of Deposit are a form of Certificate of Deposit which have been an important money market instrument since 1961 when commercial banks began issuing them and a secondary market developed to provide liquidity. Since these certificates of deposit can be traded in the secondary market, they are negotiable instruments, hence their name negotiable certificate of deposit. They are supported only by the strength of the institution from which they are purchased. This is a riskier investment that provides a higher yield than regular certificates of deposit. Some issues have quarterly floating rates which means they will more closely approximate the market in yield. Interest is paid semi-annually (quarterly on the floaters) computed on a 30/360 day basis. Maturities range from 3 months to 2 years. Negotiable Certificates of Deposit are generally issued in blocks of $1 million, $5 million, $10 million and so on.

The City will restrict its investments in Negotiable Certificates of Deposit to the 100 largest United States banks and 100 largest international banks according to asset size. The profitability of the financial institution as well as its financial stability are also taken into account prior to placing the investment. As a general rule, the City will not place more than 15% of its portfolio in Negotiable Certificates of Deposit with one institution or 20% of its portfolio with any one Commercial Bank or savings and loan association in any form of Certificate of Deposit.

5. **Bankers Acceptance Notes**

A banker’s acceptance (B.A.) is a unique credit instrument used to finance both domestic and international transactions. As a money market instrument, it is an attractive short-term investment. When a bank “accepts” such a time draft, it becomes, in effect, a predated certified check payable to the bearer at some future, specified date. Little risk is involved because the commercial bank assumes primary liability once the draft is accepted. Banker’s acceptances are frequently in odd amounts. Maturities normally range from 30 up to 180 days. Banker’s acceptances are sold at a discount. This means, the face amount is received at
maturity. The City will purchase B.A.'s only of the top 100 U.S. or Foreign Banks. The profitability of the financial institution as well as its financial stability are also taken into account prior to placing the investment.

6. **Commercial Paper**

Commercial paper is the trade name applied to unsecured promissory notes issued by finance and industrial companies to raise funds on a short term basis. Commercial paper can be purchased on an interest bearing or discount basis. Interest bearing instruments pay interest semi-annually. Discounted instruments pay interest at maturity. The City will invest in commercial paper only if the yields are attractive, and if the paper is rated A-1 by Moody's and by Standard & Poor's rating services. Maturities range from 30 to 180 days with interest computed on a 30/360 day basis.

7. **Medium Term Notes**

In recent years, this financing mechanism has grown, providing capital to the private sector, and diminishing the Negotiable Certificate of Deposit market. The trend towards medium term notes related to buyer and seller flexibility and convenience. The notes are issued on any given date and maturing on a negotiated date. They generally range from 2 to 5 years in maturity. This market provides an excellent alternative to Negotiable C.D.'s. The City will only purchase Medium Term Notes with ratings of A or better with maturities of 5 years or less. Their interest is calculated on a 30/360 day basis like Agency bonds. Interest is paid semi-annually.

8. **Local Agency Investment Fund demand deposit**

The Local Agency Investment Fund (LAIF) was established by the state to enable treasurers to place funds in a pool for investments. The LAIF has been particularly beneficial to those jurisdictions with small portfolios. Each agency is limited to an investment of $15.0 million. Porterville uses this fund for short term liquidity, investment, and yield when rates are declining. Funds are available on demand. At present, two accounts have been opened; one for the City and one for Porterville Redevelopment Agency. Interest is paid quarterly.
PORTERVILLE REDEVELOPMENT AGENCY: APRIL 20, 2004

SUBJECT: BUILDING FACADE RENOVATION GRANT PROGRAM
VARIANCE REQUEST FOR 118 N. MAIN STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: With the adoption of the Porterville Redevelopment Strategic Plan in February of 1992, the City of Porterville made a concrete commitment to the revitalization of its downtown core. The architectural design guidelines were presented to provide measures for undertaking the preservation of downtown Porterville’s physical fabric and the conservation of its historic character, particularly through the rehabilitation of its commercial and professional office facades. Research by the architectural consultant assisting with the development of the guidelines provided color palettes for four (4) architectural styles for buildings popular from the 1880’s through the 1960’s. Both the Porterville Redevelopment Strategic Plan and Porterville Architectural Design Guidelines were developed utilizing an extensive public participation process.

On December 7, 1993, the Porterville Redevelopment Agency approved the financial incentive guidelines for the Building Facade Renovation Program. This program was developed for those businesses located within the Porterville Redevelopment Agency Project Area No. 1 to access grant funds for making improvements to their commercial facades. This program provides 80% of the funds necessary to make those improvements. The remaining 20% is provided by the property owner. Conditions of the program required that the participant: (1) make those improvements based on the Design Guidelines approved under the program; (2) that the Agreement bound the Grantor and all successors and assigns in the Real Property; and (3) that the participants of this program execute a Facade Easement Agreement by which the City could monitor and require compliance to this Agreement.

