CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
MAY 4, 2004 6:00 P.M.

Call to Order
Roll Call: City Council and Redevelopment Agency

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   1. Government Code § 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation:
      Two Cases.
   2. Government Code § 54956.9 - Conference with Legal Counsel- Existing Litigation
      Name of Case: City of Porterville v. Schellhase, Case No. 03-207816, Tulare County
   3. Government Code Sec. 54957.6 - Conference with Labor Negotiator Agency Negotiator:
      Darrel Pyle, Employee Organizations: Porterville Police Officers’ Association; Porterville City
      Firefighters’ Association; Porterville City Employees’ Association; Police Supervisor Series
      Employee Group; and all other unrepresented Employees.
   4. Government Code Section 54956.8 – Conference with Real Property Negotiators/Property:

REDEVELOPMENT AGENCY CLOSED SESSION
B. Closed Session Pursuant to:
   1. Government Code § 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation:
      One Case.
   2. Government Code Sec.54956.8 - Conference with Real Property Negotiators. Property:
      Casas Buena Vista Subdivision on Date Ave. west of Plano St. Agency Negotiator: Brad
      Dunlap. Negotiating Parties: City of Porterville and Casas Buena Vista Housing Group, LLC.
      Under Negotiation: Terms.

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

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation

PROCLAMATIONS
   “Water Awareness Month” - May, 2004
   “Freedom Days” - June 14 - July 4, 2004

PRESENTATIONS
   • Employee of the Month - Justin Attaway
   • Dr. Bill Andrews - President of Porterville College
   • Report on Council Members Visit to City of Fresno Corporation Yard to Survey Solar Energy
     Operations
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 30 and April 6, 2004

2. Claim - St. Anne’s Church
   Re: A claim for property damage in the amount of $212.63 allegedly caused by the City sewer main being blocked 378 N. “F” Street on February 26, 2004

   Re: Authorization to amend revenue and expenditure estimates relating to: Congestion Mitigation Air Quality Grant funds for the acquisition for the Rails to Trails project in the amount of $177,000; refund received from a hardware maintenance contract in the amount of $6,500; and, a California Public Library Grant in the amount of $18,843.

4. Refuse Truck Repairs
   Re: Negotiating repairs to Refuse Unit #6630 with Doug LeLeo Welding at an estimated cost of $8,310.37.

5. Authorization to Reject all Bids - Water Well Test Hole Drilling Project
   Re: Authorization to reject the three bids for this project.

6. Acceptance of the Effluent Manhole Replacement Project
   Re: Accept the project by Halopoff & Sons, Inc. in the amount of $23,983.38.

7. Acquisition of Right of Way - Property Located at the Southeast Corner of Orange Avenue and “C” Street (APN No.261-107-001 - Robert H. Freeman and Raymond Allison)
   Re: Acquiring 50.51 sq. feet in the amount of $309.86.

8. Quitclaim Deed Relinquishing a Portion of Porter Road Street Right of Way
   Re: Executing a quitclaim deed to the owner of an undeveloped lot located southeast of the Morton Avenue intersection.

9. Redevelopment Project No. 1 Project Amendment
   Re: Adopting a resolution affirming a report on the conformity of the Redevelopment Plan with the Porterville General Plan and setting a consenting to a Joint Public Hearing with the Porterville Redevelopment Agency.
10. Modifications to the Method of Levying Assessments for the Business Improvement Area of the City of Porterville for the Fiscal Year 2004-05
Re: Setting June 1, 2004 and July 6, 2004 as hearing dates.

11. Authorize Request for Proposal for Preparation of Feasibility Study for Hillside Development
Re: Authorizing distribution of the Request for Proposal, and proceeding with the study upon consummation of the Memorandum of Understanding.

12. Formation of Landscape and Lighting Maintenance District No. 26
Re: Instituting proceedings for said District No. 26, Orchard Ridge, Phase 9 Subdivision, and setting the public hearing for May 18, 2004.

13. Formation of Landscape and Lighting Maintenance District No. 27
Re: Instituting proceedings for said District No. 27, New Expressions, Phase 3 Subdivision, and setting the public hearing for May 18, 2004.

14. Formation of Landscape and Lighting Maintenance District No. 28
Re: Instituting proceedings for said District No. 28, Meadowood Phase 3 Subdivision, and setting the public hearing for May 18, 2004.

15. Airport Lease - Lot 44-A
Re: Approving the assignment of Benny Cannella’s lease to Silvio Addame.

16. Professional Services Agreement - Meet and Confer Representative for City
Re: Approving an agreement with Dr. Kenneth Caves to serve as the City’s representative with the employee associations.

17. Senior Day
Re: Approving the use of two transit buses to accommodate “Senior Day in the Park” for Porterville seniors on May 19, 2004 at Mooney Grove in Visalia.

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

PUBLIC HEARING
Re: Approving the Action Plan for the fifth year investment plan in a funding amount of $851,000.

SCHEDULED MATTERS
19. Naming of the Neighborhood Community Center
Re: Reviewing a list of submitted names and the name recommended by the Parks and Leisure Services Commission - “Elderberry Community Center.”

20. Consideration of Opening Murry Park to Vehicle Traffic
Re: Consideration of reopening Murry Park to interior vehicle traffic with a recommendation of not reopening the access.

21. **Swimming Pool Shade Structure**  
   Re: Consideration of issuing a change order to Webb & Son to install a swimming pool shade structure with monies allocated from CDBG funds.

22. **Request to Paint on Interior Walls of City Hall the Names of Porterville’s Sister Cities**  
   Re: Consideration of painting the names of Mikkabi, Japan and La Barca, Mexico on the hallway entrance inside City Hall.

23. **Consideration of Undertaking a City/County Joint Power Agreement for Improved Services Delivery**  
   Re: Consideration of entering in a JPA with Tulare County to develop facilities and provide services.

24. **Joint Powers Agreement for Automatic Aid Fire Protection and Rescue Calls**  
   Re: Consideration of a JPA with the County to provide shared fire protection in responding to fire calls.

25. **Request to the Bureau of Indian Affairs to Extend the Discussions at STIG between the Porterville City Council and Tule River Tribal Council about Proposed Trust Property at the Airport Business Park**

26. **Request to Approve a Grant Application for Distribution Grants from Indian Gaming Special Distribution Funds**  
   Re: Approval to submit a grant application.

Adjourn to a Meeting of the Porterville Redevelopment Agency.

**PORTERVILLE REDEVELOPMENT AGENCY AGENDA**

Roll Call: Redevelopment Agency

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

**WRITTEN COMMUNICATIONS**

**ORAL COMMUNICATIONS**

**SCHEDULED MATTER**

PRA-1  
   Redevelopment Project No. 1 Project Amendment  
   Re: Consenting to a Joint Public Hearing with the City on June 15, 2004.

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 Adjourned meeting of May 11, 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.
Call to Order: 6:00 p.m.
Pledge of Allegiance - Council Member Hamilton
Invocation - Mayor Pedro Martinez
Roll Call: Hamilton, Stadtherr, Martinez
Absent: West, Irish

PROCLAMATION

The Mayor presented the “Adult Literacy Day” proclamation for April 3, 2004. He then presented the proclamation to Tony Ariano, Literacy Coordinator.

ORAL COMMUNICATIONS
None

SCHEDULED MATTER

1. DEVELOPER IMPACT FEES


The City Manager presented the item and the Deputy City Manager gave the staff report and presented the Developer Impact Fee summaries for 202/2003 for Water Acreage Fees, Sewer Acreage Fees, Storm Drain Fees, Transportation Impact Fees and Park Impact Fees, and the Developer Fee-funded projects for 2002/2003. The Deputy City Manager also presented the developer fee rate structure, and a comparison of the impact fees collected against single family residential development for Porterville, Tulare, Delano, Madera and Hanford.

Council Member Stadtherr questioned the difference in cost for Police Facilities between Madera and Tulare. It was stated that depending on the age of the master plan, or how soon the next facility was scheduled to be built would have a major impact on fees. Step one, find out how to pay for the facility, and step two, figure out how to pay to operate the facility to the next how many years.

Council Member Hamilton clarified that the transfer to the General Fund was specific to pay back the debt of the C.O.Ps. He asked to hear from those present representing the developers.

Bob Keenan handed out copies of the 2000 Planning and Zoning Law that dealt with impact fees and he explained how the law worked. Mr. Keenan suggested that the City stay with the Engineering News Record, and it be done every year, and requiring the impact fees at the time of the building permits. Mr. Keenan stated that those fees had to go to public hearing every year, and although they didn’t oppose the fees, they liked to see the process followed. He spoke about sharing
costs with new development when the benefits were shared. Mr. Keenan stated that the BIA supported infrastructure.

Jim Winton stated that the City also had a Wastewater Treatment Plant fee payable at the building permit stage, and he questioned whether that fee was separate and not included in the other cities. He stated that they appeared to be disproportionate.

Deputy City Manager Pyle stated that he would have to look into that.

Mr. Winton stated that there was a per unit fee for the Wastewater Treatment Plant at the building permit stage and an acreage fee for new development, but they didn’t have the Wastewater Treatment Plant fee on the sheet and he wondered if they were included in some of the other cities.

Deputy City Manager Pyle stated that they had changed the format of their report in 1998 to fall more in line with the format of the City of Tulare, and he believed that at that time the inclusion of the Wastewater Treatment Plant Fee was determined to not be that type of fee.

Mr. Keenan spoke of the effect of higher fees on development within a city.

Mayor Martinez stated that he would like to get a copy of the answer from Mr. Pyle for Mr. Winton’s question.

Greg Woodard spoke about the community as a whole paying for new infrastructure when everyone benefits. He stated that the lower they could keep the fees the better off they were. He stated that looking at all the fees in perspective, not just building impact fees, and being fair and equitable, as a building community they were not opposed to increasing a fee, if there was a need.

Council Member Hamilton and the other Council members requested a comparison page be added for multi-family fees in addition to the single family residential development fees.

Jim Winton spoke about the majority of master plan facilities, outside of wells, being installed by the developers up to this point. He stated that the facilities were installed when the developers were reimbursed by the City.

The City Manager spoke about master plan facilities and development for specific areas.

Deputy City Manager Pyle stated that during budget development and the budget study session, he proposed that when they reviewed the capital improvements, they would highlight those specific improvements that were master plan improvements underway for the 2004/2005 Fiscal Year. That would show those improvement funded by developer impact fees, previously collected or to be collected during the fiscal year.

The City Manager stated that he understood the direction from the Council to be:
- define the per unit fee and acreage fee and how it compares with other communities.
- define what the multi-family fees
- define what all the Master Plan projects are that will be reimbursed

Mr. Keenan clarified that new development could not be charged for deficiencies within the system.

2. WATER SYSTEM - WATER 101

The Public Works Director stated that the City Engineer, the Field Services Manager, and their support staff, would make the water system presentation, including the water conservation portion.

Mike Reed, City Engineer, started with an overview of the existing water system, including maps and infrastructure. He reviewed the pressure zones, wells and reservoir tanks. The City Engineer also reviewed the small water systems purchased by the City.

Richard Bartlett, Water Utilities Superintendent, reviewed the SCADA System which controls the City wells, pumps, lift stations and reservoirs and the operation of the water system.

Wyndi Branum, Water System Specialist, gave a brief overview of the amount of water quality reporting required by the Department of Health Services. She reviewed the amount of testing, types of tests, the timing of the tests, and the testing done in the City lab.

Council and staff briefly discussed mixing water before introduction to the water system, and the use of potable water.

The City Engineer then reviewed some of the planned system improvements and expansions including the design and construction of two tanks in the Rocky Hill Pressure Zone No. 1 for $1.5 million, the design and construction of the P.E. Well Head Treatment facility for $1.4 million, the design and construction of a surface water treatment facility for $1.15 million, the design and construction of Martin Hill Tank in the Central Pressure Zone for $3.2 million, and the design and construction of one tank in the Rocky Hill Pressure Zone No. 2 for $1.3 million. All of these projects are estimated for completion by 2007 at $8.55 million, and they were in the process of seeking funding. The City Engineer reviewed the pressure zones and elevations of wells, tanks and pressure lines. He also spoke about the necessity of drilling test holes.

Bryan Styles, Field Services Manager, then reviewed water conservation, and the revised water conservation plan which would be going to Council on April 6, 2004. He reviewed the three phases of the water conservation plan. Mr. Styles explained the 20% rate increase for residential and landscape accounts to encourage conservation and recover lost revenue from water conservation.

Council Member Stadtherr questioned the distribution of information to users, and the lag time on notification to users in their utility bills. He questioned who would be monitoring water wasting and where they would get the staffing. He stated that he had an idea that he would like to present.
Council Member Hamilton stated that perhaps they could use Pauline Flowers, Graffiti Action Coordinator, for this. He stated that on graffiti, they should look at Gang Sues.

Mayor Martinez stated that perhaps the City could work with some of the surrounding communities on a conservation media campaign to help offset some of the costs. He stated that it would benefit them all.

Council Member Stadtherr explained his concept of tiered rates. Take three months such as January, February, March, or October, November, December, where the house uses 10,000 gallons per month, that’s the base rate for Tier #1. Then when you go up to 15,000 gallons per month its Tier Rate #2, then to Tier Rate #3 with each tier costing more. This would assign the incremental costs to that which was driving the incremental costs—the summer usage. He stated that he would rather do the tiered costs so that the higher users would pay the increase.

Council Member Hamilton stated that he would agree if it was only during those times they were under producing. But if they had a tiered rate, then they would be charging the people all the time whether there was a water shortage or not.

Council Member Stadtherr stated that the tiers would go down during winter usage.

Council Member Hamilton stated that ultimately it would make people look at their bills and bring their consumption down.

Council Member Stadtherr stated that people would be self-managing, and the winter rates would set their base usage. He stated that it would set priorities on using water, from drinking water to washing cars. He stated that the high users were pushing the demand for more wells.

The Parks and Leisure Services Director stated that there had never been found any better method of achieving water conservation, and making people aware of water, than tiered rate structures.

Mr. Styles stated that they looked at a single rate increase that would affect all of the residential users, not just the high end user. He stated that most were at the medium usage of 35 units or so, and by asking all users to decrease their use by 20% instead of the few at the higher usage end, it would have a greater impact on reducing demand.

Council Member Stadtherr stated that they could set their tiers accordingly.

The Field Services Director stated that there was also the complexity of instituting a base rate and the impact on Finance of setting that up into the system, whereas the 20% increase would be easier to implement and after the three-month period it could be dropped.

The Public Works Director stated that it would require quite a bit more study to determine was the base lines should be.
Council Member Hamilton stated that what they wanted was to reduce the consumption of the water.

Mayor Martinez asked that staff work with Councilman Stadtherr as he would like to see something on paper with Councilman Stadtherr’s concept and ideas.

Jim Winton stated that he was involved with a mutual water company, and several years ago they experienced a shortage of water and they set a base rate then doubled the rate, and then doubled the rate when the user exceeded the base amount. He stated that it took a summer to bring the water usage down.

The Public Works Director stated that Councilman Stadtherr had some good ideas, but he didn’t believe they could go to a tiered rate by June 1 without a proper baseline. People that were already wasting water would have higher base lines than people already conserving water.

Council Member Stadtherr stated it might be for 2005.

City Manager Longley clarified with Council that they would proceed with this item on Tuesday as it is, and staff would provide the tiered rate analysis on the June 1 agenda.

Council Member Hamilton stated that hopefully June 1 was enough time to conceptualize Council Member Stadtherr’s plan, but they may not be able to act on it until 2005. Staff agreed that this would take some careful planning.

3. CLOSED SESSION PURSUANT TO GOVERNMENT CODE § 54956.9(A) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: CITY OF PORTERVILLE V. TULARE VALLEY RAIL ROAD

The City Attorney stated that the closed session would not be necessary that evening.

OTHER MATTERS

Council Member Stadtherr proposed the City put in a sign that stated “Slow Down or Die” on north Main Street.

ADJOURNMENT

The Council adjourned at 8:23 p.m. until April 6, 2004 at 6:00 p.m.

Georgia Hawley, Deputy City Clerk

Seal

Pedro R. Martinez, Mayor
PORTERVILLE CITY COUNCIL MINUTES
REGULAR MEETING - APRIL 6, 2004
COUNCIL CHAMBERS - 6:00 P.M.

Roll Call: West, Hamilton (excused absence), Stadtherr, Irish, Martinez

CLOSED SESSION

A. CLOSED SESSION PURSUANT TO:
   1 – GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL
PROPERTY NEGOTIATORS/PROPERTY: APN 245-040-011. AGENCY
NEGOTIATOR: JOHN LONGLEY. NEGOTIATING PARTIES: CITY OF
PORTERVILLE AND FRANCES OPERCHUCK. UNDER NEGOTIATION:
ACQUISITION OF RIGHT OF WAY.
   2 – 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.
   3 – GOVERNMENT CODE § 54956.9(c) – CONFERENCE WITH LEGAL
COUNSEL – ANTICIPATED LITIGATION: ONE CASE.
   4 – GOVERNMENT CODE § 54956.9(a) – CONFERENCE WITH LEGAL
COUNSEL – EXISTING LITIGATION: CITY OF PORTERVILLE V. TULARE
VALLEY RAIL ROAD.

OPEN SESSION - 7:00 P.M.

CS-1 ACQUISITION OF RIGHT OF WAY – FRANCES OPERCHUCK

The City Attorney reported that the only reportable action from Closed Session was that the
City Council had authorized the acquisition of right of way from Frances Operchuck.

Documentation: Resolution 26-2004
Disposition: Approved

Pledge of Allegiance Led by Council Member Kelly West
Invocation by Pastor John Eby, First Baptist Church

PRESENTATION

Employee of the Month - Laura Burkhart

PROCLAMATIONS

Iris Festival - April 24, 2004
Public Schools Month - April, 2004
ORAL COMMUNICATIONS

- Barbara Tate, 1847 W. Putnam Ave., Re: Speed of traffic on West Putnam. She requested that a traffic study be conducted. She presented council with a signed petition from neighbors in the area who are concerned.

- Carmen Martinez, 752 E. Putnam, spoke regarding the naming of buildings policy. She stated that she is not in support of the policy and nominated Gilbert Ynigues for the naming of the Community Center. She shared with council some of Gilbert Ynigues’ accomplishments.

- Felippe Martinez, 195 W. Putnam, spoke regarding water conservation. He asked if the City had a landscape architect on staff, and expressed his concerns regarding the watering schedules. He also expressed his support for naming the Community Center after Gilbert Ynigues. He also thanked staff for supporting the development of the St. Anne’s school.

- Charles Reeder, Manager of the Casas Buena Vista Housing Group, thanked staff and Council, especially the Redevelopment Agency, for the hard work provided for the project.

- Chris Gillespie, 1043 N. Lindale, made a plea to the City to make Porterville a more bike friendly town. He stated that making bike paths available may help decrease obesity in children, and that it is very difficult at this time to travel by bike in Porterville.

- Dorothy Broome, 863 S. Crystal, commented regarding Council meeting attendance, water prices increasing, and a need for more handicap parking.

- Dick Eckhoff, 180 N. Main, requested permission to express his concerns regarding Item No. 20 when it is presented.

- Brad Dunlap, Community Development Director, announced that the California Local Economic Development Corporation honored the City with an Award of Excellence for their efforts to keep Pro Document Solutions here in Tulare County.

CONSENT CALENDAR

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to bring back Items 5, 8, 9, and 10 at the next Council meeting.

M.O. 01-040604

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

Disposition: Approved

Items 6, 7, and 13 were removed from the Consent Calendar for discussion.

Documentation: Minute Order 02-040604
Disposition: Approved

2. BUDGET ADJUSTMENT 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 03-040604
Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS – BORE UNDER WASTEWATER TREATMENT FACILITY OFFICE BUILDING

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

Documentation: Minute Order 04-040604
Disposition: Approved

4. AUTHORIZATION TO NEGOTIATE A CONTRACT – ENGINEERING SERVICES FOR DESIGN OF A TRAFFIC SIGNAL AT THE INTERSECTION OF MULBERRY AND PLANO

Recommendation: That City Council:
1. Authorize staff to negotiate a contract with Peters Engineering
2. Authorize staff to negotiate a contract with the 2nd or 3rd ranked firm if staff in unable to negotiate an acceptable contract with Peters Engineering;
3. Authorize the Mayor to sign all contract documents; and
4. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

Documentation: Minute Order 05-040604
Disposition: Approved

11. HOUSEHOLD HAZARDOUS WASTE GRANT APPLICATION

Recommendation: That the City Council authorize the City Manager to sign the attached letter authorizing the Tulare County Environmental Health Services to submit a Household Hazardous Waste grant application to the California Integrated
Waste Management Board for expansion of the Visalia HHW Collection Center.

**Documentation:** Minute Order 06-040604  
**Disposition:** Approved

**12. CONSIDERATION OF EXTENDING LEGISLATIVE REPRESENTATIVE’S AGREEMENT FOR FEDERAL WATER LEGISLATURE**

**Recommendation:** That the Council approve the Community Civic Event Application and Agreement from the City of Porterville, subject to the Restrictions and Requirements contained in application, agreement and exhibit “A” of the Community Civic Event forms.

**Documentation:** 07-040604  
**Disposition:** Approved

**COUNCIL ACTION:** MOVED by Council Member West, SECONDED by Mayor Pro Tem Irish to approve Items 1 through 4, 11 and 12.

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

**Disposition:** Approved

**6. CONSERVATION AGREEMENT FOR VALEY ELDERBERRY LONGHORN BEETLE MITIGATION**

**Recommendation:** That the City Council:

1. Authorize the Mayor to sign the Conservation Easement Grant, the Habitat Management Plan, the Declaration of Trust and other documents as necessary to create the Porterville Mitigation Area No. 1.

Mayor Pro Tem Irish wanted to let the citizens of Porterville know that Council has no control over this matter and is required to pay for the creation of the Porterville Mitigation Area for the Elderberry Beetle.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to accept staff’s recommendation.

**Resolution 27-2004**

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

Disposition: Approved

7. AMENDMENT OF THE CITY CODE – CHANGES TO THE SPECIAL SPEEK ZONES (N. MAIN STREET)

Recommendation: That City Council:
1. Approve the proposed Ordinance amendment;
2. Give first reading to the Ordinance amending Chapter 17, Article XV, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, in the City Code; and
3. Direct the City Engineer to make the appropriate changes in the posted signs when the ordinance becomes effective.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Stadtherr that Council approve the proposed ordinance, and direct the City Engineer to make the appropriate changes in the posted signs when the ordinance becomes effective.

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

Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Stadtherr to waive further reading of the ordinance and order Ordinance 1651 to print, being 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.

Ordinance 1651

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

Disposition: Approved
13. APPROVAL FOR COMMUNITY CIVIC EVENT – CITY OF PORTERVILLE ALL AMERICA DECADE, MAY 21, 2004

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the City of Porterville, subject to the Restrictions and Requirements contained in application, agreement and Exhibit “A” of the Community Civic Event forms.

Mayor Pro Tem Irish asked that past council members who participated in the efforts to make Porterville and All-America City be invited to the event.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to approve staff’s recommendation.

M.O. 08-040604

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

Disposition: Approved

PUBLIC HEARINGS
15. CONDITIONAL USE PERMIT 1-2004 – PROPOSED CHURCH/SCHOOL (SAINT ANNE’S)

Recommendation: That the City Council:
1. Adopt the Draft Resolution approving the Negative Declaration prepared for Conditional Use Permit 1-2004, the project;
2. Adopt the Draft Resolution conditionally approving the Conditional Use Permit 1-2004

The Mayor opened the hearing to the public at 7:40 p.m.

Dennis Townsend, 633 N. Westwood, came up to thank staff and Council for their cooperation.

The hearing was closed to the public at 7:43 p.m.

Council Member West stated that the building was beautifully designed.

Council Member Stadtherr stated that this project was a long time coming, and that he is excited to see it finally happening.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to adopt the Draft Resolution approving the Negative Declaration,

Resolution 29-2004

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

Disposition: Approved

Council took a 10 minute recess at this time.

16. MEADOWLIN ESTATES – TENTATIVE SUBDIVISION MAP (NORTH RIDGE CONSTRUCTION)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Meadowlin Estates Tentative Subdivision Map; and
2. Adopt the draft resolution approving Meadowlin Tentative Subdivision Map.

The Mayor opened the hearing to the public at 7:55 p.m.

Donna Shamley, Roberts Engineering, came forward to speak in support of the project and made herself available for any questions.

David Will, Porterville came forward to express his concerns regarding the dust and debris that will result from the construction, fencing issues, the types of homes being built, and the hours of construction.

Public Works Director Baldo Rodriguez stated that a water truck will be on site for dust control, and that normal work hours are from 7 a.m. to 5 p.m.

Community Development Director Brad Dunlap stated that there would be a brick wall surrounding the homes, but no gates and that there was no specific requirement for fencing.

Donna Shamley, Roberts Engineering, stated that the developer had discussed wood and block fencing, and that one and two-story homes would be built.

The hearing was closed to the public at 8:03 p.m.

Mayor Pro Tem Irish asked what determines the landscape maintenance district, if they had any control of one or two-story homes being built, and how many lots would back into the existing properties?
COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr to adopt the draft resolution approving the Negative Declaration for Meadowlin Estates Tentative Subdivision Map, and adopt the draft resolution approving Meadowlin Tentative Subdivision Map.

Resolution 30-2004

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

Disposition: Approved

17. WATER CONSERVATION PLAN

Recommendation: That the City Council:
1. Adopt the attached Water Conservation Plan;
2. Approve the City moving into Phase II on May 1st and increasing public information on conservation;
3. Set a Public Hearing for June 1st to move into Phase III for the months of June through August if severe water supply shortage is projected for the summer; and
4. If severe water supply shortage is not projected for the summer, City staff will only have a Water Conservation Report at the City Council June 1st Public Hearing.

Mr. Stiles presented the staff report to council.

The Mayor opened the public hearing at 8:22 p.m.

Dan Stadtherr, 1821 Pamela Circle, stated that he felt that a Phase I in unnecessary, and that the City should always be in Phase II.

Dorothy Broome, 863 Crystal, commented on water pressure, and asked if an increase in water bills was a sure thing.

Pete McCracken, 657 Village Green, spoke re: rate increase, stating that water meters allow the City to target those who do not conserve water and that these people should be charged more. Asked council to consider an alternative Phase III that did not involve a blanket increase come June 1st.

Dick Eckhoff, 30 E. Oak, stated that he is not in favor of a blanket increase, expressed concerns about conservation hours, City median watering, and the storage capacity underground.
Parks and Leisure Director Mr. Perrine commented on the City median watering concerns, stating that the City makes every effort to water and irrigate during the early and late hours as much as possible.

City Manager Longley stated that they have researched what is going on with the aquifer and that in time they should have more information in the future.

Felippe Martinez, 195 W. Putnam asked for clarification on how the peak hours work.

Mr. Stiles stated the reason these hours are being recommended is because these are the periods of the day with the highest water usage, and where a loss in pressure in most likely to occur.

The hearing was closed to the public at 8:42 p.m.

Mayor Pro Tem Irish asked why it’s June 1st and not July 1st.

City Manager Longley answered that it would allow time for implementation.

Mayor Pro Tem Irish stated that they need to increase and improve the Public Awareness Campaign, and asked what the status of water was this year as compared to last.

Mr. Stiles answered that last year the City was at 12,500 in our gallons per unit (gpu) capacity, and anticipates with this year that the City will be at 13,200 gpu.

Mayor Pro Tem Irish stated that he does not want to raise the water rates or tax citizens into submission without giving them the opportunity to conserve on their own, and would like wording changed regarding the washing of cars.

Council Member Stadtherr asked Mr. Longley to summarize the previous discussion of the rate increases for the audience, and asked if there would be a community survey in the fall to measure public awareness.

Council Member West asked if the 20% only kicks in during Phase III, and stated that he was concerned about the watering of bushes on highway 65, and the run-off that occurs.

Mayor Pro Tem Martinez asked the public to report any water run-offs that they may see to the City.

Mayor Martinez would like to see aggressive efforts to conserve water.

**COUNCIL ACTION:** MOVED by Council Member West, SECONDED by Council Member Stadtherr to approve adopt the attached Water Conservation Plan with the modification requested by Mayor Pro Tem Irish; approve the City moving to Phase II immediately and increase public information on conservation;
set a Public Hearing for June 1st at which time various options would be discussed.

M.O. 09-040604

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

Disposition: Approved

SECOND READING

18. ORDINANCE 1650, PROPOSED CHANGES TO CHAPTER 12 OF THE CITY OF PORTERVILLE MUNICIPAL CODE

Recommendation: That Council give Second Reading to Ordinance No. 1650 and waiving further reading, adopt said ordinance.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr to waive further reading of the ordinance.

Ordinance 1650

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

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr to adopt the ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, FIRE PREVENTION, ARTICLE I AND ARTICLE II, OF THE PORTERVILLE MUNICIPAL CODE.

Ordinance 1650

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

Disposition: Approved

Council took at 10 minute recess.
SCHEDULED MATTERS

19. PROPOSED CITY ORDINANCE "RULES AND REGULATION FOR THE PORTERVILLE MUNICIPAL AIRPORT"

Recommendation: 1. That the City Council approve the draft ordinance and order it to print;
2. Set a public hearing for April 20, 2004 regarding the fees.

The staff report was presented by Chief Guyton.

Mayor Pro Tem Irish asked if the City would be competing with private businesses with the parking fees, to which Chief Guyton answered yes, but that the fees would be appropriate.

Council Member West asked what the fire fighting capabilities were at the airport, if say a plane would crash out there, to which Chief Guyton answered that the response time is too long to salvage a plane or it's occupants if a crash were to occur.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to give first reading to the ordinance.

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

Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West that Council waive further reading and order Ordinance 1652 to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING A NEW CHAPTER 4, AIRPORT, OF THE PORTERVILLE MUNICIPAL CODE.

Ordinance 1652

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

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to set a public hearing for April 20, 2004 regarding the fees.

M.O. 11-040604

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

Disposition: Approved

20. BUSINESS IMPROVEMENT DISTRICT ASSESSMENT REVIEW

Recommendation: Based on a no response from 89% of the businesses and the request of no change by 3.7% 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.

City Manager Longley stated that should the City Council decide to change the assessment there is a process that has to be completed.

City Attorney, Julia Lew explained that the process for forming, modifying, and establishing improvement districts is governed under the Streets and Highways Code, and should the council wish to modify or disestablish it would require a public hearing and protest procedure that is provided for.

Dick Eckhoff, Chair of Downtown Porterville Association, 180 N. Main St, commented that the DPA followed up the City’s advertisement by sending out flyers to all of its members. He also stated that the recommendation of the DPA Board still stands as option #4.

Chris Lewis, Porterville Physical Therapy, 112 N. D Street, stated that he was a little disappointed with the staff’s recommendation to council. He stated that he realizes that the 3.7% has the most carry, but if the other votes for some sort of change should be considered, and that the poor attendance at the meetings should be looked at as well. He commented that if the downtown retailers are not willing to financially support something that primarily supports downtown retailers, then maybe they need to take a look at where the money is coming from, which is the non-retailers outside of the area who are not getting the same benefits. He then expressed his support for a flat fee, and does not wish for the Business Improvement District to be disestablished.

Council Member West asked what the process is for disestablishing the BID.

The City Attorney stated that there would need to be an adoption of a resolution of intention to disestablish, and then there is a noticing period that is necessary for the public hearing, and then there is a protest procedure for that as well.

Council Member West expressed his concern with the lack of participation in the meetings, and stated that council should consider disestablishing the BID.

Council Member Stadtherr asked why Porterville could not achieve the success of Visalia’s downtown, and believes that a flat fee does carry some weight, and is the most easily implemented method.
Deputy City Clerk, Darrel Pyle stated that the construction of the Radisson Hotel in the downtown stimulated foot traffic during later hours contributed immensely to the vitality of Visalia’s downtown.

Mayor Pro Tem Irish stated that he was extremely disappointed with the turnout at the meetings, and stated that he would be more comfortable making a decision with the whole council present.

Council Members Stadtherr, West, and Mayor Martinez concurred.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Irish to carry this item over to the next meeting.

**M.O. 12-040604**

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

Disposition: Approved

21. **PORTERVILLE COMMUNITY CENTER OPTIONS**

Recommendation: Option #2 is recommended to streamline the amount of real estate that the City is managing, and to maximize the property value on the tax rolls.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to approve Option #2 as recommended by staff.

**M.O. 13-040604**

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

Disposition: Approved

22. **CONSIDERATION OF UTILITY BILL QUESTIONNAIRE ABOUT RECYCLING AND BICYCLE PATHS**

Request: To provide direction about proceeding with the questionnaire in the utility billing.

Council Member Stadtherr asked that question Number 3 be removed from the questionnaire, and asked how much Caltrans funds are available for this item.

Public Works Director Baldo Rodriguez answered that there is approximately $3 million in county funds for bicycle paths, but that it is competitive.
Mayor Pro Tem Irish asked what the costs are to conduct this survey, to which City Manager Longley answered that it would cost approximately $1,500.

Mayor Martinez stated that he does not have a problem asking people for their opinions, but did not think that a questionnaire was necessary to find out what people want.

City Manager clarified that Council direction was for staff to re-work the questionnaire and provide information regarding recycling and the ability to provide recycling at the May study session, and to bring back a specific informational item on bicycle paths that would address some of Council’s question.

COUNCIL ACTION: No council action necessary.

23. RETIREMENT COST SAVING MEASURES

Recommendation: That the City Council authorize staff to request a “Fresh-Start” from PERS for the public safety series benefit plan and investigate as part of the budget development process the implementation of taking advantage of the 4% discount for paying retirement obligations in advance.

COUNCIL ACTION: MOVED by Council Member Stadherr, SECONDED by Council Member West to remove this item from the agenda.

M.O. 14-040604

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

Disposition: Item removed from agenda.

24. CONSIDERATION OF THE FORMATION OF A NONPROFIT CORPORATION

Recommendation: That City Council:
1. Consider and give direction concerning the parameters of the powers of the nonprofit corporation; and
2. Provide direction as to how it wishes the City to proceed.

City Manager Longley suggested that the Council hold this item over due to it being a particular request of Council Member Hamilton.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Stadherr to hold this item over.

M.O. 15-040604

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

Disposition: Approved

25. REQUEST FOR CLARIFICATION REGARDING APPOINTMENT TO CITY/SCHOOL DISTRICTS JOINT COORDINATING COMMITTEE

Request: Please advise who will be serving as the second member and whether the selection is by office or is individually appointed.

Mayor Pro Tem Irish stated that he believed it was appointed by office.

Mayor Martinez stated that they had contacted the School District to see if they were willing to add another member to the Joint Coordinating Committee, to which they said they would not, but did not mind if another representative from Council was present. He commented that he did not feel a second representative needed to be present, but could serve as an alternate.

COUNCIL ACTION: MOVED by Mayor Martinez, SECONDED by Council Member West to appoint the office of Mayor to the Joint Coordinating Committee and the Mayor Pro Tem to serve as an alternate.

M.O. 16-040604

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

Disposition: Approved

City Manager Longley stated that the Council will not adjourn to the Redevelopment Agency meeting as previously noted as Item PRA-1, Building Facade Renovation Grant Program Variance Request for 118 N. Main St., was pulled at the request of the applicant.

ORAL COMMUNICATIONS

• Pete McCracken, 657 Village Green, spoke regarding rental rates for the meeting areas at the Community Center; regarding the B.I.D. response rate in relation to the utility bill questionnaire, and pointed out to Council that the results would be skewed.

OTHER MATTERS

• Council Member Stadtherr commented on Mr. McCracken's suggestion of a professional poll of 3,000 people, stating that he believed it was a good idea.
• Council Member West asked that the Skateboard Park brought back on the agenda and feels that it is time that Council moves on the project.

• Mayor Pro Tem Irish announced that the grant was approved for the modular facility, congratulated staff for their efforts; requested that an ordinance for skateboarders be put together soon; and commented on safety concerns brought to him re: basketball hoops in the streets.

• Mayor Martinez stated that he would like to see the Council’s procedural handbook updated. He commented on a memo stating that money that was saved by not maintaining the swim program at the schools made funds available for the shading structure. The Mayor requested that an item be brought back regarding the possible use of those funds for the shade structures.

ADJOURNMENT
The Council adjourned at 10:07 p.m. to the meeting of April 20, 2004.

Georgia Hawley, Deputy City Clerk
By: Luisa Herrera

SEAL

______________________________
Pete Martinez, Mayor
SUBJECT: CLAIM - ST. ANNE'S CHURCH

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Representatives of St. Anne's Church have filed a claim against the City for property damage. They are claiming that the City sewer main became blocked at 378 N. "F" Street, which caused one of their kitchen sinks leak on February 26, 2004.

The amount being claimed as of the date of this claim is $212.63, based on repair estimates.

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.

Attachment: Claim Form

Item No. 2
CLAIM AGAINST City of Porterville  
(Name of Entity)

Claimant's Name St. Anne's Church  
S.S. #: 

Claimant's Date of Birth  
Telephone #: (559) 784-2800

Claimant's Address 378 N. F. St. Porterville CA 93257  
Address where Notices about Claim are to be sent, if different from above:

Date of Incident/Accident/Arrest: 2/20/04

Date Injuries, Damages or Losses were discovered: 2/20/04

Location of Incident/Accident/Arrest: 369 N. F. St. Porterville

What did Entity or Employee do to cause this Loss, Damage or Injury? Sewer Line Plugged - Sewer Main

What are the Names of the Entity's Employees who caused this Injury, Damage or Loss (if known)?

What specific Injuries, Damages or Losses did Claimant receive? Invoice 51352 attached

What amount of money is claimant seeking, or if amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(f)]

$212.63

How was this amount calculated (please itemize)? See attached invoice

Date Signed: 3-2-04  
Signature: George P. Martinez

If signed by Representative:

Representative's Name George P. Martinez

Address 378 N. F. St.

Telephone #: 784-2800

Relationship to Claimant Bus Mgr.
Modern Plumbing and Supply Co.
California Contractor's Lic. No. 287971
Phone: (559) 784-2620 • Post Office Box 1272 • Porterville, CA 93258-1272
Phone: (661) 725-0408 • Post Office Box 427 • Delano, CA 93216-0427

Bill

ST Anne's Church
378 N. F ST.
Porterville, CA 93257

Nature of Work Requested: WATER LEAK IN CAFETERIA

<table>
<thead>
<tr>
<th>QUAN.</th>
<th>SIZE</th>
<th>MATERIAL USED</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/4</td>
<td></td>
<td>4 75</td>
<td></td>
</tr>
</tbody>
</table>

DESCRIPTION OF WORK PERFORMED
- Cut line from drain under kitchen sink and after time
- drain leak to find it. #3 pipe large enough amount of heat
- put cut back in place in pipe core (vent)
- Checked man hole to south of pipe and made slight amount in pipe
- Along with man - Repaired 1/4 + got city to come Fleming

RECOMMENDATIONS
- Connected kitchen drain + pit has 1/4 in. Problem

Material 4 75
Sales Tax 34
Labor 212 63
Permits
Pumping
Equipment
Mileage

TOTAL

Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a contractor may be referred to the registrar of the board whose address is: Contractors' State License Board, 1020 N Street, Sacramento, California 95814.

Terms: Due in full 30 days from billing date (25th of month) finance charges of 1-1/2% per month (18% annual percentage rate) charged on past due accounts. Minimum finance charge is $3.00.

I find the time and material charged above satisfactory and agree to pay for same on presentation of statement.

By
SUBJECT: BUDGET ADJUSTMENTS FOR THE 2003-04 FISCAL YEAR

SOURCE: Administrative Services

COMMENT: During the course of the fiscal year, additional budget information becomes available that more accurately identifies revenue projections and project costs. Once known, budget modifications are necessary to complete projects and record revenues. To address budget adjustments in an orderly fashion, all adjustments will be presented as one agenda item for Council's consideration.

RECOMMENDATION: That the Council approve the attached budget adjustments and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.
<table>
<thead>
<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
<th>REVISED EoY FUND CASH BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>11</td>
<td>To increase the revenue estimate in the General Fund for Congestion Mitigation Air Quality Grant funds to complete right of way acquisition for the Rails to Trails project.</td>
<td>CMAQ Grant</td>
<td>$177,000</td>
<td>$903,217</td>
</tr>
<tr>
<td>General Fund</td>
<td>12</td>
<td>To increase the appropriation in the General Fund to allow for the right of way acquisition to construct the Rails to Trails project.</td>
<td>CMAQ Grant</td>
<td>$177,000</td>
<td>$726,217</td>
</tr>
<tr>
<td>General Fund</td>
<td>13</td>
<td>To increase the revenue estimate in the General Fund to account for a refund received from a hardware maintenance contract cancelled in 2003.</td>
<td>Refund</td>
<td>$6,500</td>
<td>$732,717</td>
</tr>
<tr>
<td>General Fund</td>
<td>14</td>
<td>To increase the appropriation in the General Fund to allow for additional hardware maintenance.</td>
<td>Refund</td>
<td>$6,500</td>
<td>$726,217</td>
</tr>
<tr>
<td>General Fund</td>
<td>15</td>
<td>To increase the revenue estimate in the General Fund for the California Public Library Grant</td>
<td>Library Grant</td>
<td>$18,843</td>
<td>$745,060</td>
</tr>
<tr>
<td>General Fund</td>
<td>16</td>
<td>To increase the appropriation in the General Fund to allow for the expenditure of the State Library Grant.</td>
<td>Library Grant</td>
<td>$18,843</td>
<td>$726,217</td>
</tr>
</tbody>
</table>

Modification No: 11-03/0
SUBJECT: REFUSE TRUCK REPAIRS

SOURCE: Department of Finance/Purchasing

COMMENT: In accordance with the City's Purchasing Policy and Procedure Manual, as amended by Resolution No. 122-87 adopted by Council on October 10, 1987, Staff requests Council approval to begin negotiations for repairs to refuse unit #6639.

