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

Call to Order  
Roll Call

CLOSED SESSION:
A. Closed Session Pursuant to:
   2 - Government Code § 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   3 - Government Code § 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.

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

Pledge of Allegiance Led by Council Member Kelly West  
Invocation by Pastor Rich Hartenberg, First Assembly of God Church

PROCLAMATION
   “Porterville - Tule River Pow Wow Days” - September 24-26, 2004

PRESENTATIONS
   Employee of the Month - Romero Hernandez

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 June 15, 2004

2. Authorization to Advertise for Bids - Nelson Building Demolition Project  
   Re: Approve the plans and specifications and advertise for bid to demolish the building at 296 N. Main Street; appropriate funds for the project.

3. Award Contract - Cab & Chassis  
   Re: Award the contract to Melrose Ford of Oakland, CA in the amount of $30,931.39 for a super duty cab & chassis with dual rear wheels.
4. **Award of Contract - Orange Avenue Reconstruction Project**  
   **Re:** Award contract to Halopoff & Sons, Inc., in the amount of $1,595,282.28, for the reconstruction of Orange Avenue from Main Street to Date Avenue.

5. This item has been pulled

6. **Municipal Pool Complex Renovation Project Status Report**  
   **Re:** Request to consider this item on July 13, 2004, to accept the project prior to the Grand Opening on July 16, 2004.

7. **Acceptance of the Casas Buena Vista Landscape Maintenance District 25**  
   **Re:** Acceptance of the project by Rainscape, filing the Notice of Completion, and authorizing the release of the contingency funds 35 days after recordation.

8. **Acceptance of Improvements - Meadowood Phase 2 Subdivision (Smee and Nicholson, LLC)**  
   **Re:** Acceptance of the public improvements for the Subdivision located west of Newcomb Avenue, south of Pioneer Avenue, east of Birch Street, and north of Cheryll Avenue; filing the Notice of Completion and authorizing the release of the contingency funds 35 days after recordation.

9. **Acceptance of Final Subdivision Map - Williams Ranch Phase Two and Three Subdivision (Brian Ennis)**  
   **Re:** Approve the final map for the Subdivision west of Westwood Street, south of San Lucia Court, and east of Red Oak Street.

10. **First Time Low Income Homebuyer Program - Amendment to Program Guidelines**  
    **Re:** Amending the Program Guidelines to increase the City’s FTHB assistance from a maximum of $20,000 to $40,000, and amending the City Administrative Policy Manual.

11. **Adoption of Annual Appropriation Limit**  
    **Re:** Adopting the City Budget appropriation limit of $32,283,295 for the 2004/2005 Fiscal Year.

12. **Set Public Hearing for Proposed Fee for the Assumption of a Lease Agreement at the Porterville Municipal Airport**  
    **Re:** Setting July 20, 2004, for the public hearing date to consider this fee.

13. **Airport Consultant Selection**  
    **Re:** Accepting Tartaglia Engineering as the “Engineer of Record” for current FAA-funded projects and future projects during Fiscal Year 2004/05 through 2006/07, and authorizing staff to negotiate a service agreement.

14. **Use of City Vehicles and Use of Personal Vehicles for City Business Policy and Resolution**  
    **Re:** Approving modifications to the City’s Administrative Policy Manual to implement a vehicle allowance program to reduce the existing sedan fleet.

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

**PUBLIC HEARING**

15. **Consideration to Remain in Phase II of the Water Conservation Plan and Continuation of Public Hearing**  
    **Re:** Accepting public testimony on remaining in Phase II of the Water Conservation Plan, and consideration of moving to Phase III, and continuing the Public Hearing to July 20, 2004.
16. Improvements and the Formation of Landscape and Lighting Maintenance District No. 29
   Re: Approving the formation for River Springs Phase 3 Subdivision on Date Avenue, River Springs Drive and Atkins Court.

17. Golf Course Monthly Ticket Reinstatement
   Re: Re-establishing the monthly ticket program at the Golf Course.

SECOND READINGS
18. Ordinance 1655, Redevelopment Project No. 1 Plan Amendment
   Re: Adopting the ordinance approving Amendment No. 1 to the Redevelopment Plan for Redevelopment Project No. 1 as the Official Redevelopment Plan for said Project.

SCHEDULED MATTERS
19. City and County Property Tax Sharing Agreements for Annexations
   Re: Adoption of resolutions approving methodology for property tax sharing for County Island Annexations and Contiguous Area Annexations between the City and the County of Tulare.

20. Approval of the Annual Report of the Business Improvement Area Advisory Board

21. Consideration of Ordinance Regarding the Sale, Acquisition, and Possession of Tobacco Products Facilitated by Self-Service Displays
   Re: Discussion of a draft ordinance which prohibits the sale or transfer of any tobacco products from facilities accessible to anyone other than an employee of the business, except for tobacco shops or wholesale retailers.

22. Consideration of Submitting to The People a Tax Measure to Increase for Porterville the Level of Police and Fire Staffing and to Support the After School Youth Program
   Re: Consideration of a possible tax measure to raise monies to support public safety services and youth sports programs within the City.

23. Request to Approve Indian Gaming Local Community Benefit Committee Agreement for Grant of Funds and to Approve Certain Reallocation of Monies
   Re: Approval to sign the Agreement for the grant of funds, and the allocation of monies for the purchase of a new Fire ladder truck, funding for a new police officer trainee, and the continuation of the Thunderbolt Program.

24. Joint Funding Agreement with Tulare County for Thunderbolt Probation Officer
   Re: Extending this program until June 30, 2005, contingent upon the approval of the Indian Gaming funding proposal.

25. Painting of Address Numbers on City Property
   Re: Review of the issue of individuals painting street addresses on curbs.

26. Consideration of Ordinance/Public Disclosure on Sales of “Motor Driven Cycles”
   Re: Information from Police Department regarding the use of “mini motorcycles” or “pocket bikes.”
27. **Consideration of Support for AB 2006 “The Reliable Electric Service Act of 2004”**  
    Re: Consideration of support for measure to re-regulate the energy market as supported by Southern California Edison.

28. **Shopping Cart Status Report**  
    Re: Review of status report with a recommendation that the carts continue to be removed by the cart owners.

29. **Proposed Changes to Regulations Concerning Solicitors, Peddlers, and Itinerant Vendors**  
    Re: Consideration of suggested changes to the City Code to better regulate door-to-door sales and street vendors; with a suggested public hearing date of August 3, 2004, to consider a draft ordinance.

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

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

**ADJOURNMENT** - to the meeting of July 13, 2004

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
CITY COUNCIL MEETING
PORTERVILLE, CALIFORNIA
JUNE 15, 2004 6:00 P.M.

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

CLOSED SESSION:

A. CLOSED SESSION PURSUANT TO:
   1 - GOVERNMENT CODE § 54956.9(c) – CONFERENCE WITH LEGAL COUNSEL-
   ANTICIPATED LITIGATION: ONE CASE.
   2 – GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY
   NEGOTIATORS/PROPERTY: APN 302-100-013; APN 302-110-059. AGENCY
   NEGOTIATING PARTIES: CITY OF PORTERVILLE AND ROBERT NUCKOLS.
   UNDER NEGOTIATION: TERMS.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

No Action to Report

Pledge of Allegiance Led by Mayor Pro Tem Ron Irish
Invocation by Pastor Tom West, Westfield Christian Church

Mayor Martinez stated that the signing sheets for the Ronald Reagan Library would be in the hallway that evening, and at the Chamber through Friday.

PRESENTATIONS

Paul Saldana, President/Executive Director, Economic Development Corporation
(EDC staff also present: Linda Douglas, Karen Ford, Deana Chamberlain and Joy Downs)
Report on the State of Economic Development

City Manager’s Featured Project
Downtown Parking Lot Project, Phase I - Hockett and Division Street

ORAL COMMUNICATIONS

• Dick Eckhoff, Downtown Porterville Association, 180 N. Main, spoke regarding the June 1, 2004, City Council Minutes. On page 5 of 12 there was a question on the number of people present at meetings, and it was 75; on page 6 of 12 where he spoke to that, the number given was 23; the comments he made that "he is not in favor of a flat rate and still supports the 150/50 option" were statements made on behalf of the Board; on page 11 of 12, his comments again were on behalf of the Downtown Board as he was directed at a Board Meeting.

• Becky Griffith, 1732 W. Juliann. She was turned down for a business license for a curb painting business for address numbers on curbs, so she wants Council to rethink the ordinance
prohibiting this; She also spoke on the poor condition of Veterans Park playground equipment, i.e. the slide.

Staff was directed to place the curb painting item on the next agenda. Ms. Griffith was asked to call the City Manager

- Phil Aiken, Pastor of Porterville Church of God, 940 W. Westfield (soon to be Jubilee Lane), asked Council to allow the use of Jesus’ name in Council invocations.

- James McElfish, 39 Carmelita, stated atheists offended him, and the ACLU should use their own date instead of using the Year 2004 as it is the year of the Lord.

Mayor Martinez thanked everyone for coming, and thanked Channel 30 for attending.

CONSENT CALENDAR
Items 1 and 3 were removed.

2. BUDGET ADJUSTMENTS FOR THE 2003/2004 FISCAL YEAR

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

Documentation: Minute Order No. 01-051504
Disposition: Approved

4. ACCEPTANCE OF DOWNTOWN PARKING PROJECT – HOCKETT AND DIVISION PARKING LOT, PHASE I

Recommendation: That City Council:
1. Accept the Downtown Parking Project, Hockett and Division Parking Lot, Phase I 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.

Documentation: Minute Order No. 02-051504
Disposition: Approved

5. ACCEPTANCE OF IMPROVEMENTS – RIVER VIEW ESTATES, PHASE 3 SUBDIVISION (G.W. HOME, INC.)

Recommendation: That City Council:
1. Accept the public improvements of River View Estates, Phase 3 Subdivision for maintenance; and
2. Authorize the filing of the Notice of Completion, and release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: Minute Order No. 03-051504
Disposition: Approved

6. ACCEPTANCE OF APPRAISED VALUE OF RIGHT-OF-WAY FOR PROPERTY LOCATED AT APN No. 245-390-008 – REBA R. ROMERI & NENNA RAE KIRCHNER – HENDERSON AVENUE RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Reba R. Romeri & Nenna Rae Kirchner, co-trustees of the Romeri Family Trust, in the amount of $12,429.00, after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution No. 71-04
Disposition: Approved

7. AMENDMENT TO TRAFFIC RESOLUTION NO.10-2001 – REMOVING MOTORCYCLE PARKING AT 30 N. MAIN ST.

Recommendation: That City Council approve the proposed amendments to Traffic Resolution No. 10-2001.

Documentation: Resolution No. 72-2004
Disposition: Approved

8. STATE DEPARTMENT OF FINANCE – POPULATION AND HOUSING ESTIMATE

Recommendation: That the City Council authorize the Mayor to sign a request for State Certification for the City of Porterville’s January 1, 2004 population estimate of 43,150.

Documentation: Minute Order No. 04-061504
Disposition: Approved

9. REQUEST FOR TWO TEMPORARY MODULAR STRUCTURES FOR THE PORTERVILLE EVANGELICAL FREE CHURCH

Recommendation: That the City Council:
1. Adopt the attached resolution and conditions of approval for the temporary modular structures for a period of time expiring on September 16, 2004.

Documentation: Resolution No. 73-2004
Disposition: Approved

10. FORMATION OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 29

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. 29, 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. 29; 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. 29 and to be assessed the cost and expense thereof, designating formation of Landscape and Lighting Maintenance District No. 29; 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.

Documentation: Resolution No. 74-2004, 75-2004, and 76-2004
Disposition: Approved

11. LEGAL SERVICES AGREEMENT – CITY ATTORNEY

Recommendation: That the City Council:

1. Approve the Legal Services Agreement; and
2. Authorize the Mayor to execute the Legal Services Agreement on behalf of the City Council.

Documentation: Minute Order No. 05-061504
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to approve items 2, and 4 through 11. The motion carried unanimously.

1. CITY COUNCIL MINUTES FOR MAY 18 AND 25, AND JUNE 1, 2004
3. AUTHORIZATION TO ADVERTISE FOR BIDS – TULE RIVER PARKWAY, PHASE II

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

Council Member Hamilton asked why a re-appropriation of another $25,000 was being requested, and how the numbers could be that far off.

Public Works Director Baldo Rodriguez replied by stating that the City uses the figures from the consultant, and that the contractors have stated that field and insurance costs have increased. This required the City to re-visit each of the bid items and they came up with this amount, which may be on the high side, but better a little too high than, too low.

City Manager John Longley stated that staff double scrutinizes every bid now, and this is a result of that scrutiny.

Parks and Leisure Services Director Jim Perrine clarified that the grant received for this project is only an 88.5% matching grant, requiring the City to provide the other 11.5%.

Council Member Hamilton asked if Council had already authorized the $248,000.

The City Manager stated that there has not been an official estimate approved by Council as of yet, and that the official estimate is being presented at this time.
PUBLIC HEARINGS

12. BUDGET ADOPTION FOR THE 2004-05 FISCAL YEAR

Recommendation: (1) That the Council conduct a public hearing to receive comment on the proposed 2004-2005 fiscal year budgets for both the General Fund and Enterprise and Internal Service Funds.

(2) That Council approve the attached resolution adopting the 2004-2005 fiscal year budgets, as modified by the City Council.

(3) That Council approve the shifting of one temporary agency employee to a limited-term part-time City employee in the Literacy program to maximize the grant proceeds available.

The City Manager stated that staff has been working since January of this year to put this budget together, and that there has been a considerable amount of effort on the part of the staff to find an approach that looks forward, and is proactive, that also contains a specific spending plan for this year and has milestones for review.

He also stated that it was important to note that this year’s budget is a deficit budget. The budget being proposed in round numbers contains a structural deficit of approximately $450,000, and a cash deficit of 1.2 million. The reason the cash deficit is greater than the structural is because the cash deficit contains certain one-time expenditures, major spending expenditures for such things as the General Plan, and the creation of a proposed reserve fund for payment of G.O. debt.

Deputy City Manager Darrel Pyle then presented the staff report to the Council.

The City Manager then stated that the staff report that has been presented contains a few items that did not come out at the study session. The budget resolution does contain a provision that the City will allocate, for the 2005-2006 fiscal year, at least 50% of the funding for equipment replacement. The continuation of the hiring freeze and travel restrictions were also discussed at the study session, and the only modification requested at this time was a change from a contractual employee to a part-time City employee, limited-term literacy program employee. The City did also receive a grant slightly in excess of $100,000 from Indian gaming monies, which is to be used for police and fire. One of the modifications may be where money that is re-used from vehicle accounts, has been raised to purchase vehicles, would be used to address this program partially.

The public hearing opened at 7:52 p.m. and closed to the public at 7:53 p.m.

Mayor Pro Tem Irish asked that staff explain what is being done with the $458,721.00.

The City Manager stated that money would be an allocation within the general fund, will be specifically reserved for this purpose and will not be part of the general fund cash balance.
Mayor Pro Tem Irish asked if the reserve could be brought back at the next budget to see exactly where that is at, and if it needs to stay there. He then asked that Mr. Pyle expand on the Allocations to General Fund Formula Amounts.

Mr. Pyle explained that historically, the City of Porterville has adopted a budget mechanism designed to account for the cost of inflation and the cost of providing a current level of service to an increasing population; and that formula was addressed by initially increasing departmental budgets by the change in the consumer price index, plus the change in the City population times 75%. In the past few years, based on budget actions by the State of California against cities and counties, the City has been unable to fund that formula growth. So what the City has done is adjust the rollover budgets to account for those costs that the City is contractually obligated to cover. The biggest cost out there on the horizon that needs to be addressed in each operating budget is the additional cost of the Public Employee Retirement System based on the rates distributed by PERS in April of 2004. The impact of the rate increases will hit the General Fund to the tune of about $625,000. So now the City has to restore those budgets to the amounts necessary to cover the current PERS rates.

Council Member Stadtherr took a moment to thank the other Council members who helped collect signatures a few months back to protect local funds for the ballot.

Mayor Pro Tem Irish asked if the purchase of the hangars with the State Aviation loan money would have to be paid back, and if the interest rate fluctuates.

City Manager Longley stated that the rate did fluctuate somewhat, but that it is relatively low.

**COUNCIL ACTION:** MOVED by Council Member West, SECONDED by Council Member Stadtherr to accept staff's recommendation.

Resolution 77-2004

AYES: West, Stadtherr, Irish, Martinez

NOES: Hamilton

ABSTAIN: None

ABSENT: None

Disposition: Approved

13. **SIERRA MEADOWS – TENTATIVE SUBDIVISION MAP (GARY SMEE)**

Recommendation: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Sierra Meadows Tentative Subdivision Map; and
2. Adopt the draft resolution approving Sierra Meadows Tentative Subdivision Map.

Brad Dunlap, Community Development Director, presented the staff report.

The hearing was opened to the public at 8:01 p.m. and closed at 8:02 p.m.
Jim Winton, who was representing Gary Smee, came forward to state that the conditions of approval are acceptable to the applicant, and made himself available for any questions Council may have.

Council Member Hamilton asked if the City had the ability to service them with water, sewer, and storm drains.

Public Works Director Baldo Rodriguez stated that there was a sewer main present at this time, and that there were plans for a storm drain system.

Mayor Pro Tem Irish expressed his concerns regarding the roads being partially county, being impacted by traffic, and the street being poorly maintained as is the case with South Newcomb.

Jim Winton spoke regarding Mayor Pro Tem Irish’s concerns, stating that access to Gibbons is not the same as the Newcomb situation, at least until the Jaye Street Reconstruction Project makes the street more easily accessible to trucks.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to adopt the draft resolution approving the Negative Declaration for Sierra Meadows Tentative Subdivision Map. The motion carried unanimously.

Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton to adopt the draft resolution approving Sierra Meadows Tentative Subdivision Map. The motion carried unanimously.

Disposition: Approved

14. GENERAL PLAN AMENDMENTS AND RELATED ACTIONS FOR CENTENNIAL PLAZA PARK AND GENERAL PLAN AMENDMENT AND RELATED ACTIONS FOR COMMERCIAL AND HIGH DENSITY RESIDENTIAL DEVELOPMENT ON THE NORTHEAST CORNER OF PROSPECT STREET AND GRAND AVENUE

Recommendation: That the City Council:
1. Adopt the resolution reaffirming the original Negative Declaration approved for the Formation of Centennial Plaza Park and related Actions.
2. Adopt the draft resolution approving the Negative Declaration Prepared for General Plan Amendment 4-2004 (b), Zone Change 4-2004 and Tentative Parcel Map 4-2004.
3. Adopt the draft resolution approving General Plan Amendment 4-2004 (a).
4. Adopt the draft resolution approving General Plan Amendment 4-2004 (b).
5. Give first reading to the draft ordinance approving Zone Change 2-2004.
6. Give first reading to the draft ordinance approving Zone Change 4-2004.

Community Development Director Brad Dunlap presented the staff report.

The hearing was opened to the public at 8:14 p.m.

Dick Eckhoff, 180 N. Main, Downtown Porterville Association, thanked staff for their efforts to expedite the Centennial Plaza Park Project.

Jim Winton, 150 W. Morton, speaking on behalf of the applicants, stated that the staff report is thorough and complete.

The hearing was closed to the public at 8:16 p.m.

Council Member Hamilton asked why, on Grand Avenue/Prospect, with their density problem, with our housing element would the City want to take R-4 out of the General Fund.

Mr. Dunlap stated that this area is more suited for commercial because of the high volume of traffic on Prospect.

Council Member Stadtherr asked if the City had considered the David Belz property be reverted to R-4 from commercial to keep the same amount of acreage for high density residential.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to adopt the resolution reaffirming the original Negative Declaration Approved for the Formation of Centennial Plaza Park and related Actions. Resolution 81-2004

The motion carried unanimously.

Disposition: Approved

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish to adopt the draft resolution approving the Negative Declaration Prepared for General Plan Amendment 4-2004 (b), Zone Change 4-2004 and Tentative Parcel Map 4-2004. The motion carried unanimously.

Resolution 82-2004

Disposition: Approved

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Council Member West to adopt the draft resolution approving General Plan Amendment 4-2004 (a). The motion carried unanimously.

Resolution 83-2004

Disposition: Approved
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish to adopt the draft resolution approving General Plan Amendment 4-2004 (b). The motion carried unanimously.

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr to give first reading to the draft ordinance approving Zone Change 2-2004, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2-2004 BEING A CHANGE OF ZONING FROM C-2 (CENTRAL COMMERCIAL TO OA (OPEN AREA) FOR THE SOUTHERLY TWO-THIRDS OF A 26,000± SQUARE FOOT SITE LOCATED ON THE EAST SIDE OF NORTH MAIN STREET BETWEEN CLEVELAND AND THURMAN AVENUES, waive further reading, and order the ordinance to print. The motion carried unanimously.

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to give first reading to the draft ordinance approving Zone Change 4-2004, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 4-2004 BEING A CHANGE OF ZONING FROM R-4 (D) (MULTIPLE FAMILY RESIDENTIAL - "D" OVERLAY SITE REVIEW) TO C-2 (D) (CENTRAL COMMERCIAL - "D" OVERLAY SITE REVIEW) FOR PROPOSED PARCEL 1 OF TENTATIVE PARCEL MAP 4-2004 CONSISTING OF .96± ACRES FOR THAT SITE LOCATED ON THE NORTHEAST CORNER OF PROSPECT STREET AND GRAND AVENUE, waive further reading, and order the ordinance to print. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS

15. GOLF COURSE ENTERPRISE

Recommendation: That the City Council takes no action to modify the golf course maintenance Personnel services, and direct the noticing of a Public Hearing and preparation of a Resolution to establish quarterly passes with differential seasonal rates.

Parks & Leisure Services Director Jim Perrine presented the staff report.

Ron Kavadas came forward to speak, stating that the staff report is very thorough. He also commented on the winter pass markets, stating that it only appeals to seniors or unemployed
individuals because daylight during this season is from 7 a.m. to 4 p.m. He suggested offering flexible passes for educators, who may want to golf during their summer vacation. Mr. Kavadas stated that he had collected 59 signatures from educators who would purchase a monthly pass if available. He also did not recommend discount tickets for weekday play at this time.

Mayor Pro Tem Irish stated that he felt it was time to find a professional to tell the City what they have and how to market, and recommended re-instating the monthly pass until the City is able to generate more play at the golf course.

Council Member Stadtherr asked if the monthly passes were seasonally adjusted in price, to which Mr. Perrine replied, no they were not.

Mr. Kavadas clarified to Council that there are no monthly passes available at this time.

Mayor Pro Tem Irish suggested re-instating the monthly pass until December; by then a professional on the proper direction should have advised them.

Council Member Stadtherr asked what would be involved in re-instating the monthly pass.

The City Attorney stated that it could be done at the next meeting, but could not be done at this time because it would need to be re-instated by resolution.

Mayor Martinez asked about the benefits of a quarterly pass as opposed to a monthly pass.

Mr. Perrine stated that the problem that has occurred in the past is that during the peak use time, there were many passes purchased, but very little paid during the other months.

Council Member West asked if it would be better if the staff researched the market instead of a professional.

Council Member Stadtherr asked if staff had exhausted all avenues up to this point.

Mr. Perrine stated that he did not feel they had exhausted all avenues and that there are possibilities out there for funding.

Council Member Hamilton stated that he would like to get this monkey off Mr. Perrine’s back and allow him to work on some other projects, and therefore supported the idea of a third party getting involved.

Council Member Stadtherr asked what the logic was behind phasing out the monthly pass. He requested that the minutes from the meeting pertaining to that be provided to him.

Mayor Pro Tem Irish stated that he believed the reasoning behind it was to increase prices to make up for the decrease in play.
City Manager Longley clarified that staff would distribute an RFP and bring any responses back to Council by the first meeting in December of 2004.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to instruct staff to pursue a search for a marketing specialist and take appropriate action to re-instate the monthly pass. The motion carried unanimously.

Disposition: Approved

16. REQUEST FOR PROPOSAL (RFP) FOR RECYCLING CONSULTANT SERVICES

**Recommendation:** That City Council:
1. Accept the RFP in its draft form.
2. Authorize staff to distribute the RFP to consulting firms as specified in the policy.

Public Works Director Baldo Rodriguez presented the staff report.

Mayor Pro Tem Irish stated that this is an important topic, but was concerned with adding this to the priority list and the man-hours involved. He asked that this be brought back in December to better prioritize, and not change the priorities at this time.

Council Member Hamilton stated that he was confused, because he did not think an RFP would involve that much staff time and because it was Mayor Pro Tem Irish that initiated this proposal.

Jim Vagim, came forward to state that Council voted 5 to 0 at the study session to implement a RFP, and it was imperative that Council be pro-active in implementing this RFP.

Mayor Pro Tem Irish asked how much time would be needed to accomplish this.

The City Manager stated that about 48 hours would be involved in getting to the RFP phase, and that this was a fairly realistic estimate.

Council Member Stadtherr stated that his impression after the study session was that Council would at least get the outside study done, and then make a stop or go decision after the proposal comes back.

Council Member Hamilton stated that he felt that the City was behind the times and needed to move on this item.

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

Disposition: Approved
17. SIGN REGULATIONS AND ENFORCEMENT UPDATE

Recommendation: That the City Council direct Staff to continue focused enforcement efforts with regard to signage and to continue preparation of a Zoning Ordinance Amendment.

Community Development Director Brad Dunlap presented this report.

Council Member Hamilton stated that when this came before Council the first time, it was decided that they would take this on, and that he felt they needed to re-focus and schedule a study session.

Mayor Martinez stated that he too would like to tackle this topic and re-focus.

Council Member West stated that Council had to be careful the amount of work given to staff and that they needed to tackle this issue themselves as a Council.

Mayor Pro Tem Irish asked how long it has been since the ordinances have been reviewed.

The City Manager stated that a review of the ordinances would involve staff participation, and that there is a plan to review the ordinances in a couple of years.

Mayor Pro Tem Irish suggested reviewing just a few ordinances in the next year.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton to schedule a special meeting of Council and Staff relative to the sign ordinance, for review at 7:00 p.m. on the second Tuesday in July. The motion carried unanimously.

Disposition: Approved

Adjourn to a Joint Meeting of the Porterville Redevelopment Agency and the City Council at 9:28 p.m.

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MEETING - JUNE 15, 2004

Roll Call: Redevelopment Agency: Agency Members: West, Irish, Hamilton, Stadtherr; Chairman Martinez
Roll Call: City Council: Councilmen West, Hamilton, Stadtherr; Mayor Pro Tem Irish, Mayor Martinez

WRITTEN COMMUNICATIONS

None
ORAL COMMUNICATIONS

- Linda Olmedo, 2550 W. Porter Creek, Member of the Community Development Advisory Committee, came forward representing family and neighbors from the 400 Block of So. “A”. There is property on the southwest side of “A” & Date that’s an eyesore, and she would like the City to review if there is an ordinance that could be enforced to clean up property where the fire was. Also there is a need for crosswalks and speed signs on Date for children’s safety. She also spoke on the potholes.

Mayor Martinez affirmed that the City is in the process of looking into the property mentioned.

REDEVELOPMENT SCHEDULED MATTERS

PRA-1. REDEVELOPMENT AGENCY 2004-2005 BUDGET

Recommendation: That the Agency Board adopt the attached 2004-2005 Redevelopment Agency Budget.

Community Development Director Brad Dunlap presented the staff report.

AGENCY ACTION: MOVED by Council/Agency Member West, SECONDED by Council/Agency Member Stadtherr to accept staff’s recommendation. The motion carried unanimously.

PRA 2004-03

Disposition: Approved

PRA-2. REDEVELOPMENT PROJECT NO. 1 PLAN AMENDMENT – REPORT TO CITY COUNCIL

Recommendation: That the Redevelopment Agency adopt the draft resolution approving and transmitting to the Porterville City Council the Agency’s Report on Amendment No. 1 to the Redevelopment Plan for Redevelopment Project No. 1 including the Initial Study/Draft Negative Declaration.

Community Development Director Brad Dunlap presented the staff report.

Council Member Hamilton asked the consultant for an opinion on the future of redevelopment agencies.

Mr. Ernie Glover came forward to state that if the ERAF Diversions are lifted, most agencies should be able to once again pursue their projects. To be in good financial shape, you have to be fairly large and fairly broad in the types of land uses; and most of the growth in tax increment occurs in residential development.

AGENCY ACTION: MOVED by Agency Member Hamilton, SECONDED by Agency Vice Chair Irish to accept staff’s recommendation. The motion carried unanimously.

PRA 2004-04
Disposition: Approved

JOINT PUBLIC HEARING

PRA-3. REDEVELOPMENT PROJECT NO.1 PLAN AMENDMENT

Recommendation: That the Redevelopment Agency and City Council conduct a Joint Public Hearing on the proposed Amendment and take testimony in favor of and/or in Opposition to the proposed action. If no objections to the proposed Amendment have been submitted to the City Clerk at, or prior to, the conclusion of the Joint Public Hearing, the Agency/City Council may proceed with the following actions.