Since its inception, the Building Facade Renovation Program provided grant assistance for 14 properties. The funding for this program has been exhausted and it is not anticipated that funds will become available in the immediate future. The terms of the Facade Easement Agreement include the on-going maintenance of the exterior facades and to maintain compliance with the policies provided in the Porterville Architectural Design Guidelines.
The prior owner of the building at 118 North Main Street participated in the Redevelopment Agency's Building Facade Renovation Agreement program in May 1995. Since that time, the building was sold to its new owners. The new owners have repainted their front building facade with a color not designated for this Vernacular building constructed in the 1920's. A variety of color choices are available from the Design Guidelines Color Palette. The color boards for the four architectural styles are available in the Community Development Department for review and will be displayed at the City Council meeting.

The owners submitted a written request to retain the new color on their front building facade and requested a variance to the Downtown Porterville Architectural Design Guidelines at the February 3, 2004 Porterville Redevelopment Agency meeting. During that meeting, the Agency directed that this item be brought back at the first meeting in April.

Staff reviewed Council’s action of February 3, 2004, and contacted an architect specializing in historical architecture, Sherman Williams Paint Company, and reviewed articles obtained through the local library to determine whether other options were available. Based on the information provided from the contacts and research, the color palettes selected through historical research and the public participation process and utilized in the approved Architectural Guidelines are correct. Should the Agency desire to make changes to the color palettes, criteria for the changes would need to be determined by the Agency. Additionally, changes to the Building Façade Renovation Program guidelines would need to have criteria set forth by the Agency.

RECOMMENDATION: That the Redevelopment Agency deny the request for a Variance to the Downtown Porterville Architectural Design Guidelines and direct staff to enforce the Façade Easement Agreement executed on May 2, 1995.

ATTACHMENT: Room with a View Variance Request
TO THE CITY OF PORTERVILLE,

THIS IS IN RESPONSE TO YOUR LETTER REGARDING OUR CHOICE OF COLOR FOR OUR BUSINESS BUILDING AT 118 N. MAIN STREET PORTERVILLE, CA.


AS A BUSINESS OWNER, I TAKE PRIDE IN MY WORK ETHICS AND SERVICE THAT I HAVE PROVIDED TO ALL MY LOYAL CUSTOMERS. AS I DRIVE DOWNTOWN MAIN STREET, WHAT I HAVE OBSERVED IS THE WONDERFUL IMPROVEMENTS THE CITY HAS MADE WITH THE NICE BRICK SIDEWALKS, THE VERY ORNATE AND CHARMING LIGHT POSTS AND ALSO PLANTERS, JUST TO MENTION A FEW THINGS.

HOWEVER, WHEN I TRY TO SEE WHAT INTRIGUES ME TO STOP AND SHOP, IT'S SAD TO SAY, WITH NO INTENTIONS OF OFFENDING, THERE'S LITTLE THAT I FIND THAT STANDS OUT AS BEING STRIKING AND WELCOMING.

WE HAVE A VERY DIVERSE AND UNIQUE COMMUNITY IN WHICH WE SHOULD TAKE ACTION IN PROVIDING THEM WITH RETAIL AND BUSINESS SERVICES. IF WE ARE CREATIVE AND
ATTENTIVE TO THOSE NEEDS WE HELP IN KEEPING OUR BUSINESS DOLLARS LOCAL.

I FIND IT VERY DIFFICULT TO AGREE WITH ONE OF THE COLOR CHOICES THAT THE CITY HAS GIVEN US. THEY ABSOLUTELY DO NOT MAKE A DISTINCTIVE STATEMENT AND PERSONALLY I FEEL THEY ARE PLAIN AND OUT-OF-DATE.

WE LIVE IN 2004 NOW, AND THERE IS SUCH AN ARRAY OF GORGEOUS AND FASCINATING COLORS, THAT IF THE CITY OF PORTERVILLE WERE TO OFFER WE AS BUSINESS OWNERS A NEW COLOR PALETTE, WE COULD BE A VERY IMPRESSIVE MAIN STREET.

IN MY VARIOUS TRAVELS WITH MY HUSBAND I OBSERVED MANY, MANY QUAIN'T AND CHARMING MAIN STREETS. THEIR BUILDINGS ARE ARCHITECTURALLY BEAUTIFUL AND EARLY 1900'S, YET THEIR BUILDING COLORS ARE IMPRESSIVELY DISTINCTIVE AND EYE- catching. I HAVE OBSERVED CREAMS, BEIGES, AND PALE GRAYS ALONG WITH THE COMBINATION OF THE EYE- catching Colors WHICH STAND OUT WITH ORIGINALITY AND CHARM.

THE CITY OF PORTERVILLE HAS MANY CREATIVE AND TALENTED PEOPLE. I FEEL IF MAIN STREET WERE MORE VIVID, PICTURESQUE AND DELIGHTFUL IT WOULD IN TURN ENCOURAGE WOMEN AND MEN ALIKE TO BRING THEIR BUSINESSES TO CHARMING DOWNTOWN MAIN STREET.

SINCERELY YOURS,

Gina Blasingame