This frontloader is currently out of service and is in need of extensive repairs to the body due to normal use and exposure to liquid waste collected primarily from local restaurants. The out of service status was necessary for contamination reasons. The floor of the body has deteriorated with multiple cracks, as is the packer follower, hopper and lid. These must be replaced. The packer face is worn and can be repaired. Additionally, the 3-stage cylinders for the packer are worn and leaking. They can be rebuilt. Due to the specialized nature of this equipment, there are few facilities locally that can accomplish these repairs. Staff solicited repair estimates as follows:

Doug DeLeo Welding  $8,310.37
Lindsay, CA

Les Pipe & Steel  $8,419.97
Porterville, CA

West Olive Welding of Porterville was unable to perform these repairs. Funds for the repair of this equipment are available in the Equipment Maintenance Budget.

RECOMMENDATION: That Council authorize Staff to negotiate repairs to Refuse Unit #6630 with Doug DeLeo Welding, at an estimated cost of $8,310.37. Further, that Council authorize the payment for said repairs upon satisfactory completion.
SUBJECT: AUTHORIZATION TO REJECT ALL BIDS - WATER WELL TEST HOLE DRILLING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENTS: On March 25, 2004, staff received three (3) bids for the Water Well Test Hole Drilling Project. The bids ranged from a low of $94,200 to a high of $159,500. The last well test hole drilling contract awarded by the City was in 1998 for $23,750.

Using this recent history as a guide, staff included a generous 10% annual increase for labor and material costs over the six year span and arrived at a $42,000 cost for the proposed well test hole drilling project. The bids received significantly exceeded the $42,000 figure. The “authorization to advertise” staff report of February 17, 2004, copy included, did not include an engineer’s estimate.

It is staff’s intent to incorporate the test hole drilling work into the City’s existing well design contract. The incorporation of this work will expedite the entire well exploration and well development process.

RECOMMENDATION: That City Council reject all bids for the Water Well Test Hole Drilling Project.

ATTACHMENT: 1) February 17 Council Item - Authorization to Advertise for Bids
COUNCIL AGENDA: FEBRUARY 17, 2004

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - DEVELOPMENT OF WATER WELL TEST HOLES

SOURCE: Public Works Department - Field Services Division

COMMENT: The Project Manual has been prepared for drilling exploratory test holes at various locations throughout the city. The purpose of drilling exploratory test holes is to verify water quality and quantity for future well development. It is anticipated that three to four test holes will be initially drilled with the option of extending the contract into the next fiscal year, budget permitting.

The Project Manual is available for review in the Public Works Department - Engineering Division.

Funds for this project were approved in the City’s 03/04 Annual Capital Improvements Budget from Developer Fees.

RECOMMENDATION: That City Council:

1. Approve the Project Manual; and

2. Authorize Staff to advertise for bids on the project.
SUBJECT: ACCEPTANCE OF THE EFFLUENT MANHOLE REPLACEMENT PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff & Sons, Inc., has completed construction of the Effluent Manhole Replacement Project per plans and specifications. The project consisted of the replacement of an existing manhole that leaked effluent to a neighboring property.

City Council authorized expenditure of $24,805.89. Final construction cost is $23,963.38.

Halopoff & Sons, Inc., requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;

2. Authorize the filing of the Notice of Completion; and

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

BSR Y:\Engineering\Council Items\Acceptance of the Effluent Manhole Repair Project.wpd

Dir Appropriated/Funded Item No. 10
SUBJECT: ACQUISITION OF RIGHT OF WAY - PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ORANGE AVENUE AND "C" STREET (APN NO. 261-107-001 – ROBERT H. FREEMAN AND RAYMOND ALLISON)

SOURCE: Community Development Department

COMMENT: During the December 16, 2003, Council meeting, staff was directed to make a counter offer to Robert H. Freeman and Raymond Allison, owners of property located at the southeast corner of Orange Avenue and "C" Street, in the amount of $309.86. The property owner’s original counter offer was for $467.72.

In April 2004, Robert H. Freeman and Raymond Allison signed an agreement, in the amount of $309.86 for the sale of the 50.51 sq. ft. of right of way needed for the project.

The City had the property appraised by Timothy J. Simon, MAI, a Certified General Real Estate Appraiser, and the appraisal came in at $152.00 for the total 50.51 square feet of additional right-of-way needed for the Orange Avenue Street Project. This appraisal is available in the Community Development Department for your review.

RECOMMENDATION: That City Council:

1. Authorize staff to make payment to Robert H. Freeman and Raymond Allison, owners of the property, in the amount of $309.86; and

2. Accept the Grant Deed and authorize staff to record with the County Recorder.

ATTACHMENTS: 1. Locator Map
2. Grant Deed
3. Resolution

ITEM NO. 7
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 __ day of April, 2004

Robert H. Freeman

Raymond Allison

STATE OF CALIFORNIA } ss

County of Stanislaus } ss

On this the __ day of April, 2004, before me, Sherri A. Beavers, Notary Public,
Name, Title of Officer E.G., "Jane Doe, Notary Public"

personally appeared Robert H. Freeman.
Name(s) of Signer(s)

☐ personally known to me
☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that (he/she/they) executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) 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.

(Notary Public's signature in and for said County and State)

Form RW 6-1(B) (Revised 3/02)
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Tulare

On 4-22-04, before me, Vickie Schulz, Notary Public, personally appeared Raymond Allison.

☐ personally known to me  ☐ proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) 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.

VICKIE SCHULZ
Commission # 1431940
Notary Public - California
Tulare County

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document
Title or Type of Document: Grant Deed
Document Date: April 19, 2004 Number of Pages: 2
Signer(s) Other Than Named Above: Robert H. Freeman

Capacity(ies) Claimed by Signer
Signer's Name: ____________________________
☐ Individual
☐ Corporate Officer — Title(s): ____________________________
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: ____________________________

RIGHT THUMPRINT OF SIGNER
Top of thumb here

© 1999 National Notary Association • 9550 De Soto Ave., P.O. Box 2402 • Chatsworth, CA 91311-2402 • www.nationalnotary.org  Prod. No. 5907  Reorder: Call Toll-Free 1-800-876-5927
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 ROBERT H. FREEMAN AND RAYMOND ALLISON

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 Robert H. Freeman and Raymond Allison, 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 hereof.

BE IT FURTHER RESOLVED that the purchase price of $ 309.86 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"

That portion of Lot 32 of Block 47, of City of Porterville, in the City of Porterville, County of Tulare, State of California, according to the map thereof recorded in Book 3 of Maps, at page 18, Tulare County Records, more particularly described as follows:

BEGINNING AT the Northwest corner of said Lot 32;

THENCE, Easterly along the North line of said Lot 32, 9.78 feet;

THENCE, Southwesterly 14.24 feet to a point on the West line of said Lot 32;

THENCE, Northerly along the West line of said Lot 32, 10.33 feet to THE POINT OF BEGINNING.

CONTAINING 50.51 square feet, more or less.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: [Signature]
Licensed Land Surveyor

Date: [4/9/04]
SUBJECT: QUITCLAIM DEED RELINQUISHING A PORTION OF PORTER ROAD STREET RIGHT OF WAY

SOURCE: Public Works Department - Engineering Division

COMMENT: On June 18, 1982, City Council passed a Resolution to convey a vacated portion of Porter Road to the owner of a currently undeveloped lot located southeast of the Morton Avenue intersection. The Grant Deed, conveying the portion of Porter Road to the property owner was fully executed by the City Clerk and Mayor, but never recorded. Civil Code Section 1217 stipulates: "An unrecorded instrument is valid between the parties thereto and those who have notice thereof."

At a recent Project Review Committee meeting, the current owner informed staff of his intent to construct a new building within the portion of Porter Road that is in question. The City Attorney advised that a Quitclaim Deed be recorded to clear up any title ambiguities and to reflect the same intentions of City Council's action of June 18, 1982. Easements will be retained for existing public utilities that exist within the subject area.

RECOMMENDATION: That City Council:

1. Authorize the Mayor and City Clerk to execute the Quitclaim Deed; and

2. Authorize the City Clerk to record the Quitclaim Deed with the County Recorder's Office.

ATTACHMENT: Quitclaim Deed
Copy of Executed Grant Deed
Locator Map

Y:\Engineering\Council Items\Quitclaim Deed Relinquishing a Portion of Porter Road Street Right of Way.wpd

Dir B50 Appropriated/Funded CM Item No. 8
QUITCLAIM DEED  
(CORPORATION)

<table>
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<th>Atlas</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
<th>Street/Avenue</th>
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CITY OF PORTERVILLE, a Municipal Corporation organized and existing under and by virtue of the Laws of the State of California does hereby release and quitclaim to the SIERRA MINIT MARTS INC, a California Corporation all that real property in the City of Porterville, County of Tulare, State of California, described as:

See Exhibit “A” attached hereto and made a part hereof.
IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this ________ day of ______________________, 20__.

CITY OF PORTERVILLE

By ________________________________
Pedro R. Martinez, Mayor

By ________________________________
John Longley, City Clerk

[CORPORATE SEAL]

STATE OF CALIFORNIA  }  SS  PERSONAL ACKNOWLEDGMENT
County of ________________________

On this the _______ day of ________________________, 20______, before me, ____________________________________________, Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared ____________________________________________, Name(s) of Signer(s)

☐ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) 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.

__________________________  __________
(Notary Public's signature in and for said County and State)  (for notary seal or stamp)
EXHIBIT “A”

That portion of the Northeast quarter of the Southeast quarter of Section 27, Township 21 South, Range 27 East, Mount Diablo Base & Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

Beginning at the southwest corner of Parcel 1 of Parcel Map No. 2556 recorded in Book 26 of Parcel Maps, at page 57 of Tulare County Records;

Thence, North 00° 40' 00" East, 130.54 feet, to the beginning of a curve, concave to the southeast, having a radius of 20 feet;

Thence, Northeasterly 31.03 feet along said curve, through a central of 88° 52' 55";

Thence, North 89° 32' 55" East, 46.44 feet along the north line of said Parcel 1;

Thence, South 44° 32' 55" West, 69.30 feet to a point being 18 feet east and perpendicular to the west line of said Parcel 1;

Thence, South 00° 40' 00" West, 102 feet more or less to the point of intersection with the south line of said Parcel 1:

Thence, North 89° 21' 05" West, 18 feet along the south line of said Parcel 1, to the Point of Beginning.

Together with the following reservations and exceptions:

The City reserves and excepts from the conveyance a permanent easement and right at any time, or time to time, to construct, maintain, operate, replace, remove, and renew, sanitary sewers, water lines and storm drains, and appurtenant structures in, upon, over and across any street or part thereof proposed to be conveyed and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operations of gas pipe lines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon, and over the street or part thereof described as follows:

Beginning at the southwest corner of Parcel 1 of Parcel Map No. 2556 recorded in Book 26 of Parcel Maps, at page 57 of Tulare County Records;
Thence, North 00° 40' 00" East, 130.54 feet, to the beginning of a curve, concave to the southeast, having a radius of 20 feet;  

Thence, Northeasterly 31.03 feet along said curve, through a central of 88° 52' 55";  

Thence, North 89° 32' 55" East, 8.47 feet along the north line of said Parcel 1;  

Thence, South 00° 27' 05" East, 5.00 feet;  

Thence, South 44° 32' 55" West, 21.89 feet to a point being 13 feet east and perpendicular to the west line of said Parcel 1;  

Thence, South 00° 40' 00" West, 130 feet more or less to the point of intersection with the south line of said Parcel 1;  

Thence, North 89° 21' 05" West, 13 feet along the south line of said Parcel 1, to the Point of Beginning.  

End of Description
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE CONVEYANCE OF REAL PROPERTY TO SIERRA MINIT MARTS, INC.

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby authorizes a Quitclaim Deed to the Sierra Minit Marts, Inc. a California Corporation for the release and relinquishments of interests in the following described real property, in the City of Porterville, County of Tulare, State of California, to-wit:

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

BE IT FURTHER RESOLVED that the Mayor be authorized to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been authorized by the City Council for the City of Porterville.

__________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

__________________________
By: Georgia Hawley, Deputy
EXHIBIT “A”

That portion of the Northeast quarter of the Southeast quarter of Section 27, Township 21 South, Range 27 East, Mount Diablo Base & Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

Beginning at the southwest corner of Parcel 1 of Parcel Map No. 2556 recorded in Book 26 of Parcel Maps, at page 57 of Tulare County Records;

Thence, North 00° 40’ 00” East, 130.54 feet, to the beginning of a curve, concave to the southeast, having a radius of 20 feet;

Thence, Northeasterly 31.03 feet along said curve, through a central of 88° 52’ 55”;

Thence, North 89° 32’ 55” East, 46.44 feet along the north line of said Parcel 1;

Thence, South 44° 32’ 55” West, 69.30 feet to a point being 18 feet east and perpendicular to the west line of said Parcel 1;

Thence, South 00° 40’ 00” West, 102 feet more or less to the point of intersection with the south line of said Parcel 1:

Thence, North 89° 21’ 05” West, 18 feet along south line of said Parcel 1, to the Point of Beginning.

Together with the following reservations and exceptions:

The City reserves and excepts from the conveyance a permanent easement and right at any time, or time to time, to construct, maintain, operate, replace, remove, and renew, sanitary sewers, water lines and storm drains, and appurtenant structures in, upon, over and across any street or part thereof proposed to be conveyed and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operations of gas pipe lines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon, and over the street or part thereof described as follows:

Beginning at the southwest corner of Parcel 1 of Parcel Map No. 2556 recorded in Book 26 of Parcel Maps, at page 57 of Tulare County Records;
Thence, North 00° 40' 00" East, 130.54 feet, to the beginning of a curve, concave to the southeast, having a radius of 20 feet;

Thence, Northeasterly 31.03 feet along said curve, through a central of 88° 52' 55";

Thence, North 89° 32' 55" East, 8.47 feet along the north line of said Parcel 1;

Thence, South 00° 27' 05" East, 5.00 feet;

Thence, South 44° 32' 55" West, 21.89 feet to a point being 13 feet east and perpendicular to the west line of said Parcel 1;

Thence, South 00° 40' 00" West, 130 feet more or less to the point of intersection with the south line of said Parcel 1:

Thence, North 89° 21' 05" West, 13 feet along the south line of said Parcel 1, to the Point of Beginning.

End of Description
Corporation Grant Deed

The City of Porterville

For a valuable consideration, receipt of which is hereby acknowledged,

a corporation organized under the laws of the State of California

the following described property in the City of Porterville

See Exhibit A (attached)

R.M. Parks Incorporated, a California Corporation as to 1/2 interest

Sierra Mint Mart Incorporated, a California Corporation as to 1/2 interest

The City of Porterville

In Witness Whereof, said corporations have caused the corporate seal and signature of their respective Presidents to be hereunto affixed, and personally appeared before the undersigned, who is authorized by law to administer oaths, and did administer the same.

City Clerk

MAYOR

CITY OF PORTERVILLE
RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
DEED AND TAX STATEMENTS TO:

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

GRANT DEED

<table>
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<tr>
<th>Atlas Sheet</th>
<th>Section</th>
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<th>Range</th>
<th>Street/Avenue</th>
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ROBERT H. FREEMAN, A WIDOWER, AS TO AN UNDIVIDED ONE-HALF INTEREST; AND RAYMOND ALLISON,
A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY, AS TO AN UNDIVIDED ONE-HALF INTEREST

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
EXHIBIT "A"

That portion of the northeast quarter of the southeast
quarter of Section 27, Township 21 south, Range 27 east,
M.D.B.&M. in the City of Porterville, County of Tulare, State
of California, described as follows:

Beginning at the southwest corner of Parcel 1 of Parcel
Map 2556 recorded in Book 26 of Parcel maps at Page 57, of
Tulare County Records; thence N.00°40'00"E., 130.54 feet,
to the beginning of a curve, concave to the southeast,
having a radius of 20.00 feet; thence, northeasterly 31.03
feet along said curve, through a central angle of 88°52'55";
thence N.89°32'55"E., 46.44 feet along the north line of said
Parcel 1; thence S.44°32'55"W., 69.30 feet to a point being
18 feet east and perpendicular to the west line of said
Parcel 1; thence S.00°40'00"W., 102 feet more or less to
a point of intersection with the south line of Parcel 1; thence
N.89°32'55"W., 18 feet along the south line of said Parcel 1
to the point of beginning.

Together with the following reservations and exceptions:

The City reserves and excepts from the conveyance the permanent
easement and right at any time, or from time to time, to
construct, maintain, operate, replace, remove, and renew
sanitary sewers and storm drains and appurtenant structures
in, upon, over and across any street or part thereof proposed
to be conveyed and pursuant to any existing franchises or
renewals thereof, or otherwise, to construct, maintain,
operate, replace, remove, renew and enlarge lines of pipe,
conduits, cables, wires, poles, and other convenient
structures, equipment and fixtures for the operation of
gas pipe lines, telegraphic and telephone lines, railroad
lines, and for the transportation or distribution of elec-
tric energy, petroleum and its products, ammonia, water,
and incidental purposes, including access and the right to
keep the property free from inflammable materials, and wood
growth, and otherwise protect the same from all hazards in,
upon, and over the street or part thereof described as
follows:

Beginning at the southwest corner of Parcel 1 of Parcel
Map 2556 recorded in Book 26 of Parcel maps at Page 57, of
Tulare County Records; thence N.00°40'00"E., 130.54 feet,
to the beginning of a curve, concave to the southeast,
having a radius of 20.00 feet; thence, northeasterly 31.03
feet along said curve, through a central angle of 88°52'55";
thence N.89°32'55"E., 8.47 feet along the north line of said
Parcel 1; thence S.00°27'05"E., 5.00 feet; thence S.44°32'
55"W., 21.89 feet to a point being 13 feet east and perpen-
dicular to the west line of said Parcel 1; thence S.00°40'
00"W., 130 feet more or less to a point of intersection with the south line
of Parcel 1; thence N.89°32'55"W., 13 feet along the south
line of said Parcel 1 to the point of beginning.
CITY COUNCIL AGENDA: MAY 4, 2004

SUBJECT: REDEVELOPMENT PROJECT NO.1 PLAN AMENDMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: At the June 3, 2003 Redevelopment Agency meeting, the Agency approved several funding strategies in response to a number of factors which were adversely affecting the Redevelopment budget. One of the strategies approved was the removal of two industrial properties from the Project Area. Subsequently on October 7, 2003, the City Council awarded the contract to GRC Redevelopment Consultants for the preparation of the Amendment to Project No.1 of the Porterville Redevelopment Agency. Since that time GRC has been working through the process required by California Redevelopment Law, including preparing the draft initial study and Negative Declaration. Initially, GRC prepared a detailed Feasibility Study to substantiate that the Amendment removing the properties would provide considerable fiscal relief to the Redevelopment Agency over the remaining life of the Redevelopment Project Area. The Feasibility Study confirmed that between 2004 and 2040 the increase in tax increment receipts would be approximately $2.7 million. In addition, the proposed amendment will also eliminate the time limit for incurring debt, pursuant to recent changes in State law (SB211). The current time limit for establishing debt is twenty years from the date of the plan adoption (2010). This amendment will remove any such reference to time limitations.

At this point in the amendment process, several actions need to be taken by the City Council and the Redevelopment Agency. The City Council must consider a resolution affirming its report on the conformity of the Redevelopment Plan, as amended, with the Porterville General Plan. Additionally, the City Council and the Agency must separately consider a resolution consenting to a Joint Public Hearing on Amendment No.1 to the Redevelopment Plan for the Porterville Redevelopment Project No.1, and the Negative Declaration prepared in connection therewith.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution affirming its report on the conformity of the Redevelopment Plan, as amended, with the Porterville General Plan; and

2. Adopt the draft resolution consenting to a Joint Public Hearing on Amendment No.1 to the Redevelopment Plan for the Porterville Redevelopment Project No.1 and the Negative Declaration prepared in connection therewith.

Attachments:
1. Draft Amended Redevelopment Plan
2. Analysis of Conformity with the Porterville General Plan
3. Draft Resolution for Conformity with General Plan
4. Draft Resolution for Joint Public Hearing

D.D. Appropriated/Funded C.M. Item No. 9
Draft
Amended Redevelopment Plan
for Redevelopment Project
No. 1, Amendment No. 1

PORTERVILLE REDEVELOPMENT AGENCY

GRC REDEVELOPMENT CONSULTANTS
701 S. Parker Street
Suite 7400
Orange, CA 92868
CITY COUNCIL/REDEVELOPMENT AGENCY

Pedro "Pete" Martinez, Mayor/Chairperson
Ronald L. Irish, Mayor Pro-Tem/Vice-Chairperson
Kelly E. West, Council Member/Board Member
Cameron Hamilton, Council Member/Board Member
Richard M. Stadtherr, Council Member/Board Member

REDEVELOPMENT ADVISORY COMMITTEE

Steve Tree, Chairperson
Ken Goodwin, Vice-Chairperson
Donnette Silva-Carter, Member
Dean Craig, Member
Art Cardell, Member
Marlene Marquez, Member
Don Callison, Member
Gilbert Yrigues, Member

AGENCY/CITY STAFF

John Longley, City Manager/Executive Director
Bradley D. Dunlap, Community Development Director
Julia Lew, City Attorney/General Counsel
Denise L. Marchant, Development Associate
Linda Wammack, Development Associate
John Longley, City Clerk/Agency Secretary
INTRODUCTION

This is the Amended Redevelopment Plan (the "Amended Plan") for the Porterville Redevelopment Project Area No. 1 (the "Project").

The Amended Plan was established pursuant to Ordinance No. *** of the Porterville City Council, adopted on July 3, 2004. The Amended Plan includes these pages, the attached map of territory removed from the Project (the "Detachment Area"), the attached legal description of the Detachment Area, and the attached text of the Redevelopment Plan for Redevelopment Project Area No. 1, as previously adopted (the "Original Plan").

The proposed textual changes to the Original Plan are limited to Article VII, Section (G). Said changes are hereby incorporated as follows (text shown with strikethrough indicates that which has been removed from the Original Plan).

VII. METHODS OF FINANCING THE PROJECT

G. Financial Limitations

"The Agency shall not receive more than $400 million in tax increments attributable to the Project. Furthermore, the Agency shall not establish—long-term loans, advances, and indebtedness to be repaid from tax increments—to finance in whole or in part—the Redevelopment Project later than twenty (20) years from the date of adoption of this Plan. Furthermore, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after July 3, 2040, except as otherwise
specifically permitted under Health and Safety Code Section 33333.6.”

No other changes to the text of the Original Plan are proposed in conjunction with the Amended Plan.
DETACHMENT AREA MAP
EXHIBIT 'A'

PROPOSED DETACHMENT AREA

1. Project Area No. 1 (partial)
2. Proposed Detachment Area (identified by Assessor's Parcel Number)
   - 260-300-004
   - 260-270-005
   - 260-270-011
   - 260-290-004
   - 260-280-001
   - 260-280-005

NORTH 0 feet 500
LEGAL DESCRIPTION
(Detachment Area)
LEGAL DESCRIPTION

PORTERVILLE REDEVELOPMENT PROJECT NO. 1, AMENDMENT NO. 1
(Detachment Area)

This Legal Description is to be used in conjunction with the Boundary Map for Porterville Redevelopment Project No. 1, Amendment No. 1. The course numbers in this Legal Description correspond with the course numbers shown on the Boundary Map.

All of that certain real property in the City of Porterville, County of Tulare, State of California, described as follows:

POB: Beginning at the intersection of the easterly Right-of-Way line of "E" Street with the northerly Right-of-Way line of State Highway 190; thence

1. West a distance of 680 feet more or less along said north Right-of-Way line to its intersection with the Porterville City Limits; thence

2. North a distance of 590 feet more or less along said City Limits line to its intersection with the north line of Lot No. 36 of Pleasant Grove Tract, also being the easterly line of Poplar Ditch on a curve concave to the southeast; thence

3. Northeasterly a distance of 365 feet more or less along said curve to its intersection with the westerly prolongation of the south line of Parcel 1 of Parcel Map No. 779 as recorded in Parcel Map recorded in Book 8 Page 79 of Parcel Maps, Records of said County; thence

4. East a distance of 1,100 feet more or less along said prolongation, said south line, and its easterly prolongation to its intersection with the northwesterly line of Poplar Ditch; thence

5. North 70° East a distance of 130 feet more or less along said northwesterly line to its intersection with the westerly Right-of-Way line of the Southern Pacific Railroad Right-of-Way; thence

6. Southerly a distance of 850 feet more or less along said westerly Right-of-Way line to its intersection with the north Right-of-Way line of State highway 190; thence

7. West a distance of 310 feet more or less along said northerly Right-of-Way line to its intersection with the easterly line of Abandoned Road, Vacation 2920; thence

8. North a distance of 40 feet more or less along said east line to its intersection with the northerly Right-of-Way line of State Highway 190; thence

9. West a distance of 520 feet more or less to the Point of Beginning.
ANALYSIS

Conformity with the Porterville General Plan

Section 33346 of the California Health and Safety Code requires that the proposed Amendment (the “Amendment”) to the Redevelopment Plan for Porterville Redevelopment Project No. 1 (the “Existing Plan”) be submitted to the Planning Commission for its report and recommendation with respect to the conformity of the Amendment with the City’s General Plan. In the absence of a sitting Planning Commission, as is the case in the City of Porterville, this responsibility is deferred to the City Council.

To assist the City Council with this finding, the City Council is referred to Article VII, Sections (A) and (B) of the Existing Plan, which deals with development in Redevelopment Project Area No. 1 (the “Project Area”). Article VII, Sections (A) and (B) of the Existing Plan, as currently adopted, require all future development in the Project Area to conform with the Porterville General Plan as it exists or as it may be amended in the future. Article VII, Sections (A) and (B) of the Existing Plan, as currently adopted, states:

VI. LAND USES PERMITTED IN THE PROJECT AREA

A. OVERVIEW OF REGULATIONS

The City of Porterville has adopted a General Plan in compliance with the requirements for general plans of the State of California.

The permitted land uses, land use standards and other revaluation guidelines of this Redevelopment Plan shall be those set forth in the General Plan as it now exists or as it may hereafter be amended. It is further intended that all provisions of the Zoning Ordinance be applicable to development in the Project Area, and that all development in the Project Area comply with applicable State and Local Laws, Codes and Ordinances in the City, in addition to any requirements imposed pursuant to this Plan.

Finally, the applicable City zoning and planning processes shall continue to have full effect and serve as the primary determinant for land use decisions in the Project Area.

B. DESIGNATED LAND USES

The Redevelopment Plan for this Project Area adopts the land uses set forth in the General Plan as the permitted uses in the Project Area. It is intended that the land uses set forth in the General Plan as it now exists, or as it may hereinafter be amended, shall be the land uses designated for the Project Area.

The proposed Amendment will result in the removal of approximately 26 acres from the Project Area, but will not affect the contents of Article VII, Sections (A) and (B) of the Existing Plan; Article VII, Sections (A) and (B) of the Existing Plan will remain as currently adopted. The proposed Amendment will also eliminate the time limit for incurring debt, pursuant to recent changes in State law (SB 211; Chapter 741 of Statutes 2001). This action will have no bearing on the City Council’s finding of conformity between the proposed Amendment and the General Plan. Nonetheless, the following is provided to the City Council for informational purposes only.

Attachment No. 2
Article VII, Section (G) of the Existing Plan (as originally adopted in 1990), stated, in part:

“...the Agency shall not establish long-term loans, advances, and indebtedness to be repaid from tax increments to finance in whole or in part the Redevelopment Project later than 40 years after adoption of this Plan.”

The Existing Plan was amended in 1994, pursuant to Assembly Bill 1290 (Chapter 942 of Statutes 1993), which mandated that the time limit for establishing debt be limited to twenty years from the date of plan adoption, or the year 2004, whichever occurred later. Thus, on November 15, 1994, the City Council adopted Ordinance No. 1504, thereby amending Article VII, Section (G) of the Existing Plan to read, in part:

“...the Agency shall not establish long-term loans, advances, and indebtedness to the be repaid from tax increments to finance in whole or in part the Redevelopment Project later than twenty (20) years from the date of adoption on this Plan.”

Senate Bill 211 allows redevelopment agencies to eliminate the time limit for establishing new loans, advances, bonds, and other indebtedness on plans adopted prior to January 1, 1994. Thus, the proposed Amendment will remove such references from the Existing Plan. Upon adoption of the proposed Amendment, Article VII, Section (G) of the Existing Plan will read, in its entirety:

“The Agency shall not receive more than $400 million in tax increments attributable to the Project. Furthermore, the Agency shall not establish long-term loans, advances, and indebtedness to be repaid from tax increments to finance in whole or in part the Redevelopment Project later than twenty (20) years from the date of adoption of this Plan. Furthermore, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after July 3, 2040, except as otherwise specifically permitted under Health and Safety Code Section 33333.6.”

No other portions of Article VII, Section (G) of the Existing Plan, as currently adopted, will be affected by the proposed Amendment.

Establishing the Time, Date and Place of Joint Public Hearing

The attached City Council and Agency resolutions establish the time, date, and place of a joint public hearing for the proposed Amendment. The Joint Public Hearing will be at 7:00 p.m. on June 15, 2004, in the Council Chambers at City Hall.

All property owners, residents, businesses, and affected taxing agencies in the Project Area must be notified of the public hearing, and be given an opportunity to comment on the Amended Redevelopment Plan and Negative Declaration. Affected taxing agencies are to be notified by certified mail, while the property owners, residents, and businesses are to be notified by first-class mail at least 30 days before the joint public hearing.

In addition, a Notice of the Public Hearing will be published in a local newspaper of general circulation for three consecutive weeks.
RESOLUTION NO. __________

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE MAKING ITS FINDING THAT AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR PORTERVILLE REDEVELOPMENT PROJECT NO. 1 IS IN CONFORMANCE WITH THE PORTERVILLE GENERAL PLAN

WHEREAS, the Redevelopment Agency of the City of Porterville (the "Agency") has been designated as the official redevelopment agency to carry out, in the City of Porterville, the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.; the "CRL"); and

WHEREAS, on July 3, 1990, the City Council of the City of Porterville (the "City Council") adopted Ordinance No. 1436, thereby approving and adopting the Redevelopment Plan (the "Redevelopment Plan") for Porterville Redevelopment Project No. 1 (the "Project," or the "Project Area," as appropriate); and

WHEREAS, the Porterville Redevelopment Agency has initiated Amendment No. 1 (the "Amendment") to the Redevelopment Plan for the Project; and

WHEREAS, the proposed Amendment will remove certain territory from the Project Area as specifically identified on Exhibit A; and

WHEREAS, the proposed Amendment will also technically amend the Redevelopment Plan pursuant to CRL Section 33333.6(e)(3)(B) to remove the time limit for incurring debt in the Project Area; and

WHEREAS, in accordance with Sections 33346 and 33347 of the California Health and Safety Code, the Redevelopment Plan for the Project, as amended (the "Amended Plan"), is to be submitted to the Planning Commission for its report and recommendation concerning the Amended Plan and its conformity to the Porterville General Plan; and

WHEREAS, the City Council assumes the duties of the Porterville Planning Commission; and

WHEREAS, the City Council has reviewed said Amended Plan; and

WHEREAS, the Amended Plan for the proposed Project is consistent with the Porterville General Plan, and shall remain consistent in the event that said General Plan is amended in the future; and

Attachment No. 3
WHEREAS, the Project does not create inconsistencies between the Amended Plan and said General Plan.

NOW, THEREFORE, the City Council of the City of Porterville, acting as the Planning Commission of the City of Porterville, does hereby find as follows:

SECTION 1: The City Council hereby finds and determines that the Amended Plan is in conformity with the Porterville General Plan.

SECTION 2: The City Council hereby finds and determines that the location, purpose and extent of any acquisition or disposition of real property for street, square, park or other public purpose by the Agency for the purposes of carrying out the Amended Plan conforms with the Porterville General Plan.

SECTION 3: The City Clerk is hereby authorized and directed to transmit a copy of this Resolution to the Agency as prescribed in Section 33347 of the Health and Safety Code.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Porterville this 4th day of May, 2004, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____________________________________
Pedro R. Martinez, Mayor
City of Porterville

ATTEST:

John Longley, City Clerk

By ______________________
Georgia Hawley, Deputy
RESOLUTION NO. ________

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONSENTING TO A JOINT PUBLIC HEARING WITH RESPECT TO AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT PROJECT NO. 1 AND THE NEGATIVE DECLARATION PREPARED IN CONNECTION THERewith

WHEREAS, the Redevelopment Agency of the City of Porterville (the "Agency") has been designated as the official redevelopment agency to carry out, in the City of Porterville, the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.; the "CRL"); and

WHEREAS, on July 3, 1990, the City Council of the City of Porterville (the "City Council") adopted Ordinance No. 1436, thereby approving and adopting the Redevelopment Plan (the "Redevelopment Plan") for Porterville Redevelopment Project No. 1 (the "Project"); and

WHEREAS, the Porterville Redevelopment Agency has initiated Amendment No. 1 (the "Amendment") to the Redevelopment Plan for the Project; and

WHEREAS, Sections 33348 and 33360 of the Community Redevelopment Law (the "CRL") requires that the City Council and Redevelopment Agency hold a joint public hearing on the proposed Amendment to the Redevelopment Plan for the Project; and

WHEREAS, Section 33349 of the CRL requires that a notice of said public hearing be published in a newspaper of general circulation and be mailed to each property owner, resident, business, and affected taxing agency.

NOW, THEREFORE, the City Council of the City of Porterville does hereby resolve as follows:

SECTION 1: The City Council hereby consents to a Joint Public Hearing with the Redevelopment Agency on Amendment No. 1 to the Redevelopment Plan for Redevelopment Project No. 1 and the Negative Declaration prepared in connection therewith at the following time and place:

Date: June 15, 2004
Time: 7:00 p.m.
Place: Porterville City Council Chambers, 291 N. Main Street, Porterville, California, 93257

Attachment No. 4
SECTION 2: The City Clerk, in cooperation with the Secretary of the Agency, is authorized and directed to give notice of such public hearing in the form and manner required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Porterville this 4th day of May, 2004, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________________________
Pedro R. Martínez, Mayor
City of Porterville

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Deputy
SUBJECT: MODIFICATIONS TO THE METHOD OF LEVYING ASSESSMENTS FOR THE BUSINESS IMPROVEMENT AREA OF THE CITY OF PORTERVILLE FOR THE FISCAL YEAR 2004-05

SOURCE: Administrative Services, Finance Division

COMMENT: At the April 20, 2004 council meeting, City Council recommended changing the method of levying assessments in the downtown Business Improvement District (BID) to one that supports an area of benefit methodology of assessment. This option divides the BID into two areas, A and B, and assigns a flat fee to each area. The boundaries of these areas and proposed fees are as follows:

Area A:
South side of Morton Avenue, from the west side of Hockett Street to the west side of Second Street;
West side of Hockett Street between Morton Avenue and Olive Avenue;
West side of Second Street between Morton Avenue and Olive Avenue; and
North side of Olive Avenue, from the west side of Hockett Street to the west side of Second Street.

Fee = $165 annually

Area B:
Both sides of D Street between Morton Avenue and Olive Avenue; and
East side of Second Street between Cleveland Avenue and Olive Avenue.

Fee = $100 annually

To modify the method of levying the assessment, two public hearings are required.

RECOMMENDATION: Set the time and place for public hearings as June 1, 2004 and July 6, 2004.
Adopt the attached Resolution of Intent to Modify the Method of Calculating the Assessment for the Business Improvement District.

ATTACHMENTS: Draft Resolution of Intent
April 20 agenda item with options and map

DD Appropriated/Funded CM  
Item No. 10
RESOLUTION NO._______

A RESOLUTION OF THE CITY OF PORTERVILLE RESOLVING THE INTENT TO MODIFY THE METHOD OF LEVYING ASSESSMENTS WITHIN THE BUSINESS IMPROVEMENT AREA OF THE CITY OF PORTERVILLE

WHEREAS, the City Council of the City of Porterville directed a modification to the method of levying the assessment in the Business Improvement District for the Fiscal Year 2004-2005, and establish zones of benefit in the Business Improvement District for the Fiscal Year 2004-2005, and set the hour of 7:00 p.m. on the 1st day of June, 2004, and the 6th day of July, 2004 in the Council Chambers of said City as the times and places for the hearings required by Section 36523, 36524, and 36541, Chapter 3 of the California Streets and Highway Code, and Section 54954.6 of the Government Code, and

WHEREAS, public hearings are required prior to such modifications, as provided for in the afore-mentioned Code Sections, and

WHEREAS, at the public hearings, any written or oral protest can be received.

NOW BE IT HEREBY RESOLVED by the City Council of the City of Porterville does intend to modify the method of levying the assessment for the business improvement district for the Fiscal year 2004-2005 and future.

__________________________________________
Pedro R. Martinez, Mayor

ATTEST:

JOHN LONGLEY, City Clerk

By _______________________________________
Georgia Hawley, Deputy City Clerk
STATE OF CALIFORNIA)
      ( SS
COUNTY OF TULARE    )

I, John Longley, the duly appointed City Clerk of the City of Porterville do hereby certify and
declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed
and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City
Council regularly called and held on the 4th day of May, 2004.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

     JOHN LONGLEY, City Clerk

By ________________________________
     Georgia Hawley, City Clerk
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.

DD Appropriated/Funded CM

Item No. 23
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>NUMBER</th>
<th>% OF BUSINESS IMPROVEMENT DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>No response</td>
<td>166</td>
</tr>
<tr>
<td>No change in method of assessment</td>
<td>7</td>
</tr>
<tr>
<td>Some change in method of assessment</td>
<td>8</td>
</tr>
<tr>
<td>Dissolution of Business Improvement District*</td>
<td>5</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
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 AB1893 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.
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 storefronts

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 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.
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</td>
<td></td>
<td>$28,138</td>
</tr>
</tbody>
</table>

Item No. 19
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: AUTHORIZE REQUEST FOR PROPOSAL FOR PREPARATION OF FEASIBILITY STUDY FOR HILLSIDE DEVELOPMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: At the Council’s direction, Staff has been working on programs and incentives to encourage/facilitate hillside/eastside development with input and direction from the council subcommittee on hillside/eastside development. As that work has progressed, the concept of a coordinated master plan to guide the comprehensive development of the hillside has emerged. In an effort to determine the most realistic development scenario, Staff has prepared a draft Request for Proposals (RFP) to send to prospective consultants. The RFP will solicit proposals to prepare a real estate market feasibility analysis evaluating the capacity of the 6,500± acre study area to accommodate development. Specifically, the study will evaluate the potential types and densities of development, and identify and evaluate issues that may act as deterrents or advantages to development of the area.

In addition, staff has prepared a draft memorandum of understanding (MOU) to be entered into upon receipt of the consultant proposals and after the cost for services is established. Although the City is a participant in the MOU, the cost of the study will be assumed by the property owners. The City is providing, and would continue to provide, Staff resources (Community Development Director) to facilitate the process. In the event the property owners do not want to proceed, the consultants will be contacted and informed that the project will not be proceeding. In the event the property owners do want to proceed, each will sign the MOU and place on deposit an equitable share of the cost for the study. Subsequent steps in the process will be determined based on the outcome of the study.

RECOMMENDATION: That the City Council:

1. Authorize distribution of the Request for Proposals and to proceed with the study upon consummation of the Memorandum of Understanding.

2. Authorize the Mayor to sign the necessary paperwork.

D.D. Appropriated/Funded ___ C.M. ___  Item No. 11
SUBJECT: FORMATION OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 26

SOURCE: Department of Parks and Leisure Services

COMMENT: A condition of new development approval is the creation of a Landscape and Lighting District. The next Landscape and Lighting Maintenance District, No. 26 is Orchard Ridge, Phase Nine Subdivision. Street lighting improvements will be assessed in this district. The assessment is for only the benefit that is above and beyond the general public benefit in the established areas of the City.

The property owner has signed the petition to create Landscape and Lighting District No. 26 which includes an annual adjustment determined by the Consumer Price Index. We have established the San Francisco Consumer Price Index as a base. This means that the City can adjust the rate of assessment to meet costs without additional property owner approval, provided that it does not exceed the amounts permitted by the San Francisco Consumer Price Index. The attached resolutions are necessary to order the Engineer’s Report, which shows the improvements and costs proposed for 2004-2005, and to set the Public Hearing for the Formation of Landscape and Lighting Maintenance District No. 26. Ten street lights will be maintained in the District. Total cost for maintenance is $790.62 or $16.82 per lot each year.

RECOMMENDATION: That the City Council: Approve the following resolutions: 1) A Resolution of the City Council of the City of Porterville, California Instituting Proceedings for the Formation of Landscape and Lighting Maintenance District No. 26, Ordering Preparation of the District Map indicating the proposed District boundary, and Ordering the Preparation of the required report; and, 2) A Resolution of the City Council of the City of Porterville Giving Preliminary Approval to Engineer’s Report for Landscape and Lighting Maintenance District No. 26; and, 3) A Resolution of the City Council of the City of Porterville, County of Tulare, California, Declaring Its Intention to Order the Formation of Landscape and Lighting Maintenance District No. 26, an Assessment District, declaring the work to be of more local benefit than ordinary public benefit, specifying the exterior boundary of the area to be included in Landscape and Lighting Maintenance District No. 26 and to be assessed the cost and expense thereof, designating formation of Landscape and Lighting Maintenance District No. 26; Determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act of 1972; and offering a time and place for hearing objections thereto.

RESOLUTION NO.:_____


WHEREAS, it has been determined by the City Council of the City of Porterville, California that the public interest, convenience and necessity require installation of landscaping, lighting and other facilities set forth in Section 22525 of the Streets and Highways Code, State of California, and the operation and maintenance of landscaping and lighting for Orchard Ridge, Phase Nine Subdivision located on Belmont Street, and Pamela, Santa Maria and Pioneer Avenues.

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

1) That the public interest, convenience and necessity require the formation of a Landscape and Lighting Maintenance District for the purpose of installing, and maintaining landscaping and lighting facilities authorized by Section 22525 of the Streets and Highways Code, State of California, in Landscaping and Lighting Maintenance District No. 26.

2) That the area identified on the map is to be identified as Orchard Ridge, Phase Nine Subdivision, District No. 26.

3) That the properties to be specifically charged for maintenance of landscape and lighting shall be the area within the boundary of the proposed district and shall be so indicated on the maps and shall be known as Landscape and Lighting Maintenance
District No. 26.