That the Redevelopment Agency and the City Council:
1. Adopt the draft resolutions approving the Negative Declaration for Amendment No.1 to the Redevelopment Plan for Redevelopment Project No. 1.

That the City Council:
1. Adopt an ordinance of the Porterville City Council approving and adopting Amendment No. 1 to the Redevelopment Plan for Redevelopment Project No.1 as the Official Redevelopment Plan for Said Project.

Community Development Director Brad Dunlap presented the staff report.

The hearing was opened to the public at 9:47 p.m. and closed at 9:48 p.m.

Council Member Hamilton asked if the property value increases, what would the process be at that point.

Ernie Glover, with GRC Redevelopment, stated that an amendment to the plan would be needed to add territory and the criteria for blight has changed, which might make it more difficult to add the territory back in.

COUNCIL/AGENCY ACTION: MOVED by Mayor Pro Tem/Agency Vice Chair Irish, SECONDED by Council/Agency Member Stadtherr to adopt the draft resolutions approving the Negative Declaration for Amendment No. 1 to the Redevelopment Plan for Redevelopment Project No. 1. The motion carried unanimously.

PRA 2004-04

Resolution 85-2004

Disposition: Approved

City Manager read Ordinance 1655 by title only.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West that Council waive further reading, and order to print, being AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING AND ADOPTING AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT PROJECT NO. 1 AS THE OFFICIAL REDEVELOPMENT PLAN FOR SAID PROJECT.

Disposition: Approved

Adjourn the Redevelopment Agency Meeting at 9:50 p.m. to a meeting of the City Council.

ORAL COMMUNICATIONS
- Dick Eckhoff, Chairman Downtown Porterville Association, 180 N. Main, asked Council and audience to speak more into the microphones so people could hear. Also, regarding the sign ordinance update, he thought any changes would wait until after the General Plan was done—Downtown would like to stay heavily involved in that and give input, such as questions on banners (and their enforcement), signage in front of buildings, use of corner kiosks for side streets, signage on windows. He clarified July 20 for the Sign Ordinance item to come back to Council.

- Felippe Martinez, 195 Putnam Ave., spoke in support of the Police Chief and his staff; he spoke regarding a problem with water runoff from Goodell Packing shed on Orange and “E” St. which is causing chuck-holes; Also spoke as Hispanic Chamber representative regarding a mixer on Thursday, at Citibank.

OTHER MATTERS/COUNCIL COMMENTS
- Council Member Stadtherr presented slides of the Battery Operated Car Race in which he came in Second Place.
- Council Member Hamilton spoke regarding the tragic events of last Friday, and the fine job done by the Police Chief and his staff, and the Sheriff’s Department personnel.
- Mayor Martinez spoke on the good job done by the Police Department, and the good job by the Porterville Recorder.
- Mayor Martinez spoke on the first Mural in the downtown area—perhaps lighting could be done for it.
  Mr. Eckhoff is approaching Bank of the Sierra to put lights on top of their building to light the mural.
- Mayor Martinez stated that lighting could also be done for the Memorial Wall at the Airport, and he asked staff to look at it.

ADJOURNMENT
The Council meeting adjourned at 10:02 p.m. to the meeting of July 6, 2004.

SEAL

Georgia Hawley, Deputy City Clerk
By: Luisa Herrera

Pedro R. Martinez, Mayor
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - NELSON BUILDING DEMOLITION PROJECT

SOURCE: Parks and Leisure Services Department

COMMENT: The Plans and Project Manual have been prepared for the demolition of the Nelson Building located at 296 North Main Street. These documents are available for review in Public Works Department - Engineering Division.

After several months of discussion regarding project parameters, staff contacted two contractors to gain insight into the estimated costs associated with the demolition and lot clearing necessary to allow the project to move forward. Staff conducted site inspections with the contractors to ensure all aspects of the building were identified. After much consideration, the contractors provided estimates between $75,000 and $130,000, excluding hazardous materials removal.

Staff contacted the environmental engineering firm of Air Quality Compliance Solutions to obtain an estimate for hazardous materials mitigation. The two elements identified at the site are asbestos and lead-based paint. According to the consultants, the asbestos can be mitigated for approximately $20,000. This firm was unable to establish a cost estimate for lead-based paint mitigation. Based on this information, staff moved forward with an estimate of $160,000 as the cost of demolition.

The firm of Harris & Associates was hired to establish the formal estimated cost of demolition based on staff plans, specifications, and bid documents. Their estimate came in at $260,000 excluding hazardous materials removal. Estimates for these items were outside of our consultant's scope of services. Staff spent a great deal of time in conversation with the consultant to ensure the cost estimate was as firm as possible. There appears to be concern as to the estimated length of the demolition, which could result in increased equipment charges. It is the opinion of staff that the consultants estimate is higher than anticipated, and at that rate, would make the project unfeasible. The Estimate of Probable Cost as prepared by the consultant is attached for reference purposes.
Staff is recommending that the project budget for the demolition phase be held to $200,000. Funding was approved in the 2003-2004 Annual Budget from the Building Construction Fund in the amount of $75,000, which will need to be re-appropriated for the 2004-05 fiscal year. An additional $125,000 will need to be appropriated to fund the demolition. Therefore, staff is requesting an additional appropriation of $125,000 in the form of a loan from the Equipment Replacement Fund to complete this phase of the project. This loan will carry an annual debt service payment of just under $16,000.00.

Recommendation: That City Council:

1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project; and
3. Authorize the re-appropriation of $75,000 in the Building Construction Fund and an appropriation of $125,000 loan from the Equipment Replacement Fund to be repaid with Park Impact fees over a 10 year period at 5% interest.
4. Direct staff to maintain a project budget not to exceed $200,000 for the demolition phase of the project.

Attachments: Locator Map
            Estimate of Probable Cost
June 25, 2004
Revised July 1, 2004

Mr. Michael Reed, City Engineer
City of Porterville
291 N. Main Street
Porterville, CA 93257

Subject: Nelson Building Demolition – Opinion of Probable Cost - REVISED

Dear Mr. Reed:

Additional information received this week from your City staff has allowed us to, revisit and revise our Opinion of Probable Cost for the demolition of the Nelson Building. Per our agreement, attached is a copy of our Opinion of Probable Cost (revised July 1, 2004).

As was stated in our previous letter, and in accordance with our agreement, we have not addressed hazardous materials, which the specifications have noted are confirmed within the building.

We still recommend that a separate Bid Item be added to the bid schedule to include removal and disposal of the hazardous materials.

Based on our review of the specifications and the job site we also recommend the number of days to complete the demolition, be increased to Thirty-Five (35) working days.

Should you have any questions regarding the above, please call me at (408) 842-5777.

Very Truly Yours,

Harris & Associates

[Signature]

Manuel Rodriguez, P.E.
Project Manager

Enclosures: Opinion of Probable Cost

Cc: Jim Perrine, City of Porterville
<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUANTITY</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>TOTALS</th>
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<td>MOBILIZATION</td>
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<td>LS</td>
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<td>$10,000.00</td>
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<tr>
<td>02</td>
<td>FENCE (temp. &amp; permanent)</td>
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<td>LS</td>
<td>$18,000.00</td>
<td>$18,000.00</td>
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<td>03</td>
<td>TRAFFIC CONTROL</td>
<td>1</td>
<td>LS</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
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<td>04</td>
<td>SHEETING/SHORING/GRACING</td>
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<td>LS</td>
<td>$2,700.00</td>
<td>$2,700.00</td>
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<td>05</td>
<td>DEMO STRUCTURE</td>
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<td>LS</td>
<td>$165,972.00</td>
<td>$165,972.00</td>
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<td>07</td>
<td>BACKFILL / GRADING / CLEAN UP</td>
<td>1</td>
<td>LS</td>
<td>$16,200.00</td>
<td>$16,200.00</td>
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**Sub-Total** $216,372.00

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<th>TOTALS</th>
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<tr>
<td>08</td>
<td>GENERAL CONDITIONS (OVERHEAD)</td>
<td>7%</td>
<td></td>
<td></td>
<td>$15,146.00</td>
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<tr>
<td>09</td>
<td>PROFIT</td>
<td>5%</td>
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<td></td>
<td>$10,818.00</td>
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**Sub-Total** $25,964.00

**TOTAL CONSTRUCTION COSTS** $242,336.00

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<tr>
<td>10</td>
<td>CONTINGENCY</td>
<td>7%</td>
<td></td>
<td></td>
<td>$16,994.00</td>
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</table>

**TOTAL** $259,300.00

**PROJECTED TOTAL** (Rounded) $260,000.00

Prepared by: Ryan Fair, Construction Manager

Reviewed by: M. Rodriguez, P.E., Project Manager

DATE: 7/1/04
Opinion Of Probable Cost For Nelson Building Demolition (Revised July 1, 2004)

Exceptions and Assumptions:

1. Harris & Associates assumes no control over the Contractor's method of pricing
2. Harris and Associates neither assumes nor implies any control over labor, material and equipment pricing.
3. The opinions of probable cost herein are made on the qualifications and experience of Harris & Associates
4. Harris & Associates makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bids or actual construction costs.
5. This opinion of probable cost does not address nor include any hazardous material or environmental issues.
6. No additional fees for hazardous materials are included.
7. No hazardous material monitoring is included.
8. This estimate does not include removal/replacement of the brick paver sidewalk along Main Street.
9. This estimate includes grading and backfill as specified in the bid documents but no allowance has been made for addressing contaminated soils.
10. Standard dumping fees have been included but no allowance has been made for hazardous material dumping fees.
11. This estimate does not include any costs for compliance with storm water quality regulations.
12. A local disposal site is available within six (6) miles of the site.
13. Prevailing wage rates are not applicable to this project.
SUBJECT: AWARD CONTRACT - CAB & CHASSIS

SOURCE: Administrative Services/Purchasing

COMMENT: Staff solicited bids for a new super duty cab & chassis with dual rear wheels for the Water Department. In response to solicitation, two (2) bids were received as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melrose Ford, Oakland, CA</td>
<td>$30,931.39</td>
</tr>
<tr>
<td>Will Tiesiera Ford, Tulare, CA</td>
<td>$33,580.98</td>
</tr>
</tbody>
</table>

Staff has reviewed the bids and finds the low bidder to be responsive to the specifications. Funds for the purchase of the vehicle have been appropriated in the Equipment Replacement Fund.

RECOMMENDATION: That Council award the contract for one new super duty cab & chassis with dual rear wheels, to Melrose Ford of Oakland, CA, in the amount of $30,931.39. Further, that Council authorize payment upon satisfactory delivery of the equipment.
SUBJECT: AWARD OF CONTRACT - ORANGE AVENUE RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On June 29, 2004, staff received (2) bids for the Orange Avenue Reconstruction Project. This project consists of the removal of existing concrete improvements, reconstruction of travel way, installation of concrete improvements, signalization, landscaping, irrigation and related work. Funding was approved through Certificates of Participation. The Engineer's Estimate is $1,600,342.82, which is within 0.32% of the low bid. A Bid Summary is attached for review.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Halopoff &amp; Sons, Inc.</td>
<td>$1,595,282.28</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>2. La Raza Construction</td>
<td>$1,998,423.84</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

3. Award the Orange Avenue Reconstruction Project to Halopoff & Sons, Inc. in the amount of $1,595,282.28; and

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

3. Authorize a 10% contingency to cover unforeseen construction costs.

ATTACHMENT: Bid Summary
Locate Map
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Unit</th>
<th>Qty</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Traffic Control</td>
<td>L.S.</td>
<td>1</td>
<td>10.12</td>
</tr>
<tr>
<td>2</td>
<td>Asphalt Concrete &amp; Concrete Removal</td>
<td>L.S.</td>
<td>1</td>
<td>2.24</td>
</tr>
<tr>
<td>3</td>
<td>Remove Concrete Flat Work</td>
<td>L.F.</td>
<td>1</td>
<td>3.00</td>
</tr>
<tr>
<td>4</td>
<td>Remove Chip Only</td>
<td>L.F.</td>
<td>1</td>
<td>1.00</td>
</tr>
<tr>
<td>5</td>
<td>Remove Chip and Gravel</td>
<td>L.F.</td>
<td>1</td>
<td>2.79</td>
</tr>
<tr>
<td>6</td>
<td>Cleaning and Grubbing - all areas of work shown on</td>
<td>L.S.</td>
<td>1</td>
<td>1.75</td>
</tr>
<tr>
<td>7</td>
<td>Underslab Fillet</td>
<td>C.Y.</td>
<td>1</td>
<td>2.20</td>
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<tr>
<td>8</td>
<td>Underslab Fillet</td>
<td>C.Y.</td>
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<td>2.95</td>
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<tr>
<td>9</td>
<td>Traffic Signage - Prevent Markings</td>
<td>L.S.</td>
<td>1</td>
<td>1.75</td>
</tr>
<tr>
<td>10</td>
<td>Prevent Markings and Sandblasting</td>
<td>L.S.</td>
<td>1</td>
<td>1.27</td>
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<table>
<thead>
<tr>
<th>Item</th>
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<th>Total</th>
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<tbody>
<tr>
<td>11</td>
<td>Asphalt Concrete</td>
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<tr>
<td>12</td>
<td>Grass Seed - Permeable</td>
<td>C.Y.</td>
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<tr>
<td>13</td>
<td>Chip and Gravel</td>
<td>L.F.</td>
<td>1</td>
<td>1.00</td>
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<tr>
<td>14</td>
<td>Barrier Cup</td>
<td>L.F.</td>
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<tr>
<td>15</td>
<td>Barrier Cup with 2-in. Gravel</td>
<td>L.F.</td>
<td>1</td>
<td>0.75</td>
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**Bids Opened June 29, 2004 at 2:30 P.M.**

**Bids Summary**

**Orange Avenue Reconstruction Project**
<table>
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<tr>
<th>Item Description</th>
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<th>Unit</th>
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<td>LF</td>
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<tr>
<td>2. Athletic Field</td>
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<td>EA</td>
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<td>3. Athletic Field</td>
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<td>32. Athletic Field</td>
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*Note: EA = Est. Appraoch, LF = Lineal Foot*
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<td>Catch Basin &amp; Local Depression</td>
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<td>45</td>
<td>225</td>
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<tr>
<td>Catch Basin</td>
<td>4</td>
<td>36</td>
<td>144</td>
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<td>18&quot; Storm Drain Pipe</td>
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<td>12&quot; Storm Drain Pipe</td>
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<td>48&quot; Storm Drain Manhole Adjucated to Grade</td>
<td>1</td>
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<td>48</td>
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<tr>
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<tr>
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<td>1</td>
<td>46</td>
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<tr>
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<td>1</td>
<td>45</td>
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<tr>
<td>Hydrant Assembly Including All Fixtures Run</td>
<td>4</td>
<td>44</td>
<td>176.0</td>
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<td>6&quot; Gate Valve Adjucated to Grade</td>
<td>4</td>
<td>43</td>
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<td>4&quot; 10,000 Lb. Iron Gate</td>
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<td>4&quot; 8,000 Lb. Iron Gate</td>
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<tr>
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<tr>
<td>Irrigation System</td>
<td>L.S.</td>
<td>1</td>
<td>$80.00</td>
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<tr>
<td>1 Delivery Panel</td>
<td>EA</td>
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<td>$92.47</td>
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<td>5 Delivery Sheds</td>
<td>EA</td>
<td>5</td>
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<tr>
<td>15 Delivery Tree with Root Barriers</td>
<td>EA</td>
<td>15</td>
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<td>sod</td>
<td>SF</td>
<td>500</td>
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<td>Soil Prep &amp; Fine Grading</td>
<td>SF</td>
<td>22.84</td>
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<td>2 Pressure Line</td>
<td>LF</td>
<td>1</td>
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<td>LF</td>
<td>1</td>
<td>$71.00</td>
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<tr>
<td>Breeve Average ± Piano Street Intersection &amp; Remove and Replace Existing Loop Detectors</td>
<td>EA</td>
<td>1</td>
<td>$10.00</td>
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<tr>
<td>Complete Traffic Signal (6) Wallace Street</td>
<td>EA</td>
<td>6</td>
<td>$69.00</td>
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<td>Complete Traffic Signal (8) Main Street</td>
<td>EA</td>
<td>8</td>
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<td>3-Phase Steel Conduit</td>
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<td>EA</td>
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<td>Repair Sign</td>
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<td>Remove &amp; Replace Rail &amp; Fence at Movie</td>
<td>LF</td>
<td>100</td>
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<td>$3398.24</td>
<td>$571.42</td>
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<td>$2,997.68</td>
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<td>000 00</td>
<td>$1,480 00</td>
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<tr>
<td>$1,180 00</td>
<td>000 00</td>
<td>$1,470 00</td>
<td>$2,400 00</td>
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</table>
THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

Item No. 5
SUBJECT: MUNICIPAL POOL COMPLEX RENOVATION PROJECT
STATUS REPORT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Municipal Pool Complex Renovation Project is nearing completion. The project is at the 95% completion stage. The pool has been plastered, filled and all new mechanical equipment installed. The remodel of the bath house is now complete.

Testing of the equipment and other significant work items, such as installation of the synthetic turf, will not allow staff to request City Council acceptance at this time. However, the project is on schedule to finish all remaining work items and correct deficient work prior to the Grand Opening scheduled for July 16, 2004. This date is prior to the next regularly scheduled City Council meeting.

Now that the pool is filled and operational there is great interest in use of the pool as soon as possible.

OPTIONS: That City Council:

1. Hold a special meeting prior to July 16th Grand Opening to accept the project as complete; or

2. Allow the pool to open for use prior to acceptance at the July 20, 2004 meeting.

RECOMMENDATION: That City Council choose Option 1 and add this item to the adjourned meeting on July 13, 2004 to accept the project as complete.

ATTACHMENT: Locator Map
SUBJECT: ACCEPTANCE OF THE CASAS BUENA VISTA LANDSCAPE AND MAINTENANCE DISTRICT #25

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Rainscape has completed construction of the Casas Buena Vista Landscape and Maintenance District #25 per plans and specifications. The project consisted of the installation of the landscaping and hardscape of the Casas Buena Vista Landscape Maintenance District #25. The project was funded through Redevelopment Low and Mod Housing Funds.

City Council authorized expenditures of $211,065.80. Final construction cost is $194,950.05.

Rainscape requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the Casas Buena Vista Landscape Maintenance District #25 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
SUBJECT: ACCEPTANCE OF IMPROVEMENTS - MEADOWOOD, PHASE 2 SUBDIVISION (Smee and Nicholson, LLC)

SOURCE: Public Works Department - Engineering Division

COMMENT: The subdividers, Smee and Nicholson, LLC have requested that the public improvements constructed for their subdivision be accepted by the City for maintenance. All required improvements have been completed, inspected by City staff, and found acceptable.

The subdivider has a surety on file for a one (1) year maintenance for five percent of the total cost of improvements.

RECOMMENDATION: That City Council:

1. Accept the public improvements of Meadowood, Phase 2 Subdivision for maintenance; and

2. Authorize the filing of the Notice of Completion, and release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

ATTACHMENT: Locator Map
COUNCIL AGENDA: JULY 6, 2004

SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP - WILLIAMS RANCH, PHASE TWO AND THREE SUBDIVISION (Brian Ennis)

SOURCE: Public Works Department - Engineering Division

COMMENT: The developer, Ennis Homes, Inc. (Brian Ennis, President), has submitted the final map for the subject single family residential project. The developer is requesting Council approval of the final map in conformance with Section 21-27 of the Subdivision Ordinance, prior to completing the construction of the required public improvements.

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

The final map is in conformance with the approved tentative map and City Council Resolution No. 36-2001. The improvement plans, specifications, dedications, and the final map have been approved by the Public Works Director and City Engineer.

RECOMMENDATION: That City Council:

1. Approve the final map of Williams Ranch, Phase Two & Three Subdivision;

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

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

ATTACHMENT: Final Map

Y:\Engineering\Council Items\Acceptance of Final Subdivision Map - William Ranch, Phase Two.wpd

Item No. 9
CITY CLERK'S STATEMENT

I, JoAnn LaPorte, City Clerk of the City of Porterville, State of California, hereby certify that all the required documents have been received by the City Clerk's Office of the City of Porterville and are in accordance with the requirements of the California Public Records Act.

Date: 11/01/2020

SIGNED: JoAnn LaPorte

CITY CLERK

BOARD OF SUPERVISORS' STATEMENT

I, John G. Bost, County Administrative Officer of Tulare County, State of California, do hereby certify that the enclosed map containing the proposed easement shown thereon, is true and correct, and that the requirements of the California Public Records Act have been satisfied in the preparation of the same.

Date: 11/01/2020

SIGNED: John G. Bost

COUNTY ADMINISTRATIVE OFFICER

SURVEYOR'S STATEMENT

I hereby certify that the survey of the property shown on the map was made in accordance with the requirements of the California Public Records Act.

Date: 11/01/2020

SIGNED: [Signature]

SOIL ENGINEER'S STATEMENT

I hereby certify that the soil survey was conducted in accordance with the requirements of the California Public Records Act.

Date: 11/01/2020

SIGNED: [Signature]

CITY PLANNER'S STATEMENT

I hereby certify that the proposed easement is consistent with the approved tentative map.

Date: 11/01/2020

SIGNED: [Signature]

CITY COUNCIL'S STATEMENT

I hereby certify that the proposed easement is consistent with the approved tentative map.

Date: 11/01/2020

SIGNED: [Signature]
SUBJECT: FIRST TIME LOW INCOME HOMEBUYER PROGRAM -AMENDMENT TO PROGRAM GUIDELINES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The City of Porterville’s First Time Low Income Homebuyer Program (FTHB) was first established by the City Council in 1993 with the adoption of Program Guidelines and City Administrative Policy for the administration of the program, including the creation of a Loan Review Committee which was essentially the same committee that had been administering the Housing Rehabilitation Program since 1982. Over the years, many changes occurred in both programs and funding sources available to the City necessitating a restructuring of the Loan Review Committee in order to encompass all of the programs. A revised Administrative Policy (V-B-6) was approved by the City Manager on December 23, 2002 which really superseded the original First-Time Homebuyer Loan Program Administrative Policy (V-B-8).

The Administrative Policy establishes the authority and defines the purposes and powers of the Community Development Financial Assistance Review Committee (CDFARC) which makes funding determinations for all of the local, State, and Federal assistance programs available in the City. The Committee is composed of four (4) members: the Community Development Director, the Chief Financial Officer, the Leisure Services Superintendent, and the Assistant Fire Chief, or their designees. The City Manager is an ex-officio member of the Committee. Through the years, the requirements of the funding programs have changed, as have conditions within the community and the market place, which has necessitated CDFARC to accordingly make numerous revisions to the program guidelines for the individual assistance programs. This process has worked very well with CDFARC diligently reviewing each request for revision and then making its decision. However, in reviewing the Administrative Policy, it is a bit ambiguous in terms of granting the authority to CDFARC to make revisions to the program guidelines.

This issue has arisen at this point due to the timely discussion regarding raising the maximum level of assistance available to each homebuyer in the City’s FTHB Program. Since the inception of the program in 1993, the maximum financial assistance available to the income eligible applicants has been $20,000. In the first years of the program, the maximum home purchase price allowed by the City’s FTHB program was $75,000, increased to $90,000 several years later, and in the recent years has been changed to correspond to the maximum home purchase price allowed by HUD for this region which is currently $160,176. The most recent data obtained from the Orange Belt Board of Realtors sets the median price of a home in Porterville at $160,000 and the average time on the market is two weeks, with some homes selling within hours of being placed on the market. The dramatic increase in the prices of homes along with the shortage in the supply of affordable houses on the market has resulted in difficulties for the low income homebuyer to purchase a home. Consequently, the City’s ability to expend the housing funds to meet the milestone deadlines for the State and Federal assistance programs is directly affected. This has the potential to jeopardize future grant allocations to the City.
Staff has been analyzing the situation and the Community Development Financial Assistance Review Committee, at its June 18, 2004 meeting, recommended that an increase from $20,000 to $30,000 in maximum financial assistance be approved by the City Council which would help bring the program into line with the current market and allow families to purchase a home that they would otherwise not be able to afford. Since this recommendation was made two weeks ago, even more market information has been made available to staff that has opened the discussion regarding the possibility of increasing the assistance for the FTHIB Program to $40,000 in order for the applicants to be able to purchase a home in this current market.

Attached is a table showing the comparison of the first time homebuyer assistance programs in the cities of the County. As can be seen, the cities that have the lower assistance levels are having problems and are in the process of changing their assistance and purchase price limits as well. The majority of the cities have their assistance levels at $30,000 or above (Attachment 1).

The following table illustrates the difference in monthly payments that this increase in assistance would make depending on the funding source being utilized by the City. The table is based on a home priced at $160,000.00 with a 6% interest rate with the primary lender.

<table>
<thead>
<tr>
<th>CDBG* and HOME Program Funding (Federal funds)</th>
<th>CDBG and HOME Program Funding (Federal funds)</th>
<th>CDBG and HOME Program Funding (Federal funds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$20,000.00 City Home loan at 1% monthly pymt. - $64.33</td>
<td>$30,000.00 City Home loan at 1% monthly pymt. - $96.49</td>
<td>$40,000.00 Deferred City Home loan at 1% monthly pymt. - $128.66</td>
</tr>
<tr>
<td>$140,000.00 Primary Mortgage at 6% monthly pymt. - $839.37</td>
<td>$130,000.00 Primary Mortgage at 6% monthly pymt. - $779.42</td>
<td>$120,000.00 Primary Mortgage at 6% monthly pymt. - $719.46</td>
</tr>
<tr>
<td><strong>total monthly pymt.</strong> - $903.70 (W/out taxes, ins., and M.I.)</td>
<td><strong>total monthly pymt.</strong> - $875.91 (W/out taxes, ins., and M.I.)</td>
<td><strong>total monthly pymt.</strong> - $848.12 (W/out taxes, ins., and M.I.)</td>
</tr>
</tbody>
</table>

*Community Development Block Grant
<table>
<thead>
<tr>
<th>CalHome Funding (State funds)</th>
<th>CalHome Funding (State funds)</th>
<th>CalHome Funding (State funds)</th>
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</thead>
<tbody>
<tr>
<td>$20,000.00 City Home loan at 0% monthly pymt. - $0</td>
<td>$30,000.00 City Home loan at 0% monthly pymt. - $0</td>
<td>$40,000.00 Deferred City Home loan at 0% monthly pymt. - $0</td>
</tr>
<tr>
<td>$140,000.00 Primary Mortgage at 6% monthly pymt. - $839.37</td>
<td>$130,000.00 Primary Mortgage at 6% monthly pymt. - $779.42</td>
<td>$140,000.00 Primary Mortgage at 6% monthly pymt. - $719.46</td>
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<tr>
<td>total monthly pymt. - $839.37</td>
<td>total monthly pymt. - $779.42</td>
<td>total monthly pymt. - $719.46</td>
</tr>
<tr>
<td>(W/out taxes, ins., and M.I.)</td>
<td>(W/out taxes, ins., and M.I.)</td>
<td>(W/out taxes, ins., and M.I.)</td>
</tr>
</tbody>
</table>

As the tables show, the participants would save $27.79 a month if using the HOME Program and $59.96 a month if using the CalHome Program for $30,000.00 in assistance from the City. If the assistance is increased to $40,000, the participant would save $55.58 a month if using the HOME Program and $119.91 a month if using the CalHome Program. The buying power of the FTHB participants is greatly improved and their debt ratios are lowered.

There has been continued marketing of the City’s FTHB program including newspaper advertising, radio advertising, and special events (including the Iris Festival, Cinco de Mayo, and the Porterville Fair). With this change in funding assistance, increased marketing activities will be planned to even more aggressively promote the program.

RECOMMENDATION: That the City Council:

1. Approve the draft resolution amending the City’s First Time Low Income Homebuyer Program guidelines to increase the City’s FTHB assistance from a maximum of $20,000 to $40,000. Funding sources include HOME, CDBG, and CalHome; and

2. Approve the draft resolution amending Administrative Policy V-B-6 to authorize the Community Development Financial Assistance Review Committee to make revisions to the program guidelines for the City’s financial assistance programs and eliminating Administrative Policy V-B-8 from the Administrative Policy Manual.