4) That the proceedings are to be conducted for the said district pursuant to provisions of Division 15 of the Streets and Highways Code (Landscaping and Lighting Act of 1972) of the State of California.

5) That the costs of maintaining the landscaping and lighting facilities along certain streets in Landscape and Lighting Maintenance District No. 26 shall be borne by the property owners within the district, said costs to be assessed according to the said Landscaping and Lighting Act of 1972.

6) That the City Engineer is hereby ordered to prepare a report in accordance with Article 4 of said Landscaping and Lighting Act.

APPROVED AND ADOPTED THIS 4th day of May, 2004.

________________________________________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By: __________________________
Georgia Hawley, Deputy
CITY OF PORTERVILLE
ENGINEER’S REPORT FOR LANDSCAPE AND LIGHTING
MAINTENANCE DISTRICT NO. 26

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No. _______. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscaping and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include lighting at Orchard Ridge, Phase Nine Subdivision into Landscaping and Lighting Maintenance. The City Council has determined that the areas to be lighted will have an effect upon all parcels within the proposed boundaries of the District. The District includes lighting on Belmont Street, Pamela, Santa Maria and Pioneer Avenues as a part of the subdivision. Proposed areas for lighting are on both sides of the streets located within the subdivision.

SECTION 3. Plans and Specifications

The plans and specifications for lighting will be prepared by the developer and will be in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision improvements plans in roadway rights-of-way, or easements to be granted to the City of Porterville. There are 10 street lights to be maintained.

Maintenance activities within the Landscape and Lighting Maintenance District 26 are to include lighting maintenance.

SECTION 4. Improvements

Lighting improvements will be constructed by the developer of the Orchard Ridge Phase Nine Subdivision.
SECTION 5.  Estimated Costs

The construction cost is to be borne by the developer and will not be assessed. The subdivision map has been filed for record and it is intended that the improvements be constructed during 2003-2004 and certain maintenance on the areas will be necessary during fiscal year 2004-2005. It is appropriate that assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. District 26 assessments during the 2004-2005 fiscal year are estimated as follows:

Estimated Assessment 2004-2005

**Lighting**  
10 fixtures 5,800 lumens @ $30.21 per year = $ 302.10

**Project Management Costs**  
47 lots @ $8.20 per lot $ 385.40

Sub-Total $ 687.50

**Incidental Expenses**

15% Reserve Fund $ 103.12

Total 2003-2004 $ 790.62

*Lighting costs are based on 29% benefit of total cost because lights are spaced closer together resulting in 40% more lights than the City standard outside maintenance districts.

After the 2004-2005 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year’s cost or the prior year’s estimated cost adjusted according to the annualized Consumer Price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2004/2005 will refer back to the prior year’s CPI. In the event that the costs of services provided do not exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.
SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled “Landscape and Lighting District No. 26” is attached to this report and by reference is made a part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements is to be borne by the developer. The improvement areas are being established for the benefit of all properties within proposed Landscape and Lighting Maintenance District No. 26. The establishment and maintenance of the improvements is a vital part of the development of Orchard Ridge, Phase Nine Subdivision. The City Council of the City of Porterville has determined that to insure satisfactory levels of maintenance for the lighting at Orchard Ridge, Phase Nine Subdivision, it should become Landscape and Lighting Maintenance District No. 26. The lighting includes 10 street lights.

Landscape and Lighting Maintenance District 26 will consist of an area comprising approximately 9.33 acres. A total of 47 lots are proposed to be developed in Orchard Ridge, Phase Nine Subdivision. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for protection of safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefit takes into consideration the following facts:

1. The purpose of the improvements is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. The lots not adjacent to the landscaping and lighting facility improvements benefit from the maintenance equally to those lots adjacent to the improvements.
Estimated 2004-2005 Assessment

Assessment (A) = \[ \frac{\text{Cost (C)}}{\text{Number of Lots (L)}} \]

\[ A = \frac{790.62}{47} = $16.82 \text{ per lot, per year} \]

Total Assessment for 2004-2005 = $790.54
Total developed lot count will be 47 lots.

SECTION 8. Order of Events

1. City Council adopts resolution instituting proceedings, appoints an Engineer of Work and Orders Engineer’s Report.

2. City Council Adopts Resolution of Preliminary Approval of Engineer’s Report.

3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance and determines the district.

4. City Council conducts public hearing, considers all testimony and determines to Order the Formation of Landscape and Lighting Maintenance, or abandon the proceedings.

5. Every year in June, the Engineer of Work files a report with the City Council.

6. Every year in June, the City Council conducts a public hearing and approves, or modifies and approves the individual assessments.

Michael K. Reed, City Engineer
CITY OF PORTERVILLE

BEING A SUBDIVISION OF THE REMAINDER OF ORCHARD RIDGE, PHASE EIGHT PER MAP
RECORDED IN BOOK 39, PAGE 76 OF MAPS, TULARE COUNTY RECORDS, LOCATED
WITHIN NORTHEAST 1/4 OF SECTION 21, T.21S., R.27E., M.D.&M., IN THE CITY OF
PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

LEGEND

● STREET LIGHTS (10 ea.)

△ FIRE HYDRANT

SCALE: 1" = 200'

LOCATION MAP
Landscape & Lighting District No.

That portion of the West half of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base & Meridian, in the City of Porterville, County of Tulare, State of California included within the Remainder Parcel as shown on Orchard Ridge, Phase 8 per map recorded in Book 39, page 76 of Maps in the office of the County Recorder of said County.
CITY OF PORTERVILLE
PETITION FOR CREATION OF LANDSCAPE & LIGHTING ACT
ASSESSMENT DISTRICT NO. ______ ANNEXATION NO. ______

1. Name of Subdivision: **Orchard Ridge**
2. Name of Applicant: **Centex Homes**
   Phone: 559-733-3717
3. Address of Applicant: **1840 S. Central Ave, Visalia, CA 93271**
4. Name of Developer: **Centex Homes**
   Name of Landowner: **Centex Homes**
5. Applicant is the __ Agent of the property owner __ Owner of the property
6. Location of property: **Pioneer Ave & Belmont St.**
   and **Lombardi St.**
7. Legal description of property: __________________________

3. PLANS: Attach 2 copies of completed Annexation Map, Landscape and Lighting Plans. Plans shall include all details of irrigation, quantities and types of sod, shrub area, ground cover, trees, lighting, wall structures and any other appurtenances that may pertain to the maintenance of the area in accordance with Ordinance No. 1483. The Landscape plans must be prepared by a Registered Engineer, Architect, or Landscape Architect.

9. A fee of $375.00 is required at the time of submittal of the Landscape Plans by the Applicant.

10. STATEMENT: The undersigned are the owners of the land described as follows:

    **Orchard Ridge Phase 9**

(Subdivision name, etc.)

1. We, the undersigned landowners, do hereby petition the City Council of the City of Porterville, to create an assessment district for the purpose of maintaining the landscape and lighting in the public Right-of-Way or other such areas as may be defined herein, that benefit our subdivision. The landscape and lighting areas are a direct benefit to the property owner in the subdivision and enhance the appearance of the development.

These areas are indicated by the “Landscape Plan” and “Final Subdivision Map” attached hereto, and by this reference made a part hereof and identified as Exhibit “A”. It is our understanding that each property will be assessed for the cost of said maintenance.

Common Costs: The costs of landscape maintenance will be borne in common by all property owners within the proposed district. Each property’s share will be divided equally. The annual adjustment to the Consumer Price Index will be included in this district; therefore, this cost may fluctuate. The assessment will be placed on the property tax roll to be paid annually.

2. The undersigned understands that a public hearing will take place not less than 45 days from the date indicated below as required by Proposition 218.

   **Date:** 5/1/03

   **Developer:**

   **Date:**

   **Landowner:**

   **Signature**

   **Signature**
RESOLUTION NO.:______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, CALIFORNIA, GIVING PRELIMINARY APPROVAL TO ENGINEER’S REPORT FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT No. 26

WHEREAS, on the 4th day of May, 2004, Porterville City Council did adopt Resolution No. _____ directing City Engineer to make and file with the Porterville City Clerk a report in writing as required by the Landscaping and Lighting Act of 1972;

WHEREAS, the City Engineer has made and filed with the Porterville City Clerk a report in writing pursuant to said act which report has been presented to this Council for consideration;

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that said report is sufficient without modification;

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

(1) That the Engineer’s estimate of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said report be, and each of them are hereby preliminarily approved and confirmed;

(2) That the diagram showing the assessment district referred to and described in said report, the boundaries of the subdivision of land within said assessment district is hereby preliminarily approved and confirmed;

(3) That the proposed assessment showing the Orchard Ridge Phase Nine Subdivision land in said assessment district in proportion to the estimated benefit to be received from said work and of the incidental expenses thereof, as contained in said report, is hereby preliminarily approved
(4) That said report shall stand as the Engineer's report for the purpose of all subsequent proceedings pursuant to the proposed district.

APPROVED AND ADOPTED this 4th day of May, 2004.

________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By: ____________________________
Georgia Hawley, Deputy
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 26, AN ASSESSMENT DISTRICT DECLARING THE WORK TO BE OF MORE LOCAL BENEFIT THAN ORDINARY PUBLIC BENEFIT SPECIFYING THE EXTERIOR BOUNDARY OF THE AREA TO BE INCLUDED IN LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 26 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF, DESIGNATING FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 26;

DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

The City Council of the City of Porterville, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, does resolve as follows:

DESCRIPTION OF WORK

SECTION 1. That the public interest and convenience requires and it is the intention of the City Council of the City of Porterville, California, to order the following work be done, to wit:

1. Installation, construction, maintenance and servicing of facilities, lighting and landscaping as authorized by Section 22525 of the Streets and Highways Code.

2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof.

LOCATION OF WORK

SECTION 2. The foregoing described work is to be located within the interior and exterior streets, more particularly described on a map which is on file in the City Clerk's office, entitled "Landscape & Lighting Maintenance."

DESCRIPTION OF ASSESSMENT DISTRICT

SECTION 3. That the contemplated work, in the opinion of said City Council, is of more local than
ordinary public benefit, and the said City Council hereby makes the expense of the said work charge-
able upon a district, which said district is assessed to pay the costs and expenses thereof, and which
district is described as follows:

Reference is hereby made to said map for further, full and more particular description of
said assessment district, and the said map so on file shall govern for all details as to the extent of said
assessment district.

REPORT OF ENGINEER

SECTION 4. The City Council of said City by Resolution No. _______ has approved the report of the
Engineer of Work, which report indicates the amount of the proposed assessment, the district boundary,
assessment zones, detailed description of improvements and the method of assessment. The report
titled "Engineer's Report for Landscape and Lighting Maintenance" is on file in the office of the City
Clerk of said City. Reference to said report is hereby made for all particulars for the amount and extent
of the assessments and for the extent of the work.

COLLECTION OF ASSESSMENTS

SECTION 5. The assessment shall be collected at the time and in the same manner as County taxes are
collected. The Engineer of Work shall file a report annually with the City Council of said City and said
Council will annually conduct a hearing upon said report at their first regular meeting in June, at which
time assessments for the next fiscal year will be determined and shall increase on an annual basis in an
amount determined by the Annualized San Francisco Consumer Price Index.

TIME AND PLACE OF HEARING

SECTION 6. Notice is hereby given that on the 18th day of May, 2004, at the hour of 7:00 p.m. in the
City Council Chambers at 291 North Main Street, in the City of Porterville, any and all persons having
any objections to the work or extent of the assessment district, may appear and show cause why said
work should not be done or carried out or why said district should not be formed in accordance with
this Resolution of Intention. The City Council will consider all oral and written protests.

LANDSCAPING AND LIGHTING ACT OF 1972

SECTION 7. All the work herein proposed shall be done and carried through in pursuance of an act of
the legislature of the State of California designated the Landscaping and Lighting Act of 1972, being
Division 15 of the Streets and Highways Code of the State of California.

PUBLICATION OF RESOLUTION OF INTENTION

SECTION 8. Published notice shall be made pursuant to Section 6061 of the Government Code. The
publication of the Notice of Hearing shall be completed at least 10 days prior to the date of hearing.

CERTIFICATION

SECTION 9. The City Clerk shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 41st day of May, 2004.

ATTEST:

Pedro R. Martinez, Mayor

John Longley, City Clerk

By: __________________________

Georgia Hawley, Deputy

APPROVED AS TO FORM

________________________________________

Julia M. Lew, City Attorney
SUBJECT: Formation of Landscaping and Lighting District No. 27

SOURCE: Department of Parks and Leisure Services

COMMENT: A condition of new development approval is the creation of a Landscape and Lighting District. The next Landscape and Lighting Maintenance District, No. 27 is New Expressions, Phase 3 Subdivision. Landscaping and lighting improvements will be assessed in this district. The assessment is for only the benefit that is above and beyond the general public benefit in the established areas of the City.

The property owner has signed the petition to create Landscape and Lighting District No. 27 which includes an annual adjustment determined by the Consumer Price Index. We have established the San Francisco Consumer Price Index as a base. This means that the City can adjust the rate of assessment to meet costs without additional property owner approval, provided that it does not exceed the amounts permitted by the San Francisco Consumer Price Index. The attached resolutions are necessary to order the Engineer’s Report, which shows the improvements and costs proposed for 2004-2005, and to set the Public Hearing for the Formation of Landscape and Lighting Maintenance District No. 27. The berm, wall, playground and 11 lights will be maintained in the District. Total cost for maintenance is $1,860.09 or $37.20 per lot per year.

RECOMMENDATION: That the City Council approve the following Resolutions: 1) A Resolution of the City Council of the City of Porterville, California, Instituting Proceedings for the Formation of Landscape and Lighting Maintenance District No. 27, Ordering Preparation of the District Map indicating the proposed District boundary, and Ordering the Preparation of the required report; 2) A Resolution of the City Council of the City of Porterville Giving Preliminary Approval to Engineer’s Report for Landscape and Lighting Maintenance District No. 27; and 3) A Resolution of the City Council of the City of Porterville, County of Tulare, California, Declaring Its Intention to Order the Formation of Landscape and Lighting Maintenance District No. 27, an Assessment District, declaring the work to be of more local benefit than ordinary public benefit, specifying the exterior boundary of the area to be included in Landscape and Lighting Maintenance District No. 27 and to be assessed the cost and expense thereof, designating formation of Landscape and Lighting Maintenance District No. 27; Determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act of 1972; and offering a time and place for hearing objections thereto.


ITEM NO.: 13
RESOLUTION NO.-----


WHEREAS, it has been determined by the City Council of the City of Porterville, California that the public interest, convenience and necessity require installation of landscaping, lighting and other facilities set forth in Section 22525 of the Streets and Highways Code, State of California, and the operation and maintenance of landscaping and lighting for New Expressions, Phase 3 Subdivision, located on Springville Avenue, Cleo Avenue and McIntire Avenue along Wisconsin Street.

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

1) That the public interest, convenience and necessity require the formation of a Landscape and Lighting Maintenance District for the purpose of installing, constructing and maintaining landscaping and lighting facilities authorized by Section 22525 of the Streets and Highways Code, State of California, in Landscaping and Lighting Maintenance District No. 27.

2) That the area identified on the annexation map be defined as Landscape and Lighting Maintenance District No. 27.

3) That the properties to be specifically charged for maintenance of landscaping and lighting shall be the area within the boundary of the proposed district and shall be so
indicated on the maps and shall be known as Landscape and Lighting Maintenance District No. 27.

4) That the proceedings are to be conducted for the said district pursuant to provisions of Division 15 of the Streets and Highway Code (Landscaping and Lighting Act of 1972) of the State of California;

5) That the costs of maintaining the landscaping and lighting facilities along certain streets in Landscape and Lighting Maintenance District No. 27 shall be borne by the property owners within the district, said costs to be assessed according to the said Landscaping and Lighting Act of 1972.

6) That the City Engineer is hereby ordered to prepare a report in accordance with Article 4 of said Landscaping and Lighting Act.

APPROVED AND ADOPTED THIS 4th day of May, 2004.

________________________________________
Pedro R. Martinez, Mayor

John Longley, City Clerk

By: _________________________________
Georgia Hawley, Deputy
SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No.________. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscaping and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include landscaping, playground maintenance and lighting at New Expressions, Phase 3 Subdivision into Landscape and Lighting Maintenance District No. 27. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all streets in the interior and exterior of the subdivision. Proposed areas for lighting are on both sides of the streets located within the subdivision. The landscaping includes an earthen berm and six foot masonry wall on the westerly boundary of the district. The berm and wall maintenance includes: cleaning, repairing, painting, vegetation and rodent control. A playground was installed by the developer south of the berm and wall area, off of Lybarger Avenue. It is estimated that a 30% benefit will be received by the property owners because of the proximity of the playground. The playground maintenance includes cleaning or repairing the playground area and facilities.

SECTION 3. Plans and Specifications

The plans and specifications for lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be
shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 11. Total landscaped area to be maintained is 748 lineal feet of earthen berm and a six foot masonry wall, and 20,350 square feet of playground area.

Maintenance activities within the Landscape and Lighting Maintenance District No. 27 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of New Expressions, Phase 3 Subdivision.

SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed and certain maintenance on the areas will be necessary during fiscal year 2004-2005. It is appropriate that assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. In this District assessments will be made during the 2004-2005 Fiscal Year.

Estimated Assessment 2004-2005

Landscaped Area

Berm and wall 748 L.F. @ .42¢ per L.F.  
*Playground (30% of $1,870)  

$ 314.16  
$ 561.00

Electricity/Lighting

**11 fixtures, 5,800 lumens @ $30.21 per year  

$ 332.31

Project Management Costs

50 lots @ $8.20/lot  

$ 410.00

Sub Total 2004-2005  

$1,617.47

15% Reserve Fund  

Total 2004-2005 Initial Assessment  

$ 242.62  

$1,860.09
*It is estimated that property owners in this tract will receive a 30% benefit for the use of the playground.

**Lighting costs are based on 29% benefit of total cost because lights are spaced closer together resulting in 40% more lights than the city standard outside the maintenance district.

After the 2004-2005 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year’s cost or the prior year’s estimated cost adjusted according to the annualized Consumer Price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2004/2005 will refer back to the prior year’s CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled “Landscape and Lighting Maintenance District No. 27” is attached to this report and by reference is made a part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within proposed Landscape and Lighting Maintenance District No. 27. The establishment and maintenance of the improvements is a vital part of the development of New Expressions, Phase 3 Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at New Expressions, Phase 3 Subdivision, it should become Landscape and Lighting Maintenance District No. 27. The subdivision consists of 50 lots. The landscape area which benefits the 50 lots is located along the westerly boundary of the district and a playground area located off of Lybarger Avenue.
Landscape and Lighting Maintenance District No. 27 will consist of an area comprising approximately 9.52 acres. A total of 50 lots are proposed to be developed. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for protection of safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefit takes into consideration the following facts:

1. The purpose of the improvements is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. The lots not adjacent to the landscaping and lighting facility improvements benefit from the maintenance equally to those lots adjacent to the improvements.

**Estimated 2004-2005 Assessment**

\[
\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}
\]

\[
A = \frac{\$1,860.09}{50} = \$37.20 \text{ per lot for New Expressions, Phase 3 Subdivision}
\]

Total Assessment for 2004-2005 = $1,860.09
Total developed lot count is 50 lots.

**SECTION 8. Order of Events**

2. City Council Adopts Resolution of Preliminary Approval of Engineer’s Report.
3. City Council Adopts Resolution of Intention to Order the Formation of Landscape
and Lighting Maintenance District No. 27 and determines the district.

4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 27.

5. Every year in June, the Engineer of Work files a report with the City Council.

6. Every year in June, the City Council conducts a public hearing and approves, or modifies and approves the individual assessments.

Michael K. Reed, City Engineer
LANDSCAPE & LIGHTING DISTRICT NO. 27

City of Porterville


LEGEND

⊙ STREET LIGHTS (11 ea.)
△ FIRE HYDRANT
--- 6 FT MASONRY WALL (748 L.F.)

SCALE: 1" = 200'

LOCATION MAP

HIGHWAY 190

Santalum Drive

PORTERVILLE

STATE HWY 65
CITY OF PORTERVILLE
PETITION FOR CREATION OF LANDSCAPE & LIGHTING ACT
ASSESSMENT DISTRICT NO. _____

1. Name of Subdivision: New Expressions, Phase 3
2. Name of Applicant: Ennis Homes
   Phone: 559-781-8483
3. Address of Applicant: ____________________________

4. Name of Developer: Ennis Homes
   Name of Landowner: Same
5. Applicant is the owner of the property. Ennis Homes
6. Location of property: West Side Indiana Ave. at Springville Ave.
   between ____________________________ and ____________________________
7. Legal description of property: ____________________________

8. PLANS: Attach 2 copies of completed Annexation Map, Landscape and Lighting Plans. Plans shall include all details of irrigation, quantities and types of sod, shrub area, ground cover, trees, lighting, wall structures and any other appurtenances that may pertain to the maintenance of the area in accordance with Ordinance No. 1483. The Landscape plans must be prepared by a Registered Engineer, Architect, or Landscape Architect.

9. A fee of $375.00 is required at the time of submittal of the Landscape and Lighting Plans by the Applicant.

10. STATEMENT: The undersigned are the owners of the land described as follows:

    New Expressions, Phase 3

(Subdivision name, etc.)

1. We, the undersigned landowners, do hereby petition the City Council of the City of Porterville, to create an assessment district for the purpose of maintaining the landscape and lighting in the public Right-of-Way or other such areas as may be defined herein, that benefit our subdivision. The landscape and lighting areas are a direct benefit to the property owner in the subdivision and enhance the appearance of the development.

These areas are indicated by the “Landscape and Lighting Plan” and “Final Subdivision Map” attached hereto, and by this reference made a part hereof and identified as Exhibit “A”. It is our understanding that each property will be assessed for the cost of said maintenance.

Common Costs: The costs of landscape and lighting maintenance will be borne in common by all property owners within the proposed district. Each property’s share will be divided equally. The annual adjustment to the Consumer Price Index will be included in this district; therefore, this cost may fluctuate. The assessment will be placed on the property tax roll to be paid annually.

2. The undersigned understands that a public hearing will take place not less than 45 days from the date indicated below as required by Proposition 218.

   Date: 6/14/03
   Developer: Ennis Homes
   Print
   Signature

   Date: 6/1/03
   Landowner: Ennis Homes
   Print
   Signature
Landscape & Lighting District No.

Description

That portion of the Southeast quarter of Section 34, Township 21 South, Range 27 East, Mount Diablo Base and Meridian in the City of Porterville, County of Tulare, State of California, described as follows:

Beginning at the Northeast corner of Lot 56 of New Expressions, Phase One per map recorded in Book 37, page 90 of Maps, Tulare County Records.

Thence, North 89°50'57" West, 775.00 feet to the Northwest corner of Lot 43 of said New Expressions, Phase One;

Thence, South 00°09'03" West, 505.00 feet along the West line of said New Expressions, Phase One to the Southwest corner of Lot 14 of said New Expressions, Phase One said corner being in the North line of New Expressions, Phase Two per map recorded in Book 39, page 9 of Maps, Tulare County Records;

Thence, North 89°50'57" West, 211.57 feet along the North line of said New Expressions, Phase Two to the beginning of a 2917.00 foot radius non-tangent curve, concave to the East, a radial to said beginning bears South 80°44'32" West;

Thence, Northerly, along said curve, through a central angle of 03°36'42" an arc distance of 183.87 feet;

Thence, tangent to said curve, North 05°38'46" West, 375.89 feet to the beginning of a 5847.00 foot radius tangent curve, concave to the East;

Thence, Northerly, along said curve, through a central angle of 01°49'00" an arc distance of 185.39 feet;

Thence, non-tangent to said curve, North 80°36'29" East, 165.90 feet to the beginning of a 675.00 foot radius non-tangent curve, concave to the East, a radial to said beginning bears South 80°36'29" West;

Thence, Southerly, along said curve, through a central angle of 01°09'23" an arc distance of 13.62 feet;

Thence, non-tangent to said curve, South 89°50'57" East, 658.65 feet;

Thence, North 00°09'03" East, 35.00 feet;

Thence, South 89°50'57" East, 50.00 feet;

Thence, South 00°09'03" West, 30.00 feet;

Thence, South 89°50'57" East, 190.00 feet

Thence, South 00°09'03" West, 255.00 feet to the point of beginning.
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, CALIFORNIA, GIVING PRELIMINARY APPROVAL TO ENGINEER’S REPORT FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 27

WHEREAS, on the 4th day of May, 2004, Porterville City Council did adopt Resolution No. _____ directing City Engineer to make and file with the Porterville City Clerk a report in writing as required by the Landscaping and Lighting Act of 1972;

WHEREAS, the City Engineer has made and filed with the Porterville City Clerk a report in writing pursuant to said act which report has been presented to this Council for consideration;

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that said report is sufficient without modification;

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

(1) That the Engineer’s estimate of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said report be, and each of them are hereby preliminarily approved and confirmed;

(2) That the diagram showing the assessment district referred to and described in said report, the boundaries of the subdivision of land within said assessment district is hereby preliminarily approved and confirmed;

(3) That the proposed assessment showing the New Expressions, Phase 3 Subdivision. Subdivision land in said assessment district in proportion to the estimated benefit to be received from said work and of the incidental expenses thereof, as contained in said report, is hereby preliminarily
(4) That said report shall stand as the Engineer’s Report for the purpose of all subsequent proceedings pursuant to the proposed district.

APPROVED AND ADOPTED this 4th day of May, 2004.

__________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By: _________________________
    Georgia Hawley, Deputy
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 27, AN ASSESSMENT DISTRICT; DECLARING THE WORK TO BE OF MORE LOCAL THAN ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARY OF THE AREA TO BE INCLUDED IN LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 27 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF, DESIGNATING SAID LANDSCAPE AND LIGHTING DISTRICT NO. 27; DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

The City Council of the City of Porterville, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, does resolve as follows:

DESCRIPTION OF WORK

SECTION 1. That the public interest and convenience requires and it is the intention of the City Council of the City of Porterville, California, to order the following work be done, to wit:

1. Installation, construction, maintenance and servicing of facilities, lighting and landscaping as authorized by Section 22525 of the Streets and Highways Code.

2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof.

LOCATION OF WORK

SECTION 2. The foregoing described work is to be located within the interior and exterior streets, more particularly described on a map which is on file in the City Clerk's office, entitled “Landscape & Lighting Maintenance District No. 27.”
DESCRIPTION OF ASSESSMENT DISTRICT

SECTION 3. That the contemplated work, in the opinion of said City Council, is of more local than ordinary public benefit, and the said City Council hereby makes the expense of the said work chargeable upon a district, which said district is assessed to pay the costs and expenses thereof, and which district is described as follows:

Reference is hereby made to said map for further, full and more particular description of said assessment district, and the said map so on file shall govern for all details as to the extent of said district.

REPORT OF ENGINEER

SECTION 4. The City Council of said City by Resolution No._______ has approved the report of the Engineer of Work which report indicates the amount of the proposed assessment, the district boundary, assessment zones, detailed description of improvements and the method of assessment. The report titled "Engineer's Report for Landscape and Lighting Maintenance District No. 27" is on file in the office of the City Clerk of said City. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work.

COLLECTION OF ASSESSMENTS

SECTION 5. The assessment shall be collected at the time and in the same manner as County taxes are collected. The Engineer of Work shall file a report annually with the City Council of said City and said Council will annually conduct a hearing upon said report at their first regular meeting in June, at which time assessments for the next fiscal year will be determined.
TIME AND PLACE OF HEARING

SECTION 6. Notice is hereby given that on the 4th day of May, 2004, at the hour of 7:00 p.m. in the City Council Chambers at 291 North Main Street, in the City of Porterville, any and all persons having any objections to the work or extent of the assessment district, may appear and show cause why said work should not be done or carried out or why said district should not be formed in accordance with this Resolution of Intention. The City Council will consider all oral and written protests.

LANDSCAPING AND LIGHTING ACT OF 1972

SECTION 7. All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California.

PUBLICATION OF RESOLUTION OF INTENTION

SECTION 8. Published notice shall be made pursuant to Section 6061 of the Government Code. The publication of the Notice of Hearing shall be completed at least 10 days prior to the date of hearing.

CERTIFICATION

SECTION 9. The City Clerk shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 4th day of May, 2004.

__________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By: ________________________
   Georgia Hawley, Deputy

APPROVED AS TO FORM:

__________________________
Julia M. Lew, City Attorney
SUBJECT: FORMATION OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 28

SOURCE: Department of Parks and Leisure Services

COMMENT: A condition of new development approval is the creation of a Landscape and Lighting District. The next Landscape and Lighting Maintenance District, No. 28 is Meadowood Phase Three Subdivision. Street lighting improvements will be assessed in this district. The assessment is for only the benefit that is above and beyond the general public benefit in the established areas of the City.

The property owner has signed the petition to create Landscape and Lighting District No. 28 which includes an annual adjustment determined by the Consumer Price Index. We have established the San Francisco Consumer Price Index as a base. This means that the City can adjust the rate of assessment to meet costs without additional property owner approval, provided that it does not exceed the amounts permitted by the San Francisco Consumer Price Index. The attached resolutions are necessary to order the Engineer’s Report, which shows the improvements and costs proposed for 2004-2005, and to set the Public Hearing for the Formation of Landscape and Lighting Maintenance District No. 28. Twenty-three street lights will be maintained in the District. Total cost for maintenance is $1,576.61 or $20.20 per lot each year.

RECOMMENDATION: That the City Council: Approve the following resolutions: 1) A Resolution of the City Council of the City of Porterville, California Instituting Proceedings for the Formation of Landscape and Lighting Maintenance District No. 28, Ordering Preparation of the District Map indicating the proposed District boundary, and Ordering the Preparation of the required report; 2) A Resolution of the City Council of the City of Porterville Giving Preliminary Approval to Engineer’s Report for Landscape and Lighting Maintenance District No. 28; and, 3) A Resolution of the City Council of the City of Porterville, County of Tulare, California, Declaring Its Intention to Order the Formation of Landscape and Lighting Maintenance District No. 28, an Assessment District, declaring the work to be of more local benefit than ordinary public benefit, specifying the exterior boundary of the area to be included in Landscape and Lighting Maintenance District No. 28 and to be assessed the cost and expense thereof, designating formation of Landscape and Lighting Maintenance District No. 28; Determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act of 1972; and offering a time and place for hearing objections thereto.

ATTACHMENTS: 1) Draft Resolution Ordering the Proceedings for Formation;
2) Engineer’s Report;
3) Map;
4) Petition;
5) Draft Resolution Giving Preliminary Approval to the Engineer’s Report; and
RESOLUTION NO.____


WHEREAS, it has been determined by the City Council of the City of Porterville, California that the public interest, convenience and necessity require installation of landscaping, lighting and other facilities set forth in Section 22525 of the Streets and Highways Code, State of California, and the operation and maintenance of landscaping and lighting for Meadowood, Phase Three Subdivision located on Westfield Avenue, Cheryll Avenue, Salisbury Street, Julieann Avenue and Pioneer Avenue.

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

1. That the public interest, convenience and necessity require the formation of a Landscape and Lighting Maintenance District for the purpose of installing, constructing and maintaining landscaping and lighting facilities authorized by Section 22525 of the Streets and Highways Code, State of California, in Landscaping and Lighting Maintenance District No. 28.

2. That the area identified on the annexation map be defined as Landscape Maintenance District No. 28.

3. That the properties to be specifically charged for maintenance of lighting shall be the area within the boundary of the proposed district and shall be so indicated on the maps and shall be known as Landscape and Lighting Maintenance District No. 28.
4. That said report shall stand as the Engineer's report for the purpose of all subsequent proceedings pursuant to the proposed district.

APPROVED AND ADOPTED this 4th day of May, 2004.

______________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By: ________________________________
Georgia Hawley, Deputy
CITY OF PORTERVILLE
ENGINEER'S REPORT FOR LANDSCAPE AND LIGHTING
MAINTENANCE DISTRICT NO. 28

SECTION 1. Authority for report

This report is prepared by order of the City Council of the City of Porterville Resolution No._______. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscaping and Lighting Act of 1972).

Section 2. General Description

The City Council has elected to include lighting at Meadowood Phase Three Subdivision into Landscape and Lighting Maintenance District No. 28. The City Council has determined that the areas to be lighted will have an effect upon all parcels within the proposed boundaries of the District. The District includes lighting on Cheryl Avenue, Salisbury Street, Julieann Avenue, Patsy Street, and Pioneer Avenue as part of the subdivision. Proposed areas for lighting are on both sides of the streets located within the subdivision.

Section 3. Plans and specifications

The plans and specifications for lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision improvement plans in roadway rights-of-way, or easements to be granted to the City of Porterville. There are a total of 23 street lights to be maintained.

Maintenance activities within the Landscape and Lighting Maintenance District No. 28 are to include lighting maintenance.

Section 4. Improvements

Lighting improvements were made by the developer of Meadowood Phase Three Subdivision.

Section 5. Estimated Costs
The construction cost was borne by the developer and will not be assessed. The subdivision map has been filed for record and it is intended that the improvements will be constructed during 2003-2004 and certain lighting cost will be incurred during fiscal year 2004-2005. It is appropriate that assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. District 28 assessments during the 2004-2005 fiscal year are as follows:

Estimated Assessment 2004-2005

**Electricity/Lighting**

17 fixtures, 5,800 lumens @ $30.21 per year $ 513.57  
6 fixtures, 9,500 lumens @ $36.30 per year $ 217.80

**Project/Management Costs**

78 lots @ $8.20 per lot $ 639.60  
Sub-Total $ 1,370.97

**Incidental Expenses**

15% Reserve Fund $ 205.64  
Total 2003-2004 $1,576.61

*Lighting costs are based on 29% of total cost because lights are spaced closer together resulting in 40% more lighting than the City standard outside maintenance districts.

After the 2004-2005 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year’s cost or the prior year’s estimated cost adjusted according to the annualized Consumer Price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2004/2005 will refer back to the prior year’s CPI. In the event that the costs of services provided do not exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. **Assessment Diagram**
A copy of the proposed assessment diagram entitled “Landscape and Lighting District No. 28” is attached to this report and by reference is made a part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements is to be borne by the developer. The improvement areas are being established for the benefit of all properties within proposed Landscape and Lighting Maintenance District No. 28. The establishment and maintenance of the improvements is a vital part of the development of Meadowood Phase Three Subdivision. The City Council of the City of Porterville has determined that to insure satisfactory levels of street lighting at Meadowood Phase Three Subdivision, it should become Landscape and Lighting Maintenance District No. 28. The lighting includes 23 street lights.

Landscape and Lighting Maintenance District No. 28 will consist of an area comprising approximately 16.60 acres. A total of 78 lots are proposed to be developed in Meadowood Phase Three Subdivision. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for protection of safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the street lighting.

The determination of benefit takes into consideration the following facts:

1. The purpose of the improvements is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. The lots not adjacent to the landscaping and lighting facility improvements benefit from the maintenance equally to those lots adjacent to the improvements.

Estimated 2004-2005 Assessment

Assessment (A) = \( \frac{\text{Cost (C)}}{\text{Number of Lots (L)}} \)
A = \$1,576.61 = \$20.20\ lot for Meadowood Phase Three Subdivision

Total Assessments for 2004-2005 = \$1,575.60
Total developed lot count will be 78 lots

SECTION 8. Order of Events


2. City Council Adopts Resolution of Preliminary Approval of Engineer’s Report.

3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 28 and determines the district.

4. City Council conducts public hearing, considers all testimony and determines to Order the Formation of Landscape and Lighting Maintenance District No. 28, or abandon the proceedings.

5. Every year in June, the Engineer of Work files a report with the City Council.

6. Every year in June, the City Council conducts a public hearing and approves, or modifies and approves the individual assessments.

Michael K. Reed, City Engineer
LANDSCAPE & LIGHTING DISTRICT NO. 28

City of Porterville


LEGEND

- STREET LIGHTS (23 ea.)
- FIRE HYDRANT

SCALE: 1" = 200'

LOCATION MAP

SUBJECT SITE

NO SCALE
CITY OF PORTERVILLE
PETITION FOR CREATION OF LANDSCAPE & LIGHTING ACT
ASSESSMENT DISTRICT NO. ____________________

1. Name of Subdivision: Meadowood Phase III
2. Name of Applicant: Nicholson & Sons LLC Phone: 627-4787
3. Address of Applicant: __________________________
4. Name of Developer: Gary Snee
5. Applicant is the ________________ of the property owner __________ Owner of the property
6. Location of property: Meadowood and Westfield between ____________ ____________
7. Legal description of property: EXHIBIT "A" ATTACHED HERETO

AND MADE A PART THEREOF.

8. PLANS: Attach 2 copies of completed Annexation Map, Landscape and Lighting Plans. Plans shall include all details of irrigation, quantities and types of sod, shrub area, ground cover, trees, lighting, wall structures and any other appurtenances that may pertain to the maintenance of the area in accordance with Ordinance No. 1483. The Landscape plans must be prepared by a Registered Engineer, Architect, or Landscape Architect.

9. A fee of $375.00 is required at the time of submittal of the Landscape and Lighting Plans by the Applicant.

10. STATEMENT: The undersigned are the owners of the land described as follows:

MEADOWOOD, PHASE III

(Subdivision name, etc.)

1. We, the undersigned landowners, do hereby petition the City Council of the City of Porterville, to create an assessment district for the purpose of maintaining the landscape and lighting in the public Right-of-Way or other such areas as may be defined herein, that benefit our subdivision. The landscape and lighting areas are a direct benefit to the property owner in the subdivision and enhance the appearance of the development.

These areas are indicated by the "Landscape and Lighting Plan" and "Final Subdivision Map" attached hereto, and by this reference made a part hereof and identified as Exhibit "A". It is our understanding that each property will be assessed for the cost of said maintenance.

Common Costs: The costs of landscape and lighting maintenance will be borne in common by all property owners within the proposed district. Each property's share will be divided equally. The annual adjustment to the Consumer Price Index will be included in this district; therefore, this cost may fluctuate. The assessment will be placed on the property tax roll to be paid annually.

2. The undersigned understands that a public hearing will take place not less than 45 days from the date indicated below as required by Proposition 218.

Date: 7/06/03

Date: 8/20/03

Developer: Snee Gary Print __________________________

Landowner: Snee Gary Print __________________________
That portion of the Southeast quarter of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, described as follows:

Beginning at the Southwest corner of the Southeast quarter of said Northeast quarter;

Thence, North 01°09'04" West, 1308.21 feet to the Northwest corner of the Southeast quarter of said Northeast;

Thence, South 89°51'02" East, 688.81 feet along the North line of the Southeast quarter of said Northeast quarter;

Thence, South 01°32'13" East, 130.06 feet to the Southwest corner of Lot 96 of Meadowood, Phase Two per map recorded in Book 39, page 46 of Maps, Tulare County Records;

Thence, North 89°51'02" West, 60.02 feet to the Northwest corner of Lot 95 of said Meadowood, Phase Two;

Thence, South 01°32'13" East, 130.06 feet to a point in the centerline of Julieann Avenue;

Thence, North 89°51'02" West, 105.06 feet along the centerline of Julieann Avenue;

Thence, South 01°32'13" East, 756.03 feet to the Southwest corner of Lot 48 of Meadowood, Phase One per map recorded in Book 38, page 100 of Maps, Tulare County Records;

Thence, South 89°55'24" West, 30.00 feet;

Thence, South 01°32'13" East, 60.02 feet;

Thence, North 89°55'24" West, 55.01 feet to the Northwest corner of Lot 11 of said Meadowood, Phase One;

Thence, South 01°32'13" East, 100.08 feet to the Southwest corner of said Lot 11;

Thence, North 89°55'24" East, 3.00 feet to the Northwest corner of Lot 10 of said Meadowood, Phase One;

Thence, South 01°32'13" East, 130.09 feet to a point in the South line of the Southeast quarter of said Northeast quarter;

Thence, South 89°55'24" West, 560.50 feet to the point of beginning.
RESOLUTION NO._______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, CALIFORNIA, GIVING PRELIMINARY APPROVAL TO ENGINEER’S REPORT FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 28

WHEREAS, on the 4th day of November, 2003, Porterville City Council did adopt Resolution No. _______ directing City Engineer to make and file with the Porterville City Clerk a report in writing as required by the Landscaping and Lighting Act of 1972;

WHEREAS, the City Engineer has made and filed with the Porterville City Clerk a report in writing pursuant to said act which report has been presented to this Council for consideration;

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that said report is sufficient without modification;

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

1. That the Engineer’s estimate of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said report be, and each of them are hereby preliminarily approved and confirmed;

2. That the diagram showing the assessment district referred to and described in said report, the boundaries of the subdivision of land within said assessment district is hereby preliminarily approved and confirmed;

3. That the proposed assessment showing the Meadowood Phase Three Subdivision land in said assessment district in proportion to the estimated benefit to be received from said work and of the incidental expenses thereof, as contained in said report, is hereby preliminarily approved and
4. That the proceedings are to be conducted for the said district pursuant to provisions of Division 15 of the Streets and Highways Code (Landscaping and Lighting Act of 1972) of the State of California.

5. That the costs of maintaining the lighting facilities along certain streets in Landscape and Lighting Maintenance District No. 28 shall be borne by the property owners within the district, said costs to be assessed according to the said Landscaping and Lighting Act of 1972.

6. That the City Engineer is hereby ordered to prepare a report in accordance with Article 4 of said Landscaping and Lighting Act.

APPROVED AND ADOPTED THIS 4th day of May, 2004.

_____________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By: ____________________________
    Gerogia Hawley, Deputy
RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 28, AN ASSESSMENT DISTRICT; DECLARING THE WORK TO BE OF MORE LOCAL THAN ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARY OF THE AREA TO BE INCLUDED IN LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 28 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF, DESIGNATING SAID LANDSCAPE AND LIGHTING DISTRICT NO. 28; DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

The City Council of the City of Porterville, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, does resolve as follows:

DESCRIPTION OF WORK

SECTION 1. That the public interest and convenience requires and it is the intention of the City Council of the City of Porterville, California, to order the following work be done, to wit:

1. Installation, construction, maintenance and servicing of facilities, lighting and landscaping as authorized by Section 22525 of the Streets and Highways Code.