Attachments:
1. Comparison table of First Time Homebuyer Programs Within the County
2. Draft Resolution Increasing Funding Assistance for the First Time Low Income Homebuyer Program
3. Draft Resolution Amending Administrative Policy V-B-6
4. Revised FTHB Program Guidelines
5. Revised Administrative Policy V-B-6
<table>
<thead>
<tr>
<th>City</th>
<th>Loan Assistance Amount</th>
<th>Interest</th>
<th>Payment Amount</th>
<th>Restrictions</th>
<th>Reqs.</th>
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<th>Comments</th>
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<td>Porterville</td>
<td>$20,000.00</td>
<td>0% &amp; 1%</td>
<td>$0.00 &amp; $64.33</td>
<td>no flood zone A or V</td>
<td>max. house price $130,000.00</td>
<td>8% Afford. Ass. for sale to an above median area income ** program less than 14 loans per yr.</td>
<td>trying to increase assistance to $30,000.00 and purchase price limit to $154,000.00 - contract w/Visalians interested in Afford. Housing</td>
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<tr>
<td>Visalia</td>
<td>$20,000.00</td>
<td>3%</td>
<td></td>
<td>no pymts. for 75yrs.</td>
<td>Restricted to certain area of town &amp; $110,000.00 max purchase price</td>
<td>Must be Cal-HFA Loan</td>
<td>working on raising purchase price limits</td>
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<td>Tulare</td>
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<td>0%</td>
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<td>30yr. deferred for 5yrs then $133.35mo.</td>
<td>no new construction</td>
<td>Must be Cal-HFA Loan</td>
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<td>Lindsay</td>
<td>$40,000.00</td>
<td>0%</td>
<td></td>
<td>Deferred for 30yrs then amortized for 15yrs (no interest)</td>
<td>no lender restrictions</td>
<td>Self-Help administers FTHB program</td>
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<tr>
<td>Dinuba</td>
<td>$30,000.00</td>
<td>0%</td>
<td></td>
<td>Deferred for 30yrs then amortized for 15yrs (no interest)</td>
<td>no lender restrictions</td>
<td>Self-Help administers FTHB program</td>
<td>currently suspended due to funding</td>
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<tr>
<td>Exeter</td>
<td>$30,000.00</td>
<td>0%</td>
<td></td>
<td>Deferred for 30yrs then amortized for 15yrs (no interest)</td>
<td>no lender restrictions</td>
<td>Self-Help administers FTHB program</td>
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<td>0%</td>
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<td>Deferred for 30yrs then amortized for 15yrs (no interest)</td>
<td>no lender restrictions</td>
<td>Self-Help administers FTHB program</td>
<td>currently suspended due to funding</td>
</tr>
<tr>
<td>Farmersville</td>
<td>$30,000.00</td>
<td>0%</td>
<td></td>
<td>Deferred for 30yrs then amortized for 15yrs (no interest)</td>
<td>no lender restrictions</td>
<td>Self-Help administers FTHB program</td>
<td>currently suspended due to funding</td>
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<tr>
<td>Non-incorporated county area</td>
<td>$20,000.00</td>
<td>0%</td>
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<td>Deferred for 30yrs then amortized for 15yrs (no interest)</td>
<td>no lender restrictions</td>
<td>Self-Help administers FTHB program</td>
<td>raising assistance to $30,000.00</td>
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</tbody>
</table>

All programs require 3% of purchase price contribution, homebuying education certification, non-ownership w/in last 3 years, income eligibility (as per HCD), primary financing from 1st lender, selected home undergo safety inspection by City staff.
RESOLUTION NO._______

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE CITY’S FIRST TIME
LOW INCOME HOMEBUYER PROGRAM GUIDELINES TO INCREASE
THE MAXIMUM FUNDING ASSISTANCE TO $40,000

WHEREAS: The City of Porterville has a First Time Low Income Homebuyer Program
that was established in 1993 with adopted Program Guidelines that set the maximum amount of
assistance to income qualified applicants at $20,000; and

WHEREAS: It becomes necessary to make revisions to the Program Guidelines as market
conditions and other related factors change within the community; and

WHEREAS: There has been a dramatic increase in the prices of homes in the City and the
supply of affordable homes on the market is extremely limited resulting in a need to increase the
amount of assistance to first time low income homebuyers in order for them to be able to purchase a
home.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville
does hereby amend the First Time Low Income Homebuyer Program Guidelines to increase the
maximum City assistance from $20,000 to $40,000.

________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

_______________________________________
Georgia Hawley, Deputy
RESOLUTION NO. ______________

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING ADMINISTRATIVE POLICY V-B-6
REGARDING REVISIONS TO THE PROGRAM GUIDELINES FOR THE
CITY’S FINANCIAL ASSISTANCE PROGRAMS AND ELIMINATING
ADMINISTRATIVE POLICY V-B-8 FOR THE FIRST TIME HOMEBUYER PROGRAM FROM
THE ADMINISTRATIVE MANUAL

WHEREAS: The Administrative Policy Manual of the City of Porterville contains Policy
V-B-6 establishing the Community Development Financial Assistance Review Committee and its
duties and authority in administering and making decisions regarding the City’s funding assistance
programs in the Community Development Department; and

WHEREAS: The Committee administers the programs in accordance with the adopted
Program Guidelines for each assistance program; and

WHEREAS: It becomes necessary to make revisions to the Program Guidelines as State and
Federal requirements change and to reflect changes in the market conditions and other related
factors within the community; and

WHEREAS: The Committee is the administering body for these programs and can
revise the guidelines expeditiously; and

WHEREAS: Administrative Policy V-B-8 (First Time Homebuyer Loan Program) has been
superseded by the amended Administrative Policy V-B-6.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville
does hereby amend Administrative Policy V-B-6 to add Section 3 (f) giving the Community
Development Financial Review Committee the authority to revise the guidelines for each assistance
program as necessary; and that Administrative Policy V-B-8 which is superceded by Administrative Policy V-B-6 be eliminated from the Administrative Policy Manual.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

______________________________
Georgia Hawley, Deputy
CITY OF PORTERVILLE
FIRST TIME LOW INCOME HOME BUYER PROGRAM GUIDELINES
CDBG and HOME PROGRAM

INTRODUCTION

The City of Porterville’s First Time Low Income Home Buyer Program (FTHB) will provide selected qualified applicants with second trust deed loans to use toward reducing the first mortgage liability on the home, and/or to assist in the down payment (that portion that is eligible for gifting or local government assistance) and/or eligible closing costs. This loan will assist the lower income applicant in purchasing an affordable home in the City of Porterville.

The total amount of City assistance through this program may not exceed $40,000 per household. The secured loan will be deferred for thirty (30) years with principal and interest payments due at the end of that period amortized over 30 years at 1% simple interest with level monthly payments. The secured loan shall become due and payable when the borrower sells his/her home, the borrower no longer occupies the home, or there is any change to the title.

In order to be eligible, the borrower’s income must fall between 30% and 80% of the median income of the Visalia-Porterville-Tulare MSA, adjusted for family size, as defined annually by the U.S. Department of Housing and Urban Development.

In order to qualify for a loan through the FTHB Program, the applicant must not be able to purchase a home with current assets, but must otherwise qualify for a home loan through a lending institution.

1. Property Eligibility Requirements

   (A) Loans will only be made on residential properties within the city limits of Porterville not located within a FEMA “A” designated flood zone. Existing homes to be financed under this program must be constructed after 1979, unless the pre-1979 dwelling can pass a visual assessment that reveals no visible signs of deteriorated paint surfaces (no cracking, peeling, scaling, chipping or loose paint). Such assessment must be certified by the appraiser on the appropriate HUD form and by City staff (building inspector and/or development assistant) on the official inspection form. The home buyer will also be trained in the visual inspection process and will be required to inspect and sign the inspection report determining the results of the visual assessment. Anyone certifying a visual assessment must have taken the online visual assessment course provided by HUD and received the course completion certificate. Visual assessment training will be provided to the borrower as part of the required home buyer education course. The buyer also must be provided a disclosure statement from the seller including all known information about the presence of lead-based paint hazards; and records or reports pertaining to the presence of lead base paint.

Attachment 4
Properties must be approved by Fannie Mae or Ginnie Mae, or be qualified by Fannie Mae or Ginnie Mae. Ginnie Mae is the primary underwriter for FHA loans. Fannie Mae and Ginnie Mae do not lend money to consumers, but buy mortgages from a national network of approved lenders that do originate mortgage loans. By selling loans to Fannie Mae or Ginnie Mae, lenders replenish their supply of funds so they can make more mortgage loans to American home buyers.

(B) Purchase Price Limits for this program are based on the Single Family Mortgage Limits under Section 203(b) of the National Housing Act and are those allowed by HUD and State HCD. In accordance with these published limits, the purchase price limit in the city of Porterville is $160,176.00 (subject to change through annual updates provided by HUD and State HCD). If primary financing sources have lower maximum price limits, then those prices will be the established maximum.

(C) Tenant occupied properties will not be eligible for FTHB assistance unless the occupying tenant is the prospective buyer of the property. Seller will not be entitled to any relocation payment assistance. Seller must be provided a “Disclosure to Seller with Voluntary Arm’s Length Purchase Offer” (Attachment 1). Such document is to be signed by seller and returned to the City prior to funding.

(D) Prior to close of escrow, an appraisal shall be prepared by an independent, State-licensed appraiser, who has the knowledge and experience necessary to appraise residential property. The appraisal must use the sales of comparable properties approach to determine value and must have been prepared within the past six (6) months.

2. Household Eligibility Requirements

(A) Households shall have sufficient income and credit worthiness to qualify for primary financing from one of the selected lenders.

(B) Households shall be required to have sufficient liquid assets to be able to provide a minimum investment toward the down payment and/or closing costs. A minimum down payment of 5% will be required in most cases. However, under one of the unique program options offered by Fannie Mae, some borrowers may be able to contribute a minimum of 3% of personal resources, with the additional 2% coming from a gift from a family member or a secured loan, unsecured loan, or grant from a non-profit organization or public entity. Other program options may be available through Fannie Mae with varying down payment and closing cost requirements. These programs will be utilized on a case by case basis if they meet the City’s program criteria. Under program options offered by FHA insured loans, some borrowers may be required to provide only 3% for down payment which can be from sources other than their personal resources. Those sources must be acceptable under FHA criteria.
Applications will be accepted from households who meet the first-time homebuyer definition as established by the CalHome guidelines. “First-time homebuyer” means a borrower(s) who neither have, nor has had, a present ownership interest in a principal residence at any time during the three year period prior to the date on which the program loan will close and who has not previously received a loan from a Department of Housing and Community Development funded program. All borrowers that will take title to the property must meet this requirement.

First Time Home Buyer by definition means: an individual or individuals or an individual and his or her spouse who have not owned a home during the three-year period before the purchase of a home with HOME assistance, except that the following individual or individuals may not be excluded from consideration as a first time home buyer under this definition:

(1) a displaced homemaker who, while a homemaker, owned a home with his or her spouse or resided in a home owned by the spouse. A displaced homemaker is an adult who has not, within the preceding two years, worked on a full-time basis as a member of the labor force for a consecutive twelve-month period and who has been unemployed or underemployed, experienced difficulty in obtaining or upgrading employment and worked primarily without remuneration to care for his or her home and family;

(2) a single parent who, while married, owned a home with his or her spouse or resided in a home owned by a spouse. A single parent is an individual who is unmarried or legally separated from a spouse and has one or more minor children for whom the individual has custody or joint custody or is pregnant; and

(3) an individual or individuals who owns or owned, as a principal residence during the three-year period before the purchase of a home with HOME assistance, a dwelling unit whose structure is:

(a) not permanently affixed to a permanent foundation in accordance with local or state regulations; or

(b) not in compliance with state, local, or model building codes and cannot be brought into compliance with such codes for less than the cost of constructing a permanent structure.

Co-borrowers/co-owners, other than owner occupants will not be permitted. This rule is included to prohibit investors from utilizing qualified persons to purchase a property for their own investment purposes and their financial gain.

City of Porterville Employees are eligible to participate.
(F) Applicants must have completed a City-sponsored home buyer education course, including verification of receipt of an EPA approved Lead Base Paint notification pamphlet such as the "Protect Your Family From Lead in Your Home" and complete a lead base paint visual assessment course provided by HUD prior to selecting property and submitting an application for loan assistance to the City.

3. Income Qualification Criteria

(A) Annual Household adjusted gross income shall not exceed 80% or be below 30% of the Visalia-Porterville-Tulare MSA, adjusted for family size. Income Limits are based on the current available Section 8 Income Limits annually determined by U.S. Housing and Urban Development Department. (See Attachment 2)

(B) For lender’s qualification, gross income will be calculated using underwriting guidelines recommended by the lenders approved for the program. However, for the City’s program qualification, gross income will be calculated using HUD Section 8 guidelines. The applicant will be required to provide all documentation and information required by the lender.

(C) The prospective borrower’s credit report shall indicate an ability to repay all debts, including:

1) no credit accounts past due at the time the prospective borrower’s second mortgage loan is recorded;

2) no outstanding unpaid judgments or involuntary liens at the time the City’s loan is recorded; and

3) no bankruptcies, which have not been dismissed prior to recordation of the second mortgage loan.

4. Maximum Purchase Price

The maximum purchase price of a single family residence for the program is $160,176.00 (2004 HUD Maximum Purchase Price Limit).

5. Loan Limits and Terms; Underwriting Requirements

(A) The borrower shall obtain a first lien position mortgage loan, with a term not less than 30 years, from a participating mortgage lender at the maximum amount consistent with an affordable housing cost.

(B) The first mortgage loan interest rate shall not have an interest rate more than the current market rate for the type of property being financed.
(C) The maximum secured second trust deed loan under this program shall be the lesser of $40,000 or the amount necessary to qualify a household for financing the house, regardless of the bedroom size. This loan is to be secured. The Lender must qualify the applicant for the greatest amount possible for the first trust deed mortgage loan. The difference between the primary mortgage loan and the total purchase price will be the City of Porterville subsidy (not to exceed $40,000). For example, if an applicant is qualified by the primary lender for a maximum first mortgage of $100,000, the purchase price of the home cannot exceed $140,000 if using the City’s assistance subsidy limit of $40,000. The City utilizes the primary lender’s desirable income to debt payment ratios (front end and back end ratios) in the eligibility analysis. If the ratios are above the qualifying standards, there must be compensating factors given and approved by the Community Development Financial Assistance Review Committee.

(D) On Fannie Mae Community Seconds loans, the maximum loan-to-value ratio on the first mortgage shall not exceed lender’s 80% policy or whatever ratio is applicable to the Fannie Mae Community Second program being utilized. Ginnie Mae (FHA) loan-to-value ratio cannot exceed FHA criteria (up to 97%), and the up-front mortgage insurance premium (MIP) is computed at the rate in affect at time of closure of the primary mortgage loan based on loan-to-value ratios. In addition, monthly insurance premiums are determined at an applicable percentage rate of the total mortgage loan divided by 12 months.

(E) The secured second trust deed loans will be amortized over the next thirty years with a fixed simple interest rate of 1%, but will be due and payable when the borrower sells his/her home or there is any change to the title. All interest and principal will be due and payable in one lump sum at the time of change of title or after the thirty year loan repayment period. An Affordability Assessment may be required at sale as detailed in (F) below.

(F) The secured loan shall become due and payable at the time of the property’s transfer or sale, or when the acceleration clause in the loan documents is triggered. In addition, an Affordability Assessment is in affect for the first 10 years of the secured loan, which is payable to the City, if the borrower sells or transfers property to an ineligible buyer, or makes a full prepayment of the Note. The Affordability Assessment is in an amount equal to six (6%) percent of the unpaid principal balance (or the amount of the partial prepayment) due under the Note, just prior to the prepayment or the sale or transfer. The Affordability Assessment, however, shall be reduced by one percent (1%) percent per year as to any sale, transfer or prepayment which occurs after the fifth (5th) year following the date of the Note. There will be no affordability assessment due to any sale, transfer, or prepayment which occurs after the expiration of the tenth (10th) year following the date of the Note.
(G) The acceleration clause will be in effect when the property is no longer the principal place of residency, or upon discovery of willful misrepresentation or fraud in connection with the program. Rental of the property is prohibited and will cause the loan to be accelerated.

(H) Refinancing of the property will accelerate the loan except that re-subordination is allowed if requirements and conditions are met as found in Attachment No. 2.

(I) The loan is not assumable, but if an income eligible household buys the property, a new City loan may be granted to the applicant. In this case, the affordability period would begin anew.

(J) Deed restrictions on this loan to insure long-term affordability will follow Fannie Mae guidelines. Additional restrictions may be placed on homes located within the Porterville Redevelopment Project Area. For further information regarding restrictions in the Redevelopment Area, contact the City’s Community Development and Services Department.

(K) In most cases, the borrower shall be required to contribute not less than three percent of the unsubsidized purchase price. If the lender is to use FHA financing and not conventional financing, borrower’s funds for the 3% down payment requirement can come from sources acceptable to FHA criteria.

(L) Temporary or permanent interest rate reductions (buy downs) and adjustable interest rate first mortgages are prohibited.

(M) Cash transactions and oral agreements outside of escrow are prohibited.

(N) No financing, junior or senior to the Program loan, may have a balloon payment due before the maturity date of the Program loan.

(O) Cash out of escrow to the borrower is limited to the amount deposited into escrow by the borrower and not needed for any lender-required minimum down payment. Excess cash, over that described above, shall be paid to the re-use account and credited as a principal reduction to the borrower’s loan.

(P) First mortgage lenders shall be required to collect and manage impound accounts for payment of taxes, assessments and hazard insurance for the term of the first mortgage.
6. City Loan Procedures

(A) Applicants will be selected on a first come, first serve basis upon meeting the following criteria:

1. Applicants must be pre-qualified by the lending institutions participating in the program. A complete borrower application, including evidence of the completion of the home buyer education class, is provided to the City by the Lender. (The City executes a Participation Agreement with area lenders who are determined to be approved Fannie Mae and Ginnie Mae lenders and have funds available for first mortgage financing.)

2. City staff reviews the application and submits the loan package to the Community Development Financial Assistance Review Committee for preliminary approval of loan assistance.

3. Upon preliminary approval of the Committee, the applicant will have a maximum of sixty (60) days to find a qualified property and enter into escrow. Applicants then must complete acquisition of the property within sixty (60) days from the opening of escrow. The property selected will be submitted to the Community Development Financial Assistance Review Committee for final approval.

4. In cases where the original loan application included property selection, the Community Development Financial Assistance Review Committee has the option to give final approval at that time if all other conditions have been met.

5. The Community Development Financial Assistance Review Committee will serve as an appeals board for staff rejected loans, and review other policy and procedures as necessary.

(B) All properties purchased under the FTHB must comply with all local code standards. Prior to submittal to the Community Development Finance Assistance Review Committee for final approval of loan assistance, property will be inspected by both a qualified building inspector and development assistant of the City of Porterville and must be approved by the Community Development Financial Assistance Review Committee.
DISCLOSURES TO SELLER WITH VOLUNTARY, ARM'S LENGTH PURCHASE OFFER

Dear SELLER:

This is to inform you that ______________________ (Agency/Person) would like to purchase the property located at ______________________ (Street Address or Other Property Identification), if a satisfactory agreement can be reached. We are prepared to pay $________ for clear title to the property under the conditions described in the attached proposed contract of sale.

Because Federal funds may be used in the purchase, however, we are required to disclose to you the following information:

1) The sale is voluntary. If you do not wish to sell, the ______________________ (Agency/Person) will not acquire your property. The ______________________ (Agency/Person) does not have the power to acquire your property by condemnation (i.e., eminent domain) [will not use the power of eminent domain to acquire the property.]

2) We estimate the fair market value of the property to be $________, to be finally determined by an appraisal.

3) Since the purchase would be a voluntary, arm’s length transaction, you would not be eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or any other law or regulation. Also, as indicated in the contract of sale, this offer is made on the condition that no tenant will be permitted to occupy the property before the sale is completed.

Again, please understand that if you do not wish to sell your property, we will take no further action to acquire it. If you are willing to sell the property under the conditions described in the attached contract of sale, please sign the contract and return it to us.

If you were not provided with a statement of the above provisions prior to the purchase offer, you may withdraw from the agreement after this information is provided.

If you have any questions about this matter, please contact ______________________. His/Her telephone number is ______________________.

Buyer: ______________________ Date: ______________________

Buyer: ______________________

ACKNOWLEDGMENT

I (We) acknowledge receipt of this declaration prior to; or after presentation of the purchase offer. If received after presentation of the purchase offer, I (We) choose not to withdraw, from the agreement.

________________________________________________________ Date

________________________________________________________

Seller

________________________________________________________
HUD INCOME LIMITS: 2004

Visalia-Tulare-Porterville

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ATTACHMENT NO. 3

CITY OF PORTERVILLE
COMMUNITY DEVELOPMENT FINANCIAL ASSISTANCE REVIEW COMMITTEE

DATE: July 15, 2003

The City of Porterville Community Development Financial Assistance Review Committee has approved that the following conditions, as Amendment No. 5 to the FTHB Program Guidelines (revision to Amendment No. 2), be met by Lenders in order for the Committee to review and consider proposals of re-subordinating to a new first trust deed mortgage for current participating homeowners of the City’s First Time Low Income Home Buyer Program.

**Amendment No. 5**

**Requirements and Conditions for Re-Subordination**

1. Lender providing the new financing must be approved by the Community Development Financial Assistance Review Committee as a Participating Lender of the City’s Low Income First Time Home Buyer Program.

2. Submittals for Lender Participation Agreements and re-subordination applications will be processed as time allows. First priority is to current loan applications. (Processing time could take from 1-4 weeks)

3. No change is made to the property title.

4. Borrower is reducing their monthly mortgage payment or lowering term of loan as a result of the refinancing. If lowering term results in an increase in payment, borrower must re-qualify as meeting the low income eligibility threshold and debt ratio standards.

5. **Closing costs may be allowed in refinance if all income requirements are met.**

6. Borrower’s new loan to refinance their primary mortgage cannot be greater than the original first mortgage loan;

7. Borrower’s unsecured Promissory Note and Secured Note must be current with the City. *A one-year payment history with the City of Porterville must be established by a borrower before a re-subordination request is considered by the City.*

8. Any cash resulting from refinance shall apply to borrower’s unsecured Promissory Note to the City, to be paid to City through escrow, unless previously paid off, in which case, any excess funds shall be applied to Borrowers secured loan.

10. Re-subordination submittal **may be** subject to final review, approval and conditions of the City of Porterville’s Community Development Financial Services Review Committee.
SUBJECT: COMMUNITY DEVELOPMENT FINANCIAL ASSISTANCE REVIEW COMMITTEE

BACKGROUND

In December 1982, the Community Development Department Staff, under direction of the City Council, prepared a policy statement relating to the City's new Housing Rehabilitation Revolving Loan Program made possible when the City of Porterville became an Entitlement City for Community Development Block Grant (CDBG) funds from the U. S. Department of Housing and Urban Development.

This policy statement facilitated the formation of a Loan Committee which provided program accountability to the Housing Rehabilitation Loan Program. Over the last decade additional funding sources have become available to the City for Commercial Rehabilitation Programs, Economic Development, First Time Home Buyer Loan Programs, Rental Construction Assistance Programs, and owner-occupied housing rehabilitation. These new funding sources include, but not limited to, funds available through the Porterville Redevelopment Agency, federal funds provided through the State of California Housing and Community Development to the City under the HOME and HOME-BEGIN Programs, and other state funded programs.

Administrative Policy V-B-6 is hereby revised to provide program changes which have occurred since its adoption in December, 1982, and to update and expand the role of the originally designated Loan Committee.

I. RENAMING AND EXPANDING AUTHORITY OF THE LOAN COMMITTEE:

In January 1996, the Rehabilitation Loan Committee was renamed the "Community Development Financial Assistance Review Committee" to reflect all local, State, and Federally funded Community Development programs that have been made available to the City of Porterville and administered through the Community Development Department. To minimize the potential for abuse and provide for a high level of program accountability, this Committee will review all data submitted by the staff to confirm an applicant's eligibility for funding participation and specify the terms and conditions of the loan or grant.

Attachment 5
This committee shall be composed of four (4) members: namely, the Community Development Director, the Chief Financial Officer, the Leisure Services Superintendent, and the Assistant Fire Chief, or their designees. The Community Development Director will serve as the Chairperson or a designee. The City Manager will be an ex-officio member of the Committee.

The Community Development Financial Assistance Review Committee, hereinafter referred to as "Committee" will subscribe to certain rules of order as specified below:

1. Meeting Times: Weekly as need determines

2. Meeting Place: North Conference Room of the City Hall of City of Porterville, 291 North Main Street, Porterville, California; or as determined by the Chairperson

3. Purpose/Powers: Perform diligently the tasks specified herein

   a. Review, approve or deny the recommendations of the Planning, Economic Development and Redevelopment staff relative to issuance and authorization of any Loan or Grant to any prospective applicant. For owner-occupied projects this Committee will confirm written verification of applicant's household income. For non-ownership projects, Committee will review staff's prepared project evaluation criteria for project's worthiness and eligibility. These loans/grants include, but are not limited to housing, commercial rehabilitation/new construction, neighborhood public works projects - all designed to benefit low and/or moderate income persons.

   b. Determine appropriate levels of assistance to be offered to an applicant for loans/grants in conjunction with items 3a., above.

   All loans and/or financial assistance submittals shall be approved in accordance with the appropriate adopted program guidelines.

   c. Review the periodic operating statements on current projects supplied by staff. This review includes, but is not limited to, accounting of loans made, foreclosures, delinquencies, bankruptcies, and remittances of loan principal.
d. Communicate with specialists in matters of redevelopment law, default, foreclosures, bankruptcy, loan underwriting, credit counselors or other matters as deemed necessary.

e. When necessary and within the City's jurisdiction and in compliance with Redevelopment Law, HUD Regulations, or state program regulations, make interpretations and set policies with regard to loan approvals and loan servicing, and direct staff to implement same.

f. Periodically review the program guidelines for each assistance program, and, if necessary, revise the guidelines to bring the program into compliance with state or federal regulations and/or to reflect changes in market conditions or other related factors.

4. Quorum: At all meetings of the Committee, a majority of the members present shall constitute a quorum for the transaction of business.

5. Voting: The acts of the majority of the members present at a meeting at which a quorum is realized shall be the acts of the Committee. Each member shall be entitled to one vote and a majority vote is needed to approve or deny. The Committee's decision shall be final.

6. Dissolution: In the event of termination of all Community Development Programs funded from Federal, State or local sources, for whatever purpose, the Committee shall convene at its next regularly scheduled meeting to discuss and set the date of dissolution of the Committee, prepare schedules for the distribution of any remaining funds pursuant to Federal, State or local statutes and guidelines and perform other tasks necessary to effect a smooth transition of the programs.

II. RESIDENCE THRESHOLD

It shall be the policy of this Committee to make its decisions in accordance with each adopted program model.

III. INCOME THRESHOLD, LOAN TERMS AND RATES

It shall be the policy of this Committee to make its decisions in accordance with each adopted program model.
IV. Disposition of Appraisal, Termite Report, Escrow and Other Fees

Except as provided or revised elsewhere in the operation agreements for each program model, all fees not covered by such institutions including, but not limited to, appraisals, termite reports, preliminary title reports, engineering review, professional drawings, etc, will be paid for from the proceeds of the loan.

In the event a loan proposal is unsuccessful, all City-initiated fees outstanding shall be paid from the administrative overhead account of that corresponding program unless the Committee elects by unanimous vote to collect them from the unsuccessful applicant.
SUBJECT: ADOPTION OF ANNUAL APPROPRIATION LIMIT

SOURCE: Department of Finance - Administration

COMMENT: Article XIII - B of the California Constitution requires that each governmental agency must adopt an appropriation limit each fiscal year. This limit represents the maximum amount of tax revenue that can be appropriated during the fiscal year.

The State Department of Finance has provided the percentage change in population for the City of Porterville and the percentage change in per capita personal income for the 2004/2005 fiscal year calculation. Based on this information and the guidelines established by the State, the appropriation limit for 2004/2005 is $32,283,295. Budgeted tax proceeds subject to limitation are $18,663,058. The City continues to appropriate well below the maximum limit allowed by law.

RECOMMENDATION: That the City Council approve the attached resolution adopting the appropriation limit of $32,283,295 for the 2004/2005 fiscal year.

ATTACHMENTS: Draft Resolution
Worksheet

Item No. 11

DD Appropriated/Funded CM
RESOLUTION NO. ______


WHEREAS, Article XIII - B of the California Constitution requires that each governmental agency adopt an appropriation limit each fiscal year, and

WHEREAS, the State of California has presented the guidelines for the consumer price index, the per capita personal income, and the population data for local governments to compute the appropriation limit;

NOW, THEREFORE, be it resolved by the City Council of the City of Porterville the appropriation limit for the 2004/2005 fiscal year is $32,283,295 as computed on the attached worksheet.

Adopted and approved this 6th day of July, 2004.