2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof.

LOCATION OF WORK

SECTION 2. The foregoing described work is to be located within the interior and exterior streets, more particularly described on a map which is on file in the City Clerk's office, entitled "Landscape & Lighting Maintenance District No. 28."
DESCRIPTION OF ASSESSMENT DISTRICT

SECTION 3. That the contemplated work, in the opinion of said City Council, is of more local than ordinary public benefit, and the said City Council hereby makes the expense of the said work chargeable upon a district, which said district is assessed to pay the costs and expenses thereof, and which district is described as follows:

Reference is hereby made to said map for further, full and more particular description of said assessment district, and the said map so on file shall govern for all details as to the extent of said district.

REPORT OF ENGINEER

SECTION 4. The City Council of said City by Resolution No. ______ has approved the report of the Engineer of Work which report indicates the amount of the proposed assessment, the district boundary, assessment zones, detailed description of improvements and the method of assessment. The report titled "Engineer's Report for Landscape and Lighting Maintenance District No. 28" is on file in the office of the City Clerk of said City. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work.

COLLECTION OF ASSESSMENTS

SECTION 5. The assessment shall be collected at the time and in the same manner as County taxes are collected. The Engineer of Work shall file a report annually with the City Council of said City and said Council will annually conduct a hearing upon said report at their first regular meeting in June, at which time assessments for the next fiscal year will be determined.
TIME AND PLACE OF HEARING

SECTION 6. Notice is hereby given that on the 18th day of May, 2004, at the hour of 7:00 p.m. in the City Council Chambers at 291 North Main Street, in the City of Porterville, any and all persons having any objections to the work or extent of the assessment district, may appear and show cause why said work should not be done or carried out or why said district should not be formed in accordance with this Resolution of Intention. The City Council will consider all oral and written protests.

LANDSCAPING AND LIGHTING ACT OF 1972

SECTION 7. All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California.

PUBLICATION OF RESOLUTION OF INTENTION

SECTION 8. Published notice shall be made pursuant to Section 6061 of the Government Code. The publication of the Notice of Hearing shall be completed at least 10 days prior to the date of hearing.

CERTIFICATION

SECTION 9. The City Clerk shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 4th day of May, 2004.

___________________________________________________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By: ________________________________
Georgia Hawley, Deputy

APPROVED AS TO FORM:

___________________________________________________________________________
Julia Lew, City Attorney
SUBJECT: AIRPORT LEASE - LOT 44-A

SOURCE: Fire Department/Airport

COMMENT: Mr. Benny Cannella, the current lease holder of Lot 44-A, has sold his hangar to Silvio Addamo. Mr. Addamo is requesting council authorization to assume the existing lease between the City of Porterville and Benny Cannella dated March 1, 1992.

RECOMMENDATION: That the City Council approve the assigning of the lease agreement between the City of Porterville and Mr. Cannella for lot 44-A to the Silvio Addamo.

Attachment:: Assignment of Lease
Current Airport Map showing Lot 44-A
Bill of Sale
Letter of Request
ASSIGNMENT OF LEASE  
(PORTERVILLE MUNICIPAL AIRPORT)

THIS AGREEMENT, made this 4th day of May, 2004, by and between Benny Cannella, individually, P.O. Box 9300, Terra Bella, CA 93270, as the Assignor, and Silvio Addamo, 810 W. Mulberry, Porterville, CA 93257, as the Assignee.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective May 4, 2004, Assignor hereby assigns, transfers and conveys to Assignee all of his right, title and interest as Lessee, in, to and under a certain Lease Agreement dated March 1, 1992 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Benny F. Cannella and Daniel J. Mohoff, as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

An airport hangar known as No. 44-A, and containing a total area of approximately 4,200 square feet, and establishing an original Lease terminating February 28, 2002 with an approved extension terminating February 28, 2007.

2. Effective May 4, 2004, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord's consent hereto, Assignee's Noticed Address and Assignee's Billing Address shall be as set forth herein above.

4. Assignor hereby covenants said Lease as valid and existing and Landlord is not default as of the date of this Assignment.

5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR
BY: ____________________________
Benny Cannella

ASSIGNEE
BY: ____________________________
Silvio Addamo
BILL OF SALE

FOR VALUE RECEIVED, the undersigned Vendor, hereby sells, assigns and transfers to:

SILVIO ADDAMO and LORRAINE ADDAMO, HUSBAND & WIFE
AND VINCENT ADDAMO, THEIR SON

as Vendee, all right, title and interest of the Vendor in and to HANGER 44A LOCATED AT THE PORTERVILLE AIRPORT

Vendor warrants that at the time of execution of this Bill of Sale, Vendor is lawfully possessed in his own right of a good title to the above described property and that he has good, right and lawful authority to sell and deliver the same, that same is free and clear of all encumbrances of whatsoever kind or nature. The singular as used herein includes the plural.

WITNESSETH the hand and seal of the Vendor this _____ day of _________________, 2004

/__________________________/
BENNY F. CANNELLA
To the City of Porterville,  

April 27, 2004

I, Silvio Addamo am purchasing a hangar at the Porterville Airport from Mr. Benny Cannella. I hereby request to assume the existing lease between the City of Porterville and Mr. Cannella for lot #44-A.

Sincerely

[Signature]

Silvio Addamo
COUNCIL AGENDA: May 4, 2004

SUBJECT: Professional Services Agreement
Meet and Confer Representative for City

SOURCE: Administration

COMMENT: Binding arbitration decisions by outside private arbitrators not representative of the City, or of the City Council, can have serious financial impacts on local resources, both immediate and for years to come. Consequently, on May 7, 2002, believing it prudent for the City to utilize a consultant with experience representing local government in the area of binding arbitration, and with the Public Employee Relations Board (PERB), the City Council approved an Agreement between the City Manager and Dr. Kenneth Caves, wherein Dr. Caves, at the direction of the City Manager, would act as the City’s Representative in negotiations with the Porterville Police Officers’ Association (PPOA), represented by the Operating Engineers Local Union No. 3 (OE3). On April 15, 2003, the City approved an amended Agreement with Dr. Caves to utilize his expertise in collective bargaining when negotiating with all recognized employee organizations having professional representation, i.e., the Porterville City Employees’ Association (PCEA), and the PPOA, both being affiliated with OE3.

The current Agreement with Dr. Caves expires on June 30, 2004. Dr. Caves remains interested in continuing as the City’s Representative in Employer-Employee Relations with the Police and General Series bargaining units under the same basic contract provisions, and with no increase in his hourly rate of pay. Dr. Caves’ proposal would also continue his client relationship for a twenty-four month period, i.e., through June 30, 2006, with the same provisions and compensation as in the current Agreement. Funds are allocated in the Professional Services Account of the Human Resources budget.

RECOMMENDATION: That the City Council approve the attached Professional Services Agreement and authorize the Mayor to execute the Agreement.

ATTACHMENTS: (1) Letter of Transmittal
(2) Professional Services Agreement

DCM [Signature] Appropriated/Funded [Signature] CM [Signature] Item No. [Signature]
John Longley, City Manager  
City of Porterville  
291 North Main Street  
Porterville, CA 93257  

Dear Gary:

The Agreement for Special Services between the City of Porterville and the firm of CAVES & ASSOCIATES is due to expire on June 30, 2004. I am very interested in continuing as the City's representative in Employer-Employee Relations for the Police and General Employee Bargaining Units.

Enclosed is a proposal that would continue a client relationship through and including June 30, 2006, a twenty-four month period. I have proposed a continuation of the basic contract provisions that have been in place over the past year with no increase in the hourly rate of pay.

If you or any member of the staff or Council has any questions, I would be happy to schedule a session with you and the Council at a mutually agreeable time. I hope that you look upon this proposal with favor. I look forward to continuing to work with the City of Porterville.

Sincerely yours,

K. W. Caves
CAVES & ASSOCIATES
Attachment: Proposed Agreement For Special Services
AGREEMENT FOR SPECIAL SERVICES

This is an Agreement between the City Manager, CITY OF PORTERVILLE hereinafter referred to as the "City", and the firm of CAVES & ASSOCIATES, hereinafter referred to as "Consultant", entered into as of the date of execution.

RECITALS

The City or its designated representative is required to meet and confer with bargaining agents pursuant to the Meyers-Milias-Brown (MMB) Act.

The City hereby designates Consultant as its representative to the meet and confer process with its Police bargaining unit and to make use of Consultant's expertise when dealing with all employee groups, organizations and/or units pursuant to the Meyers-Milias-Brown Act.

NOW, THEREFORE, the parties to this Agreement mutually agree as follows:

1. Consultant agrees to render all necessary and reasonable services to the City regarding employer/employee relations in accordance with directions as stipulated by the City during the period beginning July 1, 2004, and ending June 30, 2006. Said duties shall include, but not be limited to:

   A. Act as the City's Representative to the City's Police and General Employee bargaining units at the direction of the City Manager or designee.

   B. Attend all meetings as needed between the City and its Police and General Employee bargaining units at the direction of the City Manager or designee.

   C. Reasonable attendance at closed and regular City Council meetings that concern matters of the meet and confer process, as directed by the City Manager.

   D. Reasonable attendance at specified planning sessions of the Management Team, as directed by the City Manager.

   E. Provide expert advice to the City regarding all matters concerning the meet and confer process.

   F. Act as the City's advisor in all mediation procedures, at the direction of the City Manager.

   G. Assist the City in planning and providing in-service training for Management Team members on subjects of employer-employee relations, at the direction of the City Manager.

   H. Advise & represent the City in the processing of grievances, as requested by the City Manager.
2.A. The City agrees to pay the Consultant for Services rendered under this Agreement the minimum sum of Five Thousand Eight Hundred Five Dollars for the contract period payable in monthly payments commencing of Four Hundred Eighty-Three Dollars and Seventy-five Cents ($483.75) for a minimum of Forty-three (43) Hours during each year of the contract period. Payments are due and payable on or before the twentieth day of each month. Payment shall be made monthly on the basis of invoices submitted to the City. Payments not made in a timely fashion may be subject to a finance charge that shall be no greater than rates charged by regional banking institutions.

2.B. Services, if any, rendered by the Consultant in excess of the Forty-three (43) Hour per year Minimum provided for in this Agreement, shall be invoiced to the City and paid to the Consultant on a monthly basis at the rate of $148.50 per hour.

2.C. Non-clerical expenses incurred by the Consultant in the performance of activities requested by the City shall be reimbursed by the City upon presentation of appropriate invoices.

3. In addition to Consultant services enumerated above, the Consultant shall during the term of this Agreement, render at City request, supplementary Consultant services under terms and conditions that are mutually acceptable to the parties. Upon mutual consent of both parties, representation to other bargaining units may be added to the Agreement at the annual and/or hourly retainer rate that is mutually acceptable to both parties.

4. It is expressly understood and agreed to by both parties that the Consultant, while engaged in carrying out and complying with any of the terms and conditions of this Agreement, is an independent contractor and is not an employee of the City.

IN WITNESS WHEREOF, the parties have caused this Agreement to executed on the dates indicated below:

Date: April 1, 2004

[Signature]
Kenneth W. Caves
CAVES & ASSOCIATES

Date: _______________________

[Signature]
Mayor
CITY OF PORTERVILLE
COUNCIL AGENDA: May 4, 2004

SUBJECT: Senior Day

SOURCE: Administration

COMMENT: The City has been approached to provide free transportation to participating Seniors who would like to attend the “Senior Day in the Park” festivities to be held at Mooney Grove in Visalia on Wednesday, May 19, 2004. The City has participated in the past; however, Senior participation has been light and it has not created a problem in providing the service. There has only been one year out of the past four or five years that the City has participated that it has been unable to accommodate the Seniors, and that was last year. Due to a high maintenance month and the fact that only one bus remained in reserve, we were unable to release that bus to provide the transportation to and from Visalia.

It appears that this year a growing number of Seniors are asking for transportation which includes those attending the nutrition (lunch) program and a group of Seniors representing AARP. By some accounts, there could be as many as 100 Seniors wanting to participate.

The City’s largest buses accommodate up to 28 passengers. We have a total of seven large buses; and when they are all available without any preventative maintenance schedules or repairs, six of them are committed to the six routes. If we release one or two of these large buses, we can still accommodate our Fixed Route schedule with smaller capacity buses, and Sierra Management is very willing to provide the drivers to accommodate the transportation needs.

The question arises as to how much participation by the City should be committed this year, with the understanding it may well be expected again next year, and possibly with greater numbers.

Staff’s recommendation is to provide two 28-passenger buses for the event, which could transport a maximum of 56 Seniors to and from the Senior Day event in Visalia. Both buses would pick up the Seniors at the Community Center at 8:30 a.m. on May 19, take them to Visalia, and then return to the City for additional service on the routes, if needed. Then again, somewhere around 1:30 p.m., the two buses would return to Visalia to pick up the Porterville Seniors and bring them back to the Community Center.
The cost of this transportation would be the fuel required for the trip and the drivers' hourly wages paid by Sierra Management, together with normal wear and tear on the vehicles, and the fact that they would be out of service for the City during that period of time. Sierra Management would not charge the City the Vehicle Revenue Hourly rate normally charged for transportation services provided to the City. It is estimated the maximum cost would be $200, and the necessary funding is available in the Transit Budget.

Tulare County Transit has been coordinating the transportation needs among the various transit agencies. If the City determines that a total of two buses can be committed, Tulare County Transit will be contacted stating the City will be able to accommodate the transportation needs for a maximum of 56 Seniors.

RECOMMENDATION: That the City provide the use of two 28-passenger buses to accommodate “Senior Day in the Park” transportation needs for Porterville Seniors on May 19, 2004.
PUBLIC HEARING

SUBJECT: ADOPTION OF THE 2004/2005 ACTION PLAN FOR INVESTMENT OF CDBG ENTITLEMENT FUNDS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The U.S. Department of Housing and Urban Development (HUD) requires all CDBG entitlement cities to prepare a three or five year Consolidated Plan. Porterville’s 2000 Five-Year Consolidated Plan was approved by the City Council and submitted to HUD in May 2000. This 2004/2005 Action Plan reflects the fifth year investment plan within the scope of the approved Consolidated Plan.

The Action Plan identifies activities the City will undertake during the next year through the expenditure of entitlement funds to address priority needs and local objectives identified in the Consolidated Plan.

On March 15, 2004, the CDBG Citizens’ Advisory and Housing Opportunity Committee held a public hearing to consider the proposed 2004/2005 Action Plan and subsequently recommended approval of the Action Plan. The Action Plan presents ongoing and proposed CDBG funded programs for Fiscal Year July 1, 2004, through June 30, 2005. Implementation of the Action Plan includes the expenditure of $851,000 in 2004/2005 CDBG funds for a variety of programs and projects. The proposed expenditure of funds includes:

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Administration</td>
<td>$193,400</td>
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<tr>
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<tr>
<td>Business Assistance Program</td>
<td>$262,950</td>
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<tr>
<td>Homebuyer Education Program</td>
<td>$10,000</td>
</tr>
<tr>
<td>Section 108 Debt Service</td>
<td>$100,000</td>
</tr>
<tr>
<td><strong>Total Funding:</strong></td>
<td><strong>$851,000</strong></td>
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The Owner Occupied Housing Rehabilitation Program and the First Time Low Income Homebuyer Program will be funded from other grant sources and program income. The Public Utility Revolving Loan Fund will utilize unexpended entitlement funds from previous years’ allocations and program income.
The proposed Action Plan and accompanying program models are provided as Attachment No. 2.

The Annual Community Assessment for Program Year 2002/2003 is provided as Attachment No. 3. This is HUD's review of the City's performance in implementing its fiscal year objectives.

RECOMMENDATION: That the City Council:

1. Conduct a public hearing to solicit comments on the 2004/2005 Action Plan;

2. Adopt the 2004/2005 Action Plan resolution of approval; and

3. Authorize the City Manager to execute all necessary documents.

ATTACHMENTS:

1. Draft resolution approving the 2004/2005 Action Plan
3. 2002/2003 Program Year Annual Community Assessment
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING THE 2004/2005 ACTION PLAN, ACCOMPANYING PROGRAM MODELS AND PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED that the City Council of the City of Porterville does hereby approve the 2004/2005 Action Plan, accompanying Program Models, and proposed use of Community Development Block Grant Funds with a 2004 Program Year Allocation as follows:

<table>
<thead>
<tr>
<th>Program Model</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Administration</td>
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<td>$ 10,000</td>
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<td>Section 108 Debt Service</td>
<td>$100,000</td>
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</tbody>
</table>

Total Funding: $851,000

_____________________________________________
Pedro R. Martinez, Mayor

ATTEST:

_____________________________________________
John Longley, City Manager

ATTACHMENT NO. 1
CITY OF PORTERVILLE

COMMUNITY DEVELOPMENT BLOCK GRANT

2004/2005 ACTION PLAN

ENTITLEMENT APPLICATION

May 15, 2004

CONTACT: Community Development Department
Bradley D. Dunlap, AICP
Community Development Director

291 N. Main Street
Porterville, CA 93257
(559) 782-7460

Attachment No. 2
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<tr>
<td>Business Assistance Loan Program</td>
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<tr>
<td>Curb, Gutter, Sidewalk and Streetlight Program</td>
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<tr>
<td>Public Utility Assistance Revolving Loan Fund</td>
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<td>City-Operated Youth Center</td>
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EXECUTIVE SUMMARY

CITY OF PORTERVILLE
2004/2005 ACTION PLAN

The 2004/2005 Action Plan reflects the City’s fifth year investment plan within the scope of the Five-Year Consolidated Plan adopted May 2000. Community development and services remain a high priority for the City of Porterville. Carrying out this Action Plan includes Porterville’s plans for administering approximately $851,000 of CDBG funds based on anticipated Congressional budget approvals. These funds will be primarily spent on the Murry Park Improvement Project, continuation of the Community Youth Center Program, the Business Assistance Program, the Homebuyer Education Program, and debt service payments for the Section 108 loan funding the construction of the Neighborhood Community Center.

The 2004/2005 Action Plan Investment Programs for the $851,000 Entitlement allocation are summarized as follows:*

<table>
<thead>
<tr>
<th>Program</th>
<th>Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$193,400 (20% of Entitlement allocation plus anticipated program income of $116,000)</td>
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</tbody>
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*The Owner Occupied Housing Rehabilitation Program and the Low-Income First-Time Home Buyer Assistance Program will be funded from other grant sources and program income. The Public Utility Revolving Loan Fund will utilize unexpended entitlement funds from previous years’ allocations and program income.
Addressed Needs

Housing

Large families have been identified as a group with special housing needs based on the generally limited availability of adequately sized (three or more bedrooms) affordable housing units. Characteristically, many of these families are low-income and, as a result, over-crowd a small dwelling unit. This in turn may accelerate the unit’s deterioration. In 1990, there were 1,642 large families (i.e., those with 5 or more members) living in Porterville. Of these families, 757 (46 percent) were very low- or low-income households.

The City of Porterville is committed to provide a full range of housing opportunities throughout the community. It is the City’s intent to assist in the development of housing opportunities within the City and, as such, the City will engage in programs that further home improvements and the supply of lower income housing. Both the First Time Low Income Home Buyer Program and the Owner Occupied Housing Rehabilitation Program have been very successful in Porterville. Utilizing various sources of funding available, 210 households have received City assistance towards the purchase of their homes and over 40 homes have received rehabilitation assistance. Even though the City is not allocating new CDBG 2004/05 Entitlement funds to these programs, other funding sources will be used to continue these important housing programs. The City plans on making 30 First Time Low Income Home Buyer loans this year. In addition, the Redevelopment Agency is utilizing a Housing Enabled by Local Partnerships (HELP) Program loan from the California Housing Finance Agency (CHFA) for the acquisition and improvements for a planned unit subdivision known as Casas Buena Vista (previously known as Casas del Rio). With these loan funds and the Redevelopment Low and Moderate Housing Funds, 36 newly constructed homes are planned to be built within the Redevelopment Project Area during FY 2004/2005.

Strategies/Housing

Owner Occupied Housing Rehabilitation

The City will use a variety of funding sources to provide direct financial assistance for existing low and moderate income homeowners. These funding sources consist of CDBG, Redevelopment Agency (RDA) and State of California HOME program income funds, and new Home grant funds for housing rehabilitation. The Housing Rehabilitation Loan Program (HRLP) provides deferred zero percent loans to low and moderate income homeowners for minor to moderate rehabilitation of an owner occupied home that address safety and health conditions and/or installation of handicap accessible improvements. It is anticipated that an investment of about $100,000 (combined CDBG, State HOME, RDA Program Income, and HOME 2002 grant funds) will rehabilitate approximately 14 homes during the 2004/05 program year.
Assistance to First-Time Home Buyers

The City anticipates continuing its first-time home ownership program with the expenditures of the $240,000 in HOME 2002 grant funds, $120,000 in combined CDBG and HOME program income, and $297,000 in CalHome funds during FY 2004/2005. Approximately 30 low-and moderate-income households will be assisted.

The Porterville Redevelopment Agency’s Low and Moderate Housing Fund will also assist home buyers in the Casas Buena Vista subdivision on Date Avenue within the Redevelopment Project Area. This program has the remaining balance of the $564,000 allocated to assist homebuyers in the subdivision with $17,000 in forgivable loans, and in return the homebuyer is required to record a forty five year affordability covenant on the property. These funds will be used in conjunction with the HELP loan and other first time homebuyer funding sources for the development of the eighty two lots in the Casas Buena Vista planned unit development.

In order to facilitate the use of the City’s First Time Homebuyer Low Income Loan Program, the City will be using CDBG funds for the continuation of the Homebuyer Education Program which prepares low-income renter households for the responsibilities and challenges of homeownership. The City is requiring this eight to nine hour training course as a prerequisite to applying for City assistance in the purchase of their first home. The City is convinced that the more information the applicants receive regarding the entire process of purchasing a home, the more intelligent and fiscally responsible decisions will be made. The course is taught by qualified individuals in both English and Spanish.

Rental Housing Development Assistance

In 2002/2003, the Porterville Redevelopment Agency reallocated funds from the competitive Rental Housing Assistance Program for Developers to a street improvement project that is a required condition for the development of a 78 unit apartment complex on Date Avenue within the Redevelopment Area and in close proximity to the Casas Buena Vista subdivision. This is a tax credit project so all of the units will meet affordability restrictions.

The Agency has expended all the funds allocated for the rehabilitation of second story residential units in a historic downtown commercial building, the St. James Place Project. This project is also being funded with a $1,000,000 HOME grant, with Redevelopment funds and CalHome funded projects serving as the required match. This project has taken a much longer time period to complete development than originally scheduled due to several unforeseen circumstances. The City worked closely with HCD staff to receive an official time extension for the completion of this project. Fourteen affordable units will be produced in this project which is currently under construction and will be completed in late spring or early summer of 2004.
Homeless Emergency/Transitional Shelters

The 1990 Census reflects that Porterville had 112 homeless persons in shelters and 9 visible persons were counted in unsheltered locations. The Kings/Tulare County Continuum of Care conducted a survey of homeless persons in the two county region in the Spring of 2003 and 163 surveys were completed in Porterville. Naturally, it is only fair to assume that the survey only reached a percentage of homeless in the community. The City cooperates with several local operators of facilities that meet the emergency and transitional housing needs of the homeless and those threatened with homelessness. The City is actively involved in the regional Kings/Tulare County Continuum of Care. The Continuum has adopted a Strategic Plan, developed and adopted by laws for the organization, partnered with Community Services, Employment, and Training (CSET) for administrative assistance of the Continuum, scheduled regular meeting dates for the executive committee and the general membership, established committees for the implementation of the strategic plan, and is annually submitting applications for funding assistance for agencies within the Continuum. In addition, the City will participate in HUD’s Take Ten Program to Help Homeless People by supplying the phone number of a local contact to HUD’s toll-free phone line. This local organization receives calls from persons that want to help local homeless program providers and/or supply direct assistance to homeless persons.

Community Development Needs

Site acquisition and construction of a Neighborhood Community Center are among the City's highest community development needs within the category of Public Facilities. The center will be within the City’s lowest income census tract (Census Tract 41) with an emphasis on providing activities for youths from lower income households. Funding for this project was originally initiated during FY 1994/95. However, the City made a determination in 1999 to use the majority of the $3.885 million Section 108 loan funds for the construction of the Center, which released the set aside entitlement funds to be reallocated to other projects. It is anticipated the loan will be paid back using CDBG Entitlement funds over the next 20+ years beginning with the 2003/2004 program year.

Consolidated and Action Plan amendments were approved in 2002 to add the Murry Park Improvement Project as an eligible project for CDBG funding assistance. This program will allocate funds over a multi year period (2-5 years) to plan, design, renovate, rehabilitate, and construct improvements to the nearly 100 year old City owned Murry Park which also falls within the category of Public Facilities. Special emphasis is being placed on the reconstruction of the 48 year old community swimming pool which was in need of major renovation since it has severe leaking problems. The new pool is currently under construction and should be completed by early summer 2004. The park is located in Census Tract 39.01, but serves the adjacent Census Tracts 41.01 and 38.02 area where the greatest concentration of the City’s minority population and low-to moderate-income residents reside.
Infrastructure Improvement Needs

Neighborhood Sidewalk, Curb, Gutter and Street Light Improvements
Investment Plan (Activities and Programs)

Funds originally anticipated for the continuation of this program have been diverted to the Murry Park Improvement Project for the next several years.

Public Utility Assistance Revolving Loan Program

The City will continue implementation of a revolving loan program to assist low and moderate income families in connecting to City sanitary sewer and water facilities, and where appropriate to connect to underground utilities installed by Southern California Edison. Such connection will be beneficial to the health of the families involved by improving their services. This program will be funded with CDBG entitlement funds from previous years and program income.

Public Service Needs

Youth Services

An ongoing, high priority is the youth recreational activity program located within Census Tract 41. This program’s operation was assumed by the City’s Parks & Leisure Services Department effective October 1, 1997. Anticipated attendance is 800 youth per month during the 2004/2005 program year.

Economic Development Needs

The City recognizes that commercial and industrial enterprises provide a variety of benefits to the community. Efforts of the City’s Economic Development Program have resulted in the creation of more than 2,800 new jobs over the past 12 years. The program coordinates with the State’s Business, Transportation and Housing Agency and the Tulare County Economic Development Corporation. Ongoing amendments to the City’s General Plan Land Use and Circulation Elements, an aggressive annexation program that typically involves annexing 75 to 100 acres annually and over the last several years, the commercial/industrial rezoning of approximately 200 to 300 acres helps to maintain the appropriate balance of residential, industrial and commercial lands to satisfy several new employers anticipated to locate in Porterville.

In October 1986, the City of Porterville was designated as one of the first ten State Enterprise Zones. Over the past eighteen years, eligible employees who qualified for certain training programs could be vouchered by training and employment agencies. Employers utilize the vouchers to substantiate State tax credits taken for hiring eligible employees. Effective in 1997, the parameters of eligible employees was expanded by the State legislature to include Targeted Employment Areas, defined as areas of high unemployment and low median income. The City works with other qualifying
agencies to implement an Enterprise Zone Voucher Program to facilitate the vouchering of eligible employees residing within the Targeted Employment Area. The Enterprise Zone program provides certain tax incentives to eligible individuals and employers. There are approximately 180 businesses presently eligible to receive benefits through the zone program. Last year, the City was awarded a five-year extension of time on their State Enterprise Zone designation.

In 1998, the State of California designated the Tulare County Business Incentive Zone (BIZ), which includes the City of Porterville. The BIZ is similar to an Enterprise Zone, however business incentives are limited to qualifying businesses with Standard Industrial Codes for food processing, certain other manufacturing, motor freight transportation and warehousing, transportation by air, and transportation service and wholesale trade. The benefits of the BIZ to these businesses range from interest free 5 year fee deferral to different types of tax credits.

The City of Porterville has established a Business Assistance Program which is available to assist in the rehabilitation of commercial, commercial/residential, industrial, and professional office structures on a city-wide basis. In encouraging investment in commercial and industrial development within the City, great benefits accrue to the community. Not only is the tax base broadened and expanded, but increased employment opportunities are one of the single largest factors in the prevention of homelessness and poverty. In addition, renovation of commercial and industrial structures removes blight conditions and attracts other businesses to the community.

The City received an infrastructure grant from the State in 2002 that is being used to reconstruct a strategic downtown parking lot which will enhance the area and, in conjunction with the Business Assistance Program, provide enticements for economic development in the downtown area. Construction should be completed by early Summer 2004.

Public Housing

Tulare County Housing Authority (TCHA) provides ongoing maintenance and upkeep of publicly assisted housing units within the City of Porterville. Approximately $113,400 in Federal funds during 2004/2005 will finance this program.

Administration

One hundred ninety three thousand four hundred dollars ($193,400) is allocated for the City’s general administration of the CDBG Program during FY 2004/2005, which includes a percentage of anticipated program income that is allowed by CDBG regulations. Salaries, benefits, training, ongoing fair housing activities, professional services (if required) and equipment purchases, etc., are financed from this amount.

Barriers to Affordable Housing

Governmental constraints to the production of housing are minimal in Porterville. In sum, the City’s land use regulations, expedited permit processing, and low development fees serve to encourage the construction of lower-cost dwelling units compared to most Central Valley communities. The City
has been in the process of updating its “Analysis of Impediments to Fair Housing Choice” which will be adopted by the City Council in the Spring of 2004.

**Lead Based Paint**

The Tulare County Health Department will conduct follow-up investigations on documented incidents of childhood lead poisoning and implement eradication action as required by law. The City of Porterville will not directly undertake a lead based paint eradication program during FY 2004/2005 unless such action is in conjunction with CDBG, HOME, CalHome, or Redevelopment Agency Low Income Housing Set Aside funded owner occupied housing rehabilitation projects.

**Anti-Poverty Strategy**

The City of Porterville pursues a very aggressive Economic Development Program on an ongoing basis. This program will continue during the 2004/2005 Program Year and is a major effort by the City to reduce poverty by creating jobs specifically targeted to benefit low-income individuals. In addition, it is anticipated that 30% of the City’s impoverished households will be assisted for the purchase of a new home under the City’s First-Time Low-Income Home Buyers Program funded with approximately $120,000 in Program Income generated by the HOME and CDBG Programs, $240,000 in HOME 2002 grant funds, and $297,000 in CalHome grant funds. Also, Porterville’s Redevelopment Agency’s Low and Moderate Housing Fund will provide the remainder of $560,000 for forgivable loans up to a maximum of $17,000 each. These funds are being utilized in conjunction with the $1.5 million HELP loan to complete development of the Casas Buena Vista planned unit development.

**Institutional Structure**

The City of Porterville will continue to work with local profit and nonprofit organizations as well as the TCHA and the County of Tulare to strengthen the reciprocal transfer of information and to maximize the efforts directed to assist the low- and moderate-income families of the community. Further, the City will continue to evaluate its delivery system and those of the agencies it works with to see if improvements can be made.

**Coordination of Efforts**

The City will continue to work closely with, and in support of, the community service providers in meeting the special needs of its homeless, low- and moderate-income populations. Coordination with local lending institutions assisting lower income first-time home buyers will be continued through public meetings and possibly a City coordinated “Lenders Fair.” Continuation of the Homebuyer Education Program will prepare renters for the transition into homeownership. The City will continue to work with the TCHA to ensure that adequate Section 8 Certificates/Vouchers are maintained within the City in proportion to the City’s growing, very low-income resident population.
INTRODUCTION

The U.S. Department of Housing and Urban Development (HUD) regulations require all Community Development Block Grant (CDBG) entitlement cities to prepare a three- or five-year "Consolidated Plan." In compliance with this requirement, the City of Porterville prepared and submitted a five-year vision for investing CDBG and other appropriate funds in May of 2000. This 2004/2005 Action Plan reflects the fifth investment plan within the scope of the Five-Year Consolidated Plan.

The 2004/2005 Action Plan reflects programs to address the high priority needs for the City of Porterville established in the Consolidated Plan. Community Development Department administration of CDBG programs, maintenance of the City’s Youth Center, continuation of the Homebuyer Education Program, continued rehabilitation of the nearly 100 year old Murry Park, business assistance loans to help create jobs, and debt service payments for the Section 108 loan are designated to utilize the 2004/2005 Entitlement funds. The Action Plan also addresses programs that have funding available from previous entitlement funds and program income including residential connections to public utilities and business assistance. In addition, with program income and other funding resources, the City plans to continue owner-occupied housing rehabilitation and low-income first-time home buyer assistance, both of which are successful programs and priorities for the City in meeting housing needs. Through the use of Section 108 loan funds, the City will be constructing the Neighborhood Community Center adjacent to the new elementary school.

Porterville, located approximately 150 miles northeast of Los Angeles in Tulare County, is situated in one of the most productive agricultural regions in the world. Porterville’s economy is historically dominated by agriculture and agriculturally based industries. Citrus production and processing constitute a major segment of the local employment market. Today, Porterville also hosts several diverse employment centers which include:

- Wal-Mart Stores, Inc. Distribution Center and Retail Store (1,511 employees)
- Sequoia National Forest Headquater (480 employees)
- The Porterville Developmental Center (state hospital facility for the developmentally disabled, 2,022 employees)
- Sierra View District Hospital (719 employees)
- 4 shopping centers (over 1000 estimated employees excluding Target and Save-Mart Stores listed below)
- Royalty Carpet Mills (279 employees)
- Beckman Coulter Instruments (261 employees)
- Bank of the Sierra (168 employees)
- Save-Mart Stores (174 employees)
- Target Department Stores (106 employees)
- Porterville College (178 employees)
- Porterville Unified School District (1,527 employees)
- Burton School District (285 employees)
- Porterville Sheltered Workshop (154 employees)
• Packing Houses (over 230 employees)
• Foster Farms (247 employees)
• National Vitamin (92 employees)
• City of Porterville (270 employees)
• Porterville Recorder (69 employees)

Currently, approximately 308 acres of developed public, quasi-public and private park lands exist within Porterville’s Urban Area Boundary. Active and passive recreation needs are fulfilled in the community through seven City parks, one municipal golf course and one private golf course, a community center, four swimming pool complexes, a motorcycle/All Terrain Vehicle track, the Porterville Historical Museum, the historic Zalud House and Gardens, Rocky Hill Raceway and approximately 325 acres of riparian scenic lands in and around the Tule River Channel through which the Tule River Parkway is being constructed. The City is in the construction stage for the development of a Neighborhood Community Center in Census Tract 41, and in the planning stages for the rails to trails project along abandoned railroad right of way running through the center of town and a skateboard park. Last year, construction was completed on the sports complex adjacent to the airport.

Implementation of this Action Plan includes Porterville’s plans for administering $851,000 in CDBG funds. These funds will be primarily spent on continuation of the Homebuyer Education Program, design and rehabilitation of park improvements at the nearly 100 year old Murry Park, maintenance of the community youth center, debt service on the Section 108 loan, loan assistance to businesses, and administration of the CDBG program. In addition, the following programs have entitlement fund balances and/or program income revenue which will be used on projects: the Business Assistance Program, the Public Utilities Loan Program, the First Time Low Income Homebuyer Program, and the Owner Occupied Housing Rehabilitation Program.

Objectives and activities to implement the City’s 2004/2005 Action Plan are outlined in the following paragraphs. It is the City’s primary goal to sustain existing developments and public services, and promote new housing, job opportunities, and public services for its residents and employers.
A. ACTIVITIES FOR THE NEXT YEAR

Local Objectives

Porterville’s intent is to utilize all available resources to provide services and programs that result in the greatest return to the community. As reflected in the City’s Consolidated Plan, the needs facing Porterville greatly exceed the resources available. The City must therefore define its objectives and initiate programs that will best serve the priority interests of the community.

Objective No. 1

The City will strive to ensure decent, safe and affordable housing.

Ensure, to the extent available resources allow, the availability of decent, safe and affordable housing within the City of Porterville for low- and moderate-income families and individuals.

The availability of low- and moderate-income housing within the City is fostered by streamlined building permit and development review processes. In addition, development and permit fees are comparable with, or below, fees in adjacent jurisdictions.

The City will continue to use CDBG, State of California HOME Program and other state funding sources (i.e. CalHome Program), program income from revolving loan funds, and Redevelopment Agency Low Income Housing Set-a-Side funds to provide loans for the rehabilitation of low- and moderate- income, owner occupied homes and for the construction of low-and moderate-income single family dwellings in Casas Buena Vista.

Likewise, the City will continue to use CDBG, State of California HOME Program, other state funding sources (i.e. CalHome Program), and program income from revolving loan funds to assist first-time low-and moderate-income home buyers through the provision of down payment/closing cost assistance and "silent second" mortgages.

The City will continue to use Redevelopment Agency Low Income Housing Set-Aside Funds for assisting low-income homebuyers in the Casas Buena Vista subdivision, thus leveraging CHFA HELP loan funds.

Utilizing the consultant services of Cotton/Bridges/Associates, the City is in the final stages of updating the Housing Element, the Analysis of Impediments to Fair Housing Choice (AI), and the Redevelopment Implementation Plan. The AI will be taken to the City Council for adoption in the near future and thus this Action Plan is incorporating the findings of the draft AI.

Some of the recommendations in the proposed AI to improve the availability of lower income housing in Porterville are as follows:

- The City will continue to provide homeownership opportunities in the community by promoting its First-Time Low Income HomeBuyer Program, Lease-to Own Program, Mortgage Credit Certificate Program and Home
Buyer Education classes. The City will focus outreach efforts towards lower income households, particularly to Hispanic households, since they have more difficulty obtaining financing. The City will continue to advertise the availability of home buyer assistance at public counter, the City website, and newsletter. The City will continue to provide first-time homebuyer workshops in both Spanish and English.

- The City will work to expand its website to provide additional links to housing services and resources, such as a link to the fair housing service provider and a link to the Fannie Mae Foundation that offers free guides and resources for first-time home buyers in English, Spanish, and other languages.

- The Porterville Zoning Ordinance defines a family as “An individual, or two or more persons who are related by blood or marriage, or a group of not more than five persons not necessarily related by blood or marriage. This definition is a potential constraint upon low income individuals whose financial circumstances may force them to live in shared living quarters. Specifically, inclusion of the definition “family” in the Zoning Ordinance presents misconceptions about enforcement that is beyond the authority of the Ordinance. The City will amend the Zoning Ordinance to remove the definition of the word “family”.

- The City will continue to pursue affordable housing development programs identified in the 2003-2008 Housing Element. To the extent feasible, the City will facilitate the development of housing affordable to lower and moderate income households according to the Regional Housing Needs Determination (RHND) identified in the Housing Element.

- The City will work with local lenders and government institutions to provide outreach to lower income residents about home purchase loans particularly for first-time home buyers. The City will encourage local lenders to provide information in both English and Spanish and to hold workshops in both languages.

- The City will explore with Tulare County and nearby communities the feasibility of sponsoring a fair housing program to provide landlord/tenant mediation counseling for Porterville residents and residents in the region. Specifically, the City will encourage the fair housing provider to provide a “renters” workshop to discuss fair housing issue for tenants and landlords, ways to improve credit, and rights and responsibilities. The City may also consider sponsoring a fair housing event to outreach to the community regarding fair housing rights.
Objective No. 2

The City will strive to maintain the integrity of its existing neighborhoods.

The City will provide ongoing repair, replacement, installation and improvement of curbs, gutters, sidewalks, street lights, storm drainage facilities, and sewer and water lines, throughout the City’s lower income neighborhoods as funding permits. In this current Action Plan, funding for the Neighborhood Improvement Program has been reallocated to the multi year Murry Park Improvement Program, which, although a public facility, also plays an important role in maintaining the integrity of the older residential neighborhoods that surround the Park.

Additionally, the City’s Housing Rehabilitation Program is directly aimed to assist the lower income homeowner in making necessary repairs to their home to address safety and health conditions and handicap accessibility. Many of the housing rehabilitation projects are within low-income neighborhoods and the improvement of these homes contributes to the overall health of the neighborhood.

The use of CDBG funds to assist low-and moderate-income families to connect to City sanitary sewer and water facilities, and where available to connect to underground utilities installed by Southern California Edison will be beneficial to the health and safety of the families involved by improving their services.

Objective No. 3

The City will encourage the location of commercial and industrial development within the City.

Commercial and industrial development within the City of Porterville contributes to stabilization and improvement of the local economy. Consequently, the City is interested in attracting new businesses and industry, as well as retaining existing businesses and industries, and encourages the expansion of existing businesses and industries. Growth in commercial and industrial enterprises supplies employment for low- and moderate-income individuals. In turn, if individuals are employed and earning income, then they are more likely to purchase private goods and services locally. Low- and moderate-income individuals, industrial and commercial enterprises and the community as a whole would thereby benefit from the City’s extension of public services and commercial rehabilitation or new construction projects to attract and accommodate new or expanded industrial and commercial businesses.

Objective No. 4

The City will encourage the development of its youth.

Porterville recognizes that encouraging development of its youth is of extreme importance. By fostering increased inter-and intra-personal communication and activities for youth, families and the community are subsequently enhanced. The following activities will assist the City in accomplishing
this vital community objective:

- The City will provide funding to the Parks & Leisure Services Department to provide recreational services for the City’s lower income youth.
- The City will complete construction of a city-owned Neighborhood Community Center located within the City’s most economically depressed census tract (Census Tract 41).
- The City will design and construct additional improvements to Murry Park.

**Sources of Funds**

**U. S. Department of Housing and Urban Development**  
**Consolidated Plan**  
**Funding Sources**

<table>
<thead>
<tr>
<th>Entitlement Grant</th>
<th>$851,000</th>
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<td>Unprogrammed Prior Year’s Income Not Previously Reported</td>
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<td>Surplus Funds</td>
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<td>Return of Grant Funds</td>
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<tr>
<td>Total Estimated Program Income (from detail below)</td>
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<td>Total Reprogrammed Funds</td>
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<td><strong>Total Funding Sources</strong></td>
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**Estimated CDBG Program Income**

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<th>Description</th>
<th>Amount</th>
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<tr>
<td>1. Housing Rehabilitation Revolving Loans</td>
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<tr>
<td>2. First-Time Home Buyer Revolving Loans</td>
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</tr>
<tr>
<td>3. Citywide Sewer/Water Connection Loans</td>
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<tr>
<td>4. Commercial/Residential Rehabilitation Loans</td>
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</tr>
<tr>
<td><strong>Total Estimated Program Income</strong></td>
<td>$116,000</td>
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Formula Grant Sources

The City anticipates a CDBG grant in the amount of $851,000 for FY 2004/2005.

HUD Sources

A portion of the 2002 State of California Housing and Community Development HOME grant funds in the amount of approximately $240,000.

Non HUD

Approximately $297,000 remaining from the CalHome grant from the state and possibly relending the $492,000 from CalHFA HELP loan by the Porterville Redevelopment Agency for the Casas Buena Vista subdivision.

Program Income

The City anticipates that it will receive approximately $116,000 in CDBG program income, and approximately $62,500 in State of California HOME program income during FY 2004/2005. HOME program income is reported quarterly to the State.

B. PRIORITY NEEDS

Housing

Large families are identified as a group with special housing needs based on the generally limited availability of adequately sized (three or more bedrooms) affordable housing units. Characteristically, these families are low-income and, as a result, tend to overcrowd a small dwelling unit. This in turn may accelerate the unit’s deterioration. In 1990, there were 1,642 large families (i.e., those with 5 or more members) living in Porterville. Of these families, 757 (46 percent) were very low- or low-income households.

The City’s proportion of overcrowded households nearly doubled in 10 years from 7.5 percent in 1980 to 14 percent in 1990. For very low- and low-income large families, it is likely that many have to pay more than 30 percent of their income for housing or enter into overcrowded living arrangements to reduce housing expenses. It is also likely that many families opt to do both.

Over 76 percent of the City’s low-income households (0-50 percent of AMI) were confronted with one or more housing problems in 1990. Most of the housing problems experienced by very low-income households were associated with cost burden factors. Relative to other income groups, these income groups have a disproportionate need for housing assistance. Approximately 81 percent of Porterville’s very low-income households (0-30 percent AMI) were faced with some form of housing problem in 1990, compared to 49 percent for other low-income households and 33 percent for moderate income households.
Using this available census data, the Consolidated Plan identified housing priority needs by assigning low, medium, and high priority designation based on each income group’s tenancy, cost burden, and housing availability and affordability.

Housing for small renter households with incomes less than 50% of the median will be met primarily by public housing, assisted housing and/or Section 8 certificates. Some of these needs are also being met by Redevelopment and HOME funds in a mixed use downtown historic renovation project that will be producing 14 units of low income housing. As a result, the number of units to be assisted is relatively modest and priorities assigned are medium to low.

On the other hand, housing for large renter households is recognized as a high priority in most San Joaquin Valley communities, including Porterville, due to the large number of low-income minority households with high per household populations. Even with the development of the two low income housing tax credit projects in the past several years, there is a shortage of affordable 3-4 bedroom rental units, both in public and private housing projects. As a result, the need is high for households with incomes of less than 50 percent of the median, however, with such limited resources to develop additional units, the City has identified it as a medium priority for CDBG funding. The City does and will continue to support projects applying for tax credits and other sources of funds and help in the streamlined permit processing. In fact, two large tax credit projects were approved by the State in 2002 and are currently in the process of starting construction. Other large households with greater than 50% of the median income can generally afford larger units to accommodate all members of the household.

The need for elderly renter assistance is assigned a medium priority in most income categories due to the relatively small number of elderly who rent rather than own their units and the existing supply of affordable units for seniors in the City of Porterville.

Owner needs fall primarily into two categories—those households in need of assistance for purchasing a home and those in need of rehabilitation and maintenance.

A high priority is assigned all income groups 31-80 percent of MFI who can most readily benefit from first-time homebuyer’s, self-help, and other homebuyer’s assistance programs. Owner-occupied units with physical defects are also assigned a high priority, as these households most often benefit from housing rehabilitation and neighborhood improvement programs.

The City of Porterville is committed to provide a full range of housing opportunities throughout the community. It is the City’s intent to assist in the development of housing opportunities within the City and, as such, the City will engage in developing programs that further housing. Specifically, moderate rehabilitation for existing homeowners and acquisition assistance for low- and moderate-income first-time home buyers.

**Owner Occupied Moderate and Substantial Rehabilitation
Investment Plan (Activities and Programs)**

The City of Porterville’s funding sources for direct financial assistance to low- and moderate-income homeowners during Fiscal Year 2004/2005 consists of program income from State of California
HOME, CDBG, and RDA, devoted to the Housing Rehabilitation Loan Program (HRLP) and the remaining portion of the $200,000 in Home 2002 grant funds also designated for housing rehabilitation (these HOME funds are being expended over a three year period). The Housing Rehabilitation Loan Program (HRLP) provides deferred zero percent loans to low and moderate income homeowners for minor to moderate rehabilitation of an owner occupied home that address safety and health conditions and/or installation of handicap accessible improvements. It is anticipated that an investment of about $100,000 (combined CDBG, State HOME, RDA Program Income, and HOME 2002 grant funds) will rehabilitate approximately 14 homes during the 2004/05 program year. It is anticipated that approximately 8 of the households assisted by this program will be low-income (less than 50 percent of AMI), and that 5 will be moderate income (between 51 and 80 percent). Page 98 of the City’s Consolidated Plan identifies physical defects of owner occupied units as a high priority need.

In addition to the City’s programs, Self-Help Enterprises conducts a weatherization program within the City limits utilizing Low-Income Home Energy and Department of Energy funds combined with private utility company contributions to assist lower income, owner occupied households in completing energy saving rehabilitation. Community Services and Training (C-SET) also sponsors a housing rehabilitation program for lower income households.

**Moderate Rehabilitation for Small Family Renters (two to four persons)**

**Investment Plan (Activities and Programs)**

The Tulare County Housing Authority (TCHA) will spend about $113,400 during FY 2004/2005 in federal funds to rehabilitate existing TCHA units, most of which are occupied by small families, through the Capital Fund Program. These funds will facilitate the following activities: repairs to cabinets, roofs, painting, carpeting, refrigerators, ranges, and landscaping.

Of the households residing in these units, most are of low-income status (below 50 percent of AMI). Addressing physical defects for small family, renter occupied households earning between 31 to 50 percent of AMI was identified as a medium priority by the City’s Consolidated Plan. (See page 98 of the City’s Consolidated Plan.)

**First-Time Home Buyer Assistance**

**Investment Plan (Activities and Programs)**

The City anticipates continuing its first-time home ownership program with the expenditures of the $240,000 in HOME 2002 grant funds, $120,000 in combined CDBG and HOME program income, and $297,000 in CalHome funds during FY 2004/2005. Approximately 30 low-and moderate-income households will be assisted.

The Porterville Redevelopment Agency’s Low and Moderate Housing Fund will also assist homebuyers in the Casas Buena Vista subdivision on Date Avenue within the Redevelopment Project Area. This program has the remaining balance of the $564,000 allocated to assist homebuyers in the subdivision with $17,000 in forgivable loans, and in return the homebuyer is required to record a forty five year affordability covenant on the property. These funds will be used in conjunction with the HELP loan and other first time homebuyer funding sources for the development of the eighty two
lots in the Casas Buena Vista planned unit development.

In order to facilitate the use of the City’s First Time Homebuyer Low Income Loan Program, the City will be using CDBG funds for the continuation of the Homebuyer Education Program which prepares low-income renter households for the responsibilities and challenges of homeownership. The City is requiring this eight to nine hour training course as a prerequisite to applying for City assistance in the purchase of their first home. The City is convinced that the more information the applicants receive regarding the entire process of purchasing a home, the more intelligent and fiscally responsible decisions will be made. The course is taught by qualified individuals in both English and Spanish.

On page 98 of the City’s Consolidated Plan, addressing cost burdens of home ownership was identified as a high priority for all income levels of families spending more than 30 percent of their income for housing.

**Rental Assistance for Large Families**

**Investment Plan (Activities and Programs)**

The Tulare County Housing Authority (TCHA) will provide direct rental assistance by provision of affordable project units (281 existing units in Porterville) and by administration of Section 8 vouchers and certificates for about 608 households (nearly $4 million to be provided in the Porterville area during FY 2004/2005). An additional 170 existing units are available from two nonprofit low-income unit providers. These 170 units are managed by the TCHA. Additionally, two low income housing tax credit projects provide 160 units for low income, many 3-4 bedrooms. Finally, the Farmers Home Administration will provide 167 existing low-income rental units at two project sites in Porterville. Cumulatively, rental assistance will be provided to about 1,580 households in FY2004/2005.

Eighty (80) percent of Section 8 recipients and “households provided housing units at lower than market rate rents” are below 50 percent of AMI. The exact number of low-income large family households assisted is unknown. However, it is estimated that about 50 percent of those assisted are low-income large family households with 4 or more persons. A high priority need was assigned to addressing physical defects of units occupied by large renter households with incomes less than 50 percent of AMI. (See page 98 of the City’s Consolidated Plan.)

In 2002/2003, the Porterville Redevelopment Agency reallocated funds from the competitive Rental Housing Assistance Program for Developers to a street improvement project that was a required condition for the development of a 78 unit apartment complex on Date Avenue within the Redevelopment Area and in close proximity to the Casas Buena Vista subdivision. This is a tax credit project so all of the units meet the affordability restrictions. The project was completed and occupied in December 2003.

The Agency has expended all the funds allocated for the rehabilitation of residential units in a historic downtown commercial building, the St. James Place Project. This project is also being funded with a $1,000,000 HOME grant, with Redevelopment funds and CalHome funded projects serving as the required match. This project has taken a much longer time period to complete.
development than originally scheduled due to several unforeseen circumstances. The City worked closely with HCD staff to receive an official time extension for the completion of this project. Fourteen affordable units will be produced in this project which is currently under construction and will be completed in late spring or early summer of 2004.

C. HOMELESS NEEDS

Emergency/Transitional Shelters
Investment Plan (Activities and Programs)

In a county wide collaborative effort during 1999-2000, City of Porterville staff provided input into the development of a draft Continuum of Care Plan for the homeless in Tulare County, spearheaded by the City of Visalia. The development of the continuum was based on input from service providers and representatives from throughout the County. A working core group of representatives met for several months to identify the issues and develop strategies to address those issues. As defined by HUD, “a Continuum of Care Plan is a community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.”

This Continuum was expanded further in 2000-2001 when an effort was organized for a regional group encompassing Kings and Tulare counties. This group established committees which met and determined the structure, the vision, the objectives and the mission statement for the organization. The Continuum has since adopted a Strategic Plan, developed and adopted by-laws for the organization, partnered with Community Services, Employment, and Training (CSET) for the administrative assistance for the Continuum, scheduled regular executive committee and general membership meeting dates, established committees for the implementation of the Strategic Plan, and is annually submitting applications for funding assistance for agencies within the Continuum. City staff has been an active participant in these meetings and continues to participate in the development and implementation of the joint Continuum.

The City plans to continue cooperating with the operators of the Central Valley Family Crisis Center, Red Cross, the PAAR Center, Porterville Area Coordinating Council, Daybell Brooks Men’s Shelter and other such facilities within the City in providing adequate facilities to meet the emergency and transitional housing needs of the homeless and those threatened with homelessness.

In addition, the City will participate in HUD’s Take Ten Program to Help Homeless People by supplying the phone number of a local contact to HUD’s toll-free phone line. This local organization receives calls from persons that want to help local homeless program providers and/or supply direct assistance to homeless persons.

Although, the Consolidated Plan establishes a low priority for CDBG funding for both categories of homeless families and individuals due to a lack of resources available to directly contribute to applicable programs, a high priority need for providing emergency shelters and transitional housing is prominent in both Continuum of Care Plans, along with substance abuse treatment, case management, mental health care, life skills training, etc. Besides providing new emergency shelters and transitional housing, the plans identify other programs to deal with the homeless and potentially
homeless, such as developing a linked service delivery system and outreach programs. It is the desire of the City to take an active role in the implementation of the strategies identified in the adopted Strategic Plan for the Kings/Tulare County Continuum of Care. The City also will support applications of member organizations and agencies for other funding sources, including the HUD programs such as McKinney Act Funds and Emergency Shelter Grants.

Figure 1

D. COMMUNITY DEVELOPMENT NEEDS

Public Facilities/Neighborhood Community Center Investment Plan (Activities and Programs)

Presently, the highest community development need within the category of Public Facilities is the development and construction of a neighborhood community center. The center will be located within the City's lowest income census tract (Census Tract 41) with an emphasis on providing activities for lower income households. Although the City provides funds to the City's Parks & Leisure Services Department for the operation of a youth recreational program located in Census Tract 41, there remains a need for an adequate facility to accommodate the range of programs needed in this lower income section of the community. Census Tract 41 is shown in Figure 1. Initially, the source of funding for this project was annual CDBG entitlement allocations set aside since FY
1994/95. However, since determining that the Section 108 loan funds can not be used for industrial infrastructure because of a collateral issue, the City has decided to use the Section 108 funds for the completion of the neighborhood community center and reallocated those set aside funds to other projects. Upon completion, it is anticipated that a portion of the operating funds for the center may initially consist of a portion of the fifteen percent Service Cap of the City’s Annual CDBG Entitlement Grant.

Utilizing the $3.885 million in approved Section 108 loan funds, the City will be in the process of constructing the Neighborhood Community Center in 2004/2005 in order to provide a facility with an emphasis on recreational activities for lower income youth. The Neighborhood Community Center is being developed in partnership with the Porterville Unified School District and will be adjacent to the new Santa Fe Elementary School which is currently under construction and due to open in the Fall of 2004.

Public Facilities: Murry Park Improvement Project

A Consolidated and Action Plan amendment were approved in 2002 to add the Murry Park Improvement Project as an eligible project for CDBG funding assistance. This program will allocate funds over a multi year period (2-5 years) to plan, design, renovate, rehabilitate, and construct improvements to the nearly 100 year old City owned Murry Park which also falls within the category of Public Facilities. Special emphasis was placed on the reconstruction of the 48 year old community swimming pool which was in need of major renovation since it had severe leaking problems. In 2002/03 and 2003/04, $1,131,073 was allocated to this project. This action plan proposes allocating an additional $157,000 in 2004/05 entitlement funds to the project to complete construction of the swimming pool complex and begin design work for the next phase of park improvements. The park is located in Census Tract 39.01, but serves the adjacent Census Tracts 41.01 and 38.02 area where the greatest concentration of the City’s minority population and low-to moderate-income residents reside.

The City’s Consolidated Plan (page 101) identifies provision of Youth Centers as a medium need and Neighborhood/Recreation Facilities as a high level priority.

E. INFRASTRUCTURE IMPROVEMENTS

Neighborhood Sidewalk, Curb, Gutter and Street Light Improvements
Investment Plan (Activities and Programs)

Funds originally anticipated for the continuation of this program have been diverted to the Murry Park Improvement Project for the next several years. However, the construction of the new Neighborhood Community Center being developed in an undeveloped area within Census Tract 41 will provide the associated sidewalk, curb, gutter and street light improvements. Consequently, the Center’s development will not only meet a City community development need but, also, an infrastructure improvement need.
Public Utility Assistance Revolving Loan Program

The City will continue implementation of a revolving loan program to assist low and moderate income families in connecting to City sanitary sewer and water facilities, and where appropriate to connect to underground utilities installed by Southern California Edison. Such connection will be beneficial to the health of the families involved by improving their services. This program will be funded with existing CDBG entitlement funds of approximately $15,000 and any program income that will be generated by debt service on existing loans.

F. PUBLIC SERVICE NEEDS

Youth Services - Investment Plan (Activities and Programs)

The provision of ongoing youth activities is a high priority within the community. The City’s Parks & Leisure Services Department assumed operation of the City’s Youth Center, and the Department anticipates serving an estimated 800 youth a month during the 2004/2005 program year. Upon completion of the proposed Neighborhood Community Center, it is anticipated that a portion of the operating funds for the center will initially be provided under the fifteen percent Service Cap of the City’s Annual CDBG Entitlement Grant.

The City anticipates providing funding to the Parks & Leisure Services Department in the amount of $127,650 to continue an ongoing youth recreational program inclusive of new program elements within Census Tract 41 during FY 2004/2005. Provision of youth services was identified as a high priority need by the City’s Consolidated Plan. (See page 101 of the City’s Consolidated Plan)

G. ECONOMIC DEVELOPMENT NEEDS

Investment Plan (Activities and Programs)

Expansion of commercial and industrial enterprises in Porterville provides a variety of benefits to the community. Not only is the tax base broadened and expanded, but increased employment opportunities are one of the single largest factors in the prevention of homelessness and poverty. It also provides increased opportunities for low- and moderate-income families to improve their quality of life.

The City of Porterville pursues a very aggressive Economic Development Program on an ongoing basis. Efforts associated with the program have resulted in the creation of over 2,800 new jobs over the past 12 years, a significant accomplishment for a City of 29,563 people as reported by the 1990 Census. Presently, total City population is 41,945. The Wal-Mart Distribution Center, currently employing 1,500, and approximately 50 acres of commercial shopping center developments, employing over 1,000, are typical examples of the City’s successful economic development efforts. Over the past several years, the City assisted in the location of Foster Farms/Del Mesa Farms chicken processing plant in a vacant industrial site in the heart of town. Over $10 million in improvements have been invested by the company, and the City’s investment of $720,000 in CDBG funds has produced a total of 224 jobs with 154 of these jobs filled by low-and-moderate income people. The City is currently in the process of completing assistance to ProDocumentSolutions, a
printing manufacturer for renovations to an existing industrial site that was left vacant when Standard Register consolidated its operations to another state. This assistance will create at least 36 new jobs in the community. Also, over the past four years, the City was instrumental in facilitating the location of two major office developments on Main Street in downtown Porterville. The Family Support Division of the District Attorney’s Office is housed in a renovated vacant bank building and a newly constructed building adjacent to it. Another building on Main Street was constructed for corporate office use by the Family Healthcare Network. Collectively, these two additions added in excess of 75 jobs in the downtown area.

Close coordination with the State Trade and Commerce Agency, the Tulare County Economic Development Corporation, the Business Incentive Zone, and the Tule River Economic Development Corporation is ongoing and has been vital to the City’s recent economic development accomplishments. The City is keeping pace with this rapid development pattern through ongoing amendments to its General Plan Land Use and Circulation Elements accompanied by an aggressive annexation program (4-6 new areas are typically annexed yearly). Rezoning of large areas (200 to 300 acres total) over the past two years has helped to maintain an appropriate balance of residential, industrial and commercial lands to accommodate several new employers anticipated to locate in Porterville.

The City’s aggressive Economic Development Program has endeavored to create employment opportunities within the city limits while elevating many of the City’s very low-income households above poverty status as defined by the Census. Through the expenditure of funds to provide necessary infrastructure improvements, the City anticipates expanding its previously successful recruitment of new industrial businesses, while the business assistance provided for the rehabilitation of commercial, industrial, and professional office structures, will provide not only an expansion of the tax base, but increased employment opportunities.

The two programs the City plans to utilize to achieve economic development include:

1) **Business Assistance Program**

The City is carrying forward approximately $100,000 in previously allocated Entitlement funds for the Business Assistance Program for FY2003/2004. This Action Plan proposes to add an additional $262,950 to the Business Assistance Loan Program. These funds will be used for the acquisition, expansion, and/or rehabilitation of commercial, commercial/residential, industrial, and professional office structures on a city-wide basis. Rehabilitation will include facelift and interior remodel of the buildings, addressing seismic retrofit, heating/cooling system upgrades, accessibility improvements for persons with disabilities, structural and facade renovations, and electrical wiring upgrades.

The renovation of commercial, industrial, and professional office structures results in the removal of blight conditions and attracts businesses with viable and adequate facilities. This type of commercial and industrial development contributes to stabilization and improvement of the economy, including increased employment opportunities.
2) Parking Lot Improvements

If available, business assistance funds may also be used to provide improvements to downtown parking lots and construction of new parking lots. Use of these funds will assist in enhancing the infrastructure needed to attract employers to currently vacant and underutilized buildings. The lots in need of reconstruction were originally constructed 30+ years ago, and they are currently in need of substantial reconstruction in order to adequately serve the surrounding commercial businesses. These lots are in the heart of downtown, and their deteriorated conditions have contributed substantially to the extensive and prolonged high vacancy rate of adjacent buildings. In conjunction with the CDBG Business Assistance Program, which will provide funding for improvements to the buildings, the reconstruction of the parking lots can eliminate blighted conditions and provide economic development opportunities. The downtown area serves the entire community and is the commercial activity center located immediately adjacent to the area’s two most economically disadvantaged census tracts (Census Tracts 39 and 41). As a result of developing the Porterville Redevelopment Agency Strategic Plan, it became evident that for downtown to thrive, improvements were necessary to increase pedestrian access and safety, and to promote downtown as a destination place to go to, not through. In these respects, sidewalks were improved, street lighting and streetscape designs developed, and one-way traffic was redirected to two-way traffic. The City received an infrastructure grant from the State in 2002 that will be used to reconstruct a strategic downtown parking lot which will enhance the area and, in conjunction with the Business Assistance Program, provide enticements for economic development in the downtown area.

Funds to improve parking lots in the Central Business District will compliment nearly $4 million in capital improvements recently completed toward implementing the Porterville Redevelopment Agency Strategic Plan. Additional improvements are necessary in order to entice businesses to locate within the core of the City’s central business district. Competition from commercial areas in surrounding communities, along with steadily increasing costs incurred in addressing the rehabilitation needs of the aging historical buildings, are just two of a number of factors which have led to a high vacancy rate along the City’s Main Street corridor.

The parking lot reconstruction and new construction projects will result in the creation of employment and economic opportunities for low- and moderate-income persons. The local community will be enhanced by removing blighted conditions thereby encouraging viable businesses to become established, expand, or relocate to the area. It will address factors contributing to the area’s blighted conditions, high unemployment rate, and low-income levels. The City will also ensure hiring of a sufficient number of low- and moderate-income persons to justify the use of CDBG funds.
Commercial-industrial infrastructure and rehabilitation has been assigned a high priority in the Consolidated Plan and parking facilities has also been designated a high priority (Page 101 and 102).

I. PUBLIC HOUSING

The TCHA has an ongoing program of improving and upgrading its facilities. It is the Authority’s intent to utilize approximately $314,000 during the 2003/2004 program year to provide for this continued maintenance and upkeep.

J. ADMINISTRATION

One hundred ninety three thousand four hundred dollars ($193,400) is allocated for the City’s general administration of the CDBG Program during FY 2004/2005, which includes a percentage of anticipated program income that is allowed by CDBG regulations. Salaries, benefits, training, ongoing fair housing activities, professional services (if required) and equipment purchases, etc., are financed from this amount.

K. BARRIERS TO AFFORDABLE HOUSING

As previously stated, governmental constraints to the production of housing are minimal in Porterville. In sum, the City’s land use regulations, expedited permit processing, and low development fees serve to encourage the construction of lower-cost dwelling units compared to other Central Valley communities. This conclusion is supported by the following facts:

- The City allows for a broad range of residential densities, up to 43 dwelling units per acre, and in no way discourages proposals for higher density housing through burdensome permit processes or exactions.

- Permit processing times are relatively brief for typical development projects.

- City fees are low, and there are few development exactions.

- Most residential zones allow for alternative housing types, including mobile homes, second dwelling units, and group homes.

- Zoning and parking standards are not overly restrictive; the minimum single family lot size is sufficient to induce homebuilders to construct single family dwelling units for low- and moderate-income first-time home buyers.

Since 1987, the City has expended $33.5 million in Certificates of Participation to provide new wells, major sewer and water trunk connections, and expansion of the Wastewater Treatment Facility to accommodate residential growth, and ensure maintenance of affordable housing, for the next 20 years. The 1987 Certificates of Participation also provided the City with a new west area fire station, a new police station, and the expansion and renovation of City Hall. The City is currently expending $20 million in additional Certificates of Participation to provide funding for an extensive street
improvement program throughout the City.

Notwithstanding this fact, the City will continue to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low- and moderate-income housing.

Moreover, through its First Time Low Income Home Buyers Assistance Program, the City has attempted to mitigate one of the single largest barriers to affordable housing, namely the need for a substantial down payment. It is the City’s intent to continue this program, as well as provide RDA assistance to low income homebuyers in the Casas Buena Vista planned unit development during FY2004/2005.

L. AFFIRMATIVELY FURTHERING FAIR HOUSING

Based on the public participation process and analysis of the information available in developing the the updated Analysis of Impediments (AI) to Fair Housing Choice, the following actions are recommended to address the fair housing issues in the community:

- The City will continue to provide homeownership opportunities in the community by promoting its First-Time Low Income HomeBuyer Program, Lease-to Own Program, Mortgage Credit Certificate Program and Home Buyer Education classes. The City will focus outreach efforts towards lower income households, particularly to Hispanic households, since they have more difficulty obtaining financing. The City will continue to advertise the availability of home buyer assistance at public counter, the City website, and newsletter. The City will continue to provide first-time homebuyer workshops in both Spanish and English.

- The City will work to expand its website to provide additional links to housing services and resources, such as a link to the fair housing service provider and a link to the Fannie Mae Foundation that offers free guides and resources for first-time home buyers in English, Spanish, and other languages.

- The Porterville Zoning Ordinance defines a family as “An individual, or two or more persons who are related by blood or marriage, or a group of not more than five persons not necessarily related by blood or marriage. This definition is a potential constraint upon low income individuals whose financial circumstances may force them to live in shared living quarters. Specifically, inclusion of the definition “family” in the Zoning Ordinance presents misconceptions about enforcement that is beyond the authority of the Ordinance. The City will amend the Zoning Ordinance to remove the definition of the word “family”.

- The City will continue to pursue affordable housing development programs identified in the 2003-2008 Housing Element. To the extent feasible, the City will facilitate the development of housing affordable to lower and
moderate income households according to the Regional Housing Needs Determination (RHND) identified in the Housing Element.

- The City will work with local lenders and government institutions to provide outreach to lower income residents about home purchase loans particularly for first-time home buyers. The City will encourage local lenders to provide information in both English and Spanish and to hold workshops in both languages.

- The City will explore with Tulare County and nearby communities the feasibility of sponsoring a fair housing program to provide landlord/tenant mediation counseling for Porterville residents and residents in the region. Specifically, the City will encourage the fair housing provider to provide a “renters” workshop to discuss fair housing issue for tenants and landlords, ways to improve credit, and rights and responsibilities. The City may also consider sponsoring a fair housing event to outreach to the community regarding fair housing rights.

L. LEAD BASED PAINT

The Tulare County Health Department will conduct follow-up investigations on documented incidents of childhood lead poisoning and implement eradication action as required by law. The City of Porterville will not directly undertake a lead based paint eradication program during FY 2004/2005 unless such action is in conjunction with CDBG, HOME, CalHome and Redevelopment Agency Low Income Housing Set-a-Side funded owner occupied housing rehabilitation projects.

M. ANTI-POVERTY STRATEGY

As stated previously in the Economic Development Needs Section of this Action Plan, the City of Porterville pursues a very aggressive Economic Development Program on an ongoing basis. This program will continue during the 2004/2005 Program Year, with the Business Assistance Program. This program should create low-and moderate- income jobs. Additionally, approximately 30 households are anticipated to qualify for the purchase of a home under the City’s First-Time Low-Income Home Buyers Program funded with CDBG, State HOME, and CalHome funds.

N. INSTITUTIONAL STRUCTURE

The City of Porterville will continue to work with local profit and nonprofit organizations as well as the TCHA and the County of Tulare to strengthen the reciprocal transfer of information and to maximize the efforts directed to assist the low- and moderate-income families of the community. Further, the City will continue to evaluate its delivery system and those of the agencies it works with to see if improvements can be made.
### U.S. Department of Housing & Urban Development
### CPD Consolidated Plan
### Listing of Proposed Projects

<table>
<thead>
<tr>
<th>Project ID/Local ID</th>
<th>Project Title/Priority/Objective/Description</th>
<th>HUD Matrix Code/Title/Citation/Accomplishments</th>
<th>Funding Sources</th>
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<td>13 Direct Homeownership Assistance CDBG</td>
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<td></td>
<td></td>
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<td>Total Other Funding $0</td>
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To ensure, to the extent available resources allow, the availability of decent, safe and affordable housing within the City of Porterville, for low and moderate income families and individuals. The City will continue to provide loans for the rehabilitation of low and moderate income, owner occupied homes, using State of California HOME, RDA, and CDBG program income. The City will also continue to use these sources to assist first-time low and moderate income home buyers through the provision of down payment/closing cost assistance and "silent second" mortgages. The City will continue to use Redevelopment Agency Low Income Housing Set-Aside Funds for assisting low-income single and multi-family development projects and to leverage CDBG and State HOME funds.

In order to facilitate the use of the First Time Homebuyer Program, the City will be using CDBG funds for the continuation of the Homebuyer Education Program which prepares low-income renter households for the responsibilities and challenges of homeownership. The City is requiring this 8-9 hour training course as a prerequisite to applying for City assistance in the purchase of their first home.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Help those with HIV or AIDS?</td>
<td>No</td>
<td>Completion Date: 06/30/05</td>
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</tbody>
</table>
Eligibility: 570.208(a)(3) - Low / Mod Housing
Subrecipient: Local Government
Location(s): N/A
## U.S. Department of Housing & Urban Development
### CPD Consolidated Plan
#### Listing of Proposed Projects

<table>
<thead>
<tr>
<th>Project ID/Local ID</th>
<th>Project Title/Priority/Objective/Description</th>
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<th>Funding Sources</th>
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<td></td>
<td>TOTAL</td>
<td>$ 100,000</td>
</tr>
</tbody>
</table>

- **Help the Homeless?:** No
- **Help those with HIV or AIDS?:** No

- **Start Date:** 07/01/04
- **Completion Date:** 06/30/05

Objective of the community center is to provide an equal opportunity for all persons, including low-income youth, to become self-sufficient and productive members of the community. The neighborhood community center will enable an increased number of youth to improve their self-esteem and to develop the social skills compatible with mainstream society. Additionally, the neighborhood community center will provide a location to conduct activities for senior citizens. The center may also provide a location for programs such as health screening and a tutorial center, including a library and computers. This center is being built in conjunction with a new elementary school. Additionally, the objective of the Murry Park Project is to rehabilitate this nearly 100 year old park for the use and enjoyment of the surrounding low income area and the community as a whole. Health and safety issues are also being addressed with the improvements to the swimming pool complex.

Repayment of Section 108 loan for the construction of the Neighborhood Community Center.
Program Models
1994 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISED MARCH 2004)
CITY OPERATED YOUTH CENTER
(Formerly Porterville Community Youth Center - Non-Profit Subrecipient Grant)

2004 FUNDING RECOMMENDATION: $127,650

PRIOR YEAR FUNDING:  
1994 $ 90,000 _______  
1995 $110,000 _______ PYI  
1996 $113,500 _______  
1997 $110,000 (City Operated beginning 10/1/97)  
1998 $109,000  
1999 $109,650  
2000 $109,650  
2001 $113,700  
2002 $112,650  
2003 $130,350  

BACKGROUND:

Porterville Youth Incorporated (PYI), a non-profit community service organization since 1978 which provided youth-oriented assistance programs, received CDBG funding from the City of Porterville in 1994 in order to expand their existing youth programs to include a community-based youth center in a low- and moderate-income neighborhood. PYI continued to receive funding from the CDBG grant program in the next three program years, through early 1997, by offering new service components to the youth center each year and complying with requirements set out in the regulatory agreement for subrecipients. On October 1, 1997, the City permanently accepted responsibility for the youth community center at the written request of PYI's Board of Directors.

PROGRAM PLAN:

The City-Operated Youth Center was established in 1994 as the Porterville Community Youth Center Program Model. It met the Community Development Block Grant National HUD Objective of being a “direct benefit to low and moderate income persons” under Federal Regulation 24 CFR 570.208 (a)(2). The City of Porterville Parks and Leisure Services Department will continue to administer, manage, and meet budget and financial obligations for the Porterville Youth Center in accordance with all applicable Federal Regulations. The annual operating grant is eligible under 24 CFR 570.201 (e).

The building used to accommodate the youth center, currently located at 177 S. Hockett, is located well within Census Tract 41, where over 70 percent of the households earn less than 80 percent of the area median income and where the greatest concentration of the City’s minority population resides. Census Tract 41 is bounded on the north by Olive Avenue, on the east by Plano Street, on the south by Gibbons Avenue, and on the west by State Highway 65. Documentation on each youth participating in programs offered through the youth center will be maintained to track the extent of
use by those residing in the City's low- and moderate-income neighborhoods.

SPECIFIC PROGRAM OBJECTIVES:

The main objective of the Community Youth Center will be to provide an equal opportunity for all youth, including low and moderate income ages 10 to 18, to become self-sufficient and productive members of the community. The community youth center will enable an increased number of youth to improve their self-esteem and to develop the social skills compatible with mainstream society.

A major prerequisite of delinquent behavior is not only a lack of appropriate support, positive role modeling, parenting skills, logical and immediate consequences, social conscience, or breakdown of the traditional family, but also a lack of positive alternative activities for youth that allows them the opportunity to choose between the positive and the negative. Many youth who have had little of the above can still manage to become productive citizens of the community provided that positive alternatives are available where the ideal balance of these fundamentals can be made accessible.

SPECIFIC PROGRAM ACTION: (See attached program proposal.)
CDGB FUNDING REQUEST
7/1/2004 - 6/30/2005

FOR PORTERVILLE COMMUNITY YOUTH CENTER SERVICES

I. SCOPE OF SERVICE

The contractor for this project will be the City of Porterville. This contractor shall ensure that the Porterville Community Youth Center (PCYC) continues to operate the existing youth center recreation program established in September 1994 through the CDBG 2004-2005 fiscal year.

The Porterville Community Youth Center will continue to operate in Porterville Census Tract 41 at 177 S. Hockett Street. The program will prevent and divert youth ages 10 - 18 from negative behavior and surround them in a productive and positive environment.

No youth from within the City of Porterville will be excluded from participation in PCYC activities. However, it is intended through use of CDBG funds that a minimum of 51% of the youth participating will come from low and moderate income households.

A. OBJECTIVES

The purpose of this program will be to:
2. Develop or improve social skills necessary to be compatible with mainstream society.
3. Learn teamwork and the ability to cooperate with others.
4. Improve physical and mental health.
5. Become more self-sufficient members of the community.
6. Engage in positive alcohol and drug-free behavior.
7. Divert the youth from delinquent behavior.
8. Provide a drop-in center for recreational opportunities.

B. CLIENTS TO BE SERVED

The contractor shall ensure service by the City of Porterville Community Youth Center to a minimum of 51% low and moderate income residents of Porterville, between the ages of 10 to 18. Participants shall be recruited through local schools, community organizations, social service agencies, and law enforcement.
C. CONTINUED ACTIVITIES TO BE PERFORMED

The contractor shall ensure the provisions of services through continued implementation of the current COPCYC supervised recreation program over an eleventh, one-year period. The center will be open six days per week for no less than 20 hours. The youth center will run for a minimum of 42 weeks throughout the one-year period. A minimum of 100 unduplicated youth will participate in the following youth center activities each quarter of the one-year grant period.

1. A weight and aerobic exercise training area.
   Proper use of equipment and training regime is taught to participating youth by staff hired with CDBG funds. Classes are offered to interested youth.

2. A general recreation area within the same facility to provide youth with other positive activities.
   This general recreation area includes games such as pool, ping-pong, table soccer, video games, computers and board games. Arts & crafts, homework tutoring, nutrition and music classes, and special projects also take place in this area.
   Youth will be involved in occasional tournaments, holiday specific activities, and city-wide special events to help maintain their interest.

3. An additional area is provided as a comfortable place for youth to visit, read, study or watch television.

4. Outdoor paved area.
   An outdoor paved area next to the youth center provides a place for full-court basketball, hockey, badminton, volleyball, tennis, handball and more.

5. Off site recreational activities.
   The basketball, arena soccer, and baseball programs will continue to be offered at the available playing fields specified further in the text.

D. NEW ACTIVITIES TO BE PERFORMED

The contractor shall ensure the provision of new services through the inclusion of younger children, continuation of tutorial programs in reading, writing, science and math. Outdoor activities for a minimum of 42 weeks over the 2004-2005 CDBG funding cycle shall be implemented. For a minimum of 12 hours per week, at least 4 days each week, supervised athletics will be available for 10-18 year old youth. A minimum of 50 unduplicated youth will participate in these athletic activities each quarter.

In addition, a minimum of 8 hours of supervised community service work will be completed weekly by 10-18 year old youth. A minimum of 25 unduplicated youth will participate in this program each quarter of the CDBG funding cycle. Also, a minimum of 2 days per week will be open for non-league play so youth can participate in athletic activities on a less formal, just-for-fun basis. Program details are provided below:
1. The youth will participate in supervised community service through the city parks and leisure services activities including Kids Day, Runs, Egg Hunt, holiday painting, other special events, and athletic leagues.
2. New tournaments and competitions on the computers, playstation 2, nintendo 64, pool tables, ping-pong tables, table soccer and basketball court are ongoing on a weekly basis.
3. New classes in job skills, health & nutrition, and music have begun.
4. A day care mentoring program has been initiated at a local day care facility.
5. Open athletic play and leagues are available. League play is offered in the following sports: basketball, arena soccer, baseball, soccer and pool. A coach for each sport will be provided.
6. Staff will continue to create fund raising for the participants to generate additional funding to offset cost excursions and special activities. Donations from local businesses are constantly sought after. Excursions will include trips to Six Flags, and a Fresno Waterpark. Free trips to see the local high school and college teams participate take place on occasion through donations.
7. The A-Team homework tutoring program continues to expand.

E. SITE LOCATION

Within the census Tract 41, the original Porterville Community Youth Center services shall be provided at the following location: 177 S. Hockett Street, Porterville, CA 93257. Sign-ups for athletic play, leagues, tutorial programs, arts & crafts, and outdoor activities will take place at this location. Additional program implementation will take place at the following locations: Municipal Ball Park, Porterville Sports Complex, Granite Hills High School, Porterville College, and Olive St. School.

The main location is within the boundaries of census Tract 41 and the other locations will provide access to youth over a broader range of low and moderate income areas within the city.

F. PROJECT STAFF

(1) Leisure Services Supervisor..........$19.57/hr..........25/hrs..........52/wks
(1) Parks Maint. III..................$15.50/hr..................100hrs
(1) Leisure Services Coordinator........$12.54/hr........20/hrs..........52/wks
(1) Custodian..........................$10.00/hr........18/hrs..........52/wks
(1) Clerical Assistant II...............$14.56/hr........20/hrs..........52/wks
(1) Recreation Leader III..............$8.00/hr........20/hrs..........50/wks
(2) Recreation Leader II..............$7.50/hr........20/hrs..........50/wks

G. BUDGET

Total CDBG funds requested are $127,650.
City of Porterville  
Youth Center  
2004 - 2005 Budget

Salaries
01 Supervisor - $19.57/hr x 25hrs/wk x 52wks = $25,441  
    Coordinator - $12.54/hr x 20hrs/wk x 52/wks = $13,042  
02 1-Rec Leader III - $8.00/hr x 20hrs/wk x 50/wks = $8,000  
    2-Rec Leader II - $7.50/hr x 20hrs/wk x 50/wks = $15,000  
    Clerical Asst. II - $14.56/hr x 20hrs/wk x 52/wks = $15,142  
    Custodian - $10/hr x 18hrs/wk x 52/wks = $9,360  
03 Parks Maint. III - $15.50/hr x 100hrs = $1,550

\[ \text{Total Salaries} = 87,535 \]

Benefits
09 Supervisor - $25,441 x 15.9% = $4,045  
    Coordinator - $13,042 x 15.9% = $2,074  
    Rec Leaders, Clerical, Park Maint. & Cust. x 8.5% = $3,240

\[ \text{Total Benefits} = 9,359 \]

Maintenance
12 Building and Grounds  
    Painting of Building (Graffiti) = $500  
    Building Supplies = $1,000

\[ \text{Total Maintenance} = 1,500 \]

Services
23 Professional Services  
    Background Checks = $47 x 2 employees = $94  
26 Rent of Property & Equipment  
    Rent $1030/month x 12 months = $12,360  
    Alarm $30/month x 12/mos = $360

\[ \text{Total Services} = 12,814 \]

Supplies and Material
32 Office / Computer Supplies = $250  
33 Janitorial Supplies = $1,000  
34 Maintenance & Repair Materials = $500  
35 Tools / Equipment = $250

\[ \text{Total Supplies and Material} = 2,000 \]
City of Porterville
Youth Center
2004 - 2005 Budget

Other Operating Cost
41  Meeting Expense & Dues
    CPRS Conference 3 nights/room, per diem & mileage = $850
42  Utilities
    Electric & Water $300/month x 12/mos = $3600
    Telephone $80/month x 12/mos = $960

Risk Management
52  Liability Insurance $285/mo x 12/mos = $3,420

Other Expenses
66  Special Activities & Supplies
    Fieldtrips = $3,842
    Rec Equipment & Supplies = $1,770


Grand Total
$127,650
### 1982 Community Development Block Grant Program Model
(REvised March 2004)
HOUSING REHABILITATION REVOLVING LOAN PROGRAM

**2004 Funding Recommendation:** $10,000 CDBG Program Income

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<td>1986</td>
<td>$ 70,000</td>
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<td>1986</td>
<td>$ 15,000</td>
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<tr>
<td>1990</td>
<td>$103,000</td>
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<td>1991</td>
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**Program Plan:**

This Program Model was originally established in 1982. The revolving rehabilitation loan fund concept utilizes the authority granted by the U.S. Department of Housing and Urban Development to enable the City to administer a Revolving Loan Program for eligible low- and moderate-income homeowners to rehabilitate their homes and is an eligible activity identified in Federal Regulations 24 CFR 570.202 (a).

**Specific Program Objectives:**

To make progress toward satisfying the objectives of the Action Plan and the Housing Element of the City's General Plan, and to meet one of the National Objectives of the Community Development Block Grant Program, 24 CFR 570.208(a)(3), the City will participate in a meaningful and effective housing rehabilitation program to assist low and moderate-income homeowners and to supplement previous funding allocated over the past 20 years to the Housing Rehabilitation Loan Program (HRLP).