Pedro R. Martinez, Mayor

ATTEST:

John R. Longley, Jr., City Clerk
# CITY OF PORTERVILLE
## APPROPRIATION LIMIT DOCUMENTATION
### FISCAL YEAR 2004-2005

## PROCEEDS OF TAXES CALCULATION

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<td><strong>PROPERTY TAXES</strong></td>
<td>4,867,649</td>
<td></td>
<td>4,867,649</td>
</tr>
<tr>
<td><strong>OTHER TAXES</strong></td>
<td>7,030,000</td>
<td>1,408,180</td>
<td>8,438,180</td>
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<tr>
<td><strong>PERMITS</strong></td>
<td>269,020</td>
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<td>269,020</td>
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<tr>
<td><strong>REVENUE FROM AGENCIES</strong></td>
<td>6,466,373</td>
<td></td>
<td>6,466,373</td>
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<tr>
<td><strong>STATE</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>STATE/COUNTY GRANTS</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td><strong>FEDERAL GRANTS</strong></td>
<td>1,286,000</td>
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<td>1,286,000</td>
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<tr>
<td><strong>USE OF MONEY &amp; PROPERTY INTEREST</strong></td>
<td>299,036</td>
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<td><strong>RENT</strong></td>
<td>112,231</td>
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<td><strong>FINES &amp; FORFIETURES</strong></td>
<td>109,700</td>
<td>109,700</td>
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<td><strong>CHARGES FOR SERVICES</strong></td>
<td>26,205,913</td>
<td>26,205,913</td>
<td>26,205,913</td>
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<tr>
<td><strong>OTHER REVENUES</strong></td>
<td>525,310</td>
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<td>525,310</td>
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<td><strong>TOTAL</strong></td>
<td>18,663,058</td>
<td>30,403,506</td>
<td>49,066,564</td>
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## APPROPRIATION LIMIT CALCULATION

<table>
<thead>
<tr>
<th>Year</th>
<th>California PCPI Change</th>
<th>California Population Change</th>
<th>Limit</th>
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<td>1986-87</td>
<td>3.47%</td>
<td>1.75%</td>
<td>10,422,371</td>
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<tr>
<td>1987-88</td>
<td>4.66%</td>
<td>2.27%</td>
<td>11,744,767</td>
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<td>1989-90</td>
<td>5.19%</td>
<td>8.26%</td>
<td>13,377,258</td>
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<td>1990-91</td>
<td>4.21%</td>
<td>7.03%</td>
<td>14,920,454</td>
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<td>1991-92</td>
<td>4.14%</td>
<td>3.79%</td>
<td>16,127,057</td>
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<td>1992-93</td>
<td>-0.64%</td>
<td>4.51%</td>
<td>16,746,519</td>
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<td>1993-94</td>
<td>2.72%</td>
<td>4.26%</td>
<td>17,934,831</td>
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<td>1994-95</td>
<td>0.71%</td>
<td>3.63%</td>
<td>18,717,825</td>
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<td>1995-96</td>
<td>4.72%</td>
<td>2.40%</td>
<td>20,071,738</td>
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<td>1996-97</td>
<td>4.67%</td>
<td>2.85%</td>
<td>21,607,847</td>
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<tr>
<td>1997-98</td>
<td>4.67%</td>
<td>2.71%</td>
<td>23,229,852</td>
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<td>1998-99</td>
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<td>2.05%</td>
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<td>2001-2002</td>
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<td>2002-2003</td>
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<td>2.56%</td>
<td>30,516,481</td>
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<tr>
<td>2003-2004</td>
<td>3.28%</td>
<td>2.43%</td>
<td>32,283,295</td>
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## PROCEEDS OF TAXES

- **Proceeds of Taxes Under Appropriation Limit:** 18,663,058

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[2] Per State Department of Finance (per capita personal income).
[3] Per State Department of Finance (population growth of City or County, whichever is greater).
# CITY OF PORTERVILLE

**APPROPRIATION LIMIT DOCUMENTATION**

**FISCAL YEAR 2004-2005**

<table>
<thead>
<tr>
<th>GENERAL</th>
<th>SPECIAL</th>
<th>TRAFFIC</th>
<th>ZALUD</th>
<th>SEWER</th>
<th>SOLID</th>
<th>GOLF</th>
<th>WATER</th>
</tr>
</thead>
<tbody>
<tr>
<td>GAS TAX</td>
<td>LT F</td>
<td>SAFETY</td>
<td>ESTATE</td>
<td>CDBG</td>
<td>TRANSIT</td>
<td>COPS</td>
<td>OPER</td>
</tr>
</tbody>
</table>

**PROPERTY TAXES**: 4,693,928

**OTHER TAXES**
- **FRANCHISE FEES**: 1,408,180
- **OTHER**: 7,030,000
- **PERMITS**: 269,020

**REVENUE FROM AGENCIES**
- **STATE**: 559,245
- **STATE/COUNTY GRANTS**: 2,986,000
- **FEDERAL GRANTS**: 600,000
- **USE OF MONEY & PROPERTY INTEREST**: 297,000
- **RENT**: 1,924,128
- **RENT**: 100,000

**CHARGES FOR SERVICES**
- **FINES & FORFIETURES**: 2,566,883
- **RENT**: 24,700
- **RENT**: 85,000

**OTHER REVENUES**: 97,896

**TOTAL REVENUES**: 16,714,852

---

<table>
<thead>
<tr>
<th>RISK</th>
<th>EQUIP</th>
<th>EQUIP</th>
<th>LMO</th>
<th>WATER</th>
<th>SOLID</th>
<th>SEWER</th>
<th>TRANSPORT</th>
<th>PARK</th>
<th>WWTP</th>
<th>STORM</th>
<th>DRAIN</th>
<th>BLDG</th>
<th>TOTAL</th>
<th>ESTIMATED</th>
<th>REVENUES</th>
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<tbody>
<tr>
<td>MGMT</td>
<td>MAINT</td>
<td>REPLACE</td>
<td>LMD</td>
<td>REPLACE</td>
<td>WASTE RES</td>
<td>REVOLV</td>
<td>IMPACT</td>
<td>DEVEL</td>
<td>RESERVE</td>
<td>DEVELOP</td>
<td>CONSTR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PROPERTY TAXES**: 173,721

**OTHER TAXES**

- **FRANCHISE FEES**: 0
- **OTHER**: 4,857,649
- **PROPERTY TAXES**: 7,030,000
- **RENT**: 269,020
- **REVENUE FROM AGENCIES**: 0

**STATE**: 6,466,373

**STATE/COUNTY GRANTS**: 0

**FEDERAL GRANTS**: 1,286,000

**USE OF MONEY & PROPERTY INTEREST**: 0

**RENT**: 150,000

- **FINES & FORFIETURES**: 145,000
- **CHARGES FOR SERVICES**: 130,000

**OTHER REVENUES**: 55,000

**TOTAL REVENUES**: 2,995,000

*Source: City of Porterville 2004-2005 Annual Budget.*
SUBJECT: SET PUBLIC HEARING FOR PROPOSED FEE FOR THE ASSUMPTION OF A LEASE AGREEMENT AT THE PORTERVILLE MUNICIPAL AIRPORT

SOURCE: Fire Department / Airport Division

COMMENT: The standard airport lease agreement between the City and a lease holder allows for a third party to assume a valid lease upon mutual agreement between the City Council and the original lease holder. The City currently does not have a fee authorized to capture the direct costs incurred by the City for processing a lease assumption request.

A new ordinance was adopted by Council on April 20, 2004 allowing the City to charge fees for services at the Porterville Municipal Airport. On April 20, 2004, Council adopted a resolution setting the appropriate fees for various services. Staff is recommending a modification to the adopted schedule adding a fee of $150.00 for the assumption of a valid lease agreement between the City of Porterville and a leaseholder at the Porterville Airport. The proposed fee will cover the direct costs incurred by the City in the processing of an assumption request.

A draft resolution is attached for review and will be brought back for adoption at a Public Hearing on July 20, 2004.

RECOMMENDATION: Set a public hearing for July 20, 2004 regarding the fee.

ATTACHMENTS: Draft Resolution

Item No. 12
RESOLUTION NO. ______-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE SETTING FEES FOR ACTIVITIES
AT THE PORTERVILLE MUNICIPAL AIRPORT

Whereas, on April 20, 2004, the City Council did adopt Ordinance No. 1652 adopting Chapter 4, Airport, which governs the rules and regulations at the Porterville Municipal Airport, and which includes the authority to adopt, by resolution, various fees for activities at the Airport; and

Whereas, on April 20, the City Council did adopt Resolution No. 40-2004 which set the fees for airport activities effective May 20, 2004; and

Whereas, it is recommended that a modification be made to the adopted schedule adding a fee for the assumption of a valid lease agreement between the City of Porterville and a leaseholder at the Porterville Airport allowing for a third party to assume said lease upon mutual agreement between the City Council and the original lease holder. The proposed fee will cover the direct costs incurred by the City in the processing of the assumption request.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Porterville that the Fee Schedule for the Porterville Municipal Airport shall be modified to include the following:

| Lease Assumption Fee | $150.00 |

ADOPTED this __________ day of __________, 2004.

__________________________
Pedro R. Martinez, Mayor

ATTEST:

__________________________
Georgia Hawley, Deputy City Clerk
SUBJECT: AIRPORT CONSULTANT SELECTION

SOURCE: FIRE DEPARTMENT/AIRPORT

COMMENT: The Federal Aviation Administration requires Cities to select an “Engineer of Record” for all airport improvement projects funded by the FAA. Staff sent out “Request for Qualifications” to approximately 28 firms identified by Staff and the FAA to which only two responses were received. The firms requesting consideration are Tartaglia Engineering and Wadell Engineering. After a review of their submitted documentation and a background check of their references, staff is recommending Tartaglia Engineering as our “Engineer of Record” for FAA approved projects, dependent on successful negotiation of an agreement and a scope of work to be performed. Under FAA guidelines, at any time the City becomes dissatisfied with the performance of the selected engineer, the City may select another engineer by executing another selection process.

RECOMMENDATION: That the City Council:

2. Authorize staff to negotiate a service agreement and scope of work for current and future airport projects funded by the FAA.
3. Authorize the City Manager to execute any and all service agreements as long as the agreements are approved by the FAA, funds are available under the grant agreements, and Council has approved the acceptance and execution of the grant agreements.
4. Authorize periodic payments under the grant terms and conditions.

ATTACHMENTS: None

Dir. Funded Approp. C/M Item No. 13
SUBJECT: USE OF CITY VEHICLES AND USE OF PERSONAL VEHICLES FOR CITY BUSINESS POLICY AND RESOLUTION

SOURCE: Administrative Services

COMMENT: In January of 2004, staff began the budget development process. Early in the process, a series of recommendations was developed designed to save the General Fund approximately $160,000. These recommendations were originally presented to the City Council at a budget update on January 13, 2004. One component of that savings plan was the reduction of the sedan fleet of City vehicles. This change would not only save money, it would also increase capacity in the City Shop which is currently operating with fewer mechanics than normal.

On May 25, 2004, the City Council conducted a study session to review the proposed 2004-05 budget. At the study session, staff presented the budget message and highlighted the fleet vehicle reduction program as one of the elements upon which the budget was developed.

On June 15, 2004, the City Council adopted the 2004-05 fiscal year budget at a public hearing on the subject. To implement the sedan fleet reduction as provided for the 2004-05 budget, the existing fleet program Administrative Policy needs to be amended to include provisions for the vehicle allowance program. This policy is currently entitled “USE OF CITY VEHICLES” and was implemented on July 1, 1980. The City also has on file an Administrative Policy regarding the insurance requirements of any employee using a personal vehicle for City business. This policy will not require amendment.

In addition to the Administrative Policy, an amendment to the City Manager’s contract will be required, as the current contract specifically assigns a City vehicle to the City Manager for his use.

As permitted in the City Charter, the City Council is entitled to receive a reimbursement of expenses incurred in the conduct of authorized City business. In March of 2006, the City Council would be able to evaluate the validity of establishing an allowance program for the Council based on

Item No. 14
average monthly expenses incurred. This allowance could be modified by changes in the average monthly vehicle usage, and the percentage change in the approved IRS reimbursement rate. Policy direction can be established by the Council early in 2006 for further consideration.

RECOMMENDATION:  
(1) That the City Council approve the modifications to the Administrative Policy Manual as required to implement the vehicle allowance program.

(2) That the City Council adopt the attached draft resolution approving the modifications to the Use of City Vehicles and Use of Personal Vehicles for City Business policy.

(3) That the City Council authorize the Mayor to sign an amendment to Section 8 of the City Manager’s employment contract to allow for a vehicle allowance as provided for in the draft resolution in lieu of an assigned staff vehicle.

ATTACHMENTS:  
Modified Administrative Policy
Draft Resolution
Modification language for the City Manager’s Contract
I. **PURPOSE:**

To establish a uniform policy which will contribute to improved energy conservation; maximize efficient and effective operations; and improve public relations.

A. **City Vehicles:**

   I. **Authorized Personnel:**

   City vehicles shall not be driven by other than authorized City employees. Authorized City employees must possess an appropriate and valid California Driver’s License. Passengers who are other than City employees are not permitted without prior authorization of the City Manager.

   II. **Vehicle Usage:**

   City vehicles shall be used for official City business only unless otherwise provided.

   III. **Coffee and Lunch Breaks:**

   City vehicles are not to be used for coffee and/or lunch breaks. The aforementioned breaks are to be taken on the job site. The only exceptions are: Administrative Personnel subject to call and Public Safety Personnel.

   IV. **Stand-by Vehicles:**

   The only City vehicles normally allowed to be taken home by stand-by personnel are:

   1. Fire Department .................. Assistant Fire Chief
      ................................. Fire Marshall

   2. Police Department ............... Police Detectives

   3. Parks & Leisure Services Department .... Parks Superintendent
      ................................. Parks Supervisor
      .................................. Parks Maintenance III
4. Public Works Department .................... Chief Building Inspector
   ................................................. Public Works Inspector
   .................................................................. Water Utility Superintendent
   .................................................................. Field Services Superintendents
   .................................................................. Waste Water Utility Superintendent
   .................................................................. Stand-by Vehicle

5. Finance Department ......................... Stand-by Vehicle

Stand-by vehicles may not be taken home if the location is beyond the City’s Urban Area Boundary, as defined in the General Plan. Exceptions require approval of the City Manager.

Employees assigned stand-by vehicles shall take the appropriate measures to insure proper security at all times. When employees assigned to such vehicles are on vacation or the vehicle is otherwise not in use, it shall be stored at the City Yard or assigned parking area for use by other City employees as needed.

V. Effective Use of Vehicles:

The number of vehicles in service shall be kept to a minimum. Jobs shall be planned to alleviate unnecessary driving. The use of City vehicles for out-of-the-City trips or meetings shall be kept to a minimum. The Police Department, on occasion, gains access to vehicles through the asset seizure process. If available, Police Department personnel may utilize asset seizure vehicles in lieu of City vehicles when appropriate. When asset seizure vehicles are utilized in lieu of City vehicles, all rules pertaining to the use of City vehicles apply. The Police Chief and Police Captains will be provided with the vehicle allowance when asset seizure vehicles are not utilized.

VI. Efficient Use of Vehicles:

Authorized City employees shall follow all rules and regulations contained in the California Vehicles Code while operating any City vehicle. Operation of City vehicles shall be done in such a manner as to conserve energy and insure safety at all times. While City vehicles are in operation, safety belts will be worn at all times by the driver and passengers.

B. Personal Vehicles:

I. Authorized Personnel:

In lieu of a take-home vehicle program for non first responders, or those staff members not required to drive vehicles with safety or specialty equipment, the City of Porterville has determined that the most efficient use of resources is to reduce the sedan fleet to those
USE OF CITY VEHICLES AND USE OF PERSONAL VEHICLES FOR CITY BUSINESS

Revised 7/6/04

vehicles requiring specialized or safety equipment. The following personnel will receive a monthly vehicle allowance in lieu of an assigned City vehicle:

1. Administration .................. City Manager
   ........................................ Deputy City Manager

2. Police Department ................. Police Chief
   ........................................ Police Captains

3. Fire Department ................... Fire Chief

4. Community Development ............ Community Development Director
   ........................................ City Planner

5. Public Works ....................... Public Works Director
   ........................................ City Engineer
   ........................................ Field Services Manager

6. Parks and Leisure Services ........ Parks and Leisure Services Director

II. Vehicle Allowance Program:

The monthly vehicle allowance is designed to cover the expenses associated with the use of a personal vehicle for City business, including but not limited to fuel, insurance, depreciation, and maintenance. The allowance rate will be set by resolution, and described in the Pay and Benefits plan document. Reimbursable costs above and beyond the allowance will include the IRS allowable mileage reimbursement rate for travel miles outside of Tulare County.

Insurance must be maintained in accordance with Administrative Policy Number V-B-7. Proof of adequate coverage must be delivered to the Risk Manager on an annual basis. The employee’s personal automobile policy will be deemed primary should an accident occur. The City’s general liability policy will remain in force as secondary coverage to protect the City to the greatest extent possible.

This policy may be modified by the City Manager as deemed necessary to ensure the most efficient operation is maintained.

For those employees using their personal vehicle in the conduct of City business on an incidental basis, reimbursement will be made based on the IRS allowable mileage reimbursement rate on the approved forms.
RESOLUTION NO._______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
RESOLVING TO APPROVE THE ADMINISTRATIVE POLICY REGULATING
THE USE OF CITY VEHICLES AND THE USE OF PERSONAL VEHICLES
FOR CITY BUSINESS

WHEREAS, the City Council of the City of Porterville has determined that a reduction of the non-specialty equipped vehicle fleet will result in budget savings, and

WHEREAS, the City Council of the City of Porterville has determined the appropriateness of a policy that regulates the use of City vehicles and the use of personal vehicles for City business, and

WHEREAS, the City Council of the City of Porterville has determined that the Use of City Vehicles and Use of Personal Vehicles for City Business Policy, as revised, adequately provides for regulation in this area, and

WHEREAS, the Pay and Benefit Plan Document will be modified to reflect a vehicle allowance for authorized personnel in the amount of $400.00 per month to be paid as a component of salary, and

WHEREAS, provisions for the implementation of the aforementioned policy have been built into the 2004-2005 fiscal year budget as adopted on June 15, 2004, and

WHEREAS, at the public hearing for budget adoption, no comments from the public were received, and

NOW BE IT HEREBY RESOLVED by the City Council of the City of Porterville that the Use of City Vehicles And Vehicle Allowance Policy is approved as drafted, effective July 6, 2004, and

BE IT FURTHER RESOLVED that effective March of 2006, the City Council would be permitted to establish a new Council reimbursement policy based on actual expenses incurred for vehicle travel during the conduct of City business in accordance with the City Charter, and

BE IT FURTHER RESOLVED that the City Council may at that time develop a vehicle allowance program based on actual expenses consistent with the provisions of Policy Number V-B-2.
Pedro R. Martinez, Mayor

ATTEST:

JOHN LONGLEY, City Clerk

By ______________________________

Georgia Hawley, Chief 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 6th day of July, 2004.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

JOHN LONGLEY, City Clerk

By ______________________________

Georgia Hawley, Chief Deputy City Clerk
Section 8. Automobile

The City Manager's duties require that he shall have at all times during his employment with the City, an automobile for his use, personal and business. The City agrees to provide the City Manager with an automobile and fuel for said vehicle together with maintenance, repair and replacement of such an automobile at City expense. a vehicle allowance as provided for in Administrative Policy Number V-B-2.
PUBLIC HEARING

SUBJECT: CONSIDERATION TO REMAIN IN PHASE II OF THE WATER CONSERVATION PLAN AND CONTINUATION OF PUBLIC HEARING

SOURCE: Public Works Departments - Field Services Division

COMMENT: At the April 6, 2004 City Council meeting, City Council adopted the Water Conservation Plan and approved moving into Phase II. At the June 1, 2004 City Council meeting, staff reported that letters were mailed to restaurants requesting that water only be served upon request. Letters were also mailed to large apartment complexes urging conservation and to avoid watering landscape between 5 am to 10 am and 5 pm to 10 pm. Utility bill notices with conservation tips and avoid watering between 5 am to 10 am and 5 pm to 10 pm were also delivered. Letters forwarding a xeriscape plant list were also sent to all nurseries and retailers that sell landscaping plants requesting that they provide this list to their customers. The City participated at the Porterville Fair promoting May as water awareness month and providing water conservation information and water saving kits. A media campaign began in late May with newspaper and radio messages and web site information provided.

Phase III of the Water Conservation Plan applies during periods when there is a severe water supply shortage. At that time, the utility billing system will begin to notify customers of restrictions on water use. A 20% rate increase on all residential and landscape accounts will go into effect. All City parks, median islands and public facility landscapes will continue to be watered during the late nights or early morning hours to confine impact on the water system to off-peak usage hours. Watering of City parks and median islands may be suspended and evaluated each day.

Projections for the next month indicate an adequate supply to meet the fire safety demands on the system. Some isolated low pressure events may occur during the peak usage periods of 5 am to 10 am and the 5 pm to 10 pm. Residents are strongly encouraged to avoid water uses during these periods.

The water system status is marginally improved from last year. Production capabilities have improved slightly. One well was successfully rehabilitated and returned to active status. Construction of the new Well No. 27 is nearing completion and may be in operation later this summer.
It is staff's recommendation that we remain in Phase II of the Water Conservation Plan and that City Council continue the Public Hearing until July 20, 2004, with staff providing status on the water system at that time.

RECOMMENDATION: That City Council:

1. Open the Public Hearing to receive comment; and

ATTACHMENT: Phase II Requirements from the Water Conservation Plan
Phase III Requirements from the Water Conservation Plan
PHASE II

Applies during periods when there is a water supply shortage

When water supply conditions start to deteriorate it would be incumbent upon the City to implement mandatory water conservation provisions.

ACTIONS BY THE CITY:

I. Public Information Program

The City will pursue a more aggressive distribution of information than its efforts initiated in Phase I to promote public awareness of the need to conserve water with a stronger emphasis on the water shortage condition.

II. Water System Pressure Reduction

The City's water system may experience reduced water pressures during high usage periods. This may deter water use for nonessential activities and encourage scheduling of landscape watering to late nights or early mornings.

III. City Landscapes and Watering Schedules

All City parks, median islands and public facility landscapes will be watered during the late night or early morning hours to reduce impact on the water system during peak usage hours.

IV. Leak Detection - Water Waste

The City will continue in its proactive plan to audit water supply usage. All City staff will be reminded of the necessity of reporting any evidence of leaks or water waste for immediate action. There will be an emphasis on coordinated community efforts to reduce water waste.

V. Waste of Water Notices

City staff will be equipped to issue "Waste of Water" notices to consumers identified as misusing water.
ACTIONS BY THE GENERAL PUBLIC:

I. Conservation Efforts:

The general public will be strongly encouraged to utilize those water conservation measures contained within the City's public information program.

II. Restaurants:

Notices will be sent to all restaurants within the City limits requesting support of water conservation efforts by serving water to customers upon request only.

III. Lawn and Landscaping Watering:

All residential, commercial and industrial landscape watering should be reduced to a minimum and avoid watering between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

IV. Vehicle Washing and Sidewalk Hosing:

A. Vehicle washing should be accomplished either by automatic car washes that recycle water or with buckets and hoses equipped with a shut-off nozzle.

B. Per Section 25-5 of the City Municipal Code, “The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them.”
PHASE III

Applies during periods when there is a severe water supply shortage

ACTIONS BY THE CITY:

I. Public Information Program:

The utility billing system will begin to notify customers of restrictions on water use. The program to promote public awareness will be intensified with emphasis placed on communicating the mandatory water conservation requirements to the public.

II. Rate Structure Enhancement:

A 20% rate increase on all residential and landscape accounts will go into effect. This rate increase will encourage water conservation and will also serve as a provision to recover the lost revenues from water conservation.

III. City Landscapes and Watering Schedules

All City parks, median islands and public facility landscapes will continue to be watered during the late nights or early morning hours to confine impact on the water system to off-peak usage hours. If it becomes necessary, watering of City parks and median islands will be suspended and evaluated each day.

ACTIONS BY THE GENERAL PUBLIC:

A. Landscape watering shall not be done between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

B. Sidewalk and driveway washing will be prohibited.
PUBLIC HEARING

SUBJECT: IMPROVEMENTS AND THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 29

SOURCE: Parks and Leisure Services Department

COMMENT: At the City Council meeting of June 15, 2004, the City Council approved all resolutions for the formation of Landscape and Lighting Maintenance District No. 29. Resolution 76-2004 declared the Council's intention to order the formation of said District, and set a public hearing for July 6, 2004, in order to hear any objections to the proposed assessment district.

The landscaping and lighting improvements, to be installed by the developer, are located on Date Avenue, River Springs Drive and Atkins Court. The improvements are shown on Landscape and Lighting District No. 29 Map, known as River Springs Phase Three Subdivision. The lighting improvements are located within the streets of the development. City Council has established that the maintenance of this lighting is a vital part of the development of the tract. The City Council has also determined that to insure satisfactory levels of maintenance for lighting, the tract should be formed as a maintenance district. Property owner approved all assessments. A total of nine street lights will be maintained in the district. Total cost for maintenance is $652.15 or $18.12 per lot.

RECOMMENDATION: That the City Council approve a Resolution of the City Council of the City of Porterville, California, Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 29.

ATTACHMENTS: 1) Resolution Ordering the Improvements and Formation of Landscape and Lighting Maintenance District No. 29; 2) Engineer's Report; and 3) Map.
RESOLUTION NO. ______


WHEREAS, the City Council of the City of Porterville did on the 15th day of June, 2004, adopt its Resolution of Intention No. 76-2004 declaring its intention to order the formation of Landscape and Lighting Maintenance District No. 29; and

WHEREAS, the public hearing on the Formation of District No. 29 has been requested by the property owner, subject to Section 22608 of the Landscape and Lighting Act of 1972.

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

(1) That the public interest, convenience and necessity require the formation of Landscape Maintenance District No. 29 and the ordering of work.

(2) That Landscape and Lighting Maintenance District No. 29 as set forth and described in Resolution No.76-2004 be formed.

(3) That the work as set forth and described in Resolution No.76-2004 be done.

(4) That the Engineer’s Report and diagram is hereby approved.

(5) That the method of assessment in the Engineer’s Report is hereby approved.

APPROVED AND ADOPTED this 6th day of July, 2004.

__________________________
Pedro R. Martinez, Mayor

ATTEST:
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 lighting at River Springs Phase Three Subdivision into Landscape and Lighting Maintenance District No. 29. 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 Date Avenue, River Springs Drive and Atkins Court 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 will be 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 9 street lights to be maintained.

Maintenance activities within the Landscape and Lighting Maintenance District No. 29 are to include lighting maintenance.

Section 4. Improvements

Lighting improvements were made by the developer of River Springs Phase Three 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 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 29 assessments during the 2004-2005 fiscal year are as follows:

**Estimated Assessment 2004-2005**

**Electricity/Lighting***

9 fixtures, 5,800 lumens @ $30.21 per year  $ 271.89

**Project/Management Costs**

36 lots @ $8.20 per lot  $ 295.20

Sub-Total  $ 567.09

**Incidental Expenses**

15% Reserve Fund  $ 85.06

Total 2004-2005  $ 652.15

*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. 29" 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. 29. The establishment and maintenance of the improvements is a vital part of the development of River Springs Phase Three Subdivision. The City Council of the City of Porterville has determined that to insure satisfactory levels of street lighting at River Springs Phase Three Subdivision, it should become Landscape and Lighting Maintenance District No. 29. The lighting includes 9 street lights.

Landscape and Lighting Maintenance District No. 29 will consist of an area comprising approximately 7.3 acres. A total of 36 lots are proposed to be developed in River Springs 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**

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

\[
A = \frac{\$652.15}{36} = \$18.12 \text{ lot for River Springs Phase Three Subdivision}
\]

Total Assessments for 2004-2005 = $652.32
Total developed lot count will be 36 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. 29 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. 29, 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
COUNCIL AGENDA: July 6, 2004

SUBJECT:       GOLF COURSE MONTHLY TICKET REINSTATMENT

SOURCE:       Parks and Leisure Services Department

COMMENT:      At the June 15, 2004 City Council meeting, direction was given to staff for preparation of a Resolution to reinstate the monthly ticket program for the Municipal Golf Course. The attached Resolution provides for reinstatement at the current fee levels.

In order to encourage golfers to participate in the monthly ticket program, it is suggested that a discounted fee be provided for the month of July, 2004. This discount will recognize the loss of six golfing days during the beginning of the month prior to the July 6, 2004 Council meeting. A discounted fee for July, 2004 is suggested by staff at 60% of the normal monthly ticket cost. An additional 20% discount is also suggested for individuals that have played at least two 18-hole rounds during the first six days of July at regular green fee rates.

RECOMMENDATION:  Conduct a Public Hearing and approve the Resolution adopting fees and charges for the City of Porterville Municipal Golf Course.

                2. Resolution Adopting Fees and Charges for the City of Porterville Municipal Golf Course.

ITEM NO.:  / /

Dir.  Appropriated/Funded  C.M.
RESOLUTION NO. ____ - 2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING FEES AND CHARGES FOR THE CITY OF PORTERVILLE MUNICIPAL GOLF COURSE

BE IT HEREBY RESOLVED by the City Council of the City of Porterville that the following fees and charges are hereby adopted to become effective on July 7, 2004:

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<th>18 - Hole</th>
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<tr>
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<td>Juniors</td>
<td>Weekday - $5.00</td>
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<tr>
<td></td>
<td>Weekend - $7.00</td>
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<td>Golf Cart Fees:</td>
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<td>$9.00</td>
<td>$90 for 10-9 hole rounds</td>
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<tr>
<td></td>
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<td>$18.00</td>
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<tr>
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<td>Senior Citizen - $36.00</td>
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<tr>
<td></td>
<td>Single - $42.00</td>
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<td></td>
<td>Family - $51.00</td>
<td>$34.00 with 3-18 hole green fees between July 1 and July 6, 2004</td>
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</table>

Dated this 6th day of July, 2004.

Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By: ____________________________
   Georgia Hawley, Deputy
CITY COUNCIL MINUTES
MARCH 19, 2002

Excerpt:

PUBLIC HEARINGS

8. PROPOSED MUNICIPAL GOLF COURSE CAPITAL IMPROVEMENT PROGRAM WORK PLAN AND FINANCIAL PLAN

Recommendation: That the City Council approve the proposed Golf Course Capital Improvement Program and Financial Plan.

The City Manager presented the item and Gil Meachum, the Director of Parks and Leisure Services, gave the staff report.

Mayor Woods opened the public hearing at 7:14 p.m.

Tim Barrons, 857 North Jaye Street, President of the Porterville Mens Golf Association (PMGA), thanked Mr. Meachum for coming back and getting their input into this plan. He stated that it was hard not to raise costs, but it seemed that the seniors were the ones that were being asked to pay the most. Mr. Barrons stated that the PMGA wanted to go on record in asking that Council consider an 18-hole golf course. He stated that if the City kept upgrading the 9-hole course, they would not increase play; but if they built an 18-hole course, they could increase play and allow more people to participate, including youth.

Ron Kavadas, stated that he had come to Porterville 35 years ago and had worked with the schools in their youth athletic programs. He stated that he was opposed to putting money into the 9-hole course when they needed an 18-hole golf course. Mr. Kavadas spoke on the problems experienced by the high school golf teams, and the problems of overcrowding at River Island and the negative effects it has had on the student teams. He stated that it was very important for the City to look at an 18-hole course, and not to invest in something that will not improve the facility. He stated that the club house at the Municipal Course was already nicer than many others in the area. He stated that if the Council made an investment, they would just be investing in half a course.

Bob Sjostrand, 345 Fairhaven Lane, came forward and spoke in favor of an 18-hole golf course. He stated that with the new equipment and golf balls, the 9-hole course was just too small and it was dangerous to live or drive around it. He stated that if the Council did spend money on the 9-hole course, they should put the money on the playing areas and not the club house.

Mayor Woods closed the hearing to the public at 7:25 p.m.

Mayor Pro Tem Wilson commended the staff for working with the PMGA. He stated that the 18-hole course was not being addressed that evening, but Council might look into a feasibility study, but they would also have to look at funding for such an item. He stated that it
was a big issue, which might be discussed at a later date, and people could address it then. Mayor Pro Tem Wilson stated that last year the golf course lost $5,254; and with the new fees, it would be $32,443 more annually. He stated that he would like to look at the monthly fees a little more and discuss it further before they implement the fees.

Council Member Gurrola stated that she had asked around, and there was definitely an interest in an 18-hole course. She proposed that the Council look at the possibility. She stated that if the City put money into the 9-hole course, they might be tied to a loan that they could have used for the study. Council Member Gurrola stated that she and Mayor Pro Tem Wilson had looked at other golf courses and talked to people selling designs, and she was interested because an 18-hole golf course would be a draw to the community. She stated that she would like to pursue discussion regarding the 18-hole golf course and if it could be a reality or a possibility.

Council Member West agreed with Council Member Gurrola that the City was throwing good money after bad, when they could use the money for a study. He stated that the 9-hole golf course would be a good place for another sports complex. He stated that he felt they needed more study before they committed that amount of money.

Council Member Hamilton stated that he was concerned about the golf course losing money, and he wondered if there was any way for the City to recoup the loan amount.

The City Manager stated that the deficit for the golf course was actually $300,000 to $400,000—what was shown in the item was the loss for the last year.

Council Member Hamilton stated that as he understood it, the restrooms had to be done to meet ADA requirements, so they had to proceed with that part of it.

The City Manager stated that they were only proposing to meet ADA requirements and provide protection for the equipment.

Mayor Woods stated that meeting ADA requirements was a necessity, and the City had made a substantial investment in golf carts, and they needed to protect them. He stated that if they decided that evening to pursue an 18-hole golf course, it would take at least 48 months until someone could hit a ball off the tee. He stated that he didn’t think that they could take care of that problem now.

Mayor Pro Tem Wilson stated that if they were looking at a bond issue, it would be quite a while until it would happen, and they would need to do something in the meantime.

Council Member Hamilton suggested a temporary structure for the golf carts, but Mayor Woods stated that it was a temporary structure now that was easily vandalized.

The City Manager stated that basically meeting ADA would be widening the aisles and entrances. If they look at the approval of the financial plan, the monthly pass was spaced out over the next few years, and the 18-hole course could be completed by then.
Council Member West stated that it appeared to him that the money could be used elsewhere instead of pouring it down the drain.

Mayor Woods stated that he would not suggest closing down the golf 9-hole golf course until something else was done.

Council Member Gurrola stated that the City had made quite an investment, and they should be looking at ways of making money and making it more attractive. She stated that she got the feeling that the PMGA was supportive, but they would like the Council to research the possibility of an 18-hole course.

Mayor Woods stated that as a growing City, it was inevitable that at some point they would have an 18-hole golf course.

Mayor Woods closed the hearing at 7:38 p.m.

COUNCIL ACTION
M. O. 08-031902
Resolution 38-2002

MOVED by Mayor Pro Tem Wilson, SECONDED by Council Member Hamilton that the Council approve the proposed Golf Course Capital Improvement Program and Financial Plan.

AYES: Wilson, Gurrola, Hamilton, Woods
NOES: West
ABSENT: None
ABSTAIN: None

Disposition: Approved.
PUBLIC HEARING

SUBJECT: PROPOSED MUNICIPAL GOLF COURSE CAPITAL IMPROVEMENT PROGRAM WORK PLAN AND FINANCIAL PLAN

SOURCE: Department of Parks & Leisure Services

COMMENT: The City Council reviewed the Golf Course Capital Improvement Program and Financial Plan at an Adjourned Council meeting on August 14, 2001. The Council directed staff to meet with the golfers to receive input. Staff had three meetings with the general golf public and the Porterville Mens Golf Association (PMGA) at the golf course on September 11, October 9, and November 20. Staff and the City Manager met with representatives of the PMGA on February 1, 2002. The PMGA submitted several responses plus a petition approving and opposing certain parts of the proposed improvement program and financial plan. In response to the PMGA input regarding the proposed capital improvements, staff is recommending only the following improvements at this time.

WORK PLAN

1. Cart Barn

The existing cart barn is chain link fencing with a mesh tarp used to cover the sides and roof. The floor is class 2 base gravel and dirt. It is very important that the carts be kept clean for customers. This is very difficult to do on a dirt floor and with open air fencing. The carts, along with battery chargers, are open to the elements. The carts need to be housed in an enclosed building with concrete flooring. The installation of an enclosed cart barn will make the carts easier to maintain and preserve their operating life. It is proposed that the cart barn be a wood frame stucco building with fans, have windows with mesh screening, and be complete with insulation and with two roll-up garage doors. The inside four foot high wall base should be of a solid siding plywood to protect the walls. The approximate size of the barn would be 25' x 50'. The roof and siding will match the club house. The cart barn, depending on its final design, can tie into the existing club house on the north side.

An important part of this project is providing a concrete path to the cart barn, and a concrete cart wash area with a main drain in front of the cart entry area. A storage area for chargers, tools, and two walk behind mowers would also need to be included in the cart barn.

Cost: $45,000

2. Restroom Improvements

Currently, none of the restrooms at the golf course meet American Disability Act standards which are required by law, (ADA 1990). New lavatories, stalls, urinals, grab bars and

ITEM NO.: ___
toilets will need to be installed with reconstruction of the three restrooms. We will try and save all the lockers, if possible.

**Cost:** $41,000

3. **Drainage Fill on No. 9 Fairway**

Fill dirt is needed to help redirect water that currently ponds at Fairway No. 9 and runs out to Isham Street during rainy months. By engineering a drainage plan to add fill to Fairway No. 9, drain water would be directed to Leggett Street where it will enter the City storm drain system. This will reduce ponding water that we experience on the fairway and Green No. 9. Fill work would be done by City forces. Staff will attempt to correct the drainage problems on the greens with the help of the City Engineering Division.

**Cost:** Completed by Staff Within Existing Budget Limitations

4. **Parking Lot Resurfacing and Tree and Shrub Planting**

The Golf Course parking lot has not been resurfaced in over 15 years. By adding trees to the parking lot, shade can be provided to shield cars in the parking lot, while adding to the course aesthetics. An irrigation line would be extended to each tree. When driving into the parking lot, the first impression of patrons would be that of a well-maintained area. The golf instruction area of the driving range will also be screened with shrubs on the parking lot side.

**Cost:** $14,000

The total capital work plan is $100,000. The other improvements; driving range booster, pump and irrigation system, club house improvements, concrete cart paths and green renovations would be studied and reviewed within the next six months. Staff will attempt to correct the drainage problems on the greens with the help of the City Engineering Division.

**FINANCING PLAN**

The funding for the Golf Course Improvement Project is proposed to come from the Risk Management Fund as a loan. In order to pay for the loan and the deficit incurring each year in the golf course budget, the Golf Course lost $5,254 last year, it is evident that fees need to be raised. It is estimated that new fees will generate $32,443 yearly based on last year's play. The amount generated will cover the debit payment and the necessary increase in the maintenance and operation budget. The loan will be amortized over 5 (five) years at an interest rate of 5%. Variables affecting the fees generated include weather, economy, and course playing conditions.

In response to the golfers concerns, staff made several changes to the original Financial Plan. The proposed check-in fee was dropped and the monthly and annual pass fees were increased. Proposed fees are as follows:
1. **Green Fees:** We are proposing green fees be raised to $10 for nine holes and $15 for 18 holes on both weekdays and weekends. We would drop the fee differential which is currently $8.50 for nine holes on weekdays, and $9.50 on weekends ($12.50 and $13.50, respectively, for 18 holes).

2. **Punch Card:** (New Program) The punch card provides a benefit for people who can’t benefit from monthly passes. Punch cards would be sold in 10 nine-hole rounds at a $1.00 discount per round. Anyone wanting to play an additional nine holes would pay $5.00. The punch card provides income to the golf course in advance of actual usage. It also provides a reduced rate to user for the prepayment of green fees. A punch card would place a constant fee on the cardholder on a cost per round basis. With monthly tickets, the more a person plays, the less they pay per round. When in actuality, a person who plays the most should be contributing the most back to the golf course. There would be no restriction to those who utilize a punch card, and no loss for a player who plays irregularly. Punch cards would be good for two years from the purchase date.

3. **Monthly Pass:** The golfers expressed concern over grandfathering monthly ticket holders. The reason we were proposing monthly ticket holders purchase an annual pass is because they drop out during the winter months, and the City loses revenue on the course while our maintenance costs remain constant. It is interesting to note that the monthly players use the course 45% of the time while they account for only 23% of the revenue collected. The golfers had recommended increasing the monthly fee and dropping the requirement of having to buy a ticket every month or buying a yearly ticket. As a compromise, staff is recommending that an allowance be made to allow golfers interested in a monthly pass to pay beginning in June 2002, for only seven months the first year, eight months the second year, nine months the third year, ten months the fourth year, eleven months the fifth year. No monthly or annual tickets would be issued after five years, 2006. Eliminating the monthly ticket is equitable because it requires golfers to pay each time they play whereas a monthly ticket allows golfers to play an unlimited amount of golf.

4. **Check-in Fee:** After meeting with the golfing public, we eliminated this program.

5. **Cart Rental:** It is proposed that cart rental fees be increased $1 for nine holes, i.e., from $8 to $9; and, $2 for 18 holes, i.e., from $16 to $18. This fee is consistent with other courses.

6. **Repeat Nine:** The repeat nine hole fee would go from $4 to $5 for anyone who paid for nine holes.

No other fees increases are proposed.

All fee increases, if approved, would take effect on April 1, 2002.
PMGA has also included in their list of recommendations lowering the age for seniors to 55 years of age for the monthly pass. The current senior age is 62. Another item submitted was a $10 reduction for City residents. PMGA also urged the City Council to consider building an 18-hole golf course.

In response to reducing the Senior Citizen age to 55 and the $10 fee reduction for City residents, staff recommends that we review and study these items and report back to the City Council in six months. In regards to building an 18-hole golf course, staff would like to include a golf course feasibility study for an 18-hole golf course in the new budget for Council’s consideration. The study would include an economic review of case studies on municipal golf courses in Kern, Tulare, Kings and Fresno Counties.

**RECOMMENDATION:** That the City Council approve the proposed Golf Course Capital Improvement Program and Financial Plan.

**ATTACHMENTS:**

1. Capital Improvement Budget
2. Proposed Yearly Revenue
3. Proposed Fee Adjustments
4. Debt Service
5. Unaudited Operating Results FY 2000-2001
6. Porterville Mens Golf Association Response 10/2/01
7. Porterville Mens Golf Association Petition
8. Porterville Mens Golf Association Response 11/29/01
9. Draft Resolution for Golf Course Fees
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<td>Restroom Improvements</td>
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<td>Drainage Fill on No. 9 Fairway</td>
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<td>Parking Lot Resurfaces and Tree &amp; Shrub Planting</td>
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<td><strong>TOTAL</strong></td>
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## Proposed Yearly Revenue

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**Total Revenue:** $256,769.00  
**Additional Revenue:** $32,443.00
**PORTERVILLE MUNICIPAL GOLF COURSE**  
**PROPOSED FEE ADJUSTMENTS**  
**2001-2002**

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<tr>
<td><strong>Punch Cards</strong></td>
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**Punch Cards:** Wallet size card that contains a punch area for ten nine hole rounds of golf at $1.00 discount per round. Additional nine holes for $5.00. No restrictions on who utilizes the punch card. Cards are good for two years from the date of purchase.

**Monthly Pass, Annual Pass:** In order to qualify for a monthly or annual pass golfers need to register in June 2002, to be eligible to qualify for a pass. Pass holders must pay for seven (7) months of golf in 2002, eight (8) months of golf in 2003, nine (9) months of golf in 2004, ten (10) months of golf in 2005, and eleven months of golfing in 2006. The monthly and annual pass golf program will end in 2007.
# Mortgage Amortization

**KEY FIGURES**
- Annual Loan Payments: $22,645.44
- Monthly Payments: $1,887.12
- Interest in First Calendar Year: $4,589.98
- Interest Over Term of Loan: $8,637.22
- Sum of All Payments: $108,637.22

**INPUTS**
- Loan Principal Amount: $100,000.00
- Annual Interest Rate: 5.00%
- Loan Period in Years: 5
- Base Year of Loan: 2002
- Base Month of Loan: 

## PAYMENTS IN FIRST 12 MONTHS

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<th>Interest</th>
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## YEARLY SCHEDULE OF BALANCES AND PAYMENTS

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SUBJECT: PROPOSED MUNICIPAL GOLF COURSE CAPITAL IMPROVEMENT PROGRAM
WORK PLAN AND FINANCIAL PLAN

The Porterville Men's Golf Association and city golfers at large want to thank the members of
the Porterville City Council who were willing to listen and provide us the opportunity to respond
to the above subject.

On September 18 & 25, 2001, members of the PMGA and other city golfers at large met to
study, discuss and respond to the spending proposals set forth on August 14, 2001 by the Dept.
of Parks & Leisure Services.

To expedite a recommended decision for each proposed line item capital expenditure,
alternatives were given and a Preferred Alternative was derived.

The assessment of each capital expenditure and it's Preferred Alternative is as follows:

1. Cart Barn - (Proposed Cost: $45,000)
   - Proposed: Installation of a 25' x 50' enclosed cart barn to house golf carts.
     - Alternatives: 1a- No cart barn installation.
       1b- Yes, install cart barn as proposed.
       1c- Install cart barn with a metal building.

   - Preferred Alternative: 1a- No cart barn installation.
     A cart barn is not necessary or needed as current facilities are adequate. Recommendation-Reject!

2. Driving Range Booster Pump and Irrigation System - (Proposed Cost: $60,000)
   - Proposed: To beautify driving range & provide adequate pressure to sprinkler heads
     on Fairways 8 & 9.

   - Alternatives: 2a- No, leave driving range and Fairways 8 & 9 as is.
     2b- Yes, turf driving range and provide booster pump for Fairways 8 & 9.
     2c- Leave driving range as is. Purchase pump from outside source.

   - Preferred Alternative: 2a- No, leave driving range and Fairways 8& 9 as is.
     Growing grass on the driving range other than on the teeing area, will not benefit golfers. It may improve the aesthetics of the facility
in general but will require increased long term maintenance and increased water and power costs. **Recommendation-Reject!**

3. **Club House Improvements** - (Proposed Cost: $100,000)
   - Proposed: Remodel entire Club House complex and the construction of the restroom to meet ADA requirements.
   - Alternatives: 3a- No, leave as is.
     3b- Yes, make improvements as proposed.
     3c- Meet ADA requirements only. Leave Club House as is.
   - Preferred Alternative: 3a- No, leave as is.
     The current structure has and continues to meet the needs of the golfing public. If ADA mandates necessary changes we believe this can be accomplished with a much less ambitious plan than a total remodel. **Recommendation-Reject!**

4. **Concrete Cart Paths** - (Proposed Cost: $22,500)
   - Proposed: Construct cart path to the first tee and to other tees as funding allows.
   - Alternatives: 4a- No, do not construct proposed cart paths. Biggest issue is Safety!
     4b- Yes, construct cart paths as proposed.
     4c- No other alternatives considered.
   - Preferred Alternative: 4a- No, do not construct proposed cart paths. Biggest issue is Safety!
     Concrete cart paths are not necessary and will add nothing to the playability of the golf course. The past and current use of decomposed granite to pave areas around tees and from the clubhouse to the first tee has worked well and at a much more reasonable cost. There is the added problem of safety from installing a concrete path from the clubhouse to the first tee. This pathway borders along Isham street. Any golfballs that fly onto this concrete pathway has the potential to bounce and hit cars using Isham street. **Recommendation-Reject!**

5. **Green Renovations for Greens #1 & 5** - (Proposed Cost: $31,000)
   - Proposed: To renovate Greens #1 & 5 through a properly designed and installed sand drainage system.
   - Alternatives: 5a- Yes, renovate as proposed.
     5b- Continue maintenance as is.
     5c- No, do nothing.
   - Preferred Alternative: 5a- Yes, renovate as proposed.
     These two greens along with several others are in dire need of drain-
age systems in the front of each. Daily, water puddles up from the night watering and creates a quagmire through which golfers must walk to get onto the greens. Maintenance equipment is often driven through the front of greens creating ruts and other unsightly hazards. Properly installed drains would eliminate this unsightly and unnecessary hazard. **Recommendation-Approve!**

6. **Drainage Fill on #9 Fairway-** (Proposed Cost Unknown. To be completed by Staff.)
   - Proposed: Engineer a drainage plan to redirect water ponding on #9 Fairway and in front of the #9 Green. Proposed to be completed by the golf course staff within budget limitations.
   **Recommendation-Approve!**

7. **Parking Lot Resurfacing and Tree Installation-** (Proposed Cost: $14,000)
   - Proposed: Resurface parking lot and plant trees. Screen driving range with shrubs.

   - Alternatives: 7a- Resurface parking lot and screen driving range with hedge/shrubs only.
   7b- Yes, go with proposed improvement plan.
   7c- No, do nothing. Leave as is.
   7d- Resurface parking lot with no other improvements.

   - Preferred Alternative: 7d- Resurface parking lot with no other improvements.
   We are in favor of resurfacing the parking lot knowing that this is a standard ongoing maintenance procedure. However, planting trees and shrubs would only be for aesthetics. The driving range is currently surrounded on three sides by a very high protective fence. This unnecessary expense would not add to the playability of the golf course.
   **Recommendation-Approve** parking lot resurface.
   **Reject** planting of shrubs and trees.

In general, we are opposed at this time to capital expenditures that do not enhance the playability of the golf course itself and are not a Needed maintenance procedure. Currently and for many years the golf course has been lacking in several areas. These include: Sanding all of the fairways to build up a better base course over the adobe. Renovating the sand traps to hold real sand. Leveling tees on holes #2, 7, 8 and 9. Repair of safety fences along the right side of #8 fairway. Initiation of an effective chemical application program to rid all greens and fairways of trash grasses. Better monitoring of the water system and water application.

We as the general public who utilize the facilities nearly everyday believe this to be a more realistic financial attainment plan. Once again, we thank you for giving us the opportunity to respond.
PORTERVILLE MEN'S GOLF ASSOCIATION
RESPONSE STATEMENT
OCTOBER 2, 2001

SUBJECT: FINANCING PLAN

The primary concern of the PMGA and golfers at large was the listed proposed fee increases and new programs that was presented by the Parks and Leisure Staff on September 11, 2001. Attached for your information is the Parks and Leisure Staff’s proposed financing plan. (Attachment)

During subsequent meetings of September 18 and 25, 2001, it was an over all consensus to develop for consideration, a financing plan of our own. This plan was attained in the same manner as the assessment of the proposed capital expenditure.

The breakdown of our plan is as follows:

Green Fees: (Predicted additional revenue: $15,259)
- Proposed: Raise green fees to $10.00 / 9 holes and $15.00 / 18 holes on both weekdays and weekends. Drop current fee differential which is currently:
  (weekdays: $8.50 / 9 holes and $12.00 / 18 holes)
  (weekends: $9.50 / 9 holes and $13.50 / 18 holes)

Preferred Alternative: Raise green fees and drop current fee differential as proposed.

Recommendation-Approve!

Punch Card: (New Program. Predict substantial increase of revenue)
- Proposed: Sell punch cards in increments of 10,20 or 30 nine hole rounds at $10.00 / 9 holes with a $1.00 discount / round. Additional 9 hole rounds will cost $10.00 / 9 holes. Punch cards will be honored for two (2) years from purchase date.

- Preferred Alternative: Yes, approve as proposed. This would alleviate the allusion of losing ones monthly ticket and having to buy an annual pass because of illness or being away for a time. Recommendation-Approve!

Monthly Ticket: (Predicted additional revenue: $7,475)
- Proposed: Do away with monthly tickets after January 31, 2002. Current monthly ticket holders missing a months renewal will have to buy an annual pass.

- Preferred Alternative: Keep current monthly ticket program but increase recommended fees as follows:

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<th>Monthly</th>
<th>Annual</th>
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<tr>
<td>Single: From $60 to $65</td>
<td>From $600 to $650</td>
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<tr>
<td>Senior: From $50 to $60</td>
<td>From $500 to $600</td>
</tr>
<tr>
<td>Family: From $75 to $80</td>
<td>From $750 to $800</td>
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</table>
This is a major concern for those players who normally play on a monthly ticket and are unable to purchase consecutive monthly tickets for any reason (i.e. weather, illness, vacation, etc.). They would be required to purchase an annual pass or pay daily rates. By keeping the monthly ticket program this would alleviate a great concern.

Recommendation-Approve!

- Check-in-Fee: (New Program)
  - Proposed: A $50 check-in-fee to be paid each time a ticket player signs in. The (current) monthly fee would remain the same. (refer to current fees on preceding page)

- Preferred Alternative: No! Unacceptable proposal. This was the most ridiculous proposal of all.
  Recommendation-Reject!!

- Cart Rental: (Predicted additional revenue: $5,961)
  - Proposed: To increase cart rental fees as follows:
    - 9 - Holes
      From $8 to $9
    - 18 - Holes
      From $16 to $18

- Preferred Alternative: No, keep current fees as are.
  Based on the current revenue figures acquired (Fiscal End June 30, 2001) which is $47,698, we feel the current rental fee pays for itself. Also, it is not consistent with other courses as this is still a nine hole golf course. (refer to attachments)
  Recommendation-Reject!

We hope our recommendations will be helpful and sincerely considered as stated here in.

Unless otherwise noted, this concludes our assessment of the PROPOSED MUNICIPAL GOLF COURSE CAPITAL IMPROVEMENT PROGRAM WORK PLAN AND FINANCIAL PLAN.

Porterville Men's Golf Association and city golfers at large
October 2, 2001
Petition

We, the undersigned members of the Porterville Mens Golf Association and city golfers at large, do hereby petition the members of The Porterville City Council concerning the Proposed Capital Improvement Plan (2001-2002) for the Porterville Municipal Golf Course.

We petition you to act in the following manner in regards to the plans contained therein.

- **Installation of a Cart Barn.** (proposed cost $45,000) A cart barn is not necessary or needed as current facilities are adequate. **Recommendation-Reject!**

- **Install booster pump to Driving range.** (proposed cost $60,000) Growing grass on the driving range other than on the teeing area, will not benefit golfers. It may improve the aesthetics of the facility in general but will require increased long term maintenance and increased water and power costs. **Recommendation-Reject!**

- **Remodel entire Club House complex and meet ADA Requirements.** (proposed cost $100,000) The current structure has and continues to meet the needs of the golfing public. If ADA mandates necessary changes we believe this can be accomplished with a much less ambitious plan than a total remodel. **Recommendation-Reject!**

- **Install concrete cart paths.** (proposed cost $22,500) Concrete cart paths are not necessary and will add nothing to the playability of our golf course. The past and current use of decomposed granite to pave areas around tees and from the clubhouse to the first tee has worked well and at a much more reasonable cost. There is the added problem of safety from installing a concrete path from the clubhouse to the first tee. This pathway borders along Isham street. Any golf balls that fly onto this concrete pathway could bounce and hit cars using Isham street. **Recommendation-Reject!**

- **Green renovations to greens #1 and 5, to include installation of drainage system.** (proposed cost $31,000) These two greens along with several others are in dire need of drainage systems in the front of each. Daily, water puddles up from the nightly watering and creates a quagmire through which golfers must walk to get onto the greens. Properly installed drains would eliminate this unsightly and unnecessary hazard. **Recommendation-Approve!**

- **Drainage fill on #9 fairway.** (proposed cost unknown. To be completed by staff) **Recommendation-Approve!**

- **Parking lot resurfacing and installation of trees and shrubs to screen driving range.** (proposed cost $14,000) We are in favor of resurfacing the parking lot knowing that this is a standard ongoing maintenance procedure. However, planting trees and shrubs would only be for aesthetics. The driving range is currently surrounded on three sides by a very high protective fence. This unnecessary expense would not add to the playability of our golf course. **Recommendation-Approve** parking lot resurface. **Reject** planting of shrubs and trees.

In general we are opposed at this time to capital expenditures that do not enhance the playability of the golf course itself and are not a *Needed* maintenance procedure. Currently the golf course is lacking in several areas. These include: needing sand in the sand traps. Leveling tees on holes #2, 7, 8 and 9. Repair of safety fences along right side of #8 fairway. Initiation of an effective chemical application program to rid all greens and fairways of trash grasses. Better monitoring of the water system and water application.
Porterville Mens Golf Association

11-28-01

Dear Council Member;
The Porterville Mens Golf Association, Board of Directors, has been meeting with the leadership of the Porterville Parks Department for the past month. During that time Mr. Mecheem has made presentations to our board, regarding his proposal to invest $340,000.00 in the nine hole, municipal golf course. We continue to be very concerned about this proposal, and the rate increases associated with it. Our first recommendation is that the council considers tabling this plan until the new City Manager has been hired. It is our thought that the new City Manager may not think that this is a prudent expenditure of city funds at this time.

It continues to be our request that the city Parks and leisure services consider a new “18” hole golf course, around the city airport. There is currently a five million-dollar plan to build two holding ponds on this property. This would be a perfect time to use the same equipment to build a golf course, with the two ponds as part of the course. The same $340,000.00 dollars would go some long ways toward a new golf course. Then there is the possibility of “dual” usage grants being utilized, as part of the funds to build the course. With the population of Porterville estimated at 50,000+ citizens, its time to consider a 18-hole golf course.

Currently we have three high school golf teams, who fight “not” to play at the municipal golf course. This plan would provide much over due, needed leisure outlet for our kids. Currently all tournament play goes out of town, except for our PMGA players tournaments. We have increased tournament play 500%, and still can’t find another club interested in coming to Porterville to play on our home course. No matter how much money you pour into the Porterville municipal golf course, it remains a “9” hole golf course.

**What is the real urgency to implement this expenditure now?**

Attached you will find our latest recommendation regarding this project after our last meeting with the Parks and Leisure Services representatives.
Porterville Mens Golf Association

At a meeting of the PMGA, on November 27th, 2001, it was the consensus that the following plans be considered at the December 4th City Council Meeting:

Green Fees: Weekday - $10.00  Repeat nine $ 5.00  
Weekend - $10.00  Repeat nine $ 5.00

Weekdays Junior - $5.00  Repeat nine $ 5.00  
Weekdays Junior - $7.50  Repeat nine $ 5.00

Monthly Pass Single $70.00  $10.00 reduction for city residents.  
Monthly Pass Senior $60.00  $10.00 reduction for city residents.  
Monthly Pass Family $85.00  $10.00 reduction for city residents.