**Specific Program Action:**

These additional funds, allocated to the Housing Rehabilitation Loan Program, will be utilized...
SPECIFIC PROGRAM ACTION:

These additional funds, allocated to the Housing Rehabilitation Loan Program, will be utilized according to the policies and procedures approved for the administration of the HRLP.

Applications from City-wide homeowners are submitted by prospective eligible applicants, then reviewed and verified for accuracy prior to submission to the COMMUNITY DEVELOPMENT FINANCIAL ASSISTANCE REVIEW COMMITTEE (CDFARC). The City provides zero percent deferred loans up to $15,000. Program income derived from repayment of these loans is immediately used to offset new expenditures in the HRLP.

Once an applicant is qualified, an inspection of the premises is made to identify building code deficiencies and zoning violations. The applicant is counseled as to the extent and cost of the work covered by a rehabilitation loan, maintaining an equity reserve after rehabilitation construction, and the process of selecting a contractor. A systemized program evaluating work completed through on-site inspections and progress payment issuance is administered by the City to ensure that abuses of the program do not occur. Final payment is held until the City Building Inspector, Rehabilitation Specialist, and homeowner have indicated completion and satisfaction with the work.

The administration of the program is accomplished by City staff in accordance with Federal regulations.
2004 FUNDING RECOMMENDATION: $60,000 CDBG Program Income

PRIOR YEAR CDBG FUNDING:
1993: $300,000 CDBG Entitlement
1993: $300,000 HOME
1994: $750,000 HOME
1994: $187,500 RDA 1994 HOME Match
1995: $429,662 BEGIN
1995: $107,416 RDA 1995 BEGIN Match
1997: $200,000 CDBG Entitlement
1998: $172,000 CDBG
1999: $176,765 CDBG Reallocation from other CDBG Programs

2000: $130,350 CDBG
2001: $180,000 CDBG plus $60,000 HOME Program Income, $120,000 HOME 2000 Grant Funds

2002: $50,000 CDBG Program Income
2003: $79,000 CDBG Program Income

PROGRAM PLAN:
CDBG funds will be used to facilitate movement of low-income, renter households into the home ownership category with affordable mortgages through a revolving loan program. This plan is feasible because of the still moderate prices of homes in the Porterville area. Using the funding allocations, the City plans to assist in the purchase of newly constructed or existing homes. Large families are identified as a group with special housing needs based on the generally limited availability of adequately sized (three or more bedrooms) affordable housing units. In 1990, there were 1,642 large families (i.e., those with 5 or more members) living in Porterville. Of these families, 757 (46 percent) were very low- or low-income households. The City’s proportion of overcrowded households nearly doubled in 10 years from 7.5 percent in 1980 to 14 percent in 1990. For very low- and low-income large families, it is likely that many have to pay more than 30 percent of their income for housing or enter into overcrowded living arrangements to reduce housing expenses. It is also likely that many families opt to do both.

Most of the housing problems experienced by low-income households were associated with cost burden factors. Relative to other income groups, these income groups have a disproportionate need for housing assistance. Approximately 49 percent of Porterville’s low-income households
(30 percent AMI) were faced with some form of housing problem in 1990, compared to 33 percent for moderate income households. In order to meet the needs of low- and moderate income households, some form of assistance will be required. This program is an eligible activity identified in Federal regulations 24 CFR 570.201(n).

This program, using CDBG funds, would be a first step in meeting the Quantified Objectives and in accomplishing Goal C in the Housing Element: “To meet a reasonable share of the City’s low- and moderate-income housing needs.” In detailing policies that would help achieve this goal, the City commits to pursuing “state and federal funding assistance that is appropriate to Porterville’s need to develop housing that is affordable to low- and moderate-income households.” Use of CDBG funds in providing for a low- and moderate-income First-Time Home Buyer Program seems very appropriate to help address the housing needs of the low- and moderate-income in Porterville and meet one of the National Objectives 570.208(a)(3) where, contrary to many areas of the state, owning an affordable home can become a reality.

SPECIFIC PROGRAM OBJECTIVES:

The City’s proposed use of CDBG funds and other federal and state funding sources for the First-Time Home Buyer Program will address the community’s housing needs as determined by the adopted Consolidated Plan and General Plan Housing Element. In making home ownership possible for low-income households, the City is taking an aggressive approach to reduce overcrowding and to reduce the number of renters that are overpaying for their housing. The program will provide the opportunity for these people to purchase a home with three to four bedrooms and start investing their money instead of paying it in rent. As the Housing element states “Overcrowding represents a chronic and increasing problem in Porterville. The 1990 Census reported 1,347 overcrowded households, 70 percent of whom were renters. Overcrowding is a problem, in particular, for low-income families with four or more members. The City will need to continue its land use policies which encourage affordable rental and ownership housing.” In addition, the Housing Element indicates that a large percentage of low-income renter households are overpaying.

SPECIFIC PROGRAM ACTION:

CDBG funds used for acquisition under the Low- and Moderate-Income First-Time Home Buyer Program would only be used in areas that are already zoned appropriately for residential development and have approved subdivision maps and approved plans. All houses must be within the city limits and pass an inspection by City building officials. The program will provide up to $20,000 in loan assistance for the acquisition of a house for a qualified First-Time Homebuyer.

In marketing the program, the City will be advertising and conducting general informational workshops to inform the public about the general guidelines of the program. The City will also meet with developers, Realtors, and community groups to disseminate information about the program. The local media will be used for press releases relating to the program.

S:\WordPerfect\CDBG\Pgm_Models\FTHB Mar 04 Rev wpd

2
1984 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(REVISED MARCH 2004)
BUSINESS ASSISTANCE LOAN PROGRAM AND
IMPROVEMENTS TO PARKING LOTS

2004 FUNDING RECOMMENDATION: $262,950 ENTITLEMENT
$45,000 PROGRAM INCOME

PRIOR YEAR FUNDING: 1984 $140,000 CDBG ENTITLEMENT
1988 $370,000 REALLOCATION
1989 $155,000 REALLOCATION
1997 $200,000 CDBG ENTITLEMENT
1998 $57,000 CDBG ENTITLEMENT & REALLOCATION
1999 $795,555 CDBG ENTITLEMENT & REALLOCATION
2000 $1,650 CDBG PROGRAM INCOME
2001 $225,000 CDBG ENTITLEMENT
2003 $63,651 CDBG PROGRAM INCOME

PROGRAM PLAN:

Commercial and Industrial Development:

The Central Business District (CBD) and other peripheral business and industrial areas of the City of Porterville are abundantly developed with numerous structures which have been used for commercial, commercial/residential (apartment/hotels), and industrial use for many years. The commercial areas continue to function as the social and cultural centers of the community. The significance of these areas as a center of activity for Porterville is borne out when one considers the fact that location near these districts is a prime attraction for the construction of seniors’ multi-family housing and that, for example, promotions, holidays and most various significant local celebrations are conducted in these areas. Industrial areas provide employment opportunities for local residents. Many of these facilities were constructed several years ago and suffer from functional obsolescence, or there is vacant land available in industrial parks for the expansion of existing businesses or for the construction of a facility for a new industry. Furthermore, strong business associations and the Chamber of Commerce virtually assure that there will be a continued interest in the future of Porterville’s commercial and industrial areas.

Some of the ground floors of multiple-story commercial structures are dedicated to a commercial usage and enjoy the environmental advantages of comparison shopping districts. However, the upper stories of most have fallen into a state of considerable disrepair. The County has even excepted most upper floors from assessment of property taxes and the result has been an absence of incentives to invest in the upkeep of these resources.
Commercial and industrial development within the City of Porterville contributes to stabilization and improvement of the local economy. Expansion of commercial and industrial enterprises in Porterville provides a variety of benefits to the community. Not only is the tax base broadened and expanded, but increased employment opportunities are one of the single largest factors in the prevention of homelessness and poverty.

It is the desire of the community to provide incentives and methods to encourage the investment of time and money on a city-wide basis in commercial, industrial, and professional office districts. This can be done using a variety of approaches which have been investigated by staff and include private financing, Small Business Administration participation for qualifying property owners through the Tulare County Economic Development Corporation, and additional injection financing with CDBG loan pools. This program is based on the Community Development block Grant (CDBG) National HUD objective of job creation for low and moderate income persons (24 CFR 570.208(a)(4)) and is an eligible activity by Federal Regulations 24 CFR Section 570.203(a).

**Improvements to Parking Lots:**

If funds are available, it is proposed that this program will also provide improvements to downtown parking lots and construction of new parking lots. Use of these funds will assist in enhancing the infrastructure needed to attract employers to currently vacant and underutilized buildings. The downtown parking lots are currently in need of substantial reconstruction in order to adequately serve the surrounding commercial businesses. Their deteriorated conditions have contributed substantially to the extensive and prolonged high vacancy rate of adjacent buildings. In conjunction with the CDBG Business Assistance Program, which will provide funding for improvements to the buildings, the reconstruction of the parking lots can eliminate blighted conditions and provide economic development opportunities. The downtown area serves the entire community and is the commercial activity center located immediately adjacent to the area’s two most economically disadvantaged census tracts (Census Tracts 39 and 41). As a result of developing the Porterville Redevelopment Agency Strategic Plan, it became evident that for downtown to thrive, improvements were necessary to increase pedestrian access and safety, and to promote downtown as a destination place to go to, not through. In these respects, sidewalks were improved, street lighting and streetscape designs developed, and one-way traffic was redirected to two-way traffic.

These CDBG funds may also be used for construction of new parking improvements for commercial, professional office, or industrial use. Completion of newly constructed parking lot improvements, in conjunction with commercial, professional office, or industrial business development will generate employment opportunities for low- and moderate income persons and eliminate blighted conditions. This program will meet the CDBG National Objective for addressing slum and blight on an area basis, or in some cases on a spot basis (570.208 (b)(2)). This is an eligible activity by Federal Regulations 24 CFR Section 570.201(c).
SPECIFIC PROGRAM OBJECTIVES:

Commercial and Industrial Development:

The rehabilitation of commercial, commercial/residential, industrial, and professional office structures on a city-wide basis and/or the acquisition of vacant land for commercial and industrial use accomplishes a multitude of objectives. The first, and most obvious, is that of revitalizing by providing for facelifting and interior remodel of the shopping, industrial, and professional office places of Porterville residents. To the extent that these areas are shown to be enhanced significantly in the offering of these program funds, the City benefits, in that Porterville is a safer and more attractive place to shop, maintain an office, or industrial operations. These efforts make Porterville more appealing to the consumer; the subsequent effect being a retention of jobs, and the addition of employment opportunities.

The development of upper stories of historical, commercial buildings provides a wider degree of choice in housing opportunities and housing in attractive surroundings which is accessible to services and also expands business location options. The development of housing over commercial structures downtown would provide for the housing of special needs groups, specifically those who desire studio or efficiency apartments which are close to services and provide for an attractive environment apart from traditional housing sources.

The renovation of structures in commercial areas of Porterville removes blight conditions, attracts businesses, and serves to provide an anchor of on-going services for neighborhoods and the community as a whole. Renovating industrial structures or assisting in the acquisition of property for expansion or new construction will assist manufacturing, warehousing, and service industries desiring to locate or expand in Porterville.

Improvements to Parking Lots:

The parking lot reconstruction and new construction projects will result in the local community being enhanced by removing blighted conditions thereby encouraging viable businesses to become established, expand, or relocate to the area. The parking lot improvements will also provide one of the main infrastructure necessities for businesses, and therefore create employment and economic opportunities for low- and moderate-income persons. It will address factors contributing to the area’s blighted conditions, high unemployment rate, and low-income levels.
SPECIFIC PROGRAM ACTION:

Commercial and Industrial Development:

Servicing of loans should be accomplished through City staff or the use of a private sector entity. Control of the terms of the financing will have the effect of enabling the City to ensure benefit to low- and moderate-income persons.

Improvements to Parking Lots:

The reconstruction of the parking lots downtown will be designed and constructed as funds are available. Priority needs will be determined for the phasing of the reconstruction parking lot projects.

New construction efforts will be contingent upon yet to be specified commercial, professional office, or industrial projects.
2004 FUNDING RECOMMENDATION: $1,000 (CDBG Program Income plus previously allocated entitlement funds)

PRIOR YEAR FUNDING:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>$20,000</td>
</tr>
<tr>
<td>1989</td>
<td>$20,159</td>
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<td>1991</td>
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<td>1997</td>
<td>$1,402</td>
</tr>
<tr>
<td>1999</td>
<td>$13,720</td>
</tr>
<tr>
<td>2000</td>
<td>$850</td>
</tr>
<tr>
<td>2001</td>
<td>$18,550</td>
</tr>
<tr>
<td>2002</td>
<td>$1,000</td>
</tr>
<tr>
<td>2003</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

Program Plan:

In previous years of Community Development Block Grant efforts, the City of Porterville has been successful in securing funds for the purpose of constructing sewer and water line installation in neighborhoods defined by the Census as having predominantly low and moderate income families. A major constraint which affects the City's ability to administer and spread the Housing Rehabilitation Loan Program dollars among the people of the community, included in the low and moderate income categories, is the reality of the cost of installation of certain types of public improvements. These funds can be used to facilitate connection to existing CDBG funded sewer service extension projects and any future sewer and water projects funded through CDBG. In 2000, the City combined the Sewer and Water Revolving Loan Fund with the Underground Utility Fund to establish the Public Utility Assistance Revolving Loan Program. Money allocated from the Community Development Block Grant Program into a revolving utility connection fund is loaned to any qualified low and moderate income family within the City limits for purposes of a grant, deferred loan or low-interest financing of those facilities required pursuant to the requirements of a building permit or for other needs pursuant to sewer, water, or underground utility connection. This activity is eligible under the Federal Regulations 24 CFR 570.202 (b)(6) and meets a national objective of assisting low and moderate income households as found in 24 CFR 570.208 (a)(3).
Specific Program Objectives:

One of the goals of the City of Porterville's Housing Element specifies that it would be the purpose of the City Council to provide for the early attainment of a satisfying residential environment with adequate public and private services and facilities for every present and future resident of the City of Porterville regardless of race, age, religion, sex, marital status, ethnic background, source of income or personal handicaps. To this end the program model for the revolving public utility connection fund functions to provide those monies necessary to make this service available to the low and moderate income families of the City. Realizing that many times the costs of these public facilities are prohibitive or beyond the financial capability of many of the residents of the City it would be unfair to penalize the efforts of low and moderate income families directed towards the maintenance, improvement, and rehabilitation of their homes and neighborhoods.

Specific Program Action:

Funds set aside in the CDBG public utility connection revolving loan fund are committed to a special account of the City of Porterville which is accessible only to qualified low and moderate income families of the City. This fund is available for grants, deferred loans or low-interest financing. Applicants are screened by the Community Development Department staff and pre-qualified according to income guidelines prior to commitment of funds by the Community Development Financial Assistance Review Committee.

If the funds are borrowed on a low-interest loan basis, the homeowner enters into an installment payment agreement with the City specifying the amount borrowed, the term and the interest to be charged in the repayment of the loan. All loans are secured by a property lien and payable at time of property sale or transfer of ownership of the subject property.
2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(MARCH 2004)
MURRY PARK IMPROVEMENT PROJECT
(CITY OWNED FACILITY)

2004 FUNDING RECOMMENDATION: $157,000

PRIOR FUNDING:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>$573,324</td>
<td>CDBG Reallocated Funds</td>
</tr>
<tr>
<td>2003</td>
<td>$468,850</td>
<td>CDBG Entitlement</td>
</tr>
<tr>
<td></td>
<td>$ 86,900</td>
<td>Reallocated Funds</td>
</tr>
</tbody>
</table>

PROGRAM PLAN:

This program would allocate funds over a multi year period to plan, design, renovate, rehabilitate, and construct improvements to the 100 year old City owned Murry Park. Special emphasis will be placed on the reconstruction of the 48 year old community swimming pool which is in need of major renovation. The pool complex consists of three separate and varied pools, plus a spacious pool office and restroom. The last major renovation to repair leakage in the pools was completed in 1987. Fifteen years later the pools are once again leaking water and major repairs are necessary. Additional improvements to the swimming pool complex may include replacement of the chain link fence with a wrought iron fence and installation of a water slide. Improvements to the Park itself may include, but are not limited to: upgrades to the existing shelter structures, restroom renovations, irrigation and landscaping improvements, renovation of existing rock structures used for drinking fountains and other amenities, fence replacement on the north edge of the park, an aerator for the duck and fish pond, renovation of the bridges, replacement and installation of lighting, removal of dead and diseased trees and planting of new trees, realignment of the street and construction of a parking lot to serve the community pool area, and the addition of parking spaces on the west side of the Park. A master plan for the Park was developed in 1990 and provides the priorities for expenditure of funds. The park is located in Census Tract 39.01, but serves the adjacent census tracts 41.01 and 38.02 area where the greatest concentration of the City’s minority population and low-to moderate- income residents reside. The proposed facility is an eligible activity under 24 CFR 570.201 (c) Public Facilities and Improvements and predicated on the Community Development Block Grant (CDBG) HUD National Objective of direct benefit to low- and moderate-income area under Federal Regulation 24 CFR 570.208(a)(1).

This multi-year program will require annual approval for CDBG funding allocations.

SPECIFIC PROGRAM OBJECTIVE:

Since Murry Park and especially the swimming pool complex is utilized by large numbers of low-to moderate- income residents on a regular basis and is a very popular place for recreation, the main objective of this project is to improve the deteriorated amenities and infrastructure in the park in order to continue to keep the Park as a safe, clean, and attractive recreation facility. The objective of this program can best be summed up by the words on the 1954 dedication plaque at the swimming pool, “For the Health and Recreation of our People”.
PROGRAM DEMOGRAPHICS:

The benefit area for this project includes census tracts 39.01, 38.02, and 41.01. 52.3% of the households in this area are at or below 80% of median income as determined in the 2000 census.

SPECIFIC PROGRAM ACTION:

The environmental review process and the design phase of the pool renovation will be the first to be initiated. Construction on the pool is expected to begin in September 2003 and will take an estimated four months to complete. Since the City desires to keep the pool open during the summer season for accessibility to the low-to moderate-income, the construction schedule is being altered to accommodate its use. As CDBG funding is allocated in future years, the next phases of improvements to the Park will be implemented.
2002 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MODEL
(MARCH 2004)
HOME BUYER EDUCATION PROGRAM

2002 FUNDING RECOMMENDATION: $10,000

PRIOR YEAR FUNDING: 2002 $12,316 CDBG REALLOCATED FUNDS
2003 $10,000 CDBG Entitlement Funds

PROGRAM PLAN:

CDBG funds will be used to prepare low-income renter households for the responsibilities and
challenges of homeownership which will facilitate the use of the City’s First Time Homebuyer
Low Income Loan Program. The City is requiring this eight to nine hour training course as a
prerequisite to applying for City assistance in the purchase of their first home. The City is
convincied that the more information the applicants receive regarding the entire process of
purchasing a home, the more intelligent and fiscally responsible decisions will be made. The
course is taught by qualified individuals in both English and Spanish. The curriculum includes,
but is not limited to the following topics: advantages/disadvantages of homeownership, what the
applicant can afford, developing budgets, determining debt ratios, explanation of the loan
process, down payments, and closing costs, selection of a real estate agent, selection of property,
lead base paint visual assessment certification, writing an offer, the escrow process, and
maintenance of the home. Using the funding allocation, the City plans to provide this
homebuyer education course free of charge to qualified low income persons.

Most of the housing problems experienced by low-income households are associated with cost
burden factors. Relative to other income groups, these income groups have a disproportionate
need for housing assistance. Approximately 49 percent of Porterville’s low-income households
(30 percent AMI) were faced with some form of housing problem in 1990, compared to 33
percent for moderate income households. In order to meet the needs of low- and moderate
income households, some form of assistance will be required. This program is an eligible activity
identified in Federal regulations 24 CFR 570.201(k).

This program, using CDBG funds, would be a first step in meeting the Quantified Objectives and
in accomplishing Goal C in the Housing Element: “To meet a reasonable share of the City’s low-
and moderate-income housing needs.” In detailing policies that would help achieve this goal, the
City commits to pursuing “state and federal funding assistance that is appropriate to Porterville’s
need to develop housing that is affordable to low- and moderate-income households.” Use of
CDBG funds in educating low- and moderate-income first-time home buyers seems very
appropriate in helping to address the housing needs of the low- and moderate-income in
Porterville and meet one of the National Objectives 570.208(a)(3) where, contrary to many areas
of the state, owning an affordable home can become a reality.
SPECIFIC PROGRAM OBJECTIVES:

The City’s proposed use of CDBG funds and other federal and state funding sources for the Homebuyer Education Program will address the community’s housing needs as determined by the adopted Consolidated Plan and General Plan Housing Element. In preparing low-income households for home ownership, the City is taking an aggressive approach to reduce overcrowding and to reduce the number of renters that are overpaying for their housing. The training course will provide the education necessary for intelligent and financially responsible decisions for these people to purchase a home with three to four bedrooms and start investing their money instead of paying it in rent. As the Housing element states “Overcrowding represents a chronic and increasing problem in Porterville. The 1990 Census reported 1,347 overcrowded households, 70 percent of whom were renters. Overcrowding is a problem, in particular, for low-income families with four or more members. In addition, the Housing Element indicates that a large percentage of low-income renter households are overpaying.

SPECIFIC PROGRAM ACTION:

CDBG funds used for the Homebuyer Education course provide the necessary foundation for the use of CDBG and other state and federal funds for the First Time Low Income Homebuyer Loan Program. The course will be available on a regularly scheduled basis in both English and Spanish and will be taught by qualified instructors.

The City will take an aggressive approach in marketing the program through advertising and promotional displays. The City will also meet with developers, Realtors, and community groups to disseminate information about the program. The local media will be used for press releases relating to the program.
SECTION 108 LOAN GUARANTEE FUNDS
PROGRAM MODEL
1995 COMMUNITY DEVELOPMENT BLOCK GRANT MODEL
(REVISED MARCH 2004)
NEIGHBORHOOD COMMUNITY CENTER (CITY OWNED)

FUNDING RECOMMENDATION: Section 108 loan approved for $3.885 Million

PRIOR YEAR FUNDING: None due to delay in accessing Sec. 108 funds

PROGRAM PLAN:

Neighborhood Community Center:

This program would allocate funds to plan and construct a neighborhood community center. It is proposed that the center be located within Census Tract 41 where over 70 percent of the households earn less than 80 percent of the area median income and the greatest concentration of the City’s minority population resides. Census Tract 41 is bounded on the north by Olive Avenue, on the east by Plano Street, on the south by Gibbons Avenue, and on the west by State Highway 65. The proposed facility is an eligible activity under 24 CFR 570.201 (c) Public Facilities and Improvements and predicated on the Community Development Block Grant (CDBG) HUD National Objective of direct benefit to low- and moderate-income area under Federal Regulation 24 CFR 570.208(a)(1).

It is anticipated after construction is complete, that the operations and maintenance of the center, up to the allowed expenditure, will be funded from annual entitlement allocations.

SPECIFIC PROGRAM OBJECTIVE:

Neighborhood Community Center:

The main objective of the neighborhood community center will be to provide an equal opportunity for all persons, including low-income youth, to become self-sufficient and productive members of the community. The neighborhood community center will enable an increased number of youth to improve their self-esteem and to develop the social skills compatible with mainstream society.

Major prerequisites of delinquent behavior include a lack of appropriate support, positive role modeling, parenting skills, recognition between logical and immediate consequences, social conscience, breakdown of traditional family values and, also, a lack of positive, alternative activities for youth that allow them the opportunities to choose between positive and negative actions. Many youth experiencing a small degree of these prerequisites manage to become productive citizens of the community provided that positive alternatives are available where the ideal balance of these fundamentals can be made accessible.

Additionally, the neighborhood community center will provide a location to conduct activities for senior citizens. The center may also provide a location for programs such as health screening and a tutorial center, including a library and computers. It could function as a starting, ending,
and gathering place for City sponsored walk/run or bike events.

SPECIFIC PROGRAM ACTION:

Neighborhood Community Center

After an extensive environmental clearance process, ground breaking for this project took place in March 2003. Construction completion scheduled for 2005.
GRANTEE PRIORITY
NEEDS TABLES

(As reflected in the City of Porterville
2000 Five Year Consolidated Plan)
### Table 29 *
Priority Needs Summary Table

<table>
<thead>
<tr>
<th>PRIORITY HOUSING NEEDS (households)</th>
<th>Priority Need Level High, Medium, Low</th>
<th>Unmet Need</th>
<th>Goals ²</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Renter</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Related (2-4 people)</td>
<td>0-30% M</td>
<td>14</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>31-50% M</td>
<td>10</td>
<td>6</td>
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<tr>
<td></td>
<td>51-80% M</td>
<td>9</td>
<td>4</td>
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<tr>
<td>Large Related (5+ people)</td>
<td>0-30% M</td>
<td>70</td>
<td>11</td>
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<td>31-50% M</td>
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<td>9</td>
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<td></td>
<td>51-80% M</td>
<td>46</td>
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<td>Elderly (1-2 people)</td>
<td>0-30% M</td>
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<tr>
<td></td>
<td>51-80% M</td>
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<tr>
<td>All Other (Unrelated)</td>
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<td></td>
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<tr>
<td></td>
<td>51-80% H</td>
<td>46</td>
<td>46</td>
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<tr>
<td><strong>Special Populations</strong></td>
<td>0-80% L</td>
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<tr>
<td><strong>Total Goals</strong></td>
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<td>102</td>
<td></td>
</tr>
<tr>
<td><strong>Total 215 ⁴ Goals</strong></td>
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<td>102</td>
<td></td>
</tr>
</tbody>
</table>

1) Total need established using the 1995 Consolidated Plan Priority Needs Summary Table since economic conditions and unemployment figures have not significantly changed.
2) Goals established using CDBG, HOME, and Redevelopment estimated funding.
3) Estimate need updated using draft Continuum of Care Plan for Tulare County.
4) Meets H.U.D.’s affordability criteria
Table 30
Summary of Specific Housing and Community Development Objectives
(Table 29 Continuation Sheet)

Applicant's Name  Porterville, California

Priority Need Category
Affordable Housing

Specific Objective
Number H-1
Owner Occupied Housing Rehabilitation Program

Over the next 5 year period, the City will use CDBG, HOME, and RDA funds to assist 9 low income and 7 moderate income families rehabilitate their homes. Goal objective for each year - 2 low income and 1 moderate income households.

Specific Objective
Number H-2
First Time Low Income Homebuyer Program

Over the 5 year period, the City will use CDBG, HOME, and RDA funds to assist 8 low income and 37 moderate income rental households to purchase a home. Annual goals: 2 low income and 13 moderate income households first year, 2 low income and 9 moderate income households second year, 2 low income and 7 moderate income households the third year, 1 low income and 4 moderate income households the fourth year, and 1 low income and 4 moderate income households the fifth year.

Specific Objective
Number H-3
Rental Assistance

Using HOME and Redevelopment funds assist in the renovation of a mixed use historic downtown building to produce 14 units. Goal: four very low income, 6 low income and 4 moderate income households.
Specific Objective
Number H-4

Rental Housing

Using Redevelopment funds over the 5 year period to construct or rehabilitate 27 multifamily rental units. Annual goals: 4 very low income, 3 low income, and 3 moderate income households in year two, 4 very low income, 3 low income, and 2 moderate income households in year four, 3 very low income, 3 low income, and 1 moderate income household in year five.
### Table 31
Priority Community Development Needs

<table>
<thead>
<tr>
<th>Need Type</th>
<th>Priority Need Level</th>
<th>Estimated Dollars to Address</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUBLIC FACILITY NEEDS</strong></td>
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</tr>
<tr>
<td>Senior Centers</td>
<td>M</td>
<td>400,000</td>
</tr>
<tr>
<td>Youth Centers (included in Neighborhood Facilities)</td>
<td>M</td>
<td>0</td>
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<tr>
<td>Neighborhood Facilities</td>
<td>H</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>M</td>
<td>75,000</td>
</tr>
<tr>
<td>Parks and/or Recreation Facilities</td>
<td>M</td>
<td>3,600,000</td>
</tr>
<tr>
<td>Health Facilities</td>
<td>L</td>
<td>300,000</td>
</tr>
<tr>
<td>Parking Facilities</td>
<td>H</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Other Public Facilities - Sports Complex</td>
<td>L</td>
<td>1,600,000</td>
</tr>
<tr>
<td><strong>INFRASTRUCTURE IMPROVEMENT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solid Waste Disposal Improvements</td>
<td>M</td>
<td>75,000</td>
</tr>
<tr>
<td>Flood Drain Improvements</td>
<td>H</td>
<td>1,600,000</td>
</tr>
<tr>
<td>Water Improvements</td>
<td>H</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Street Improvements</td>
<td>H</td>
<td>5,500,000</td>
</tr>
<tr>
<td>Sidewalk Improvements</td>
<td>H</td>
<td>750,000</td>
</tr>
<tr>
<td>Sewer Improvements</td>
<td>H</td>
<td>2,770,000</td>
</tr>
<tr>
<td>Asbestos Removal</td>
<td>L</td>
<td>5,000</td>
</tr>
<tr>
<td>Other Infrastructure Improvement Needs</td>
<td>H</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>PUBLIC SERVICE NEEDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Services</td>
<td>M</td>
<td>75,000</td>
</tr>
<tr>
<td>Handicapped Services</td>
<td>L</td>
<td>5,000</td>
</tr>
<tr>
<td>Youth Services</td>
<td>H</td>
<td>550,000</td>
</tr>
<tr>
<td>Transportation Services</td>
<td>M</td>
<td>900,000</td>
</tr>
<tr>
<td>Substance Abuse Services</td>
<td>M</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Employment Training</td>
<td>M</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Crime Awareness</td>
<td>M</td>
<td>75,000</td>
</tr>
<tr>
<td>Fair Housing Counseling</td>
<td>H</td>
<td>10,000</td>
</tr>
<tr>
<td>Tenant/Landlord Counseling</td>
<td>M</td>
<td>5,000</td>
</tr>
<tr>
<td>Child Care Services</td>
<td>L</td>
<td>75,000</td>
</tr>
<tr>
<td>Health Services</td>
<td>L</td>
<td>100,000</td>
</tr>
<tr>
<td>Other Public Service Needs</td>
<td>L</td>
<td>50,000</td>
</tr>
<tr>
<td><strong>ACCESSIBILITY NEEDS</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 31

**Priority Community Development Needs**

<table>
<thead>
<tr>
<th>Need Type</th>
<th>Priority Need Level</th>
<th>Estimated Dollars to Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessibility Needs</td>
<td>M</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>HISTORIC PRESERVATION NEEDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Historic Preservation Needs</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>Non-Residential Historic Preservation Needs</td>
<td>M</td>
<td>3,000,000</td>
</tr>
<tr>
<td><strong>ECONOMIC DEVELOPMENT NEEDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial-Industrial Rehabilitation</td>
<td>H</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Commercial-Industrial Infrastructure</td>
<td>H</td>
<td>825,000</td>
</tr>
<tr>
<td>Other Commercial-Industrial Improvements</td>
<td>M</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Micro-Business</td>
<td>M</td>
<td>50,000</td>
</tr>
<tr>
<td>Other Businesses</td>
<td>H</td>
<td>50,000</td>
</tr>
<tr>
<td>Technical Assistance</td>
<td>H</td>
<td>50,000</td>
</tr>
<tr>
<td>Other Economic Development Needs</td>
<td>M</td>
<td>1,000,000</td>
</tr>
<tr>
<td><strong>OTHER COMMUNITY DEVELOPMENT NEEDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy Efficiency Improvements</td>
<td>M</td>
<td>80,000</td>
</tr>
<tr>
<td>Lead Based Paint/Hazards</td>
<td>M</td>
<td>125,000</td>
</tr>
<tr>
<td>Code Enforcement</td>
<td>M</td>
<td>30,000</td>
</tr>
<tr>
<td><strong>PLANNING</strong></td>
<td>H</td>
<td>700,000</td>
</tr>
</tbody>
</table>

**TOTAL ESTIMATED DOLLARS NEEDED TO ADDRESS:** $36,130,000
<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Porterville, California</th>
</tr>
</thead>
<tbody>
<tr>
<td>Priority Need Category</td>
<td>Community Development</td>
</tr>
<tr>
<td>Specific Objective</td>
<td>Number C-1</td>
</tr>
<tr>
<td>Infrastructure Improvement - Neighborhood Improvement</td>
<td></td>
</tr>
<tr>
<td>Use CDBG funds to provide street, curb, gutter, sidewalk, storm drainage, water, and sewer line improvements to low income neighborhoods. Goal: Over the first two years, improve 16 blocks with infrastructure.</td>
<td></td>
</tr>
<tr>
<td>Specific Objective</td>
<td>Number C-2</td>
</tr>
<tr>
<td>Public Service Needs - Youth Programs</td>
<td></td>
</tr>
<tr>
<td>Provide youth recreational program in low income Census Tract. Currently, at temporary youth center, will be located at Neighborhood Community Center. Goal for first year is to serve 700 youth per month, second year - 800 youth per month, third year - 850 youth per month, fourth year - 900 youth per month, Fifth year - 1000 youth per month.</td>
<td></td>
</tr>
<tr>
<td>Specific Objective</td>
<td>Number C-3</td>
</tr>
<tr>
<td>Economic Development Needs - Business Assistance Program</td>
<td></td>
</tr>
<tr>
<td>The City will provide assistance to commercial and industrial businesses in order to create jobs for low and moderate income persons and help eliminate blight. Goal - assist 3 businesses over the five year period.</td>
<td></td>
</tr>
<tr>
<td>Specific Objective</td>
<td>Number C-4</td>
</tr>
<tr>
<td>Utility Assistance Revolving Loan Program</td>
<td></td>
</tr>
<tr>
<td>The City will assist low and moderate income families to connect to City sanitary sewer and water facilities, and undergrounding of electrical utilities. Goal - assist 5 households year one, 3 households year two, 3 households year three, 2 households year four, and 2 households year</td>
<td></td>
</tr>
</tbody>
</table>
Specific Objective
Number C-5

Smoke Detector Program

The City will install smoke detectors in economically disadvantaged homes. Goal - to install smoke detectors in 20 very low income, 15 low income, and 5 moderate income households in the next two years.

Specific Objective
Number C-6

Public Facilities - Neighborhood Community Center

The City will be constructing a neighborhood community center adjacent to the new elementary school. The building should be constructed within two years and ready for use in 2002. The youth center program mentioned above will be moved to this location and the numbers o
Honorable Richard M. Stadtherr  
Mayor of Porterville  
PO Box 432  
Porterville, CA 93258  

Dear Mayor Stadtherr:

Subject: City of Porterville  
Annual Community Assessment  
Program Year 2002  

The Community Planning and Development (CPD) Division annually reviews the performance of communities that receive CPD Program funds. Performance is measured against the strategies and goals outlined in the grantee's Consolidated Plan for preserving and developing decent, affordable housing; improving neighborhoods; and expanding economic opportunities for low-and moderate-income persons.

We have completed our Annual Community Assessment (ACA) of Porterville's performance in implementing its Annual Action Plan objectives under its FY 2000 Consolidated Plan and as a result of this assessment, we have determined that the City has the continuing capacity to implement and administer the Community Development Block Grant (CDBG) Program. This determination is based upon a review of the City's FY 2002 Consolidated Annual Performance and Evaluation Report (CAPER) and other information available to this office.

During FY 2002, the City continued to make progress towards the achievement of its planned affordable housing and community development goals. The City of Porterville was awarded $751,000 in CDBG funds. One hundred percent of the $568,210 in CDBG funds expended during the program year was spent on activities that principally benefited low and moderate-income residents of the City. Funds expended included monies from prior years’ allocations.

In its 5 year Consolidated Plan covering the period Fiscal Years 2000 – 2004, the City stated that its top priorities were to provide decent, safe, and affordable housing for low-and-moderate income persons, maintain the integrity of its neighborhoods, encourage commercial and industrial investment, and encourage the development of its youth.

One of the Department’s priorities is to increase the number of homeowners among minority households. The overall national homeownership rate in 2002 was 67.6 percent. However, the homeownership rate for low and moderate-income families was only 51 percent. President Bush has made homeownership a priority, and has charged HUD to create public/private partnerships to eliminate barriers to minority homeownership and add 5.5 million more minority households by 2010.
Increasing homeownership has also been identified as a high priority by the City of Porterville. To meet this priority, Porterville utilized State HOME, CalHome grants and RDA funds to assist 25 low-and-moderate income households to become first time homebuyers in FY 2002. We noted that 88% of the families assisted were minority households. The Department thanks the City for its efforts to provide opportunities for low and moderate-income persons, and in particular for low and moderate-income minorities, to become first time homebuyers.

We also noted that the City used CDBG and HOME funds (provided through the State of California's HOME program) to rehabilitate one homeowner unit during FY 2002, thus accomplishing 20% of its goal to rehabilitate five units during the program year. City staff cited the high cost of Lead Based Paint abatement as the reason that more units were not rehabilitated in 2002. Porterville staff has recently revised its rehabilitation program guidelines to concentrate on smaller, less expensive rehabilitation jobs in order to increase rehabilitation production. The revised guidelines reflect the City's programmatic philosophy to try to assist as many homes as possible.

We note that City staff has recently amended the guidelines for Porterville's housing rehabilitation program in order to encourage smaller, more targeted rehabilitation projects. The City feels that the advantage of smaller, more focused rehabilitation projects is that they would not trigger the large expenditure of funds for Lead Based Paint abatement.

While we understand that the cost of abating lead based paint hazards increases the cost of rehabilitation, we are concerned that focusing rehabilitation work on properties that have no LBP problems will exclude other properties in need of rehabilitation. We ask that the City be as flexible as possible when considering which properties to rehabilitate. This flexibility will enable the City to rehabilitate the homes that are most in need of assistance.

Another high priority identified in the City's Consolidated Plan was the need to provide affordable rental housing for large families. To address this need, the Porterville Redevelopment Agency entered into an agreement to assist in the funding of infrastructure improvements for a seventy-eight unit project funded by Tax Credits. This project will be located on Date Avenue, and will consist of three and four bedroom units. When completed, this project will help the City to address the needs of low and moderate-income large family renters.

To meet the needs of low and moderate-income renters, Porterville is in the process of renovating the historic St. James Hotel property. A one million dollar State of California HOME grant is being matched with $254,000 in local Redevelopment Rental Housing Assistance Program funds and HOME program income to renovate the property, which will be re-named St. James Place. This mixed use commercial/residential facility is currently under construction. When completed, the property will provide fourteen units of affordable rental housing in the downtown area.
Porterville continues to have a need for infrastructure improvements in its lower income CDBG target neighborhoods. The City has been investing CDBG funds in the “Roche Area” for several years, as part of its strategy to improve the neighborhood with targeted CDBG assistance. In FY 2002, $172,354 in CDBG funds was expended to install curbs, gutters, sidewalks and streetlights in this neighborhood where 61% of the residents are low-and-moderate income. These activities will greatly improve the living environment of the residents of this lower income neighborhood.

The City is continuing its efforts to assist for-profit businesses with CDBG funded loans to support business retention and expansion, in order to create jobs for its low-and-moderate income residents. Expenditure of CDBG funds on economic development activities is of utmost importance in Porterville where the double-digit unemployment rate continues to be one of the City’s most pressing problems. The City of Porterville set a goal to help two businesses create jobs during 2002.

Porterville assisted one business in 2002. A loan agreement was executed with Pro-Documents Solutions for building improvements to a formerly vacant industrial property. Funds have not yet been expended. Bids are in the process of being received and contracts awarded. Thirty-six jobs will be created as a result of this assistance.

The City’s CDBG expenditures for public service and facilities programs appropriately reflected its Consolidated Plan priority needs for youth development and recreation. The City expended $54,066 in FY 2002 on building design activities contributing to the development of the City owned Porterville Neighborhood Community Center. When completed in mid-2005, the Center will primarily benefit low income and disadvantaged youth.

This project has encountered some delays due to the long and extensive environmental review process that has involved the review and approval of several different governmental agencies. In addition, the City has been allocating CDBG funds to the Neighborhood Community Center project since 1994 in order to accumulate sufficient funds to plan and construct the Center. In order to proceed with the construction of the center in a timelier manner, the City has received approval for an amendment to its approved Section 108 Loan Guarantee application in order to provide the necessary funding for the construction of the Community Center. The Section 108 program is a loan guarantee program that enables grantees to borrow up to five times their annual CDBG grant. This option is often used by grantees as a funding mechanism to fund large projects that requires a substantial amount of funding to complete.
The community center project is also a good example of Porterville’s effectiveness in leveraging additional funds from a variety of sources during 2002. A partnership was maintained between the City and the Porterville Unified School District to work together to develop the Neighborhood Community Center. As a result of this partnership, the center will be available for use by school children from the district as well as low-income kids from the surrounding neighborhoods. By working together to develop facilities that will benefit youth, this partnership will allow the City and the School District to leverage resources from each other that will benefit both parties. After resolving the environmental issues, the City is looking forward to start construction on the center in the spring of 2004.

Addressing the needs of homeless individuals and families is a priority of the Department. HUD is committed to ending chronic homelessness by 2011. In FY 2002, Porterville City staff continued to work closely with other members of the Kings County/Tulare County Continuum of Care to determine the structure, vision and objectives of an expanded regional approach to reducing homelessness. The Kings/Tulare County Continuum of Care was awarded $526,918 in Supportive Housing Program funds for two projects as part of the FY 2001 Continuum of Care competition. Both of these projects are located in Porterville.

We look forward toward working in partnership with the City of Porterville in order to help the City achieve its immediate and long-range affordable housing, community development, and economic development goals. If you have any questions, please do not hesitate to call me at (415) 436-8491.

Very sincerely yours,

Original Signed By

Steven B. Sachs

Steven B. Sachs, Director
Community Planning and Development Division

cc:
John Longley
City Manager

Bradley Dunlap
Community Development Director

Denise Marchant
Community Development Associate
SUBJECT: NAMING OF THE NEIGHBORHOOD COMMUNITY CENTER

SOURCE: Department of Parks & Leisure Services

COMMENT: The City Council directed the Parks and Leisure Services Commission to evaluate community suggestions and provide the City Council with a recommendation for the name of the new neighborhood community center and library. The public was encouraged to provide suggestions, through the City Clerk’s office. Press releases were distributed and utility bill inserts promoted the desire of the City to obtain community input.