We recommend lowering the age for seniors to 55 years of age. This would stimulate additional player participation for monthly/daily use fee play.

Annual Pass Single $700.00  $50.00 reduction for city residents.  
Annual Pass Seniors $600.00  $50.00 reduction for city residents.  
Annual Pass Family $850.00  $50.00 reduction for city residents.

Punch Card Program: Cards will be sold in increments of 10, 20, & 30 nine hole rounds at $10.00 for every 10 round card. This would entitle the golfer to a $1.00 discount on the repeat nine rounds. Card would be good for up to two years. All yearly revenue above actual expenses to operate the course should be used “exclusively” for renovation on the “golf course.”

Monthly tickets would be fazed out over a five-year period. In order to participate in the monthly ticket plan, a golfer must purchase the “first” month’s ticket each January. This would entitle them to participate in the monthly ticket program that year. Starting with a seven-month program, and adding one additional month for five years.

Locker rentals would continue at current rate:
Small - $25.00  Large - $25.00

Club House Improvements: We continue to recommend that the city council reject the expenditure of $100,000 to remodel the club house. Why is this remodeling necessary now?
Cart Barn proposed at a cost of $45,000.
We recommend that the city council adopt the proposal to raise cart fees as follows:

Nine holes $9.00     Eighteen holes $18.00

The money raised by this increase in fees will cover the proposed expenditure of $45,000, in less than three years, and would be paid for by the golfers who utilize the carts. This would enable the money made by raising the other fees available exclusively for improvements on the course.

****This proposal is made utilizing the figures provided on revenue from cart rentals last year!

Driving Range Booster Pump and irrigation system - proposed cost of $60.00.

While this proposal may improve the aesthetics of the course, the long term increase in power and water cost does not offset the benefits. We recommend that the city council reject this proposal.

Concrete Cart Paths - Proposed Cost of $22,500.

We recommend that the city council reject this proposal. This will not add anything to improving the playability of the golf course. Decomposed granite would be a much less expensive way of maintaining cart paths.

Green Renovations for greens #1 & #5 - Proposed Cost $31,000.

We recommend that the city council reject this proposal. While we greatly appreciate, and support any attempts to improve the condition of the golf course, our sources tell us that this proposal would not lead to any improvement in reduction of drainage problems. This golf course remains adobe and hard pan. Any attempt to increase drainage off the green would not be absorbed into the existing area around the greens mentioned above. The only way to solve this problem would be to hire a green's keeper to evaluate the golf course, and possible solutions to increase drainage.
Porterville Mens Golf Association

Drainage Fill on #9 Fairway - Proposed cost - unknown. To be completed by city staff.
We support this plan! Recommend that the city council adopt this proposal!

Parking Lot Resurfacing & Tree Installation. Proposed Cost - $14,000.
We support this proposal with one minor suggested change. We suggest that a hedge be planted between the car parking spaces and the practice range, right next to the range. This would reduce costs, and still accomplish the goal of blocking out excessive noise and visual distraction on the practice range. Recommend that the city council adopt this plan.

Thank you all again for allowing the Porterville Mens golf Association to voice their opinion on this proposal. We will have members of the PMGA Board of Directors in the audience on December 4th, and would be happy to answer any questions you may have concerning these recommendations.

We are very anxious to talk to the city council members about the possibility of a 18-hole golf course in the near future being built at the airport.

Sincerely;

Rudy Pacheco
President, PMGA

Tim Behrens
Vice President, PMGA
RESOLUTION NO. ___-2002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING FEES AND CHARGES FOR THE CITY OF PORTERVILLE MUNICIPAL GOLF COURSE

BE IT HEREBY RESOLVED by the City Council of the City of Porterville that the following Fees and Charges are hereby adopted to become effective on April 1, 2002:

<table>
<thead>
<tr>
<th></th>
<th>9-Hole</th>
<th>18-Hole</th>
<th>Monthly Ticket*</th>
<th>Senior Citizen (62 &amp; over)</th>
<th>Single</th>
<th>Family</th>
</tr>
</thead>
<tbody>
<tr>
<td>General:</td>
<td>Weekday - $10.00</td>
<td>$15.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Weekend - $10.00</td>
<td>$15.00</td>
<td>Monthly Ticket*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Juniors:</td>
<td>Weekday - $5.00</td>
<td>no change</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Weekend - $7.00</td>
<td>no change</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Cart Fees:</td>
<td>$ 9.00</td>
<td>$18.00</td>
<td>Annuals</td>
<td>$90 for Ten 9-hole rounds</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Special provisions will be set out to phase out monthly tickets over a five year period, but to participate, a golfer must sign up in June, 2002.

Dated this 19th day of March, 2002.

Gordon T. Woods, Mayor

ATTEST:

John Longley, City Manager
COUNCIL AGENDA - JULY 6, 2004

SUBJECT: SECOND READING - ORDINANCE NO. 1655, AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1655 approved Amendment No. 1 to the Redevelopment Plan for Redevelopment Project No. 1 as the Official Redevelopment Plan for said Project. The ordinance was given a First Reading on June 15, 2004, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1655, waive further reading, and adopt said ordinance.

ATTACHMENT: Ordinance No. 1655

Item No. 18
ORDINANCE NO. 1655

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING AND ADOPTING AMENDMENT NO. 1 TO THE REDEVELOPMENT
PLAN FOR REDEVELOPMENT PROJECT NO. 1 AS THE OFFICIAL
REDEVELOPMENT PLAN FOR SAID PROJECT

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

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated proceedings to adopt Amendment No. 1 (the “Amendment”) to the Plan; and

WHEREAS, the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the “CRL”) authorizes the adoption of redevelopment plans and redevelopment plan amendments; and

WHEREAS, the purposes of the proposed Amendment are to delete certain territory from the boundaries of Redevelopment Project Area No. 1 and to eliminate the time limit on the establishment of loans, advances and indebtedness as it applies to the Plan for the Project; and

WHEREAS, the Redevelopment Plan for Redevelopment Project No. 1 authorizes the collection of tax increment as provided for in CRL Section 33670; and

WHEREAS, CRL Section 33333.6(e)(2) states in pertinent part that, “On or after January 1, 2002, a redevelopment plan may be amended by a legislative body by adoption of an ordinance to eliminate the time limit on the establishment of loans, advances, and indebtedness required by this section prior to January 1, 2002. In adopting this ordinance, neither the legislative body nor the agency is required to comply with [CRL] Section 33354.6 or Article 12 (commencing with Section 33450) or any other provision of this part relating to the amendment of redevelopment plans, except that the agency shall make the payment to affected taxing agencies required by [CRL] Section 33607.7;” and

WHEREAS, the City Council has received from the Agency the proposed Amendment to the Redevelopment Plan for the Project, a copy of which is on file with the City Clerk at the Office of the City Clerk, 291 N. Main Street, Porterville, California 93257, together with the report of the Agency prepared pursuant to Section 33457.1 of the CRL (the “Report to City Council”), which includes a description and discussion of the proposed Amendment which revises the Redevelopment Plan to delete certain territory, and a discussion of certain other matters as set forth in Section 33352 of the CRL and including the Negative Declaration on the proposed Amendment (the “Negative Declaration”); and
WHEREAS, on May 4, 2004, the City Council adopted Resolution No. 44-2004, thereby certifying that the proposed Amendment conforms to the General Plan of the City of Porterville; and

WHEREAS, the City Council and the Agency held a duly noticed joint public hearing on June 15, 2004, on the adoption of the proposed Amendment and the approval of the Negative Declaration; and

WHEREAS, notice of the joint public hearing was duly and regularly published in a newspaper of general circulation in the City once a week for three (3) successive weeks prior to the date of the joint public hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk of the City of Porterville and Secretary of the Agency; and

WHEREAS, copies of the notice of the joint public hearing were mailed by first class mail to the last known address of each assessor, as shown on the last equalized assessment roll of the County of Tulare, for each parcel of land in Redevelopment Project Area No. 1 (the “Project Area”), and to persons, firms, or corporations which have acquired property within the Project Area from the Agency at the last known address as shown on the Agency’s records; and

WHEREAS, copies of the notice of the joint public hearing were mailed by first-class mail to all residents and businesses in the Project Area at least thirty (30) days prior to the joint public hearing; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each known taxing agency which receives taxes from property in the Project Area; and

WHEREAS, Section 33457.1 of the CRL, provides that to the extent warranted by the proposed Amendment, this Ordinance shall contain the findings required by Section 33367 of the CRL; and

WHEREAS, the City Council has considered the Report to City Council, the proposed Amendment, and the Negative Declaration, and has provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the proposed Amendment and has made written findings in responses to each written objection of an affected property owner and taxing entity, if any were filed with the City Clerk before the hour set for such joint public hearing; and

WHEREAS, the Agency and the City Council have reviewed and considered the Negative Declaration for the proposed Amendment to the Project, prepared and submitted pursuant to Public Resources Code Section 21000 et seq. and Health & Safety Code Section 33352, and approved said Negative Declaration on June 15, 2004, by City Council Resolution No. 85-2004.
NOW, THEREFORE, the Porterville City Council does ordain as follows:

SECTION 1: The purpose and intent of the City Council with respect to the proposed Amendment is to delete certain territory (the “Detachment Area”) from the boundaries of the Project Area in order to allow the Agency to continue to undertake steps and previously approved projects to eliminate blight and blighting conditions and achieve its goals and objectives within the area within the Project following the removal of Detachment Area from the Project Area (the “Amended Project Area”).

SECTION 2: The purpose and intent of the City Council with respect to the proposed Amendment is also to repeal any and all time limits in the Plan for the Project that purport to place on the Agency any time deadline on the establishment of loans, advances and indebtedness as they may apply to the Amended Project Area.

SECTION 3: The City Council hereby elects to annually receive the amount authorized by Health and Safety Code Section 33607.5(a)(92) and 33607.5(b).

SECTION 4: The City Council hereby finds and determines, based on the evidence in the record, including, but not limited to, the Agency’s Report to City Council on the proposed Amendment and all documents referenced therein:

a) The proposed Amendment will allow continued redevelopment to occur within the Amended Project Area in conformity with the Community Redevelopment Law and in the interests of the public health, safety and welfare. This finding is based in part upon the fact that the proposed Amendment merely removes the Detachment Area from the boundaries of the Project Area, and repeals the time limit for incurring debt, and thus allows the Agency to undertake needed redevelopment activity in the Amended Project Area.

b) The adoption and implementation of the proposed Amendment is economically sound and feasible. This finding is based in part on the fact that with the passage of the proposed Amendment, the Agency will engage in activities within the financial capability of the Agency based upon the revenues that will be available to the Agency and will pursue those activities that are consistent with revenues realized after the removal of the Detachment Area from the Project and the removal of time limits for incurring debt. Furthermore, this finding is based upon the fact that the Agency’s Report to City Council further discusses and demonstrates the economic soundness and feasibility of the Redevelopment Plan and undertakings pursuant thereto, even with the Detachment Area removed from the Project and the deletion of time limits for incurring debt from the Redevelopment Plan.

c) The proposed Amendment conforms to the General Plan of the City of Porterville including, but not limited to, the Housing Element thereof, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code. This finding is based in part on the
finding of the City Council that the proposed Amendment conforms to the General Plan for the City of Porterville.

d) Implementation of the proposed Amendment will promote the public peace, health, safety and welfare of the City of Porterville and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based on the fact that redevelopment will benefit the Amended Project Area and the community by allowing the Agency to correct continuing conditions of blight and by coordinating public and private actions to stimulate development, contribute toward needed public improvements and improve the economic, and physical conditions of the Amended Project Area and the community.

SECTION 5: The City Council continues to be satisfied that in the event occupants of the Amended Project Area are displaced, permanent housing facilities will be available within three (3) years from the time occupants of the Amended Project Area, if any, are displaced, and that pending the development of such permanent facilities, there will be available to any such displaced occupants temporary housing facilities at rents comparable to those in the City of Porterville at the time of their displacement.

SECTION 6: That certain document entitled “Amendment No. 1 to the Redevelopment Plan for Redevelopment Project No. 1”, the maps contained therein and such other reports as are incorporated therein by reference, a copy of which is on file in the Office of the City Clerk of the City of Porterville, having been duly reviewed and considered, is hereby incorporated in this Ordinance by reference and made a part hereof and, as so incorporated, is hereby designated, approved and adopted as the official “Redevelopment Plan for Redevelopment Project No. 1” (the “Redevelopment Plan”).

SECTION 7: In order to implement and facilitate the effectuation of the Redevelopment Plan as hereby approved, the City Council hereby (a) restates its pledge of cooperation in helping to carry out the Redevelopment Plan, (b) restates its request that the various officials, departments, boards and agencies of the City of Porterville having administrative responsibilities in the Amended Project Area likewise cooperate to such end and exercise their respective functions and powers in a manner consistent with the redevelopment of the Amended Project Area, (c) reaffirms that it stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, and (d) redeclares its intention to undertake and complete any proceeding necessary to be carried out by the City of Porterville under the provisions of the Redevelopment Plan.

SECTION 8: The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan.

SECTION 9: The City Clerk is hereby directed to record with the County Recorder of Tulare County a description of the Detachment Area which has been removed from the Project Area, and a statement that the proposed Amendment has been approved in conformity with the CRL.
SECTION 10: The City Clerk is hereby directed to transmit a copy of the description and statement to be recorded by the City Clerk pursuant to Section 7 of this Ordinance, a copy of this Ordinance and a map or plat indicating the boundaries of the Detachment Area, to the auditor and tax assessor of the County of Tulare, to the governing body of each of the taxing agencies that receives taxes from property in the Amended Project Area, and to the State Board of Equalization.

SECTION 11: This Ordinance shall be in full force and effect thirty (30) days from and after the date of final passage.

SECTION 12: If any part of this Ordinance, or the Redevelopment Plan which it approves, is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Redevelopment Plan, and the City Council hereby declares it would have passed the remainder of this Ordinance or approved the remainder of the Redevelopment Plan if such invalid portion thereof had been deleted.

SECTION 13: This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. This Ordinance shall be published and/or be posted as required by State law in accordance with Government Code Section 36933 and City Charter Section 12.

PASSED, APPROVED AND ADOPTED by the Porterville City Council this ___ day of July, 2004 by the following vote:

____________________________
Pedro R. Martinez, Mayor
City of Porterville

ATTEST:

John Longley, City Clerk

By __________________________
    Georgia Hawley, Deputy
SUBJECT: CITY AND COUNTY PROPERTY TAX SHARING AGREEMENTS FOR ANNEXATIONS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In November 1979, the City of Porterville and the County of Tulare entered into a standard agreement for sharing property taxes in areas annexed to the City. While that agreement was acceptable for many years, the cost associated with providing services to these areas has increased dramatically over the years. Staff has been coordinating with the City of Visalia and the County of Tulare on their preparation of an updated standard agreement. Visalia and the County hammered out two model agreements intended to serve as the standard for other cities to follow suit and adopt. The standard agreements apply to two different types of annexations, one for islands and one for contiguous non-island areas.

Unlike the current agreement, the draft agreements acknowledge that these areas are annexed into the City with an pre-existing demand for services that becomes the City’s responsibility. The draft agreement addresses this fact and provides for an allocation of the base tax to the City where the current agreement does not. Staff has discussed the adoption of the model agreements with the County Administrative Officer and he is aware that Porterville is following suit.

RECOMMENDATION: That City Council:

1. Adopt a resolution approving the methodology for property tax sharing for County Island Annexations;

2. Adopt a resolution approving the methodology for property tax sharing for Contiguous Area Annexations; and

3. Authorize the Mayor to sign all necessary paperwork to implement the agreements.

2. Draft Property Tax Agreement for County Island Annexations
3. Draft Property Tax Agreement for Contiguous Area Annexations

APPROPRIATED/FUNDED_____ CM_____ ITEM NO. 19
RESOLUTION NO. 9327

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE IN THE MATTER OF
SHARING PROPERTY TAXES IN AREAS ANNEXED
TO THE CITY OF PORTERVILLE

WHEREAS, Section 99 of the Revenue and Taxation Code added
by AB 8 (Chapter 202) enacted in 1979 provides that in the case
of a jurisdictional change (annexation) the governmental bodies
of all agencies whose service areas or service responsibilities
are altered by the change shall determine the amount of property
tax revenues to be exchanged between them; and

WHEREAS, Annexations after July 25, 1979, cannot become
effective until such agreement is reached; and

WHEREAS, Representatives of the County and City of Porterville
have met and discussed the exchange of property tax; and

WHEREAS, The County and City of Porterville wish to encourage
annexation of urban areas into existing city; and

WHEREAS, Annexation will decrease the County's responsibilities
for providing services in the areas of building inspection, libraries,
planning, roads, police patrol and fire; and

WHEREAS, The City of Porterville will gain service responsi-
bilities for these and other services; and

WHEREAS, Annexation causes certain revenues to automatically
shift from the County to City such as sales tax, motor vehicle
in-lieu tax, trailer coach in-lieu tax, alcohol license fees, tran-
sient occupancy tax, real property transfer tax, cigarette tax and
other fees and licenses; and

WHEREAS, A portion of the property taxes to support libraries
and fire service will automatically be shifted to the City of
Porterville, and a portion of the vehicle code fines, gasoline tax
and sales tax on gasoline, will be transferred to the City; and

WHEREAS, It is the desire of the County and City to establish
a uniform method of exchanging property taxes that will apply to
all annexations commencing on January 1, 1978, and continuing until
changed by a new agreement, or until the County or City gives
written notice that this Resolution shall not apply to future
annexations in general, or to a particular future annexation.

NOW, THEREFORE, BE IT RESOLVED THAT for each annexation the
City of Porterville shall receive the additional allocation of pro-

erty taxes automatically provided for by Sections 96-98 of the
Revenue and Taxation Code, as added by AB 8, and no additional adjust-
mert will be made pursuant to Revenue and Taxation Code 99 as added
by AB 8; and

BE IT FURTHER RESOLVED THAT all other agencies involved shall
receive the tax increment attributable to that agency pursuant to
Sections 96-98 of the Revenue and Taxation Code; and

Page 1 of 2

ATTACHMENT
ITEM NO. 1
BE IT FURTHER RESOLVED THAT property taxes in future years for the annexed territory shall be computed in accordance with Revenue and Taxation Code Sections 96-98 without any further adjustments pursuant to Revenue and Taxation Code Section 99; and

BE IT FURTHER RESOLVED THAT this resolution shall take effect with respect to the City of Porterville immediately upon the adoption of this resolution by the County and the City of Porterville.

Theodore G. Ensslin, Mayor

ATTEST:

C. G. Huffaker, City Clerk

* * * * * *

STATE OF CALIFORNIA) (SS
COUNTY OF TULARE )

I, C. G. HUFFAKER, 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 at a regular meeting of the Porterville City Council regularly called and held on the 6th day of November, 1979.

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

AYES: COUNCILMEN: Ferrell, Moran, Durbin, Dougherty
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: Ensslin

C. G. HUFFAKER, City Clerk

By: ____________________________
    Deputy
PROPERTY TAX AGREEMENT

(County Island Annexations)

INTRODUCTION

This Agreement is entered into and effective on this _______ day of __________ 2004 by and between the County of Tulare ("County") and the City of Porterville ("City").

RECITALS

WHEREAS, the County is a political subdivision of the State of California and recognized under the general laws of the State of California;

WHEREAS, the City is a charter law city organized under the laws of the State of California;

WHEREAS, there exists adjacent to the city limits of the City of Porterville a number of unincorporated county islands, which are identified on attached Exhibit 1 incorporated by reference herein;

WHEREAS, pursuant to the requirements of California Government Code Section 56375.3 and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (A.B. 720), the City is authorized to propose, and the Tulare County Local Agency Formation Commission ("Tulare LAFCo") is authorized to approve, annexations of unincorporated islands subject to certain streamlined terms and conditions;

WHEREAS, the City and the County are authorized to enter into property tax sharing agreements pursuant to California Revenue and Taxation Code Section 99 (d);
WHEREAS, the City and the County have a Master Property Tax Agreement that applies to the division of property tax revenues between the City and the County when and after property is annexed to the City;

WHEREAS, upon annexation of the unincorporated county islands identified in Exhibit 1, the City will assume certain obligations with respect to the provision of public services to such unincorporated county islands;

WHEREAS, such unincorporated county islands have been developed to a large extent and will require the immediate provision of public services when annexed by the City; and

WHEREAS, special provisions are necessary for allocation of the base tax for the City to provide necessary public services upon annexation of the unincorporated county islands identified in Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED, that the County and the City agree as follows:

1. DEFINITIONS.
   a. Base Tax. The base tax shall be that amount of property tax revenues collected by the County of Tulare from the property in the affected county island in the tax year of the annexation prior to any adjustment for the Education Revenue Augmentation Fund ("ERAF").
   b. Tax Rate Area. The tax rate area ("TRA") shall be an area as defined in California Revenue and Taxation Code Section 95 within the existing city limits of the City of Porterville determined by the Tulare County Auditor to
be most similar in terms of property tax allocation characteristics to the area
to be annexed.

c. Education Revenue Augmentation Fund. ERAF shall refer to the property
tax revenue adjustment authorized by California Revenue and Taxation Code
Sections 97 et seq.

2. EXISTING MASTER PROPERTY TAX AGREEMENT INAPPLICABLE.

The City and the County agree that with respect to those unincorporated islands within the existing
city limits identified in Exhibit 1, the existing Master Property Tax Agreement between the City and
the County shall not be applicable. The existing agreement was adopted by the City pursuant to
Resolution 79-9327 and by the County pursuant to Resolution 79-48. The City and the County
desire to make a new property tax agreement to become applicable upon annexation of the
unincorporated areas identified in Exhibit 1. The City and the County have made this determination
because they have mutually determined that such parcels identified in Exhibit 1 are in various states
of development, and that annexation would create the immediate need for the City to provide
services, which could not be provided without some portion of the base tax being allocated to the
City.

3. TERM.

This agreement shall apply to annexations initiated by resolution of the City and completed by the
affected public entities pursuant to California Government Code Section 56375.3 on or before
4. ADJUSTED PROPERTY TAX.

The City and the County agree that the base tax shall be allocated according to the procedure described herein for the unincorporated islands identified in Exhibit 1 upon their completed annexation to the City. The specific procedures are set forth as follows:

a. Upon filing an application with the Tulare LAFCo to annex each of the unincorporated areas identified in Exhibit 1, the City and the County will request that the Tulare County Auditor identify a TRA within the existing incorporated area of the City with similar property tax allocation characteristics. Determination of the allocation of the base tax shall be a condition of annexation and the allocation shall be applied to the base tax and tax revenues resulting from any future assessed valuation change.

b. In the event the Tulare County Auditor does not provide the City and County with an allocation of the base tax determined by identification of a similar TRA prior to action by the Tulare LAFCo on the application for annexation, the City and the County agree that the City shall receive thirteen and seven tenths percent (13.7%) base tax prior to application of any adjustment for ERAF.

c. The City and the County agree further that after annexation of the unincorporated areas, the base tax and tax revenues resulting from any future assessed valuation change shall be allocated between the City and the County according to the property tax revenue allocations set forth in subparagraphs (a) or (b) of this paragraph.
d. To the extent that California Revenue and Taxation Code Section 99(b)(5) is applicable to any of the parcels identified in Exhibit 1, the Board of Supervisors of the County, prior to entering into negotiation on behalf of any affected special district for the exchange of property tax revenue, shall consult with such district. The consultation shall include, at a minimum, notification to each member and executive officer of the district board of the pending consultation and provision of adequate opportunity to comment on the negotiation.

5. PROCEDURES RELATED TO ERAF IMPLEMENTATION AND FUTURE ERAF ADJUSTMENTS.

a. In order to provide the City with the agreed upon portion of base tax, any share of the base tax previously shifted to the County Fire Fund will be shifted to the City share of base tax revenue. The County general share will then be reduced to achieve the agreed upon share for the City. This will preserve the allocated share of any ERAF adjustment at pre-annexation levels.

b. If at any time in the future, the State of California determines that the ERAF share from any annexed territory subject to this agreement should have been increased by the share previously accruing to the County Fire Fund, the adjustment shall be made from the City’s allocated share of base tax.

c. In the event that the State of California modifies the ERAF adjustment applied to the base tax, the City shall share proportionately in such adjustment. For example, if the ERAF adjustment for the base tax is reduced, thereby increasing the net base tax, the
City and County portions of the base tax would be increased in proportion to their respective share of the base tax revenues.

6. CONDITION PRECEDENT.

Subject to the requirements of paragraph 4 herein, the only condition to implementation of this Agreement is the City's filing with the Tulare LAFCo an application for annexation of all or any portion of the unincorporated islands identified in Exhibit 1. However, nothing in this Agreement shall be construed to relieve, diminish, or in any way alter either the City's or the County's exercise of its independent responsibilities and obligations to review, comment on, support, oppose, or act on any application for annexation of the unincorporated areas identified in Exhibit 1, as such responsibilities and obligations may be allowed by law.

7. SPECIFIC PERFORMANCE.

In addition to any other provision of law, either party may undertake any action to have the terms and conditions of this Agreement specifically enforced.

8. GENERAL PROVISIONS.

a. Entire Agreement. This Agreement, including the exhibit incorporated herein, constitutes the entire agreement of the parties hereto with respect to the matters contained herein, and no prior agreement or understanding concerning such matter shall be effective for any purpose. No provisions hereof may be amended or modified in any manner whatsoever, except by agreement in writing signed by the duly authorized representative of each of the parties hereto.
b. Successors. The terms, covenants and conditions hereof shall be binding upon, and shall inure to the benefit of, the successors and assigns of the parties hereto.

c. Further Action. The parties hereto agree to perform all necessary further acts to effectuate this Agreement, and to execute, acknowledge, and deliver any documents that may be necessary, appropriate, or desirable to carry out the purposes of this Agreement.

d. Waiver. A waiver of any breach of this Agreement by any parties shall not constitute a continuing waiver or a waiver of any subsequent breach of the same or any other provisions of this Agreement.

e. Termination of Agreement. This Agreement may be terminated upon material breach by any party hereto, and the affected party may pursue all rights and remedies allowed by law.

f. Choice of Laws. This Agreement shall be governed by the laws of the State of California and any questions arising hereunder shall be construed or determined according to such law.

g. Construction. This Agreement is a product of negotiation and compromise on the part of each party, and each party agrees that, notwithstanding Civil Code Section 1654, any ambiguity or uncertainty concerning the language of this Agreement will not be construed against the party causing the ambiguity or uncertainty to exist.

h. Headings. Headings at the beginning of each numbered section of this
Agreement are solely for the convenience of the parties and are not part of this Agreement.

i. Authority to Execute Agreement. Each signatory to this Agreement represents that such party has the authority to bind each party to this Agreement.

j. Effective Date of Agreement. After execution of this Agreement by the authorized representative of the City, the effective date of this Agreement shall commence on the date that the authorized representative of the County executes this Agreement. The effective date shall be reflected in the Introduction of this Agreement.
City of Porterville:

Pedro R. Martinez, Mayor

County of Tulare:

Bill Sanders, Chairman
Board of Supervisors

APPROVED AS TO FORM:

Julia Lew
City Attorney

Kathleen Bales-Lange
Deputy County Counsel
PROPERTY TAX AGREEMENT
(Contiguous Area Annexations)

INTRODUCTION

This Agreement is entered into and effective on this _____ day of ___________ 2004 by and between the County of Tulare (“County”) and the City of Porterville (“City”).

RECITALS

WHEREAS, the County is a political subdivision of the State of California and recognized under of the general laws of the State of California;

WHEREAS, the City is a charter law city organized under the laws of the State of California;

WHEREAS, there exists adjacent to the city limits of the City of Porterville a number of unincorporated county areas, which are identified on attached Exhibit 1 incorporated by reference herein;

WHEREAS, pursuant to the requirements of California Government Code Section 56741 and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (A.B. 720), the City is authorized to propose, and the Tulare County Local Agency Formation Commission (“Tulare LAFCo”) is authorized to approve annexations of unincorporated areas within or contiguous to its boundaries, subject to certain terms and conditions;

WHEREAS, the City and the County are authorized to enter into property tax sharing agreements, pursuant to California Revenue and Taxation Code Section 99(d);
WHEREAS, the City and the County have a Master Property Tax Agreement that applies to the division of property tax revenues between the City and the County when and after property is annexed to the City;

WHEREAS, upon annexation of the unincorporated county areas identified in Exhibit 1, the City will assume certain obligations with respect to the provision of public services to such unincorporated county areas;

WHEREAS, such unincorporated county areas have been developed to a large extent and will require the immediate provision of public services when annexed by the City; and

WHEREAS, special provisions are necessary for allocation of the base tax for the City to provide necessary public services upon annexation of the unincorporated county areas identified in Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED, that the County and the City agree as follows:

1. DEFINITIONS.
   
   a. Base Tax. The base tax shall be that amount of property tax revenues collected by the County of Tulare from the property in the affected county area in the tax year of the annexation prior to any adjustment for the Education Revenue Augmentation Fund ("ERA F").

   b. Tax Rate Area. The tax rate area ("TRA") shall be an area as defined in California Revenue and Taxation Code Section 95 within the existing city limits of the City of Porterville determined by the Tulare County Auditor to
be most similar in terms of property tax allocation characteristics to the area to be annexed.

c. Education Revenue Augmentation Fund. ERAF shall refer to the property tax revenue adjustment authorized by California Revenue and Taxation Code Sections 97 et seq.

2. **EXISTING MASTER PROPERTY TAX AGREEMENT INAPPLICABLE.**

The City and the County agree that with respect to those unincorporated areas adjacent to the city limits identified in Exhibit 1, the existing Master Property Tax Agreement between the City and the County shall not be applicable. The existing agreement was adopted by the City pursuant to Resolution 9327 and by the County pursuant to Resolution 79-48. The City and the County desire to make a new property tax agreement to become applicable upon annexation of the unincorporated areas identified in Exhibit 1. The City and the County have made this determination because they have mutually determined that such parcels identified in Exhibit 1 are in various states of development, and that annexation would create the immediate need for the City to provide services, which could not be provided without some portion of the base tax being allocated to the City.

3. **TERM.**

This Agreement shall apply to annexations initiated by resolution of the City and completed by the affected public entities pursuant to California Government Code Section 56741 on or before January 1, 2007 unless it is extended beyond that date by mutual agreement of the parties.

4. **ADJUSTED PROPERTY TAX.**

The City and the County agree that the base tax shall be allocated according to the procedure
described herein for the unincorporated areas identified in Exhibit 1 upon their completed annexation to the City. The specific procedures are set forth as follows:

a. Upon filing an application with the Tulare LAFCo to annex each of the unincorporated areas identified in Exhibit 1, the City and the County will request that the Tulare County Auditor identify a TRA within the existing incorporated area of the City with similar property tax allocation characteristics. Determination of the allocation of the base tax shall be a condition of annexation and the allocation shall be applied to the base tax and tax revenues resulting from any future assessed valuation change.

b. In the event the Tulare County Auditor does not provide the City and County with an allocation of the base tax determined by identification of a similar TRA prior to action by the Tulare LAFCo on the application for annexation, the City and the County agree that the City shall receive thirteen and seven tenths percent (13.7%) base tax prior to application of any adjustment for ERAF.

c. The City and the County agree further that after annexation of the unincorporated areas, the base tax and tax revenues resulting from any future assessed valuation change shall be allocated between the City and the County according to the property tax revenue allocations set forth in subparagraphs (a) or (b) of this paragraph.

d. To the extent that California Revenue and Taxation Code Section 99(b)(5) is applicable to any of the parcels identified in Exhibit 1, the Board of
Supervisors of the County, prior to entering into negotiation on behalf of any affected special district for the exchange of property tax revenue, shall consult with such district. The consultation shall include, at a minimum, notification to each member and executive officer of the district board of the pending consultation and provision of adequate opportunity to comment on the negotiation.

5. PROCEDURES RELATED TO ERAF IMPLEMENTATION AND FUTURE ERAF ADJUSTMENT

a. In order to provide the City with the agreed upon portion of base tax, any share of the base tax previously shifted to the County Fire Fund will be shifted to the City share of base tax revenue. The County general share will then be reduced to achieve the agreed upon share for the City. This will preserve the allocated share of any ERAF adjustment at pre-annexation levels.

b. If at any time in the future, the State of California determines that the ERAF share from any annexed territory subject to this agreement should have been increased by the share previously accruing to the County Fire Fund, the adjustment shall be made from the City’s allocated share of base tax.

c. In the event that the State of California modifies the ERAF adjustment applied to the base tax, the City shall share proportionately in such adjustment. For example, if the ERAF adjustment for the base tax is reduced, thereby increasing the net base tax, the City and County portions of the base tax would be increased in proportion to their
respective share of the base tax revenues.

6. **CONDITION PRECEDENT.**

Subject to the requirements of paragraph 4 herein, the only condition to implementation of this Agreement is the City's filing with the Tulare LAFCo an application for annexation of all or any portion of the unincorporated islands identified in Exhibit 1. However, nothing in this Agreement shall be construed to relieve, diminish, or in any way alter either the City's or the County's exercise of its independent responsibilities and obligations to review, comment on, support, oppose, or act on any application for annexation of the unincorporated areas identified in Exhibit 1, as such responsibilities and obligations may be allowed by law.

7. **SPECIFIC PERFORMANCE.**

In addition to any other provision of law, either party may undertake any action to have the terms and conditions of this Agreement specifically enforced.

8. **GENERAL PROVISIONS.**

a. **Entire Agreement.** This Agreement, including the exhibit incorporated herein, constitutes the entire agreement of the parties hereto with respect to the matters contained herein, and no prior agreement or understanding concerning such matter shall be effective for any purpose. No provisions hereof may be amended or modified in any manner whatsoever, except by agreement in writing signed by the duly authorized representative of each of the parties hereto.
b. Successors. The terms, covenants and conditions hereof shall be binding upon, and shall inure to the benefit of, the successors and assigns of the parties hereto.

c. Further Action. The parties hereto agree to perform all necessary further acts to effectuate this Agreement, and to execute, acknowledge, and deliver any documents that may be necessary, appropriate, or desirable to carry out the purposes of this Agreement.

d. Waiver. A waiver of any breach of this Agreement by any parties shall not constitute a continuing waiver or a waiver of any subsequent breach of the same or any other provisions of this Agreement.

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f. Choice of Laws. This Agreement shall be governed by the laws of the State of California and any questions arising hereunder shall be construed or determined according to such law.

g. Construction. This Agreement is a product of negotiation and compromise on the part of each party, and each party agrees that, notwithstanding Civil Code Section 1654, any ambiguity or uncertainty concerning the language of this Agreement will not be construed against the party causing the ambiguity or uncertainty to exist.

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City of Porterville:  

Pedro R. Martinez, Mayor  
City of Porterville

County of Tulare:  

Bill Sanders, Chairman  
Board of Supervisors

APPROVED AS TO FORM:

Julia Lew  
City Attorney  

Kathleen Bales-Lange  
Deputy County Counsel
SUBJECT: APPROVAL OF THE ANNUAL REPORT OF THE BUSINESS IMPROVEMENT AREA ADVISORY BOARD

SOURCE: Administrative Services, Finance Division

COMMENT: In accordance with SB 1424, a law updating the Parking and Business Improvement Area Law of 1979, the Advisory Board of the Business Improvement Area of the City of Porterville is submitting their report for the fiscal year 2004/2005. The report includes a list of achievement and activities completed during 2003/2004, goals and planned events for 2004/2005, and the proposed budget for the upcoming 2004/2005 fiscal year.

The City Council may approve this report as filed by the Advisory Board or may modify any particular item contained in the report and approve it as modified.

RECOMMENDATION: That the City Council Approve the 2004/2005 annual report of the Downtown Porterville Association

To: The City of Porterville

From: Downtown Porterville Association, Inc.

Report for Fiscal Year 2004/2005

Pursuant to California Assembly Bill 1424

June 21, 2004
Downtown Porterville Association, Inc.
Achievements for fiscal year 2003/04

- Administrative Assistant .......................................................... Page 1
- Newsletter .................................................................................. Page 1
- Swap Meet ................................................................................ Page 1
- Wal-Mart .................................................................................. Page 1
- Christmas Lighting ................................................................. Page 1
- Civic and Community Events ................................................. Page 2
- Retail Promotions ................................................................. Page 2
- Car Shows .............................................................................. Page 3
- Other Projects ........................................................................ Page 3
- Mobile Vendors ...................................................................... Page 3
ORGANIZATION

ADMINISTRATIVE ASST  
Downtown Porterville Association, Inc. hired a part time Administrative Assistant. The Admin Asst coordinated all downtown activities through the main office. This allowed the BID members to have a point of contact for any questions they may have had. The cost for this position was $2,942.00

NEWSLETTER  
COST: $133.20
Staff Hours: 13

With the help of the Administrative Assistant, DPA was able to reinstitute a monthly newsletter. This newsletter was sent to the BID membership to help keep them abreast of what was happening in the community. The newsletter included information on upcoming events, calendar, names and contact information of the Board Members, the date and time of the next Board meeting, as well as articles on new businesses opening or any other news regarding the downtown area.

SWAP MEET  
COST: $44.40
Staff Hours: 4
Volunteer Hrs: 8

During this past year, DPA was approached by several members to investigate the impact the Swap Meet had on the Downtown merchants. Due to the inquiries, the DPA surveyed the BID members as to their feelings on the matter. DPA also met with City staff and members of the College Foundation to explore the requirements vendors must satisfy to be allowed to sell merchandise at the swap meet. After these meetings, it was found that the College Foundation is holding its vendors to satisfactory standards of reporting sales and holding licenses. The cost of this investigation was approximately $44.40 for the survey. The hours involved in this investigation were approximately 12 hours of staff and volunteer time.

WAL MART  
COST: $22.20
Staff Hours: 4

In a similar situation, the proposed Super Wal-Mart was also brought to the attention of the DPA by City staff. A survey was prepared and mailed out to the membership. At the time of this report, the results are not completely in. The majority of responses we have received have indicated little support for this project in town. The cost of this survey to date has been approximately $22.20 and the hours included are estimated at 4 hours.

CHRISTMAS LIGHTING  
COST: $6,745.00
Staff Hours: 25

In past years, lighting has been installed on trees on Main Street at Christmas by city staff. This has been greatly appreciated as it lends a festive air to the downtown area. However, due to time and budget constraints, this decorating has had to consist of simply draping the lights over the
trees. This has never been the most aesthetically pleasing, and as the trees have grown, and limited resources have forced the draping to be less than complete, DPA began to receive complaints about them. DPA worked out an arrangement with the city whereby DPA would pay to have the trees decorated by a professional agency. DPA contracted with Christmas Décor to have the new lights installed trees wrapped in a candelabra style. The Christmas Lighting along Main Street was a huge success this year. People driving down the street would stop to comment on how nice it looked. The cost for this project was $6,745.00 and the volunteer hours totaled around 25 hours. These hours include patrolling Main Street for outages on the lights.

CIVIC AND COMMUNITY EVENTS

DPA worked with the Chamber of Commerce and the Rotary Club to hold the annual Children’s Christmas Parade. This event is a big success each year. This year the number of people who attended the event was approximately 5,000.

During the Christmas Season, the Downtown Porterville Association, Inc. also sponsored the annual Christmas Tree Lighting Ceremony and Caroling. Each year this event draws a larger crowd downtown. This year was no exception. There were approximately 500 people who attended this ceremony in 2003.

Downtown Porterville Association, Inc. also worked together with the City of Porterville and the Chamber of Commerce on the All-America City Mixer held prefacing the Conference held in Porterville. This event celebrated the 10th anniversary of Porterville being awarded the All-America City honors and attendance was approximately 200 people.

The DPA, Chamber of Commerce, and the Porterville Art Association, with liaison from the City, comprise the Porterville Mural Committee. This committee worked together to put on a dedication ceremony in honor of the first mural commissioned by the committee to be painted in Porterville. This mural signifies that Porterville has come a long way in the last hundred years, and will continue to grow and thrive. In addition to the hours spent on that committee, Downtown Porterville Association, Inc. donated $1,000.00 to see this mural completed. The dedication ceremony had an attendance of approximately over 200 people. There was no cost to the DPA for this event.

RETAIL PROMOTIONS

Downtown Porterville offers a wide variety of promotional activities throughout the year. Almost every holiday has some sort of giveaway for the customers downtown. Customer and Employee Appreciation Days offer discounts to all BID customers and employees. Valentine’s Day saw a type of scavenger hunt for a trip to Las Vegas. Our Mother’s Day drawing included three prizes totaling a value of nearly $1,000.00, which had approximately 400 entrants. These promotions attract more than 1,000 new and loyal customers to the downtown area. The cost of these promotions ranges from $45.00 to $400.00 depending on the donations of local businesses for the prizes and advertising costs. Volunteer hours for these events are approximately 10-15 hours per promotion.
CAR SHOWS

PROFIT: $3,500
Staff Hours: 120
Volunteer Hours: 200

The Downtown Car Show is a large event held in October each year. This event requires the most investment of time and money. However, it also turns a profit. In 2003 our profit margin was approximately $3,200.00. There were over 200 vehicles entered into the Car Show, and approximately 5,000 people in attendance. This event promises to get bigger each year. The number of hours involved in the Car Show subsequently increases each year. Volunteer Hours totaled somewhere in the area of 200-250 hours.

OTHER PROJECTS

BID members have come to the DPA to have questions answered regarding their businesses. DPA has worked with these members to find out the answers to their questions. A Room With A View approached DPA to get some help regarding their color scheme. We contacted the City, and her situation is now under review. Other businesses have come forward asking whether or not they were in jeopardy of losing their business location due to eminent domain issues. These questions were answered through the combined effort of the business owner, DPA, and City staff. We have also fielded complaints and passed them on the appropriate organization. These complaints have included things such as graffiti on their walls.

In order to contain the vandalism problem downtown, the DPA has worked closely with the City to monitor and report any incidents. DPA members routinely patrol the area for acts of vandalism. The graffiti is then photographed and reported to the City. The vandalism includes temporary signs being put up on empty buildings as well. These signs are in violation of City Ordinance, but put up anyway. Board Members routinely attempt to contact anyone who is putting these up so they can be controlled. Volunteer hours for vandalism control are approximately 10-12 hours per month.

Downtown Porterville Association, Inc. has submitted a proposal to the City for replacement of the All-America City banners along Main Street. The All-America banners are ten years old, and in need of replacement. Artwork was solicited, and all consultant work has been completed. Once the City approves the banners, DPA will have them made. Charter Communication has indicated their willingness to hang the banners.

MOBILE VENDORS

Downtown Porterville Association, Inc. met with City staff to attempt to control the mobile vendors. Licensing requirements were instituted that would put these mobile vendors more on an even field with our BID merchants. Previously the mobile vendors may not have had licenses, and business owners had no way of knowing whether they had one or not. DPA worked with the City to mandate that mobile vendors were required to wear their license where it could be seen. This requirement is similar to businesses being required to post their license where it can be seen. There is still work to be done, but this was a good first step.
Downtown Porterville Association, Inc.
Goals for fiscal year 2004/05

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➤ Annual meeting..............................................................Page 1
➤ Quarterly Mixer .............................................................Page 1
➤ Bylaws Update...............................................................Page 2
➤ Newsletter.................................................................Page 2
➤ Property Database ........................................................Page 2
➤ Welcome Committee......................................................Page 3
➤ Christmas Lights.........................................................Page 3
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➤ Measurements of Success of Activities .................................Page 6
Downtown Porterville Association, Inc.  
GOALS FOR 2004-05

Downtown Porterville Association, Inc. has formulated the following list of goals for fiscal year 2004/05. This list was presented at our Annual Meeting held on June 30, 2004. This list of goals will be modified during the fiscal year as necessitated by circumstances.

ORGANIZATION

COMMUNICATION

Staff Hours: 15  
Volunteer Hours: 24

Organizational communication between Downtown Porterville Association, Inc., the Porterville Chamber of Commerce, and the City of Porterville is imperative for the revitalization of downtown. To facilitate this, DPA will continue to liaison with these organizations. Also, each organization will receive the DPA monthly newsletter as well as copies of our agenda. This will improve the quality of our joint efforts and help minimize conflicting dates as well as keep the City and the Chamber apprised of what is happening in the BID on a regular basis.

DPA will continue to act as a liaison between the BID membership and the City of Porterville. Members periodically approach the Board to assist them in finding answers to questions they have regarding their business, property, or signage, and to help them resolve problems with the city. DPA will continue assisting the membership in finding answers to their questions or putting them in touch with someone who can help them.

ANNUAL MEETING

Staff Hours: 6  
Volunteer Hrs: 4

The Annual Meeting will continue to serve as the primary means to keep the general membership directly involved in preparing the visions and goals of Downtown Porterville. Our goal is to increase the involvement of the membership in this important gathering, making it the prime event for the guidance of the Board and the planning of the future of Downtown Porterville.

QUARTERLY “MIXERS”  

COST $177.60  
Staff Hours: 30

In its ongoing thrust to create cohesion between the business owners in Downtown Porterville, DPA will reinstate quarterly meetings for the BID members, giving increased opportunities for business owners to get together and share their ideas for the development of downtown. These will be held in an informal “business mixer” format which will allow members to come together for a common purpose in a relaxed environment, and give them the chance to get to know each other better, and acquaint themselves with the other businesses in Downtown Porterville.
BYLAWS UPDATE

A bylaws committee will be appointed to review and recommend changes to the current bylaws. These bylaws need to be changed to better reflect the growth that has occurred, and to clarify the renewed emphasis to be placed on non-retail members. This committee will be made up of one Board member and a minimum of three BID general members. This committee will also explore the possibility of inviting exempt businesses within the BID, such as financial institutions, as well as interested businesses from outside of the District, such as the Porterville Recorder, to acquire membership in Downtown Porterville.

NEWSLETTER

A major goal is to continue the circulation and refinement of our recently reinstated newsletter to our membership. The Board of Directors has directed the Administrative Assistant to distribute this newsletter to the membership on a monthly basis, immediately after the regular Board meeting. This newsletter will bring the entire membership up to date on what is going on in the BID. It contains a calendar of upcoming events, a list of Board Members and their contact information and the next meeting date, as well as some commentary as to what is happening in the community. We also ask for ideas from the membership on how to improve the newsletter. The Goal is to use this tool to communicate more effectively with the BID members.

PROPERTY DATABASE

The Board of Directors, with the assistance of the Administrative Assistant, has begun the compilation of a property database for the BID. This database currently contains the unchecked addresses and status of every address in the BID. One of our Board members has begun a listing of information regarding the vacancies located in the BID. This information will be merged to facilitate tracking of changes in the District. When completed, this database will also contain full contact information on business and property owners in the BID, and will be a starting point for several projects.

- It will simplify the updating of our Downtown Directory
- It will allow DPA and the City to more efficiently market vacant locations.
- It will help track trends
- It will allow DPA to keep track of the number of employees working downtown
- It will help track businesses that are out of compliance with city licensing requirements
- It will facilitate communication with our DPA membership

DPA will work closely with the City to monitor changes in business and property ownership as well as vacancies in the BID.
WELCOME COMMITTEE

A Welcome Committee will be created to greet new members in the BID. This committee will be headed by a Board Member, and will include 2-4 BID members. This committee will be responsible for putting together a welcoming package for new businesses downtown. The welcome package will include information on the BID, a copy of the latest newsletter, Board Member information including contact information, a copy of the local directory, information on mixers, etc. The Welcome Committee will also arrange a “ribbon-cutting” type get together to introduce the new business owner to the rest of the BID. This will include a write up in the monthly newsletter. This committee will help increase understanding of and involvement in the BID.

DESIGN

CHRISTMAS LIGHTS

Cost: $3,500
Staff Hours: 12
Volunteer Hrs: 30

The new Christmas tree lighting on Main Street this last season was a major improvement. Several compliments were received from residents about how nice the new lights looked. This year, DPA will invite more members to become involved with the Christmas lights. The cost of installation of the new lighting will be approximately $7,000.00. The City has pledged $3,500.00 towards the cost of the lighting this year. DPA is looking into recruiting sponsors to offset the remaining cost. This will allow the DPA to better utilize its limited funds on other projects to improve Downtown Porterville.

SIGNAGE

Cost: $0.00
Staff Hrs: 12
Volunteer Hrs: 36

Recently, the City Council directed staff to proceed in the updating of the existing signage ordinance. Downtown Porterville is extremely interested in this project, and will take an active role in the discussions. The existing ordinance is sadly outdated. New technologies, such as low cost banners, the need for small businesses to be able to more prominently sign their premises, and the proliferation of excessive, unkempt, unsafe, aesthetically unpleasing and obstructive signage calls for rectification. An effective ordinance will address these issues as well as the length of time “temporary” signs will be allowed to stay up. A new signage ordinance will improve the overall image of the Downtown Porterville. Cost will be measured only in staff and volunteer time, but the overall benefits will be vast. The City Council has set a meeting for July 13th to address the issue. DPA will be an active participant in that meeting and will stay closely involved in this process.
MURAL LIGHTING

DPA is an active member of the Mural Committee and was very active in the establishment of its first mural in Porterville. DPA is now working to have lighting installed that will illuminate the new mural. This lighting will bring additional attention to the mural and increase viewing time, and may help discourage vandals as well. The cost for materials for this lighting would be approximately $750. Ruffa Electric has volunteered the installation, and we have approached Bank of the Sierra for permission to mount the lighting on their roof and connect it to their electrical system.

MARKETING

Downtown Marketing reminds residents of our community that this is the place to be. Downtown Porterville needs to express itself not only as the “Heart of Porterville”, but as the family center of the community. The Veterans’ Day parade, Children’s Christmas parade, Tree Lighting ceremony and caroling have all naturally gravitated to Downtown. The “Centennial Park” will be a major asset. In keeping with this, DPA has planned many events this year to market downtown to families of all walks of life in Porterville.

STORYTIME

Storytime, which began last December, will be continued. Our goal is to hold 4 – 6 of these during the coming year. These readings will continue to be themed to the season, special events or promotions. This event brings families downtown, recalling the family atmosphere historically a part of Downtown Porterville. Storytime brings the leaders of the community together with the leaders of tomorrow in a setting that is non-threatening and fun for the children. Storytime costs approximately $160.00 to advertise and brings approximately 80 children and their families to the area within a four-hour period. Sponsorships help alleviate some of the cost.

HOLIDAY PICTURES

DPA will continue marketing downtown to families with “Pictures with the Easter Bunny” and “Pictures with Santa”. These events market downtown as a place that is good to bring the family, which will only enhance the overall image of Porterville. The BID will profit from a new image as a place for the family to come. These picture sessions are also a fundraiser for DPA. This event costs approximately $2.50 per picture with a profit of $5.00 per picture. On average, thirty pictures were sold at the last two events. This has led to a small profit of $160.00. This figure should increase this year with better advertising before the event. “Bunny Bucks” or “Santa Bucks” have been proposed as a means to draw people into Downtown business establishments. If this is put into effect, it could cut into the profit, but would add tremendously to the promotional value.
HALLOWEEN PARADE

COST: Undetermined
Hours: to be determined

A proposal has been made for the renewal of a Halloween parade on Main Street in 2004. This event has tentatively been placed on the calendar of events to be held. Signage will indicate which businesses wish to participate, an aid to the businesses where “trick or treating” may create a problem. This marketing cost will be minimal, merely the cost of advertising. Profits will be measured in the amount of foot traffic that will be brought into the BID. Once again, this event will appeal to the families of Porterville.

RETAIL PROMOTIONS

COST: $2,000.00
Staff Hours: 60

DPA will be involved in marketing downtown in other ways as well. Retail promotions have long been a major part of the DPA. This year a variety of promotions will be offered to the local residents to encourage them to shop downtown. These events will include special sales, drawings, and giveaways in conjunction with holidays throughout the year. These promotions also include Customer and Employee Appreciation days around the holiday season. These events are designed to thank customers and employees of downtown for their loyalty and to introduce new persons to Porterville to the downtown area. Several shops offer discounts on these days. An Open House is also held around the winter holidays. For this promotion stores stay open late to offer extended shopping hours. Each business is also encouraged to offer light refreshments in their establishments.

DPA will continue working closely with the Porterville Recorder to develop advertising for the downtown area. This will be evidence by banners in the paper, downtown rates, and ads for downtown businesses being grouped together. This will help promote the downtown area as a whole as well as the individual businesses.

CIVIC AND COMMUNITY EVENTS

Cost: $0.00
Staff Hours: 30
Volunteer Hrs: 60

Civic and Community events are an important part of Downtown Porterville. Downtown Porterville Association, Inc. will continue its involvement in events put on by the City of Porterville, the Chamber of Commerce, and Rotary Club such as the Iris Festival and Children’s Christmas Parade. It is also a goal to become more involved in other community events such as Flag Day Ceremonies and the Cinco de Mayo Parade that are put on by other community organizations.

FUNDRAISERS

CAR SHOWS

PROFIT: $3,500
Staff Hours: 120
Volunteer Hours: 200

Downtown Porterville Association, Inc. sponsors the Main Street Car Show each year, and supports the Nuestro Pride Car Show in Downtown Porterville. The Nuestro Pride Car Show creates no cost or profit for the DPA, however it does bring people to the downtown area. The Main Street Car Show, however, has always proven to be a profitable event for DPA. This car show raised approximately $3,000.00 for the DPA last year. Our goal is to increase the profit this year to $3,500.00.
COVERLETS

Loss of businesses, a general downturn in the economy, especially in this area and other problems have caused funding for Downtown Porterville Association, Inc. to decrease dramatically in recent years. In order to provide the services our membership wants, the income must be raised. In order to do that, DPA has gone back to a fundraiser that has worked in the past. DPA has ordered thirty-six “Beautiful Historic Porterville” commemorative coverlets at $30 each. These coverlets feature scenes that represent Porterville in a tapestry. The coverlets will sell for $60.00 each. Net profit will be approximately $1,200.00. This increase in funding will allow DPA to offer more tangible benefits to the BID.

OTHER PROJECTS

Mobile vendors have many advantages over fixed site businesses. They have no rent or overhead, and can do business only during peak buying days and hours. In a free society, they have the same right to do business in Downtown Porterville as anyone. However, they should not be allowed an unfair competitive edge, such as working without a city or state business license. Nor should they be allowed to create a nuisance by setting up on sidewalks, interfering with our employees or using our paid for shops as a location to sell to the public. Due in part to efforts by Downtown Porterville, mobile vendors are now required to have a business license that can be seen, and a photo ID in their possession. DPA will continue to work with the City to clarify the City Ordinance regarding mobile vendors, to put mobile, generally out-of-town vendors on equal footing with local, established merchants. This is a very important step for our BID.

MEASUREMENTS OF SUCCESS OF ACTIVITIES

Like most advertising, many of our promotions do not provide immediate financial realization. To get some idea of the success of our promotions, Downtown Porterville Association, Inc. is developing a plan to quantify the results of each of the marketing tools and promotions listed above. This plan will investigate the equating of foot traffic with advertising value or potential dollars earned by the downtown businesses. DPA will benefit by being able to focus on promotions that produce the greatest benefit for as many business as possible in the BID. The membership will benefit as well by having access to this information.

Our overall goal is to keep Downtown Porterville alive, healthy and strong. By drawing people to Downtown, we increase their knowledge of the Downtown area and of the businesses that are located here. A healthy, active and prosperous Downtown benefits all businesses located within its boundaries. No one wants to visit a business in the middle of an area of vacant, vandalized buildings, trashy storefronts or weed-grown empty lots. No one wants to locate a business in such an area. With input and sponsorship by an informed membership and with the support of City staff and the City Council, Downtown will recover and grow.

All the goals listed above are for the benefit of the entire Business Improvement District. Each goal is attainable. Fiscal year 2004/05 promises great change for Downtown Porterville. The implementation of these goals will greatly improve the downtown area and reactivate it as the Heart of Porterville.

PROFIT: $1,200
Staff Hours: 12
### INCOME

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**GROSS INCOME**  
$27,000.00

### EXPENSES

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**TOTAL EXPENSES**  
$27,000.00

**NET INCOME**  
$0.00
CITY COUNCIL AGENDA

July 6, 2004

SUBJECT: Consideration of Ordinance Regarding The Sale, Acquisition, and Possession of Tobacco Products Facilitated by Self-Service Displays

SOURCE: CITY MANAGER

At a previous meeting of the Council, a request was made to provide information regarding the possession of tobacco products in self-service displays. The City of Visalia has such an ordinance and a copy was obtained for review.

A draft ordinance has been prepared for discussion. It is based entirely on the Visalia ordinance and prohibits the sale or transfer of any tobacco product from facilities accessible to anyone other than an employee of the business, except for tobacco shops or wholesale retailers.

The City Attorney has reviewed the draft ordinance and will be able to comment about it. It appears that the State has allowed the type of regulation specified in the draft ordinance by California cities. The draft ordinance is provided for Council consideration.
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 18, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE CITY OF PORTERVILLE, ADDING ARTICLE III, SALE AND USE OF TOBACCO, FOR REGULATING THE SALE, ACQUISITION, OR POSSESSION OF TOBACCO PRODUCTS FACILITATED BY SELF-SERVICE DISPLAYS

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

1. Chapter 18, Offenses - Miscellaneous, of the Code of the City of Porterville, is hereby amended to include Article III, Sale and Use of Tobacco, Section 18-46 through 18-49, as follows:

18-46. Legislative Purpose:

The City of Porterville has determined that in order to protect the health, safety, and welfare of those citizens within the city and metropolitan area, under the age of eighteen (18) years, it is necessary to regulate the sale, acquisition, or possession of tobacco products facilitated by self-service displays.

18-47. Definitions:

As used in this chapter, those terms identified in this section shall, unless the contexts indicates otherwise, be ascribed the meaning contained herein.