The naming consideration has been on the monthly Parks and Leisure Services Commission meeting agenda since November 6, 2003. Each month the Commission reviewed the public name suggestions and discussed methods to improve public awareness of the naming efforts.

At the January 20, 2004 City Council meeting, it was directed that a policy be developed to identify the procedures to follow for considering the naming of City buildings and facilities. The Parks and Leisure Services Commission considered this matter at their February 5, 2004 meeting, and forwarded a recommended naming policy to the Council. The City Council received the Commission’s naming policy recommendation and approved it with some modifications at the February 17, 2004 regular council meeting.

At the March 4, 2004 Parks and Leisure Services Commission meeting the list of 18 name suggestions submitted by the public was reviewed by the Commission towards a goal of reaching a short list of five names. The 18 name list was first trimmed of the names of individuals, living or deceased, to a list of nine names. The Commission then discussed and added to the list a tenth name before trimming the list to their top four choices. It should be noted that four of the remaining names were tied in preference for the fifth choice.

The Commission then set a public hearing for their April 1, 2004 meeting on the community center naming issue. The public hearing is a component of the Naming Policy adopted by the City Council. The list of four names were indicated as the choices being considered by the Commission, and the public was invited to comment on these names or other suggestions. At the public hearing only one member of the public was present to speak. This person, as the representative of a community organization, suggested two new names - both names of deceased individuals. At the close of the public hearing the Commission discussed all of the name suggestions and determined by unanimous vote to forward a preferred name to the City Council with two alternate names for consideration.
The Commission's recommendation is for the City Council to name the new facility the 'Elderberry Community Center.' The Commission's justification for this name is attached to this report. The alternate names suggested by the Commission are 'Foothill Community Center,' and 'Orange Belt Community Center.' The Commission's justification for these two names is also attached to this report.

Staff wishes to remind the Council that the recently adopted naming policy makes provision for the naming of rooms and locations at City facilities. Some of the suggested names could be utilized in this manner if they are not determined to be the preferred name for the facility itself.

**RECOMMENDATION:** Review the list of names submitted by the public and consider the name recommendations provided by the Parks and Leisure Services Commission to establish the name of the neighborhood community center and library facility currently being constructed.

**ATTACHMENTS:**
1) Suggested name - 'Elderberry Community Center'
2) Suggested name - 'Foothill Community Center'
3) Suggested name - 'Orange Belt Community Center'
4) Locator Map
5) Suggested name list - does not include persons names
6) Building and Facility Naming Policy
7) Names submitted by the public
Suggested Name: Elderberry Community Center

Reasons to support this selection:

- Elderberries have figured prominently at this site and since we have to protect this bush and its “beetle” why don’t we just embrace it and make it something that will be to the benefit of Porterville and its citizens.

- This is a pleasant sounding name and though not site specific, people are aware of the elderberries that are located here.

- Porterville could become the “Elderberry Capitol of the World”

- The government agency assigned to protecting the Elderberry, the U.S. Fish & Wildlife Service, could be involved in promoting this site as a display location for the Elderberry with special (possibly permanent) displays in the Community Center. This might just get Fish & Game to work more easily with Porterville as we facilitate its efforts to preserving an endangered plant and the Long Horned Elderberry Beetle.

- Since we have already put on a daylong promotion in support of the Long Horned Elderberry Beatle, we could just as easily enlarge this into a full blown City promotion “Elderberry Days” with a promotion of elderberry products, plants, displays, and sales of elderberry products at the Elderberry Community Center and on main street similar to Iris Festival Days.
Suggested Name: “Foothill Community Center”

Reasons to support this selection:

- The “foothills” to the east are a very prominent site
- This is a pleasant sounding name
- This is a non-controversial name

Reasons for not supporting this name:

- This is not a very site specific name for a resident of Porterville trying to locate the site.
Suggested Name: “Orange Belt Community Center”

Reasons to support this selection:

- This is a very pleasant sounding name and the orange industry is very prominent in the area.

- Orange groves are visible from this site.

- This is a non-controversial name

Reasons for not supporting this name:

- For a resident of Porterville it is not necessarily a site specific name even though it is on Orange Avenue.

- Possible overuse of the name:
  - Orange Belt Stage Lines
  - Orange Belt Board of Realtors, etc.
___ Orange Belt

___ Foothill

___ Any Thing, Any Time

___ East Orange Avenue

___ Liberty Bell

___ Freedom Field

___ Sierra

___ Sierra Sunrise

___ Val Verde

___ Elderberry (added by P/LSC mem.)
Naming City buildings, parks and facilities serves a public interest by recognizing important landmarks, locations, or persons. The development of policies and procedures to guide the naming and dedication of City facilities is intended to enable the process to be applied in a fair, objective and consistent manner.

In order to facilitate the manner in which public facilities may be named, the following guidelines are recommended:

1) Naming of City-owned Parks and Facilities

   - Names must be pleasant sounding, tasteful and grammatically correct.

   - City buildings, parks and facilities will be named in a manner that will provide an easy and recognizable reference. Such names should generally reflect the facility's landmarks and geographical location (such as a major street, location, or neighborhood) and/or function.

   - In certain circumstances, where names reflecting the geographical location are unworkable, names may reflect topography, notable flora, prominent tree(s), cultural characteristics, a natural or environmental feature, city identification, historical precedent or enhancement of civic values and heritage.

   - Under extraordinary circumstances, consideration may be given to naming facilities after significant individuals or organizations that made prominent contributions to the City's community. This is to promote civic pride as well as to honor or recognize individuals. Consideration may be given to criteria that said individual or organization must meet in order to be considered.

   - Consideration may be given to naming the facility after an individual when the land or facility, or the necessary funding, have been donated by the individual, particularly if such naming is set forth as a condition of the donation. In general, 100% of the land, facility, or necessary funding would be expected for favorable consideration to the naming of the facility after an individual.

   - Names shall not be considered for those individuals when they have been previously named, or overly recognized. If naming after a deceased individual, a waiting period of at least ten years after the death is required.
• The Parks and Leisure Services Commission will oversee this process. The Commission will solicit ideas and suggestions from the community, and accept nominations at least 180 days prior to opening of a new facility. The Parks and Leisure Services Commission will hold at least one public hearing. Nominations should be submitted in writing on an approved form with a statement of justification and/or background information. Any letters of support may also be included. Recommendations may also come from other City boards and commissions. All qualified recommendations will be given the same consideration without regard to the nomination source.

• The Parks and Leisure Services Commission will make recommendations to the City Council. All names are to be approved by the City Council. The City Council shall establish the name after receiving recommendation from the Parks and Leisure Services Commission.

• The City Council also reserves the right to rename or remove a name from a City building and facility.

2) Dedication of Buildings and Facilities

• City buildings and facilities including places within City-owned land or facilities, such as a room within a building, can be dedicated in memory of an individual or group, who has contributed to the facility or community. A donation or in-kind contribution may be accepted by the Council and recognized by a plaque affixed to the appropriate city building.

• The Parks and Leisure Services Commission will oversee this process in the same manner as the “Naming” process.

• Any individual, family, group sponsoring dedication or memorial must provide sufficient funds to purchase, install and maintain the plaque.

• The City will make reasonable efforts to preserve plaques but if necessary due to constructions or repairs, the plaque may be relocated. The City Council also reserves the right to remove the plaque.
NEIGHBORHOOD COMMUNITY CENTER/LIBRARY
NAMES SUBMITTED BY PUBLIC
as of February 27, 2004

1. Alan Drury Community Center/Library
2. Orange Belt Community Center/Library
3. Delores Huerta Community Center/Library
4. Foothill Community Center/Library
5. Any Thing, Any Time Community Center/Library
6. East Orange Avenue Community Center/Library
7. Silver Rodriguez Community Center/Library
8. Liberty Bell Community Center/Library
9. Freedom Field and Community Center/Library
10. The Frank "Buck" Shafer Community Center/Library
11. Sierra Community Center/Library
12. Laci and Conner Community Center/Library
13. Robert "Bob" Perez Community Center/Library
14. Gilbert Ynigues Community Center/Library
15. Daniel Alonzo Figueroa Community Center/Library
16. Sierra Sunrise Community Center/Library
17. Abe Lincoln Memorial Community Center/Library
18. Val Verde Community Center/Library
19. Dorothy Marigo (submitted 4/1/04)
20. Julia Morgan (submitted 4/1/04)
Porterville City Council has requested the assistance of all individuals with an interest in the naming of New Library and Community Center to be constructed on East Orange Avenue. All suggestions of a name for the Library and Community Center building should be submitted in writing to the Deputy City Clerk, Georgia Hawley, at 291 N. Main Street, Porterville, CA 93257.

Dave Workman
775 E. Cleveland
781-9568
Also, Georgia Neely

One thanks for your memory.

Also, the Georgia Neely. And, please incubate letters.

Community Church, Elroy, Board, and Community Center.

Date: 12/3/03

Georgia Neely
207 N. Main St.
Butteville, OR 93257

RECEIVED
DEC 15 2003

CITY OF PORTLAND
DEPUTY CITY CLERK
Ms. Carole Y. Coons  
1179 Brown Ave  
Porterville CA 93257-5803  

12/16/03

My suggestion for the name of the Library and Community Center would be EO A Library and Community Center. Thank you.

Carole Coons

East Orange Avenue

Member of The Humane Society of the United States


Welcome all to the living room.

A few words to the assembly.

The new C70 model is announced.

The price is $5,000.

What more could one ask for?
Subject: name for community center
From: "Judie Gray" <judieg@alta-vista.k12.ca.us>
Date: Fri, 20 Feb 2004 11:38:29 -0800
To: <ghawley@ci.porterville.ca.us>

This is in response to our phone conversation.
I would like to submit a name for the community center of Orange.

VAL VERDE COMMUNITY CENTER

Thank you for your consideration of my suggestion.

Judie Gray
782-5704
of the people or Portland when I
came to we were Reenice people
Make me a library names after
that Great Man

A Home

1901 W. Main St
Portland, Ca 93257
Be New community
Center February

Think of

If there a couple of time departing
are both present, Abe Lincoln such as
Come up he be the president. As I had
then the new library in our Case
who were named. So I lasted

The Abe Lincoln Monumental
February. I wake up thinking
of them we celebrate their birthday.
Then they changed to President
May they always feel they need
their Birthday celebrated on the day it
happened. He had wanted education
so that to that's my suggestion
He care on the "Friend of Man" Must
Georgia Hawley, Deputy City Clerk  
291 North Main Street  
Porterville, CA  93257

RE: Naming of the new Community Center and Library

Dear Ms. Hawley:

I would like to suggest that the new community center and library, to be built on East Date Avenue, be named after Dolores Huerta, heroic and tireless civil rights activist and co-founder of the United Farm Workers. It seems fitting that this community gathering spot be named after a sterling role model such as Ms. Huerta, who also reflects the community demographic. As a teacher, I would love the opportunity this appellation would provide to highlight and talk about strong Latina role models.

Thank you in advance for your consideration of this suggestion.

Sincerely,

[Signature]

Susan Carol Carter
Name our new Community Center/Library

Porterville City Council has requested the assistance of all individuals with an interest in the naming of the New Library and Community Center to be constructed on East Orange Avenue. All suggestions of a name for the Library and Community Center building should be submitted in writing to the Deputy City Clerk, Georgia Hawley, at 291 N. Main Street, Porterville, CA 93257.


Bev, the only Pulitzer Prize winner from Porterville. She graduated from Porterville High School in 1935 and from Stanford University in 1939. I think it is an honor to have someone from Porterville to be a Pulitzer Prize winner.

Chaplin Morgan
Gena Hixley, Deputy City Clerk
City of Porterville
291 N Main St.
Porterville, CA 93257

December 27, 2003

Dear Ms. Hixley:

I am writing in reference to the naming of the New E. Katz Community Center.

I feel that the name "Delores Hixley Community Center" would do honor to the City as well as the community, in which it will be located.

I am sure of no other person as deserving as she.

Friendly,

[Signature]

[Address]
[City, State, Zip]

[Date]
Porterville

Anything

Any Time

Library

Eddell William
279 S. Beverly
Porterville, CA 93257
734-1067
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The Selene Rodriguez Library + Community Center

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

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This is a friendly name - 2 may send other suggestions. John Dutton 7/8/72
Subject: Name for New Community Center/library
From: "Uncle Bill" <warner1@sosinets.net>
Date: Sun, 7 Dec 2003 21:17:54 -0800
To: <cityclerk@ci.porterville.ca.us>

Please distribute to members of the Parks and Recreation Department and to City Council members.

Gentlemen/Mesdames:

At the last meeting of the readers advisory board of the Porterville Recorder, the issue of a name for the new Community Center/Library came up. It is interesting that the name of "Delores Huerta" came instantly to the minds of both myself and the doctor sitting across the table from me. This may be a coincidence, but I firmly believe that there are many who feel that her name would do honor to the new facility, especially as it will be situated in a Latino community.

I am sure you are aware of Mrs. Huerta's work with the United Farm Workers which she co-founded with Cesar Chavez. She is a tireless and devoted community leader respected by all in the Latino community for her belief in human rights, social justice, and human dignity. She has been severely beaten putting her body on the line for the farmworkers. She has consistently worked for fair treatment of campesinos, who, incidentally, do most of the work in this county. She has steadfastly refused to sacrifice her lofty ideals. Many are willing to put their words on the line, but she has put herself on the line time and time again.

She has never forgotten the condition in which she found, as a new teacher, her impoverished students for whom she has struggled all her life. Her life is a model that teachers, students, and community leaders might well emulate.

This new center will mean a lot to students like her former pupils. I can understand the feeling that students should be involved in the choosing of a name for the center but I found while teaching at Porterville HS that almost none of them had ever even heard of this most courageous lady! It is hard to imagine entrusting the name to students who, when asked who their heroes are (and I have none of this with them also), they routinely name basketball stars, movie stars, generals, etc. Perhaps that is the fault of their history teachers, TV, or just plain immaturity and lack of a wider frame of reference found, one would hope, in our more knowledgeable and mature city leaders.

As a retired history teacher, I know that the name on a facility can inspire some students to inquire about the person who has their name over the door. "Orange Avenue Center" misses the point. "The Delores Huerta Community Center" might help put some of them more in touch with their heritage, and to help them learn about true courage and serving the community...

I suggest that people with some knowledge of Mrs. Huerta's sacrifices for the downtrodden here in the Southern San Joaquin Valley be interviewed, and that the sample not be limited to those who are in high school, subscribe to the Recorder, who access the City website, or who have no interest in the community served by the center. Interview leaders in the Latino community.

Naming the new facility "The Delores Huerta Community Center", you would be simultaneously honoring the Latino community, women, all those who are willing to fight for improving the lives of those in the community, and this very special lady who has given so much of herself to the very young people who would be using the Center.

Sincerely,

Harold W. Warner
1370 Monache Ave.
Name our new Community Center / Library

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Please don't use the name of someone who is still alive.
Melanie A. Carter  
City Clerk  
City of Selma  
50927 Bearclover Lane  
Squaw Valley, CA 93675

Georgia Hawley  
Deputy City Clerk  
City of Porterville  
291 N. Main Street  
Porterville, CA 93257

Hi Georgia:

While paying the utility bill for my mom I noticed a note asking for suggestions for names for the new Porterville Library/Community Center.

I would like to submit the name The Frank "Buck" Shafer Library/Community Center.

"Buck" was band director at Porterville High School for many years, four of which I had the honor of being a part of. He always instilled a sense of pride, discipline, and dedication in the band members. He gave of himself tirelessly and I often wondered even then how he did it.

He was and is also community minded, continuously honoring our many Veterans, and working to support the City of Hope to name just a few.

Even today I am very proud of having been in the Panther Band and I know many fellow classmates feel the same way. Buck always stressed doing the best you can and the many awards the Panther Band received over the years are a testimonial to this philosophy.

Thank you for your consideration.

Melanie A. Carter
Subject: community center
From: merrily Davies <merrilydavies@yahoo.com>
Date: Fri, 12 Dec 2003 16:20:10 -0800 (PST)
To: cityclerk@ci.porterville.ca.us

I understand that you are trying to decide a name for the parks and recreation community center. My vote is for naming it after Delores Huerta.

Sincerely,

Merrily Davies

Do you Yahoo!?
New Yahoo! Photos - easier uploading and sharing
December 5, 2003

Porterville City Council
c/o Deputy City Clerk, Georgia Hawley
291 North Main Street
Porterville, CA 93257

Reference: Name Community Center/Library on East Orange

I submit for your consideration the name of Robert (Bob) A. Perez.

I have had the pleasure of knowing Bob for many years. He has provided many persons with knowledge of his business skills, knowledge of the public education system, his ability to work productively with diverse groups, his concern for the public served by the school district, and service to the entire community. His knowledge provides historical continuity.

Bob often works with students and parents, and members of this community. He has empathy for people that allow him to discern when a person is embarrassed or distressed and seeks ways to reassure and assist without causing lack of dignity.

When parents or other community members approach Bob with questions about the school district, or in the organizations he serves, he has appropriate and accurate responses based on his years of experience, and in particular his attention to ethics, protocol, policies and procedures. Service to the entire community is a well-known trait of Bob as he is a participant in many community activities. Bob is on the board for Sierra View District Hospital and Senior Day Care. Through these services he is able to ensure adequate and compassionate care for many families. His past service experiences have included organizations such as Comision Honorifica Mexicana Americana, Association of Mexican American Educators, Porterville Chamber of Commerce Board of Directors, Leadership Porterville, as well as others not listed.

Though Bob Perez is one that does not seek the spotlight for his volunteerism, countless people have recognized his role professionally and as a community service leader. He has freely given countless hours of his time and has provided mentorships for many without self-gain or self-promotion.

Porterville is filled with many quality individuals. In the selection process, I hope that you will consider the area, the diverse and ethnic makeup, and location of the new community center/library. Bob Perez has remained to the town where he was born and raised, and has dedicated himself to his work and community. He is deserving of the recognition in the naming of the community center/library.

Sincerely,

Norma Miller

NM/maf

Attachment: Resume for Robert (Bob) A. Perez
Copies to: Mr. Richard Stautherr, Mayor
Mr. Pete Martinez, Mayor Pro-Tem
Mr. Cam Hamilton, Council Member
Mr. Ron Irish, Council Member
Mr. Kelly West, Council Member
Mr. John Longley, City Manager
ROBERT A. PEREZ
784 W. Thurman Avenue
Porterville, California 93257
559-781-5977

EDUCATION
California State University, Bakersfield
B.A. 1972 History--major, Sociology--minor
M.A. 1977 Educational Administration
Administrative Services Credential, 1983
Standard Secondary Credential, 1977

EMPLOYMENT
1997-present: Porterville Adult School, Porterville Unified School District
1995 to 1997: Monache High School, Porterville Public Schools
1990 to 1995: Citrus High School, Porterville Public Schools
1974 to 1990: Porterville High School, Porterville Public Schools
1972 to 1983: Porterville College, Adjunct Faculty
1971 to 1974: City of Porterville
1968 to 1969: Burton Schools

SUMMARY OF PROFESSIONAL EXPERIENCE
Director, Porterville Adult School (1997-present)
- Chief Administrative Officer
- Responsible for day to day operations of campus
- Responsible for budget development and monitoring
- Responsible to State Department of Education for Adult Programs
- Presents all adult programs to community forums
- Selects staff members
- Evaluates staff
- Writes grants and program proposals
- Coordinates evaluation, selection, and purchase of curriculum materials
- Responsible for vocational education grants and programs
- Coordinates programs for senior citizens

Assistant Principal, Monache High School (1995 to 1997)
- Responsible for campus curriculum planning
- Observe and evaluate certificated and classified staff
- Assist with master schedule and personnel selection
- Responsible for Guidance Department
- Responsible for SDC program and IEP goals and objectives
- Coordinate extra and co-curricular activities, awards, scholarship programs, and discipline
- Develop student activities budget
- Assist with California High School Second-to-None Network
- Member of Independent Study Committee and liaison with alternative programs and Community School
- Member of district Affirmative Action Team
- Chairman of Porterville High School Centennial Celebration
Assistant Principal, Citrus High School (1990-1995)
- Responsible for guidance and counseling
- Responsible for student activities and activities budget
- Responsible for attendance and discipline
- Assisted with personnel selection and staff evaluations
- Provided program information to the community
- Liaison to other educational and job development programs
- Assisted with development of school/business partnerships
- Organized, coordinated and chaired district Gang Task Force
- WASC Accreditation committee
- Member of Affirmative Action Team

Assistant Principal, Porterville High School (1983-90)
- Research and compilation of School History/Athletic Programs
- Established Academic Letter Program
- Assisted with selection of personnel and instructional materials
- Responsible for SDC and RSP program
- Responsible for attendance accounting, SARB, and discipline
- Originated summer work-experience program
- District resource for gang related awareness intervention
- Math and student government teacher

Guidance Coordinator, Porterville High School (1974-83)
- Supervised and evaluated counseling staff and testing program
- Coordinated bilingual, migrant, and compensatory programs
- Varsity soccer and freshman football coach
- Advisor for Junior Class and Mexican-American Club
- World History teacher

College Instructor, Porterville College (1971-82)
- Responsible for curriculum and instruction for courses in psychology, sociology and history
- Coordinated Summer Youth Education/Employment Program with Tulare County Department of Education

Administrative Assistant to the City Manager, City of Porterville (1973-74)
- Assisted in personnel selection and management
- Developed Communications Center
- Assisted with budget preparation, grants and city ordinances
- Liaison to Mexican-American community
- Prepared reports and publicity releases

Human Relations Officer, City of Porterville Police Department (1971-73)
- Development of community relations programs
- Assisted with internal and external investigations
- Assistant juvenile officer
- Sworn Officer status
- Development of internal procedures and programs
- Established Spanish section of Porterville Public Library
ORGANIZATIONS

Sierra View District Hospital Board Member
Porterville Senior Day Care Center Board Member
Rotary Club of Porterville
Comision Honorifica Mexicana Americana
Association of Mexican American Educators
Porterville Chamber of Commerce Board of Directors
Leadership Porterville Steering Committee
Crime Prevention Committee
Cinco de Mayo Committee
Burton School Board of Trustees, (1979-83)
Sister City Committee

AWARDS, HONORS AND RECOGNITION

1997  •  Adult Ed. Administrator of the Year, Tulare County Region XI ACSA
1992  •  Recipient of Roy Flemate Mexican-American Community Award-Comision Honorifica
        •  Porterville High School Yearbook Dedicated to Bob Perez
1990  •  Porterville Chamber of Commerce "Man of the Year"
        •  Cinco de Mayo Grand Marshall
1988  •  Leigh Robinson Voc Ed. Award, State of California
        •  Awarded California Career Conference Innovator of Year
        •  Porterville High School Man of Year Award
1972  •  Founder of Cinco De Mayo Parade
        •  Porterville Jaycees "Outstanding Young Man of the Year"
1969  •  Burton Elementary School-Outstanding Teacher of the Year
Subject: Name for New Community Center
From: Carmen Martinez-Eoff <eoffs@ocsnet.net>
Date: Mon, 08 Dec 2003 14:01:52 -0800
To: ghawley@ci.porterville.ca.us

Dear Ms. Hawley,

Would you be so kind as to send me an email letting me know if you received this. Attached you will find a nomination for the name, Gilbert Yniques to be considered for naming the new recreation center to be built next to the new Plaza de Santa Fe School. Several of us are currently gathering signatures that will be attached to this petition. If you need more information from me please email me or call me at my home, 784-5770. Thank You.

Carmen Martinez-Eoff
Gilbert Ynigues Community Center

We the undersigned of the City of Porterville, hereby pledge our support for the naming of the new community center to be located off Orange Avenue next to the coming Santa Fe Elementary School.

Gilbert Ynigues is a distinguished citizen well known for his many years of civic and community service. He is a respected businessman and has been recognized for his work both in business and in civic/community service.

Mr. Ynigues has over 40 years experience in the flower business and is owner/operator of Smith Flowers since 1962. He is a Veteran having served in the Army with overseas duty. He is a life member of the VFW, Veterans of Foreign Wars, and a member of the Terra Bella American Legion.

Gilbert Ynigues served for 17 years on the Tulare County Housing Authority and his role as a commissioner was to represent Porterville for public housing. He was instrumental in obtaining 40 million dollars for the Porterville area. He helped organize the Plano Development Corporation, a non-profit organization, which built the Plaza de Santa Fe Senior Citizen apartment complex, providing 150 units.

Mr. Ynigues served on the Porterville City Council from 1969 to 1973.

Former Governor Jerry Brown appointed Mr. Ynigues to the Tulare County Fair Board.

He served four years on the CSET; Get a Job, youth employment service. He also served for years on the Porterville Development Center’s Benefit Fund Committee helping to govern monetary donations to be used for the children who are clients at the Center.

He has served for years on the Porterville Senior Council.

Gilbert Ynigues is a charter member of the Porterville Exchange Club and has served on many committees that benefit youth and others.

Over the years, Mr. Ynigues has served on the California State University, Bakersfield, Hispanic Excellence Awards, helping to provide scholarships to
outstanding farm worker students. He also served on the Kern Community College District's effort toward unification.

He has been a member of the Porterville Chamber of Commerce for years.

He is one of the founding members of the Tulare/Kings Hispanic Chamber of Commerce.

Among his many awards and recognitions are:

Cinco de Mayo Grand Marshal, 1982: Comision Honorifica Mexicana Americana


Man of the Year: Porterville Chamber of Commerce, 2003

Excellence in Business Award: City of Porterville, 2003

He has served on countless committees for the Porterville Unified School District including the drawing of school district boundaries. He is currently on the financial committee for the new Santa Fe Elementary School.

He was president of MAGO, Mexican American Golf Organization in the 1960's. Through his leadership the organization recognized and awarded Porterville and Monache High School students who had participated in sports for four years and had distinguished themselves in sports activities.

Gilbert has given motivational/inspirational talks to parent groups throughout the years.

He is well known for his advocacy and support of youth. He has donated many hours to this cause. He has visited many classrooms and has been an inspiration to students. Gilbert has been asked to speak to students in their classrooms, at graduations and other ceremonies. Current Porterville City Council Mayor Pro Tem, Pete Martinez remembers Gilbert giving an inspirational talk to Pete's class while Pete was an elementary student at Woodville Elementary School. He has told Gilbert that Gilbert's words, "You need to participate in government if you want to be able to make a difference." were a real inspiration to Pete.
For his dedication, service and caring for youth as well as others, we nominate the name for the new Community Center to be, *Gilbert Ynigues Community Center*
Subject: Name for New Community Center/library
From: "Uncle Bill" <warner1@sosinet.net>
Date: Sun, 7 Dec 2003 21:17:54 -0800
To: <cityclerk@ci.porterville.ca.us>

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Sincerely,

Harold W. Warner
1370 Monache Ave.

imap://ghawley@mail.ci.porterville.ca.us:143/fetch%3EUID%3E/...
Dear Parks & Leisure Services Commission:

This letter is to recommend the name of Daniel Almoguera Figueroa, Sr. to the City's naming by the new Library & Community Center. My father has a long list of contributions to both the business and Hispanic communities.

A businessman in Porterville since the 1930's until his passing in 1997, first as a broker on the Eastside and subsequently a clothing retailer on Main Street. He was instrumental in forming the Comision Azteca Group of which now finds its home next to the new Library & Community Center.

I grew up on A Street where my father was...
affectionately known as "El Maestro" (the master). Our neighborhood was as close to American as you could get. All influences in cultures and music such as Country, Rock & Roll, Mexican, and I could. My father knew all the business friendships of all. Taking people to Doctor's appointments, doing their grocery and even taking the fan from his Barber shop to the home of a friend dying of Cancer. We didn't have much in those days, but we had each other.

Letter of recommendation from a direct segment of our city. Can and will be provided.

Thank you for your consideration.
Dear Council Members:

In naming of the new Neighborhood Community Center/Library, please consider Sunrise Community Center.
SUBJECT: CONSIDERATION OF OPENING MURRY PARK TO VEHICLE TRAFFIC

SOURCE: Parks & Leisure Services Department

COMMENT: A member of the City Council requested that research be conducted on the reasons for closing Murry Park to vehicle traffic so that the Council could consider its reopening. Staff has researched the matter and discovered that the Putnam Avenue entrance was closed by the City Council through action taken on July 18, 1989. The preparation of a park Master Plan was to be undertaken and consideration of reopening to vehicle traffic would be an option for consideration upon completion of the Master Plan.

The Murry Park Master Plan was adopted by the City Council on October 2, 1990. The Master Plan provides for doubling of the onsite parking through the construction of four new parking lots. The entrances to the parking lots would be directly from existing streets and no vehicular traffic would utilize the existing closed internal roadway system. The first priority for construction was established as the parking lot off Putnam with a sidewalk to the restrooms.

Apparently reopening the entrances to vehicular traffic was not discussed at the time that the Master Plan was adopted. To date the Murry Park Master plan has not been implemented and none of the new parking areas have been created.

The City Council has recently established the implementation of the Murry Park Master Plan improvements as a high priority project. Funding is anticipated to be available in fiscal year 2004-2005 for the master design work and the specific design for a first phase of work. It is likely that the parking lot off of Putnam Avenue could be under construction during 2005 if it remains a part of the first phase work element.

The PRC met on April 28, 2004 to discuss the potential reopening of the Putnam entrance. It was the opinion of the Committee that the entrance should not be reopened. The reasons for leaving the roadway closed to vehicles included: the enhanced pedestrian safety and use of the park; minimized difficulty in policing the park for criminal activity; less attraction for criminal elements to cruise the park; and, the positive steps towards the master plan improvements being undertaken.

RECOMMENDATION: Do not reopen the Putnam entrance to Murry Park for vehicular traffic and maintain the improvement of Murry Park as a high priority project.

ATTACHMENTS: Locator map
Council minutes of July 18, 1989
Staff report for Veterans' and Murry Park Master Plans, October 2, 1990

ITEM NO.: 20
MOVED by Council Member Leavitt, SECONDED by Mayor Pro Tem Lok that Council approve Conditional Use Permit 2-89.

AYES: Pruitt, Lok, Leavitt, Smith, Ensslin
NOES: None
ABSENT: None

SECOND READING

21. ORDINANCE NO. 1416, ZONING ORDINANCE AMENDMENT 2-89 REGULATING THE SALE OF ALCOHOLIC BEVERAGES UNDER AN OFF-SALE LICENSE

The City Manager presented the item and read Ordinance No. 1416 by title only.

COUNCIL ACTION

MOVED by Council Member Leavitt, SECONDED by Mayor Pro Tem Lok that further reading of the ordinance be waived. The motion carried unanimously.

Ordinance 1416

MOVED by Council Member Leavitt, SECONDED by Mayor Pro Tem Lok that Ordinance No. 1416 be adopted, being an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLES 7, 8, 9, 10, 13, 14, 16, 33; THE C-3, C-2, C-3, C-H, O-A, F-1, AND A-D ZONES RESPECTIVELY, ALSO ARTICLES 21 - SPECIAL USES AND ARTICLE 33 - DEFINITIONS, OF ORDINANCE NO. 1198, THE ZONING ORDINANCE; REGULATING ESTABLISHMENTS ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES UNDER AN OFF-SALE LICENSE.

AYES: Pruitt, Lok, Leavitt, Ensslin
NOES: Smith
ABSENT: None

SCHEDULED MATTERS

22. MURRY PARK PUTNAM ENTRANCE

The City Manager presented the item.

Mayor Ensslin asked if there was anyone who wished to speak on this matter.

Carmen Eoff, 752 East Putnam, came forward and stated that closing the Putnam Street entrance would result in less use of the park. Mrs. Eoff stated that she was a teacher at Olive Street School, and she felt more study should be made before this was done. Mrs. Eoff stated that she was concerned that the city would be closing the entire area. Mrs. Eoff stated that she had noticed much less use of the park since the entrance had been closed.

The Mayor stated that they would see more usage as the improvements were finished.

Mrs. Eoff questioned where people who used the park would park.
The City Manager stated that these were the issues that would be addressed in the Master Plan report. The City Manager stated that they were concerned that mixing pedestrians and vehicular traffic would cause problems. The City Manager stated that the experience they had while the park entrance was closed has been positive.

Mayor Ensslin stated that this was for the protection of the young people and the pedestrians as there was a liability problem. Mayor Ensslin stated that the usage of the park would not decrease from the closure. Mayor Ensslin stated that there was parking by the swimming pool and at the east and west entrances.

Mrs. Boff stated that some of the children had prepared something if the Council would listen.

Christina Coranado, 282 West Date, came forward and stated that she did not want the Council to close the front entrance.

Gracie Martinez, 284 West Date, came forward and asked that the Council not close the front entrance to the park.

Mayor Ensslin stated that he felt there was a misconception, as there would be no change in what they would be doing in the park. Mayor Ensslin stated that the children would not have to worry about cars hitting them and it would be a lot more fun than before.

Diana Santiago, 299 West Orange, came forward and stated that she did not want the Council to shut down the front entrance as it would be like shutting the front part of the park.

Angela Coronado, 288 West Date, came forward and stated that she did not know why the City was shutting down the front part of the park.

Mayor Ensslin stated that people would still be able to walk into the park, but they would stop the cars from driving through for the safety of the children.

Mrs. Boff stated that she just wanted to be sure that the park would still be there for the children.

Mary McClure asked how many children had been hit at the park by vehicles. Mrs. McClure stated that if no one had been hurt, then why was the City trying to protect them. Mrs. McClure stated that it was her understanding that they were closing the park because of the problems at night. Mrs. McClure suggested opening up the park during the day and closing it at night. Mrs. McClure stated that less people would use the park if they could not drive in, and there would be more problems with people parking on Putnam and crossing that busy street.

John Gifford came forward and asked if the City was going to maintain any vehicular access to the arboretums so people could get their supplies to the arbors. Mr. Gifford suggested putting in a divider at the bridge so there would not be any through traffic, but people could come into the park.
The City Manager stated that this would be looked at as they did the Master Plan. The City Manager stated that they had not received any complaints about the closing of the gates.

Mr. Gifford stated that if the problem was drive-through traffic, then put in barriers, and if the problem was parking, then put in more parking.

The City Manager stated that people using the arbor were able to load and unload by permit.

Gilbert Ynigues, 851 North Cottage, came forward and asked the Council what they were doing to encourage people to use the park. Mr. Ynigues stated that everyday he read something that those people who could not defend themselves were being discouraged from using the park. Mr. Ynigues stated that if traffic was the problem, then speed bumps could be put in. Mr. Ynigues asked if the Council intended to close the other side next.

Mayor Ensslin stated that the issue was not who used the park, as it was open to everyone.

Mr. Ynigues stated that the Council was the one wanting to close the park, and if they wanted to encourage the use of the park, then there were other ways besides closing the entrance.

Mayor Ensslin stated that they should work together on this.

Mr. Ynigues stated that basically the Council was only listening to their friends. Mr. Ynigues stated that for some people, this was the only place to go on Sunday. Mr. Ynigues asked what the Council was going to encourage the use of the park.

Mayor Pro Tem Lok stated that they had just spent a lot of money to clean up the ponds and make the parks cleaner.

Mr. Ynigues stated that it was done only for the people who live near the park.

Council Member Smith stated that it was stated in the agenda item that the closure was made only until a Master Plan was completed. Council Member Smith stated that people were driving on the lawn and destroying property. Council Member Smith stated that the closure was needed until the new Master Plan was completed.

Mr. Ynigues stated that when they did that, they would not bring it back.

Marti Sherwood, 1025 West Thurman, came forward and asked about the Master Plan.

The City Manager stated that there was not a Master Plan, but one would be completed. The City Manager stated that with the six to eight months experience, the closure had been satisfactory. The City Manager stated that less use may have
been because of the closure of the pond. The City Manager stated that when people used the pavilion, they had access to bring in their things by vehicle. The City Manager stated that they wanted to be sure there was adequate access to the handicapped as this was not a move to preclude people from the use of the park. The City Manager stated that they did not have any cost estimates at this point as the Master Plan had not been started.

Irvin Miller, 260 West Sierra Vista, stated that he had lived there for 31 years and had seen many changes, and the park had changed for the better. Mr. Miller stated that they had discussed the reasons for closing the park, but he had more complaints than that. Mr. Miller stated that he passed the park four times a day, and there were always children in the park as the closure had not lessened the availability of the park to anyone but allowed them to enjoy it. Mr. Miller stated that on Sundays it was continuous parade of cars going through the car looking for parking spaces. Mr. Miller stated that the cars would then park and turn up their radios so loud it made his house vibrate. Mr. Miller stated that they have not had to listen to this for the past six months, and they have enjoyed it. Mr. Miller stated that he would like to see the peace of the neighborhood maintained. Mr. Miller stated that Mr. Gifford's comments were well-placed and should be pursued. Mr. Miller stated that he did not think the closure of the gates was closing the park. Mr. Miller stated that people would get used to carrying their items in. Mr. Miller stated that he supported the Council's motion and saw it as not being closed, but being put to a better use.

Mayor Ensslin stated that this was a temporary closure. The Mayor stated that what was suggested by others for more activity was being done. Mayor Ensslin stated that concerts were being proposed for Sunday afternoons, and they were improving the facility.

Mr. Miller stated that the week-day use of the park had not changed and Sunday use had improved. Mr. Miller stated that it was also quite evident that there was drug trade in the park during week-days, but they did not see that now.

Mayor Ensslin stated that he would like to see this monitored to see if there was less usage.

Council stated that they would certainly like to see the concerts in the park again.

Mayor Ensslin instructed the Director of Parks and Leisure Services to contact Buck Schaffer about having such concerts every so often, along with other activities in the park.

Council Member Leavitt stated that Murry Park was heavily used and 96% of the people using it walk to the park, and 98% of the people driving in the park were only driving through. Council Member Leavitt stated that people could not drive to the pavilions at Zalud or Veterans' Parks. Council Member Leavitt stated that Murry Park was used all the time, and was the only one that he saw that was always full of kids. Council Member Leavitt stated that the Master Plan was exactly that. Council Member Leavitt stated they should develop a Plan with several alternatives. Council Member Leavitt stated that there was no reason why there could not be
walking paths which could be used also for handicapped. Council Member Leavitt stated that the idea that the park could not be used without driving was wrong. Council Member Leavitt stated that he would say 90% of the people using the park walk to it.

Mr. Gifford asked if restocking the craydads was part of opening the park.

Council Member Leavitt stated that the slough was full of them.

The City Manager stated that the Master Plan should be completed in April or May.

Mayor Ensslin stated that they hoped this would be a family park.

Council Member Leavitt stated that this was the only real family park the City has now.

Council Member Leavitt stated that the entrance may or may not be reopened depending on the Master Plan.

Council Member Pruitt commended the children for coming that evening on their own time and speaking.

**COUNCIL ACTION**

MOVED by Council Member Pruitt, SECONDED by Council Member Leavitt that Council approve the close of the Murry Park Putnam Entrance. The motion carried unanimously.

File

24. RISCO, INC. - PURCHASE OF PROPERTY

The City Manager presented the item and stated that this would necessitate building Corsair, and it would take about a year before they could build that street.

**COUNCIL ACTION**

MOVED by Council Member Smith, SECONDED by Mayor Pro Tem Lok that Council accept the offer from Mr. Frainee and authorize the Mayor to sign the purchase agreement and all documents related to the sale. The motion carried unanimously.

File

**ORAL COMMUNICATIONS**

D. KELLY WEST

Kelly West, 679 West McComb, came forward and asked the Council to adopt a City-wide Landscape Maintenance District. Mr. West stated that the people could see what they were paying for, and the City needed this with all the new development coming in.
SUBJECT:
Veterans' and Murry Park Master Plans

SOURCE:
Parks and Leisure Services Department

COMMENT:
The Master Plans for Veterans' and Murry Parks have been completed for your review. The Parks and Leisure Services Commission has been meeting since April holding public meetings each month to solicit input from the community regarding each plan. Overall, 60 citizens attended these meetings and participated in the park planning. The master plan process has been intriguing and stimulating for both our citizens and staff.

The purpose of completing a master plan at each park was because of the following reasons:

1. We had many requests for service organizations volunteering to provide major park improvements without a plan as to where they should be placed.

2. The State of California's requirement to provide access for the handicapped in public areas.

3. Community request for facilities and safe and convenient parking lots.

4. Assign priorities for park planning and development.

The proposed Master Plan improvements are proposed as a guideline for developing each park for the next twenty (20) years.

ITEM NO.: 25
The Parks and Leisure Services Commission approved each Master Plan along with a priority list for construction. The priority list was based on community input. The plans are not etched in stone and may be altered depending on funding available or by groups who may want to complete special projects lower on the priority list. A colored rendering of each park will be presented at the Council meeting. The Parks and Leisure Services Commission adopted both park plans unanimously.

RECOMMENDATION: That Council approve the Veterans' and Murry Park Master Plans.

ATTACHMENTS: 1) Park Planning Priorities
               2) Master Plans
VETERAN'S PARK

PRIORITIES FOR CONSTRUCTION

Playground (Donation by Rotary Club of Porterville).
Completion of trail (Roberti Z'Berg Grant Funds).
Sand volleyball and shelters (Donation by Lion's Club of Volleyball).
Security lighting.
New entry off Henderson/Park signage.
Expand existing parking lot/trees.
Picnic areas.
Maintenance expansion.
Newcomb parking lot.
  Henderson parking lot.
  Newcomb/Morton parking lot.
MURRY PARK

PRIORITIES FOR CONSTRUCTION

1. Parking lot off Putnam and sidewalk to restroom.
2. Refurbish existing play area on Corona.
3. Parking area in front of swimming pool.
4. Cul-de-sac at end of Mill Street.
5. Parking lot on Corona and sidewalk to lake.
6. Pedestrian entries with park signage. Remove wall by lake and refurbish existing wall.
7. Parking lot on Park Drive and sidewalk to lake, move palm trees to lake.
8. Realign Park Drive entry, add median island.
9. Turf block for maintenance access.
11. Board walk/wood dock.
13. Picnic area by cross site.
14. Picnic area by Putnam.
15. Split level play area.
16. Enhance existing stream, headwall and stream bed.
17. Refurbish existing parking (72 spaces) on Park Drive.
18. Picnic area by new Park Drive parking lot.
VETERANS PARK
CITY OF PORTERVILLE
DEPARTMENT OF PARKS & LEISURE SERVICES

FINAL MASTER PLAN
SUBJECT: SWIMMING POOL SHADE STRUCTURE

SOURCE: Parks and Leisure Services Department

COMMENT: City Council directed staff to follow up with more information regarding the swimming pool shade structure, one 12 ft. x 54 ft. x 10 ft. (entry height) with six galvanized steel posts and frame; and one 18 ft. x 36 ft. x 10 ft. with four posts. The color of canopy shade cloth is royal blue and the posts and frames are painted white with a powder coat paint process to aid in preventing corrosion to the steel.

The features of these structures includes engineering to withstand 80 miles per hour to 125 miles per hour wind loads, galvanized flo-coat steel for added rust protection and stainless steel hardware and a high density polyethylene UV protector fabric which provides up to 95% UV protection and up to 90% shade.

The manufacturer guarantees its product, when used in designed capacity, with a eight year warranty from its original installation against: 1) the steel frame corroding or deteriorating under normal conditions; 2) the steel deteriorating from faulty workmanship; 3) inappropriate design of supporting structure; 4) excessive loss of color of the fabric under normal exposure conditions, including sunlight, rot and normal atmospheric chemicals which may render it unserviceable; and 4) any tearing or blowouts due to wind caused by improper installation or design, under extreme wind conditions that exceed our design capacity.

In addition, the manufacturer offers a ten year warranty on the steel frame from any form of manufacturer defect and/or faulty workmanship. There is a life expectancy on the shade cloth of 8 to 12 years; the cloth material has a “Class A” fire rating. “Class A” fire rating, consists of a rating related to building materials based on data generated by an ASTM (American Society for Testing Materials) fire test. The rating number is calculated from the results of a test, which indicates the relative rate at which the fire spreads over the surface of the material. “Class A” is normally 0 to 25, which is the highest rating.

Staff has received a price quote of $35,871.77 from the general contractor to install the structure as an additive to the swimming pool project. The Community Development Financial Assistance Review Committee took action at its April 26, 2004 meeting to approve reallocation of $36,000 from the Business Assistance Program Funds into the Murry Park Improvement

ITEM NO.: 21
Project Funding, to allow the installation of the shade structures during the construction period. The utilization of the Business Assistance Program Funds will alleviate having to use monies from the operating budget of the swimming pool.

The shade structures will be the only source of relief from the valley's unbearable summer heat for parents and other spectators that will attend activities at the pool. The shade structures also offer an excellent opportunity to increase pool rentals for group events.

RECOMMENDATION: That City Council direct staff to:

1) Issue a Change Order to Webb & Son for the installation of the swimming pool shade structures; and

2) Approve the $36,000 reallocated from the Business Assistance Program Funds into the Murry Park Improvement Project for purchase of the shade structures.

ATTACHMENTS: 1) Plans to show location of the shade structures
2) Change Order Quote from Webb & Son
3) Pictures of Actual Shade Structures to be installed
4) Facility Locator Map
Change Order Request No. 18

Project Info:
- Project Name: Porterville Municipal Pool
- Project Address: 97 N. Park Drive
- City/State/Zip: Porterville, CA 93257
- Contact: Todd Hayes

Date: 4/20/2004
- Project Manager: Deron Johns
- Superintendent: Todd Hayes
- Job Phone: (559) 804-0790
- Job Fax: (559) 782-1804

We propose to make the following change as listed below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Shade Structures, Inc.</td>
<td>$30,614.00</td>
</tr>
<tr>
<td>Webb &amp; Son Labor</td>
<td>$270.00</td>
</tr>
<tr>
<td></td>
<td>$30,884.00</td>
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<tr>
<td>15% Profit and Overhead</td>
<td>$4,832.60</td>
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<td>$35,516.80</td>
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<tr>
<td>1% Bond</td>
<td>$355.17</td>
</tr>
<tr>
<td></td>
<td>$35,871.77</td>
</tr>
</tbody>
</table>

Reason change required / requested:
Shade Structures added to project by Owner.

Trades/ Subs affected:

<table>
<thead>
<tr>
<th>1 Shade Structures, Inc.</th>
<th>3</th>
</tr>
</thead>
</table>

- [ ] Estimated Cost Addition  
- [ ] Cost Plus  
- [ ] % Addition  
- [ ] No Additional Cost  
- [x] Fixed Cost Addition  
- [ ] Cost Addition to be determined  
- [ ] Cost Deduct

Change Order will require additional time expenditure in addition to the work listed above. [x] YES  [ ] NO

- [ ] Supervision  
- [ ] Administration  
- [ ] Engineering/Design  
- [ ] Other

Change in Contract Amount: [ADD] DEDUCT $35,871.77

The above change will add 4 days to project length from the time the above work starts.

Owner/Authorized Agent:  
Project Manager:  
Supervisor:  
Date: 4/21/04

Webb & Son
CITY COUNCIL AGENDA

May 4, 2004

SUBJECT: Request to Paint on Interior Walls of City Hall The Names of Porterville’s Sister Cities

SOURCE: CITY MANAGER

A Member of the City Council has asked that consideration be given to painting on the hallway entrance to City Hall, the names of Porterville’s Sister Cities. They are La Barca, Mexico and Mikkabi, Japan.

The painting would be an interior type mural, pleasing in appearance. It would be painted by a local sign painter. We are now obtaining estimates of the cost.

The purpose for the project is to indicate the City’s commitment to the Sister City Program, which Porterville has prominently participated in over the years.

RECOMMENDATION: Provide direction to the staff how to proceed with this project.
CITY COUNCIL AGENDA

May 4, 2004

SUBJECT: Consideration of Undertaking a City/County Joint Powers Agreement for Improved Service Delivery

SOURCE: CITY MANAGER

At the last City Council meeting direction was provided to place on the Agenda consideration of a City/County Joint Powers Agreement. This matter was considered by the City Council in February 1, 2000. The Council did not approve the attached joint powers agreement, but encouraged the County to return with a "job-specific" document.

The matter before the Council is not initiated by the County but by the Council itself. The City Manager suggests that a general framework between the City and County to develop facilities and to provide services would be beneficial. Therefore, from a City business perspective, the ability to initiate discussions with the County would be very beneficial.

The purpose of the agreement which has been provided is to cooperate in the "acquisition, development, operation, and maintenance of real property for public purposes." The agreement which was prepared by the County requires that at least 60 days in advance of any bidding on a public building or leasing of an existing building within the City of Porterville that notice will be provided to the other party. This essentially provides an opportunity for consultation with the other entity.

This process will add procedural steps to Council decisions to purchase, dispose, develop and improve public property. It will also, provide opportunities for joint ventures and efficiencies that might not otherwise be achieved. On the reciprocal, it will provide the City with consultation opportunities regarding Tulare Country projects within Porterville.

It would appear beneficial to expand in the agreement, the coordination mechanism for local services. We have recently entered into an agreement regarding North Grand Avenue which required some special attention. If this could be addressed through a routine process, it could improve overall service delivery to the public. We could address through the entity among other matters curbs, gutters, sidewalks, streets and infrastructure.

RECOMMENDATION: Authorize the City Manager and a Council representative to discuss with the County the development and implementation of a Joint City/County Joint Powers Agreement

Item No. 23
SUBJECT: JOINT POWERS AGREEMENT - CITY/COUNTY

SOURCE: Community Development & Services Department

COMMENT: For the past several years, the City and County have discussed the possible formation of a Joint Powers Agreement (JPA) for the purpose of sharing local services that are presently provided by both entities. Such services could include:

- Building Inspection Services
- Storm Water Facilities
- Street Construction & Maintenance
- Recreational Facilities
- Governmental Facilities
- Purchase of Electrical Power

The above items are only a few of the possible projects which might be accomplished through a JPA. At the Board of Supervisors meeting of February 1, 2000, the Board is anticipated to approve a draft JPA document and a request to the City of Porterville to join in formation of a JPA, so that joint projects, such as those noted above, could be pursued.

In recent years, the City and County have already entered into such an agreement, along with other participating agencies, for the maintenance and cleanup of the Tule River and Porter Slough. The City is also a part of a JPA with five other cities for the purpose of addressing AB931 (landfill reduction mandates).

The County has submitted a draft JPA Agreement, which has been reviewed by the City Attorney. In accordance with the draft JPA Agreement, any proposed project would be considered separately and participation would be structured under a project sub-agreement. Projects requiring funding would be submitted to the Council for approval. If no sub-agreement is agreed to, there would be no joint project.

RECOMMENDATION: That the City Council:

1. Approve the proposed form of the Joint Powers Agreement;
2. Authorize the Mayor to sign the Agreement on behalf of the Council; and
3. Appoint the City Manager (or his designee) to serve as the City’s representative to the City/County JPA.

ATTACHMENT: Draft JPA Agreement
JOINT EXERCISE OF POWERS AGREEMENT FOR THE
PROVISION OF PUBLIC SERVICES IN THE CITY OF PORTERVILLE

THIS AGREEMENT, is entered into as of ____________, 2000, between the CITY
OF PORTERVILLE, a charter law city, referred to as "City," and the COUNTY OF TULARE, a
political subdivision of the State of California, referred to as "County," with reference to the
following:

A. City and County each have continuing needs to acquire, develop, operate and
maintain various facilities for the provision of public services within the incorporated limits of City
; and

B. City and County have determined that cooperation and joint participation in the
acquisition, development, operation or use of public service facilities can promote orderly growth
and development and the provision of reliable public services; and

C. City and County wish to establish an agreement providing for such joint
participation in on an as-needed basis; and

D. City and County have the common power and authority to acquire, develop, operate
and maintain real property for public purposes; and

E. City and County are authorized by section 6500 et seq. of the California
Government Code to enter into this Agreement for the joint exercise of such powers.

NOW, THEREFORE, IT IS AGREED as follows:

1. **Purpose.** City and County hereby enter into this Joint Powers Agreement for the
general purpose of cooperating in the acquisition, development, operation and maintenance of real
property for public purposes.

2. **No Separate Entity.** There will be no separate and distinct public entity created by this
Agreement.

3. **Notice and Consultation.** At least 60 days before either party decides to go out to bid to
construct a public building, expand an existing building, expand the use of an existing building, or
enter into a lease of an existing building within the City of Porterville (herein referred to as the
"Project"), it will give the other party written notice of its intentions. Unless the notice includes a

Tulare County Agreement No. ____________
request for consultation on the Project, the other party may request such consultation in writing within 10 calendar days after receipt of the notice. A consultation will be scheduled at the earliest possible date following receipt of a request. If the consultation does not result in a decision to pursue joint participation in the Project, the Project may proceed as an independent City or County Project. If the consultation does result in a decision to pursue joint participation in the project, the parties will attempt to negotiate a Project sub-agreement. If either party decides to terminate negotiations, the Project may proceed as an independent City or County Project.

4. **Project Sub-Agreements.** Each Project sub-agreement will specify in detail the rights and responsibilities of each party in the exercise of their joint powers in the Project. The Project sub-agreement will specify each party's contributions to the cost of the Project, as well as the ownership of the Project and the use to be made of the Project facility and the disposition of any revenue generated by the Project. Cost contributions may be in the form of cash, in-kind services, payment of rent, or other appropriate consideration. Each Project sub-agreement will be deemed to incorporate the terms of this Agreement unless specifically stated otherwise in the Project sub-agreement.

5. **Applicable Laws.** Unless otherwise specified in the Project sub-agreement, the laws and regulations applicable to City public works projects will apply to the Project.

6. **Personnel.** All personnel and employees of each party who conduct activities and/or provide services under a Project sub-agreement will, at all times, remain employees of their respective public entities, and said respective public entities will be solely and completely responsible for the employment, workers compensation coverage, supervision and discipline of such employees.

7. **Indemnity.** Pursuant to Sections 895 through 895.8 of the Government Code, each party will indemnify and hold harmless the other party from any loss, damage or liability arising out of the tortuous acts or omissions, both negligent and intentional in the performance of the duties of each parties' employees for services rendered pursuant to any Project.

8. **Records and Audit.** Each party shall maintain complete and accurate records with respect to the services rendered and the costs incurred under any Project sub-agreement. In addition, the
parties will maintain complete and accurate records with respect to any payments to employees or subcontractors. All such records will be prepared in accordance with generally accepted accounting procedures, will be clearly identified, and will be kept readily accessible. Any funds from grants or loans received from outside sources will not be co-mingled with other funds of the parties and will be maintained in separate accounts for each grant or loan. Upon request, each party shall make such records available to the representatives or consultants of the other party, and to the agent of any funding agency as may be provided by any grant or loan agreements, for the purpose of auditing and/or copying such records for the period required in any grant or loan agreement but for no later than a period of five (5) years from the completion of the Project.

9. No Third Party Beneficiaries Intended. Unless specifically set forth in a Project sub-agreement, the Parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

10. Severability. If any term, condition, covenant, provision or part of this Agreement, or of any Project sub-agreement, is invalid, void or unenforceable for any reason, the remainder of this Agreement or of the Project sub-agreement will continue in full force and effect.

11. Notices. Authority to give notices and request consultation under this Agreement on behalf of each party is hereby vested with the City Manager of City and the County Administrative Officer or Resource Management Agency Director of County, or such designees as they may each elect. Any notice required under the terms of this Agreement will be deemed received on the date actually delivered by personal delivery, or on the third business day following deposit in the United States mail, postage prepaid, addressed as follows:

CITY: City of Porterville

COUNTY: County of Tulare
Director, Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277
(559) 733-6291

12. This Agreement will become effective on the date first above written, and will remain
in full force and effect until terminated by agreement of the parties.

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

CITY OF PORTERVILLE

Date: ___________. 2000

By ____________________________

Mayor

"City"

ATTEST:

By ____________________________

City Clerk

Approved as to Form

By ____________________________

City Attorney

COUNTY OF TULARE

Date: ___________. 2000

By ____________________________

Chairman, Board of Supervisors

"County"

ATTEST: THOMAS W. SHERRY
Acting County Administrative Officer/Clerk of the Board of Supervisors of the County of Tulare

By ____________________________

Deputy Clerk

Approved as to Form
County Counsel

By ____________________________

Deputy
CITY COUNCIL AGENDA

May 4, 2004

SUBJECT: Request to Approve A Grant Application for Distribution Grants from Indian Gaming Special Distribution Funds

SOURCE: CITY MANAGER

The Tule River Tribe has provided somewhat more than $400,000 in monies to the State for distribution consistent with the gaming compact. The allocation of these monies has been defined in law and will be administered by the Tulare County Indian Gaming Local Community Benefit Committee consisting of Tribe, County and Community representatives.

At this point, procedures and rules are being clarified. A call for applications will be distributed in the near future. In anticipation of this, a draft application has been prepared which requests funds from the several categories defined in the legislation. The request includes Nexus Funds and also Discretionary Funds.

The rules and eligible entities for these allocation categories are different, so the application outlines the nature of the differences. In either case though, the monies are intended generally to address impacts related to the Indian gaming activities.

The draft application which has been prepared, emphasizes recovery for law enforcement and fire services and the relationship of these services to tribal lands and casino operations. It is more generalized for the Nexus Grant application, but in the case of the Discretionary Grant application, the request is specifically to cover the costs of a police officer and a portion of the replacement cost for the City’s fire ladder truck.

It is estimated that the amount available from Nexus Grants will be $240,000, while the amount available for each discretionary grant category will be $80,000, for a total of $160,000. The City’s application represents a significant portion of these monies. Essentially, the City is requesting 50% of the Nexus Grant or $120,000, and $160,000 from the Discretionary Grant categories for a total of $280,000. It is very difficult to define the grant amount the City may be allocated. As more is learned about the process, better information can be provided to the Council.

Before any application can be submitted, it must be approved by the Tule River Tribe. A copy of the draft application has been furnished to the Tribe’s representative for initial review. This, of course, will be corrected by any City Council modifications.

RECOMMENDATION: Authorize the City to submit the Draft Grant application which has been prepared for consideration. Authorize the City Manager to modify the application to conform with Tule River Tribe or Tulare County Indian Gaming Local Community Benefit Committee requirements.

Item No. 26
April 26, 2004

Indian Gaming Local Community Benefit Committee
c/o County of Tulare
2800 W. Burrel Avenue
Visalia, California 93291

Tule River Tribal Council
P.O. Box 589
Porterville, California 93257

SUBJECT: Application for Distribution Grants from Indian Gaming Special Distribution Funds

The City of Porterville hereby applies for the following allocations pursuant to Government Code Section 12710 et seq. The City of Porterville hereby requests the allocation of monies pursuant to the nexus test. The City has established four nexus points:

1. **First Nexus:** The City of Porterville borders on all sides the 40 acre Airport Business Park which are tribal lands owned by the Tule River Tribe meeting the first nexus test.

2. **Second Nexus:** The City of Porterville also partially borders these tribal lands meeting the second nexus test.

3. **Third Nexus:** Upon these tribal lands are components of the Casino operation being the Warehouse, Shop and Access Point and Parking for employees of the Casino. The City of Porterville maintains the streets upon which the employee vehicles park and also maintains the portion of West Street that provides exclusive vehicular access to the Casino Warehouse, Shop, and Employee Access Point. West Street is a thoroughfare which is the predominant access route to the Casino Warehouse, Shop and Employee Access Point. This fulfills the third nexus test.

4. **Fourth Nexus:** A portion of the city of Porterville is adjacent to the Casino Warehouse, Shop, and Access Point for Casino employee parking, so the City fulfills the fourth nexus test.
Request for Nexus Funds: The City of Porterville requests its proportionate allocation of nexus categories defined as the “Fifty percent of the amount,” “Thirty percent of the amount,” and “Twenty percent of the amount,” based upon its relationship to the tribal lands described above, and to the Casino Warehouse, Shop, and Access Point Parking. As specified above, the nexus requirements have been met consistent with the law.

These Nexus Grant monies will be used specifically to address service-oriented impacts including one-time capital expenditures related to Indian gaming impacts for Tribal Lands within Porterville. Specifically, funds will be used to purchase fire equipment to maintain fire services for the Casino Warehouse and Shop. Also, monies will be used to offset personnel and equipment costs for police personnel providing law enforcement services to the Casino Warehouse, Shop and Access Point and Employee Parking.

Discretionary Application/Request for Discretionary Funds: The City of Porterville requests consideration under either the 20% discretionary for jurisdictions impacted by tribes that are paying into the Indian Gaming Special Distribution Fund and/or the 20% discretionary for local jurisdictions impacted by tribes that are not paying into the Indian Gaming Special Distribution Fund. The request is for the following priority items:

1. The hiring and retention of one-police officer to provide law enforcement directly to Indian lands within or near the City of Porterville and/or to assist a primary local mutual aid agency within Southeastern Tulare County to support law enforcement activity within the Southeastern quadrant of the County. The amount of this request is for $60,000 for the coming Fiscal Year. This money will be applied directly to personnel costs and equipment costs relating to the officer.

2. The payment of $100,000 as a portion of the cost to replace the City’s ladder truck. This equipment has been dispatched on a fire call at the Casino on the Tule River Indian Reservation. The equipment is vital because of the height and occupancy of the Casino.

If further information would be useful to clarify this application, please contact me.

Sincerely,

John Longley
City Manager

cc: Honorable Mayor & Council Members, Deputy City Manager, Police Chief, Fire Chief, Community Development Director
SUBJECT: JOINT POWERS AGREEMENT FOR AUTOMATIC AID FIRE PROTECTION AND RESCUE CALLS

SOURCE: FIRE DEPARTMENT/AIRPORT

COMMENT: As the boundaries of the City continue to expand, the fire protection system has become stretched to the limits of acceptable response time with a corresponding reduction in the quality of care and services provided to the public. Likewise, the County of Tulare has seen an increase of fire calls within the urban boundaries of the City of Porterville which has stretched their resources thin.

As neither department can afford to develop new fire stations or increase staffing, it is appropriate to review interoperability plans which may delay the costs of an enhanced fire protection system for both jurisdictions.

Ideally, to maintain our Class 3 ISO rating and to provide the citizens of Porterville with the quality of fire protection and rescue services they are accustomed to, the City needs to add two additional fire stations and 19 additional personnel. A full analysis of the City's ability to meet the expanding needs of both public safety departments (Police and Fire) will be conducted in the near future as part of the General Plan update, specifically, the Public Safety Element.

Until such time as the City can implement the recommendations of the updated General Plan, the Porterville Fire Department and the Tulare County Fire Department have developed the attached agreement to assist each other as needed.

The difference between our current “mutual aid” agreement with the County of Tulare and this new “automatic aid” agreement is twofold.

- Our current agreement requires us to utilize all our resources before requesting county assistance.

- The new agreement requires the closest engine to respond.

This program is not without risks, with both jurisdictions being strapped for personnel, there is a real probability that both jurisdictions will realize a short-term benefit on most day-to-day fire operations; unfortunately, this will increase the odds of being committed to a county incident when a city response is
required, leaving only one engine company available to respond. (Assuming they are not already committed to an incident within the City.) We are unable to quantify the potential outcome, but staff believes the current draft will assure the City residents a “stop gap” approach to fire protection until additional resources are available.

The draft agreement does not address medical aid calls. As with any Fire Department response, the Fire Department is the only organization which can respond to and mitigate fires. The Department’s current practice is to refer all EMS calls to the ambulance companies when the firefighters are committed to a fire. Staff believes this practice will increase significantly for both jurisdictions as we will be responding to all fires within our urban boundaries and the County Fire Department will be responding with us to all fires within the City.

Staff will be strictly monitoring the impacts of this agreement to the City and shall enact the 30-day cancellation clause if the agreement proves not to be in the City’s best interest.

For the City to rely on County fire protection to help protect the City’s growing population may have an adverse impact on our Class 3 ISO rating. Our neighboring cities all have automatic aid agreements with Tulare County and thus were unable to achieve a Class 3 rating.

Should our ISO rating fall to Class 4, it would be impossible to accurately depict the effect on the residents of Porterville but we could expect an increase of up to 8% for commercial fire insurance premiums.

RECOMMENDATION: That the City Council:

1- Approve the draft agreement
2- Direct staff to monitor the program and exercise the 30 day cancellation clause should, if in staff’s judgement, the program does not prove to be a benefit to the City.

ATTACHMENTS: 1- Resolution and Exhibit A
2- Example of Response Area Map for this Agreement
3- City / County Coverage Map by Stations
JOINT POWERS AGREEMENT
FOR AUTOMATIC AID FIRE PROTECTION
AND RESCUE CALLS

This Agreement, made and entered into as of the _______ day of _________, 2004, by and
between the City of Porterville, hereinafter referred to as the “City,” and the County of Tulare,
hereinafter referred to as the “County.”

The purpose of this Agreement is to provide for the rendering of assistance whenever fires
or rescue incidents may occur within certain areas of the jurisdictions of the parties which, due to
the location of the fires or emergency incidents, cannot be adequately responded to and handled by
the fire department of the party having jurisdiction without additional assistance. Pursuant to
Government Code Sections 6502 and 55632, and Health and Safety Code Section 13050 et seq., the
parties have common power to provide fire and rescue services, and desire to jointly exercise said
power through an agreement which would allow assistance. And pursuant to Government Code
Section 6500 et seq. and Health and Safety Code section 13050, the County and City desire to render
assistance to each other in combating fire and providing rescue services;

NOW, THEREFORE, BE IT AGREED as follows,

1. **Definitions.** Unless the particular provisions or context otherwise requires, the definitions
   contained in this section shall govern the construction, meaning, and application of words
   used in the Agreement.

   (a) “Fire protection services” shall mean fire fighting capacity to contain, control,
       and extinguish fires and shall include rescue calls.
   (b) “Rescue calls” shall mean, but are not limited to, traffic accidents, high angle
       rescue, low angle rescue, building collapse, etc., and shall specifically exclude
       emergency medical aid calls.
   (c) “Requesting party” shall mean any party to this Agreement that requests fire
       protection services within its jurisdiction from the other party to this Agreement.
   (d) “Responding party” shall mean any party to this Agreement that receives a
       request for fire protection within the jurisdiction of the requesting party.
   (e) “Unit” shall mean an engine or truck company including apparatus, equipment,
       and personnel.

2. **Mutual Fire Protection.** The County and City agree to furnish fire protection
   personnel, equipment, materials and supplies, and to render such fire protection services to
each other as may be necessary in accordance with this Agreement and Exhibit “A” which is attached hereto and incorporated herein by reference.

3. **Furnishing of Fire Protection Services.** The responding party shall furnish fire protection services within the jurisdiction of the party requesting such services pursuant to the following provisions:

   (a) The specific details of providing the services under the term as specified in this Agreement shall be determined by each respective Fire Chief.

   (b) The territories covered by this Agreement are the City limits of the City of Porterville, and the territory of the County of Tulare.

   (c) The responding party is not obligated to furnish any service if apparatus, equipment, personnel, or any combination thereof is not available as determined by the Fire Chief or his/her designated representative.

   (d) The first unit to arrive at the scene of the incident shall initiate appropriate action. The officer-in-charge of the first unit to arrive shall cause to be reported to the requesting party all pertinent information about the conditions encountered at the scene of the incident. The first unit to arrive at the scene from the appropriate jurisdiction will become the Incident Commander. Requests for additional equipment over and above the initial County/City response shall be made by the fire officer-in-charge until the arrival of the Incident Commander who shall then make such requests. Such equipment shall be furnished pursuant to the Countywide Master Mutual Aid Agreement.

4. **County Standards.** In rendering the fire protection services and/or rescue services by the County, the standards of performance including all work, the assignment and discipline of personnel, and other matters incidental to the performance of such personnel so employed shall remain with the County Fire Warden. In the event of a dispute between the parties concerning the extent of the duties and functions to be rendered under this agreement or the level or manner of performance of such services of County employees, the determination made by the County Fire Warden shall be final and conclusive.

5. **City Standards.** In rendering the fire protection services and/or rescue services by the City, the standards of performance including all work, the assignment and discipline of personnel, and other matters incidental to the performance of such personnel so employed shall remain with the City Fire Chief. In the event of a dispute between the parties concerning the extent of the duties and functions to be rendered under this agreement or the level or manner of performance of such services of City employees, the determination made by the City Fire Chief shall be final and conclusive.

6. **Employee Status.** No officers, agents or employees of the County Fire Warden or County-hired volunteer fire fighters shall be deemed to be City employees or have any City pension, civil service, or any status or right with regard to the City of Porterville. No officers, agents or employees of the City of Porterville Fire Department or City reserve fire
7. **Cost Recovery.** The City of Porterville currently does not have a cost recovery program in place. Should either party have or develop a cost recovery program, each party shall diligently (to the extent allowed by time, staff, and funding constraints) seek to recover and collect costs of fire suppression, the costs for rescue services, and the costs or expenses of emergency responses to incident of release, escape or burning of hazardous substances as provided in Health and Safety Code section 13009 and 13009.6. The Fire Chief’s of each party shall either arrange a coordination of efforts in recovery and collection activities or agree that recovery and collection shall be undertaken by the party in whose jurisdiction the incident occurred with a proportionate payment to the responding party upon collection. Neither party will be entitled to any further compensation for the services provided under this Agreement.

8. **Termination.** Each party shall have the right to terminate this Agreement upon thirty (30) days written notice with, or without cause.

9. **Indemnification.** The City shall hold harmless, defend and indemnify the County, its officers, agents and employees from any liability, claims, actions, costs, damages or losses for injury, including death or any person or damage to any property arising out of any acts or omissions by the City or its officers, agents, employees and volunteer fire fighters. The County shall hold harmless, defend and indemnify the City, its officers, agents and employees from any liability, claims, actions, costs, damages or losses for injury, including death or any person or damage to any property arising out of any acts or omissions by the County or its officers, agents, employees and volunteer fire fighters under this Agreement. These obligation shall continue beyond the term of this agreement as to any act which occurred during this agreement.

10. **Amendment.** The Agreement may only be amended by mutual written consent of both parties.

11. **Term of Agreement.** This agreement shall become effective on the date the County signs, and shall terminate on the 30th day of June, 2005; provided, however, such Agreement shall automatically be extended for one or more consecutive terms of one year each, upon same terms and condition which are applicable to the original term of the Agreement.

12. **Notice.** Any notice to be given hereunder shall be written and served either by personal delivery or first-class mail, postage prepaid and properly addressed, as follows:

City                      City Manager
City of Porterville       City Manager
291 N. Main St.          City of Porterville
Porterville, CA  93257
IN WITNESS THEREOF, the parties thereto have caused this Agreement to be executed as of the day and year first above written.

ADOPTED this __________ day of __________, 2004.

CITY OF PORTERVILLE

By ___________________________

Pedro R. Martinez, Mayor

ATTEST:

______________________________

John Longley, City Clerk

COUNTY OF TULARE

Date:

By ___________________________

Chairman, Board of Supervisors

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

By ___________________________

Deputy

Approved as to Form:

County Council

By ___________________________
EXHIBIT A

The overlying intent of this agreement is to allow both the Tulare County Fire Department and the City of Porterville Fire Department to achieve and implement the standards set forth by the Occupational Safety Health Administration for initial fire attack. No automatic response is intended to relieve the authority having jurisdiction from responding to an incident. In its simplest terms, the “closest two fire engines” will be dispatched to the fire or rescue call.

For all intents and purposes, this Agreement is intended to be an “automatic” aid agreement and does not impact the terms or conditions of the master mutual aid agreement.

The geographical area (subject to modifications) over which this plan will be implemented is the Friant-Kern Canal to the West, Ave 182 to the North, Tea-Pot Dome to the South, and Doyle Street to the East. This in effect, squares off the City of Porterville and the surrounding County area. The exact area is outlined on a map attached hereto. The area takes into consideration the City of Porterville and parts of Tulare County covered by Stations 16, 19 and 20.

Automatic aid will be dispatched to fire calls and rescue calls and not emergency medical calls.

Automatic aid will consist of the two closest fire engines, one from the City and one from the County.

The City engine will be staffed with three fire fighters while the County engine will be staffed according to the County staffing policy and their paid-call firefighter will be dispatched to assure sufficient parity in personnel.

Should a “major” fire occur in the jurisdiction suppling automatic aid, the responding unit may return to their jurisdiction after notifying the other party of their inability to respond. This action will be without recourse or liability by the jurisdiction requesting the aid.

Both parties agree to schedule quarterly training drills for the firefighters effected by this Agreement. Each party shall be responsible for their own personnel.

The highest ranking officer in the jurisdiction having authority shall be the Incident Commander, should that person be out-ranked by an automatic aid officer, that officer shall take a subordinated role in the incident command system or the incident commander shall establish a joint command system.
CITY COUNCIL AGENDA
May 4, 2004

SUBJECT: Request to the Bureau of Indian Affairs to Extend the Discussions At STIG between the Porterville City Council and Tule River Tribal Council about Proposed Trust Property at the Airport Business Park

SOURCE: CITY MANAGER

The City has been involved with discussions at the Southeastern Tulare County Intergovernment Coordinating Group (STIG) about the implementation of a Trust status for the 40 acres comprising the Airport Business Park. An agreement has been prepared and recommended to the Tribal Council and City Council by the STIG members.

The Bureau of Indian Affairs has committed to not take any action on the Trust application until May 8, 2004. This was the term of the negotiation period. Though STIG acted on a draft agreement a number of months ago, the final coordination has not been completed because of personnel availability, changes in personnel and scheduling issues involving both the City and Tribe.

It is therefore recommended by staff that an extension be completed until June 30, 2004. The City Manager expects that the matter can be resolved by that date. The most important matter is that the review by the entities be completed.

The City Manager has provided the Bureau of Indian Affairs notification that this request will be made. There are also currently discussions with the Tule River Tribal Council regarding this.

RECOMMENDATION: Authorize the City Manager to sign the attached letter requesting the extension to June 30, 2004 to the Tule River Tribal Council and the Bureau of Indian Affairs.
April 26, 2004

Neil Peyron, Chairman
Tule River Tribal Council
P.O. Box 589
Porterville, California 93257

Dale Risling, Sr.
Superintendent
Bureau of Indian Affairs
United States Department of the Interior
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814

SUBJECT: Request for Extension of Resolution Period to June 20, 2004

Having recently reviewed a letter from the United State Department of the Interior, Bureau of Indian Affairs, it is apparent that the negotiation period for the resolution of issues regarding an application for trust status for property at the Airport Business Park, expires on May 8, 2004.

Significant effort has been undertaken to complete the agreement, but has been delayed somewhat because of the availability of principles in the discussions. The STIG discussion group has approved the draft of an agreement which is now being reviewed by the Tribal Council and the City Council.

I respectfully request that the completion date be extended to June 30, 2004, so that this agreement can be considered for signature by each entity and any points of disagreement can be resolved.

Thanking you for your consideration of this.

Sincerely,

John Longley
City Manager

cc: Honorable Mayor & City Council, Deputy City Manager, Community Development Director
CITY COUNCIL AGENDA

May 4, 2004

SUBJECT: Request to Approve A Grant Application for Distribution Grants from Indian Gaming Special Distribution Funds

SOURCE: CITY MANAGER

The Tule River Tribe has provided somewhat more than $400,000 in monies to the State for distribution consistent with the gaming compact. The allocation of these monies has been defined in law and will be administered by the Tulare County Indian Gaming Local Community Benefit Committee consisting of Tribe, County and Community representatives.

At this point, procedures and rules are being clarified. A call for applications will be distributed in the near future. In anticipation of this, a draft application has been prepared which requests funds from the several categories defined in the legislation. The request includes Nexus Funds and also Discretionary Funds.

The rules and eligible entities for these allocation categories are different, so the application outlines the nature of the differences. In either case though, the monies are intended generally to address impacts related to the Indian gaming activities.

The draft application which has been prepared, emphasizes recovery for law enforcement and fire services and the relationship of these services to tribal lands and casino operations. It is more generalized for the Nexus Grant application, but in the case of the Discretionary Grant application, the request is specifically to cover the costs of a police officer and a portion of the replacement cost for the City’s fire ladder truck.

It is estimated that the amount available from Nexus Grants will be $240,000, while the amount available for each discretionary grant category will be $80,000, for a total of $160,000. The City’s application represents a significant portion of these monies. Essentially, the City is requesting 50% of the Nexus Grant or $120,000, and $160,000 from the Discretionary Grant categories for a total of $280,000. It is very difficult to define the grant amount the City may be allocated. As more is learned about the process, better information can be provided to the Council.

Before any application can be submitted, it must be approved by the Tule River Tribe. A copy of the draft application has been furnished to the Tribe’s representative for initial review. This, of course, will be corrected by any City Council modifications.

RECOMMENDATION: Authorize the City to submit the Draft Grant application which has been prepared for consideration. Authorize the City Manager to modify the application to conform with Tule River Tribe or Tulare County Indian Gaming Local Community Benefit Committee requirements.

Item No. 26
April 26, 2004

Indian Gaming Local Community Benefit Committee
c/o County of Tulare
2800 W. Burrel Avenue
Visalia, California 93291

Tule River Tribal Council
P.O. Box 589
Porterville, California 93257

SUBJECT: Application for Distribution Grants from Indian Gaming Special Distribution Funds

The City of Porterville hereby applies for the following allocations pursuant to Government Code Section 12710 et seq. The City of Porterville hereby requests the allocation of monies pursuant to the nexus test. The City has established four nexus points:

1. First Nexus: The City of Porterville borders on all sides the 40 acre Airport Business Park which are tribal lands owned by the Tule River Tribe meeting the first nexus test.

2. Second Nexus: The City of Porterville also partially borders these tribal lands meeting the second nexus test.

3. Third Nexus: Upon these tribal lands are components of the Casino operation being the Warehouse, Shop and Access Point and Parking for employees of the Casino. The City of Porterville maintains the streets upon which the employee vehicles park and also maintains the portion of West Street that provides exclusive vehicular access to the Casino Warehouse, Shop, and Employee Access Point. West Street is a thoroughfare which is the predominant access route to the Casino Warehouse, Shop and Employee Access Point. This fulfills the third nexus test.

4. Fourth Nexus: A portion of the city of Porterville is adjacent to the Casino Warehouse, Shop, and Access Point for Casino employee parking, so the City fulfills the fourth nexus test.
Request for Nexus Funds: The City of Porterville requests its proportionate allocation of nexus categories defined as the “Fifty percent of the amount,” “Thirty percent of the amount,” and “Twenty percent of the amount,” based upon its relationship to the tribal lands described above, and to the Casino Warehouse, Shop, and Access Point Parking. As specified above, the nexus requirements have been met consistent with the law.

These Nexus Grant monies will be used specifically to address service-oriented impacts including one-time capital expenditures related to Indian gaming impacts for Tribal Lands within Porterville. Specifically, funds will be used to purchase fire equipment to maintain fire services for the Casino Warehouse and Shop. Also, monies will be used to offset personnel and equipment costs for police personnel providing law enforcement services to the Casino Warehouse, Shop and Access Point and Employee Parking.

Discretionary Application/Request for Discretionary Funds: The City of Porterville requests consideration under either the 20% discretionary for jurisdictions impacted by tribes that are paying into the Indian Gaming Special Distribution Fund and/or the 20% discretionary for local jurisdictions impacted by tribes that are not paying into the Indian Gaming Special Distribution Fund. The request is for the following priority items:

1. The hiring and retention of one police officer to provide law enforcement directly to Indian lands within or near the City of Porterville and/or to assist a primary local mutual aid agency within Southeastern Tulare County to support law enforcement activity within the Southeastern quadrant of the County. The amount of this request is for $60,000 for the coming Fiscal Year. This money will be applied directly to personnel costs and equipment costs relating to the officer.

2. The payment of $100,000 as a portion of the cost to replace the City’s ladder truck. This equipment has been dispatched on a fire call at the Casino on the Tule River Indian Reservation. The equipment is vital because of the height and occupancy of the Casino.

If further information would be useful to clarify this application, please contact me.

Sincerely,

John Longley
City Manager

cc: Honorable Mayor & Council Members, Deputy City Manager, Police Chief, Fire Chief, Community Development Director
SUBJECT: REDEVELOPMENT PROJECT NO.1 PLAN AMENDMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: At the June 3, 2003 Redevelopment Agency meeting, the Agency approved several funding strategies in response to a number of factors which were adversely affecting the Redevelopment budget. One of the strategies approved was the removal of two industrial properties from the Project Area. Subsequently on October 7, 2003, the City Council awarded the contract to GRC Redevelopment Consultants for the preparation of the Amendment to Project Area No.1 of the Porterville Redevelopment Agency. Since that time GRC has been working through the process required by California Redevelopment Law, including preparing the draft initial study and Negative Declaration. Initially, GRC prepared a detailed Feasibility Study to substantiate that the Amendment to remove the properties would provide considerable fiscal relief to the Redevelopment Agency over the remaining life of the Redevelopment Project Area. The Feasibility Study confirmed that between 2004 and 2040 the increase in tax increment receipts would be approximately $2.7 million. In addition, the proposed amendment will also eliminate the time limit for incurring debt, pursuant to recent changes in State law (SB211). The current time limit for establishing debt is twenty years from the date of the plan adoption (2010). This amendment will remove any such reference to time limitations.

At this point in the amendment process, several actions need to be taken by the City Council and the Redevelopment Agency. The City Council must consider a resolution affirming its report on the conformity of the Redevelopment Plan, as amended, with the Porterville General Plan. Additionally, the City Council and the Agency must separately consider a resolution consenting to a Joint Public Hearing on Amendment No.1 to the Redevelopment Plan for the Porterville Redevelopment Project Area No.1, and the Negative Declaration prepared in connection therewith.

RECOMMENDATION: That the Redevelopment Agency adopt the draft resolution consenting to a Joint Public Hearing on Amendment No.1 to the Redevelopment Plan for the Porterville Redevelopment Project No.1 and the Negative Declaration prepared in connection therewith.

Attachment: Draft Resolution for Joint Public Hearing

Item No. PBA-1
RESOLUTION NO. ______

RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF PORTERVILLE CONSENTING TO A JOINT PUBLIC HEARING WITH RESPECT TO AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT PROJECT NO. 1 AND THE NEGATIVE DECLARATION PREPARED IN CONNECTION THEREWITH

WHEREAS, the Redevelopment Agency of the City of Porterville (the “Agency”) has been designated as the official redevelopment agency to carry out, in the City of Porterville, the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.; the “CRL”); and

WHEREAS, on July 3, 1990, the City Council of the City of Porterville (the “City Council”) adopted Ordinance No. 1436, thereby approving and adopting the Redevelopment Plan (the “Redevelopment Plan”) for Porterville Redevelopment Project No. 1 (the “Project”); and

WHEREAS, the Porterville Redevelopment Agency has initiated Amendment No. 1 (the “Amendment”) to the Redevelopment Plan for the Project; and

WHEREAS, Sections 33348 and 33360 of the Community Redevelopment Law (the “CRL”) requires that the Agency and City Council of the City of Porterville hold a joint public hearing on the proposed Amendment to the Redevelopment Plan for the Project; and

WHEREAS, Section 33349 of the CRL requires that a notice of said public hearing be published in a newspaper of general circulation and be mailed to each property owner, resident, business, and affected taxing agency.

NOW, THEREFORE, the Redevelopment Agency of the City of Porterville does hereby resolve as follows:

SECTION 1: The Agency hereby consents to a Joint Public Hearing with the City Council on Amendment No. 1 to the Redevelopment Plan for Redevelopment Project No.1 and the Negative Declaration prepared in connection therewith at the following time and place:

Date: June 15, 2004
Time: 7:00 p.m.
Place: Porterville City Council Chambers, 291 N. Main Street, Porterville, California, 93257

Attachment No. 1
SECTION 2: The Secretary of the Agency, in cooperation with the City Clerk, is authorized and directed to give notice of such public hearing in the form and manner required by law.

PASSED, APPROVED AND ADOPTED by the Redevelopment Agency of the City of Porterville this 4th day of May, 2004, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________
Pedro R. Martinez, Chairman
Porterville Redevelopment Agency

ATTEST:

______________________________
John Longley, Secretary
Porterville Redevelopment Agency