“Employee” means any person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed. Employee also includes any person volunteering his or her time or service.

“Minor” means any person under eighteen (18) years of age.

“Tobacco product” means any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhaling, snuffing, or other manner of ingestion or absorption in the human body.

“Tobacco shop” means a business establishment in which fifty (50) percent or more of any one or more of the following is devoted to or attributable to the sale of tobacco products:
“Tobacco shop” means a business establishment in which fifty (50) percent or more of any one or more of the following is devoted to or attributable to the sale of tobacco products:

1. Wall space or any other display area such as tables, racks, or display structures; or
2. Gross revenues.

“Wholesale retailer” means any large-scale retail establishment with supporting goods and services designated to service a regional service trade area.

18-48. Use of Tobacco By Minor:

No minor shall, in the streets or in any public place, smoke a cigar, pipe, cigarette, or shall use tobacco in any form.

18-49. Display of Tobacco Products:

It shall be unlawful for any person, firm, corporation, business, partnership, or other entity doing business within the City of Porterville to store, stock, keep, or display for sale or transfer any tobacco product in any area other than a place that is locked and secured, or is otherwise made inaccessible to the public and which is accessible only to the employees of the business. This prohibition shall not apply to “tobacco shops” or “wholesale retailers.”

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

____________________________
Pedro R. Martinez, Mayor

ATTEST:

____________________________
Georgia Hawley, Deputy City Clerk
CITY COUNCIL AGENDA

July 6, 2004

SUBJECT: Consideration of Submitting to The People a Tax Measure To Increase for Porterville the Level of Police and Fire Staffing and to Support the After School Youth Program

SOURCE: CITY MANAGER

The City Council has expressed a strong policy preference to enhance the level of staffing for Police and Fire. There is also a concern regarding the curtailment of the After School Sports Program and an expressed desire for a higher level of code enforcement. The latter items have been a continuing concern and are public safety related, though directly not police and fire services.

Because of the State Budget crisis and its impact upon Porterville and a significant level of residential growth, the challenge has been to preserve staffing levels rather than increase them. Sworn staffing has been relatively static since 1992 while there has been significant City growth.

Levels of Police And Fire Staffing: In 1992, the City had 40 sworn police officers and 29 sworn fire fighters. Since 1992, the population has increased from 31,547 to 43,150. This is a 37% increase in population over the period. Population is only a single indicator of staffing, others are service level, land-use type and concentration, and the overall size of the community. Population, however, is the most easily analyzed and is, therefore, the basis for this staff report.

Applying the population percentage to the number of officers on a strictly proportional basis would increase sworn personnel by about 15 additional police officers and about 11 firefighters for a total of 55 sworn police and 40 fire firefighters. Currently, Porterville has 44 sworn police officers and 29 firefighters.

Overall Levels of Staffing: For the period since 1992, the total City workforce has grown by 19% from 215 positions to 256. This growth has generally occurred in areas where services have been added such as grant-supported Transit and the Airport which added a position. The Front Office-City Clerk function which has grown from 1 to 2.5 positions and Human Resources which has grown from 2 to 3.5 positions.

Parks and Leisure Services has grown by 54%. This growth is partially grant funded and also supports new facilities such as the Youth Center and the Sports Complex. In the public safety area, Fire has not increased and Police has increased by about 6.35% in terms of positions. Interestingly, the overall growth for all funds, enterprises and grants is 19%, which is far less than the growth in the community.
Overall City payroll has increased between 1992 and 2004 from $8,615,935 to $14,296,898. This is about a 66% rate of increase. This is significantly greater than both inflation and revenue growth as outlined below. In terms of the analysis, PERS did not increase disproportionately between the two periods since the 1991/92 FY rates are higher than the 2003/04 FY rates. Other compensation such as health insurance and workers compensation have increased along with salaries. By way of comparison, the police and fire increases for the same period are from $3,797,442 in total payroll for the 1991-92 FY to $5,636,069 in payroll for the 2003-04 FY. This is a 48% increase over the period.

**Cost And Budget Increases:** During the same period, the consumer price index has increased by about 38% and the construction price index by about 43%.

In a review of primary revenue sources, tax monies received from property tax, franchise tax, utility users tax, transient occupancy tax, sales tax, property transfer tax and vehicle license fees have increased from an aggregate of $7,459,685 to an estimate for June 30, 2004 of $11,557,593. This is an increase of 55%. Therefore, the increase in revenues has outpaced inflation by a factor of 38% to 43% over the twelve year period. This equates to between $900 thousand and $1.27 million annually. This increase reflects not only inflation but also city growth. In this regard, revenue growth for the 1991-92 FY to 2003-04 FY period trails population growth + inflation by 20% to 25%. Fundamentally, this defines the financial pressure on the City organization.

This money has been allocated to employee services and services throughout the organization including some new spending programs. Notable among these which account for a substantial portion of the monies are General Fund support for COP issues which is about $540,000 above the 1992 level, and new facilities, particularly the Sports Complex which has an annual cost of between $150,000 and $200,000.

**Comparison of Factors:**

By way of comparison, between 1991-92 and 2003-04 for the City of Porterville:

- City population has grown by 37%;
- Inflation for the period has been between 38% and 43% (depending upon measure used);
- Major revenue sources have increased by 55%;
- Total workforce has increased by 19%;
- Police and Fire workforce has increased by 4%;
- Total workforce compensation has increased by 66%;
- Police and Fire workforce compensation has increased by 48%;
- New revenues trail growth + inflation by 20% to 25%
  which equals $1.5 million to $1.86 million annually.

**Maintaining Levels of Police and Fire Staffing:** To maintain sworn positions at 1992 levels based on population, a total of 26 additional positions would be required. In reviewing the specifics of this with the Police Chief and Fire Chief, it was determined that an addition of 9
positions within the next year would re-establish efficacious sworn staffing.

In addition, to any other source of support, the proposal then is to establish the additional staffing levels by the beginning of the 2005-06 Fiscal Year by an increased General Fund tax. The proposal is presented for public safety staffing only and for a larger measure including after school sports and enhanced code enforcement. All of the elements, are outlined below:

5 Police Officers at $75,000/yr
($67,000 + $8,000) each for salary and equipment $375,000

4 Fire fighters at $58,000/yr
($50,000 + $8,000) each for salary and equipment $232,000

2 Code Enforcement at
$52,000/yr $104,000

Partial After School Sports Program $150,000

Total $861,000

Total Police and Fire $607,000

Potential Election Dates for Tax Election And Other Issues: Two options exist for the measure to be considered. One is as a special tax which would be specifically dedicated only to the purposes defined with the measure. In this case, a 2/3rds vote is required. If, however, the measure is for a general tax, without legal limitation in using the funds, a 50%+1 vote is necessary.

In addition to the measure itself, the Council could consider an advisory measure asking the Electorate whether new monies from any possible increase in a tax rate should be used for public safety purposes. If the Council wishes to pursue a measure or measures, proceedings before the City Council must be completed as follows:

* For the November 2nd General Election, proceedings before the City Council completed by August 6, 2004

* For the May 8th Election, proceedings before the City Council completed by December 10, 2004.

The major factor regarding the election is that there must be substantial community and public support for any measure. There must be a base of support outside of the City government with folks that independently support the concept of the measure and are willing to work for its passage. Tax increases are the most sensitive of matters and require substantial documentation and community-based effort, so it is suggested that obtaining substantial public support through a
community based campaign would be very difficult to achieve by November of this year.

**Options for Voter Approved Taxation:** Several options exist for a tax. The Electorate could approve a parcel tax within the City. The City has about 12,000 parcels. Assuming that about 11,646 are available for assessment, to cover the cost of the $861,000 public safety, code enforcement and youth sports program, an annual assessment of about $74.00 would be required. For the Police and Fire parcel tax only, an annual parcel tax of about $53.00 is required. If the Council wished to pursue a utility user's tax measure rather than the parcel tax, to raise an additional $861,000, the rate would have to be increased by about 1.8% while the police and fire measure only in the amount of $607,000 would require about a 1.28% increase.

**Conclusion:** By any measure, public safety staffing has not increased commensurate with growth in the community. Over time, this leads to critical situations where expected service levels cannot be met for the most basic of City services. To address the matter and prevent the erosion of critical services, a fundamental change must occur. This could be accomplished by curtailing other services, but they too are fundamental for a developing community with an acceptable quality of life.

The City Manager has not been able to define, within the General Fund, discretionary programs that are not necessary for legal compliance, basic service provision or are established historically as critical services and facilities for the community. It appears then, that an option is to consider a modification in local taxes to cover the cost of enhanced public safety services. This is presented to the City Council for its consideration:

**RECOMMENDATION:** The City Manager recommends that the Council consider a tax measure to raise monies to support public safety services within Porterville, and to enhance staffing levels for the 2005/06 Fiscal Year. If the Council is willing to consider the matter, there are may key questions in this regard which must be defined by the Council. They include:

* Will the community support a tax measure?

* What should be the tax created or increased: Parcels or utility use or some other measure?

* What should be the term of any proposed tax? Should it be for a relative short term of 5 years or a longer term of 20 years, or a measure whose time is limited by Council action?

* What public safety services should be included: Police, Fire, Code Enforcement, After School Sports?

* What is the appropriate time frame to provide the education campaign and create public support through a community based committee for a tax measure?

* Other questions will present themselves. The purpose of this staff report is to define the need and to present options to solution.
SUBJECT: Request to Approve Indian Gaming Local Community Benefit Committee Agreement for Grant of Funds and to Approve Certain Reallocation of Monies

SOURCE: CITY MANAGER

The City of Porterville has received a grant from the Indian Gaming Local Community Benefit Committee. The grant is in the amount of $100,453 and is based upon an application submitted by the City for a portion of the monies to purchase a new Ladder Truck and to hire an additional police officer.

Proposed Allocation of Grant Monies: The amount received is substantial, but less than the original application. Therefore, an adjustment of the programs consistent with the original application is requested. It is proposed that $65,000 of the amount be allocated to the purchase of the ladder truck and $35,453 be allocated to the hiring of a police officer trainee in January, 2005. The specific constituents of the grant and how they relate to the full-cost are outlined below:

Estimated Cost of Fire Ladder Truck: $425,000

Funding From:
Allocation from Equipment Replacement Fund $300,000
Reallocation of Vehicle Replacement Monies $ 10,000
(reallocation outlined below)
Sale of Current Ladder Truck $ 50,000
CBC Grant $ 65,000

Estimated Cost of Police Trainee (1/01/05) $ 35,453

Funding From:
CBC Grant $ 35,453

Appropriation CM

Item No. 23
Ongoing Costs to City from Ladder Truck and Police Officer Trainee: Cost for the maintenance of the new ladder truck along with potentially some equipment cost will be paid by City General Funds after the initial year. The cost for the Police Officer Trainee after the initial year will increase to about $67,000 annually, in addition to training costs for Police Officer Basic and will be paid by the City of Porterville and certain equipment costs. The trainee position is intended over an 18 month period to add another sworn police officer position to the City’s staffing.

Portion of Grant Monies Requires Legislation: Of the total $100,453 grant, $88,453 is based on monies currently allocated. The remaining $12,000 is completely dependent upon a clarification in the legislation. If the legislation does not pass or is not signed by the Governor, the City’s grant will be reduced accordingly. Therefore, if the legislation is not approved, an additional General Fund appropriation of $12,000 will be required to cover the loss. This will be defined later in the year when the result of the legislation is known.

Reallocated of Vehicle Replacement Monies: As sources of supplemental funding, the City Manager proposes the reallocation of $20,000 in the Fire Chief’s equipment replacement account and $20,000 in the City Manager’s equipment replacement account. This total of $40,000 is proposed to be allocated as follows:

Money Reallocated from Fire Chief Vehicle Replacement $20,000
Money Reallocated from City Manager Vehicle Replacement $20,000

Funding to:
For Fire Ladder Truck: $10,000
For Maintenance of Thunderbolt Program $30,000

CBC Agreement Grant of Funds Document: The actual agreement defining the terms of the Indian Gaming Local Community Benefit Grant is being completed by the County Counsel’s Office and the Committee. It should be available prior to the City Council meeting for distribution and review.

RECOMMENDATION: That the City Council:

1. Authorize the signing of the Indian Gaming Local Community Benefit Committee Agreement for the Grant of Funds.

2. Allocate $65,000 in monies for the purchase of a new Fire Ladder Truck and direct the Fire Chief to begin the process of purchase.
3. Direct that upon receipt of the new ladder truck, the City’s current Ladder Truck be sold.


5. Redistribute equipment replacement monies in the amount of $40,000 to support the ladder truck and the continuation of the Thunderbolt program.

6. Allocate $30,000 in equipment replacement monies to continue the Thunderbolt Program for the 2005/06 Fiscal Year.
SUBJECT: JOINT FUNDING AGREEMENT WITH TULARE COUNTY FOR THUNDERBOLT PROBATION OFFICER

SOURCE: Police Department

COMMENT: The term of the City/County Thunderbolt Delinquency Prevention Program Agreement ends on June 30, 2004. The cost of funding Porterville's portion of the program from July 1, 2004, to June 30, 2005, has been determined to be $29,506.50.

The Thunderbolt Delinquency Prevention Program has been a vital component in dealing with juvenile crime in Porterville for almost twenty years. This is a "diversion type" program for minors who are first time offenders and considered "at risk." These minors are dealt with through an informal probation process that includes supervision, community service, and counseling. This program has been very successful in dealing with the youth of our community. Without this program, a majority of these minors would fall through the cracks, with no consequences for their misdeeds.

Funds to cover this expenditure will come from vehicle replacement fund accounts, where the piece of equipment will not be replaced.

RECOMMENDATION: That contingent upon the approval of the Indian Gaming funding proposal, and the reallocation of vehicle replacement monies outlined in the previous agenda item, the City Council extend the current Agreement for joint funding of the Thunderbolt Probation Officer for the period of July 1, 2004 to June 30, 2005, in the amount of $29,506.50, and authorize the Mayor to execute the Agreement on behalf of the City of Porterville.

Attachment: Agreement
Tulare County Probation Department
Thunderbolt Delinquency Prevention Program

Cost Estimate for Fiscal Year 2004/2005
One (1) Probation Officer II @ Range 885; Step 5

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AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT, is entered into as of ____________, 2004, between the COUNTY OF TULARE, referred to as the COUNTY, and CITY OF PORTERVILLE, referred to as the CITY, with reference to the following:

A. The parties entered into an Agreement as of June 24, 2003, (Tulare County Agreement No. 21658) to obtain the services of a Probation Officer employed by the COUNTY for its Thunderbolt Delinquency Prevention Program:

B. The parties now desire to extend said agreement for one additional year.

ACCORDINGLY, IT IS AGREED:

A. Paragraph 17 of said Agreement is hereby amended to read as follows:

17. TERM: This Agreement shall become effective July 1, 2003, and shall terminate on June 30, 2005, unless terminated sooner as provided in the Agreement.

B. Except for the amended paragraphs of said Agreement, all other terms and conditions of said Agreement shall remain in full force and effect.

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TULARE COUNTY AGREEMENT NO. _______
THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signature below:

COUNTY OF TULARE

Date: ____________________________

By ______________________________
Chairman, Board of Supervisors

“County”

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

By ______________________________
Deputy Clerk

CITY OF PORTERVILLE

Date: ____________________________

By ______________________________
Title ______________________________

“CITY”

ATTEST:

________________________________________
City Clerk

Approved as to Form
County Counsel

By ______________________________
Deputy

Date: ____________

SMC/03-17-04/2004303/104685.doc
SUBJECT: PAINTING OF ADDRESS NUMBERS ON CITY PROPERTY

SOURCE: FIRE DEPARTMENT/AIRPORT

COMMENT: The issue of painting address numbers on City curbs has been brought up numerous times over the years. There are several issues taken into consideration each time this issue surfaces.

1- What are the legal requirements?

Section 10.208 from the Uniform Fire Code requires address numbers on all new and existing buildings while the Porterville Municipal Code Section 17-4-8 does not allow for the painting of curbs unless authorized by the City pursuant to another resolution or ordinance of the City.

2- Is there a need?

The Public Safety Sector relies on the proper posting of buildings as their primary method of property location. The required posting of address numbers is on the “building” and not on the curb. Some streets within the City currently do not have curbs developed to City standards.

The Fire Department has a notification process to assure compliance with the “posting of address” requirements when a noncompliant building is identified.

3- Who should provide the service if allowed?

Currently, only licensed contractors or City employees are allowed to paint on City property. Permits for the general public would be difficult to implement and manage. We could expect requests from local businesses, out-of-town businesses, service groups, religious groups and clubs, transients, and various organizations looking for a quick profit with limited accountability and oversight.

As the City discourages door-to-door solicitation, a permit to paint address numbers on curbs would have an adverse effect.

RECOMMENDATION: That the City Council: Take No Action

ATTACHMENTS: Fire Department Notification Card

Dir. / Funded / C/M / Approp. Item No. 25
Did you know that your house number is not plainly visible and legible from the street?

The following requirement is taken from the Uniform Fire Code, Sec. 10.208

"Approved number or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

If there is an emergency, when seconds count, we want to be able to find you!

If you have any questions, please call the Porterville Fire Department at 782-7526

Thank you for your help!

_ Numbers too small
(Minimum size - 4")

_ Numbers are not plainly visible

Date_______ F.D Rep.__________

Location__________

This is not a

C I T A T I O N
But it could be . . .
SUBJECT: CONSIDERATION OF ORDINANCE/PUBLIC DISCLOSURE ON SALES OF “MOTOR DRIVEN CYCLES”

SOURCE: Police Department

COMMENT: The common use of motor driven cycles, also known as “mini motorcycles” or “pocket bikes,” is a relatively new phenomena being experienced in communities throughout the nation. The gasoline powered pocket bikes are classified as motor driven cycles as defined in Vehicle Code Section 405. As such, they are subject to all vehicle equipment, registration, driver license, and helmet requirements as specified in the California Vehicle Code. The California Department of Motor Vehicles (DMV) has indicated that these motor driven cycles cannot be operated at anytime on any street or highway in California. Additionally, the DMV is declining to issue registration to any of these vehicles for on-highway use.

On the other hand, the electric powered mini motorcycles, which can exactly resemble the pocket bike, are classified as motorized bicycles and can be driven on the street, provided certain equipment requirements are met. The vehicle code requires vendors to provide some disclosure to consumers relative to insurance requirements. There is no such requirement for the motor driven cycles.

At the request of a council member, this item is presented so as to consider possible options to effectively deal with potential hazards posed by a proliferation of such vehicles on our city streets. This is an issue being confronted by many local governments throughout the nation. In light of this, a strong effort to regulate the sale and use of such vehicles is likely to follow from the League of California Cities and state legislators.

Enacting an ordinance requiring disclosure to consumers about the lawfulness of the pocket bikes being driven on a public roadway could serve to minimize the problem in Porterville. This would be an accountability measure aimed at ensuring that local sellers act responsibly when providing these vehicles to the public. Some of the difficulties in enforcement might include: requisite record keeping by the business, disputed disclosure between parties, and providing the necessary city resources to conduct inspections and issue warnings/citations.

RECOMMENDATION: That City Council provide input and direction relative to the consideration of implementing a disclosure ordinance.

DD ☒ CM ☐ Appropriated/Funded ☐ Item No. 26
SUBJECT: Consideration of Support for AB 2006 “The Reliable Electric Service Act of 2004"

SOURCE: CITY MANAGER

A Member of the City Council has asked for the consideration of the Council’s support for “The Reliable Electric Service Act of 2004”.

This measure, which re-regulates the energy market is strongly supported by Southern California Edison. It is intended to achieve a more predictable customer base, which facilitates utility planning and energy purchases. It appears that this would be an advantage to smaller consumers less able to compete in energy markets. Also, utility operators are required to plan for and provide adequate generation, transmission, energy efficiency for their customers. Utilities would have greater opportunities to develop dedicated generating capacity.
June 9, 2004

John Longley, City Manager  
City of Porterville  
291 North Main Street  
Porterville, CA 93258  

Dear John:  

Both the California Independent System Operator and California Energy Commission are predicting energy shortages and higher electricity prices by 2006, unless significant investments are immediately made in new, in-state electric generation plants. Most experts agree that the State is on a path to repeat the circumstances that led to the devastating Energy Crisis of 2000-2002.

Unfortunately, the electric market regulatory system in California remains unstable and is preventing both utilities and independent power producers from acquiring capital to build the critical generation capacity that will prevent a repeat of the crisis. To address this critical, state-wide problem, Speaker of the Assembly Fabian Nunez introduced AB 2006, “The Reliable Electric Service Act of 2004,” on February 13, 2004. AB 2006 establishes a durable regulatory framework, in statute, that addresses lenders’ concerns and will stimulate investment in new electric generation plants by:

- Protecting California’s residential and small businesses customers by ensuring they will receive reliable power at predictable, regulated cost-based rates.
- Allowing larger businesses the opportunity to shop for energy from non-utility energy providers as long as their purchasing decisions don’t result in costs being shifted to other utility customers.
- Reaffirming independent power generators’ ability to compete - to offer long-term power contracts to regulated utilities to help meet the energy needs of utilities’ core customers, and to provide power to large businesses who choose to purchase power from non-utility providers.
- Reaffirming utilities’ ability to build new power plants to supplement power received under contract from independent power generators.
- Requiring the CPUC to use a “best value” basis in approving utilities long-term resource plans (power contracts, renewable energy, energy efficiency, direct investments, etc.) so that cost-effective, efficient value is provided to consumers.

AB 2006 has passed the full Assembly and is now being considered by the Senate Energy, Utilities and Communications Committee, before moving to the full Senate. Approximately 400
organizations, businesses, cities and counties, including the League of California Cities, have carefully considered this critical Bill and determined that it is the best way to stabilize California’s Electricity Market and avoid another Energy Crisis. Attached is a copy of the Congressional Record from June 7, 2004 in which Senator Feinstein outlines how California’s Energy Market was manipulated, during the Energy Crisis, and how AB 2006 would prevent California from a repeat of the Crisis.

We ask the City of Porterville to support AB 2006 and to communicate your support to the Governor, the Senate and the Assembly. Please let me know if I can provide any additional information that may assist you in supporting this Bill.

Sincerely,

Glen E. Cardaronella

attachment
AB 2006 – “The Reliable Electric Service Act of 2004”

AB 2006 seeks to ensure that all of California’s consumers and businesses receive safe, reliable, affordable electric service.

Understanding that California’s Energy Future is uncertain, Assembly Speaker Fabian Nunez has introduced AB 2006, “The Reliable Electric Service Act of 2004,” with the goal of creating a “clear, durable regulatory framework to stimulate much needed investment in new power resources.”

According to Nunez, in order to avoid another round of rolling blackouts and huge price spikes, “we must secure California’s energy future through investments in efficient, cost-effective environmentally sustainable resources.”

SPECIFIC PROVISIONS OF THE BILL INCLUDE:

**Best Value for Customers:**

- **Section 400.10** Resource Selection Process to Achieve “Best Value”
  Provides that investments in generation may be obtained through investment by independent generators under contract with a utility through a competitive procurement, or from direct utility investment to achieve best value for consumers, as decided by the CPUC.

**A Stable Customer Base**

- **Section 400.21** Stable Customer Base - Core / Non-Core
  Creates a “core / non-core” model whereby utilities are obligated to provide service to all residential consumers and small customers with maximum peak demand less than 500kW (“core customers”) on a cost-of-service basis, while large customers with maximum peak demand higher than 500kW (“non-core customers”) could elect Direct Access.

**Cost Recovery**

- **Section 400.5** Cost Recovery Assurance for Needed Investments
  Requires the CPUC to establish and thereafter maintain rates that ensure the full recovery of reasonable investments, both direct investments by utilities and the full cost of contracting with third parties.

**Long Term Commitments:**

- **Section 400.1** Obligation to Provide Adequate Resources
  Affirms the utility obligation to plan for and provide adequate generation, transmission, energy efficiency and demand response resources (including utility owned and contracted generation sources) for their customers.

- **Section 400.10** Integrated Resource Investment Plan
  Requires that utilities prepare a resource investment plan to achieve a diversified portfolio of utility-owned and contracted generation resources, and provides transmission facilities to meet system requirements, as determined necessary by the Independent System Operator.
Yes, I Want Reliable Electric Service at a Reasonable Price!

I Support AB 2006

☐ Please list me/my organization as a supporter of AB 2006, a bill to enact a clear energy policy into state law to prevent another energy crisis in California.

Please select from the following. May we list your endorsement as a(n):

☐ Organization  ☐ Company  ☐ Local Government

☐ Elected Official  ☐ Individual

Please complete the following information:

Company or Organization Name/Employer

Name ________________________________________________ Title/Occupation _______________________

Mailing Address

City ________________________________________________ State ____________ Zip ____________ County ______

Phone Number ____________ E-mail Address __________________ Fax number __________________

Signature (Required) __________________________________ Date ____________

☐ Please e-mail me updates

Please fax this completed form to:

(559) 685-3293

Or Mail To:

SCE
2425 S Blackstone St
Tulare, CA 93274
MRS FEINSTEIN: Mr. President, I rise today to discuss the callous attitudes of Enron employees that were brought to light recently in transcripts released by the Snohomish County Public Utility District in Washington and broadcast on CBS News.

These tapes provide concrete evidence of the manipulation and fraud that was perpetrated by energy companies in the 2000-2001 energy crisis in California.

This manipulation resulted in the cost of energy in California increasing from $7 billion in 1999 to $27 billion in 2000 and 2001, respectively.

This type of price gouging and market manipulation can and will happen again if the energy market is not restructured.

I urge the California State Legislature to take action on Speaker of the Assembly Fabian Nunez’s bill — AB 2006, the Reliable Electric Service Act.

This bill would re-regulate the energy market and protect small consumers served by utilities from this type of unethical behavior.

In more than a dozen taped conversations, the Enron power traders show complete disdain for consumers throughout the West, and particularly those in California.

While I cannot read the transcripts verbatim due to the coarse language used by the traders, I would like to read to you some excerpts:

- One trader sang: “Burn, baby, burn. That’s a beautiful thing.”

This was in reference to a wildfire that shut down a major transmission line, decreasing power supplies and raising energy prices.

- Another trader said: “Just cut ’em off. They’re so [expletive]. They should just bring back...horses and carriages, ...lamps, ...kerosene lamps.” (Expletives Deleted)

To have traders say these things shows a complete disregard for the health and safety of Californians. And this was not an isolated trader — this was a mentality apparently endemic to Enron employees.

The only thing these traders cared about was how much money they could bleed from the California marketplace.

Let me read you a second excerpt:

- One trader complained: “They’re [expletive] taking all the money back from you guys? All the money you guys stole from those poor grandmothers in California?”

A second responded: “Yeah, grandma Millie, man.”

The first responded: “Yeah, now she wants her [expletive] money back for all the power you’ve charged right up, [expletive phrase], for [expletive] $250 a megawatt hour.”

To thumb your nose at a grandmother on a fixed income is completely reprehensible, but it was how these traders operated — with no compassion for those suffering from their behavior—that galls me the most.

When I heard these tapes, I knew that we could not expect any ethical conduct from traders in this energy market.

Let me read you another excerpt, this one illustrating the lengths these traders would go to manipulate the market:

Tom: The headline before that is “California Grid Operators Call Stage 2 Power Emergency as Reserves Drop.”

Matt: Yeah. They’re on the ropes today. I exported like a [expletive] 400 meg.

Tom: Wow.

Matt: I bought it all. I’ll see you guys—I’m takin’ mine to the desert.

Tom: [Expletive] ‘em, right?

Matt: I think those gambling in Las Vegas need the power more than you.

Matt goes on to say that he and Enron were getting rich off of exporting
power out of California when Californians needed it most.

The transcripts prove that Enron intentionally congested transmission lines and used its influence to delay wholesale price caps in order to maximize its profits.

Other transcripts also prove that Enron traders made secret deals with power producers, deliberately driving up prices by ordering power plants shut down.

But Enron did not act alone in manipulating the California energy market. In fact, this type of manipulation was pervasive among many energy companies operating in California. Here are several more examples.

Reliant, for instance, decided to game the market by deliberately holding back power generation for two days at its facility near Barstow in late June 2000. This is when the State needed power the most. Worse, these decisions were made from the top. The Vice-President of power trading at Reliant directed traders to manipulate the market in this manner.

At one point, Reliant charged the State of California $1,900 per megawatt-hour for electricity, or approximately 6300 percent more than the historic standard of $30 per megawatt-hour. Yet the Federal Energy Regulatory Commission only fined Reliant $13.8 million and the company did not have to admit any guilt or wrongdoing.

Dynegy also demonstrated manipulative behavior such as load shifting, false reporting, and double selling. The company deliberately reported false gas market data to publications and created bogus trades to drive up the price of electricity.

Dynegy was only concerned with its bottom line—in the first quarter of 2001, the company posted a recurring net income of $137.5 million, a 73 percent increase in net income from the $79.4 million it reported in 2000 and a 102 percent increase from the company’s reported first quarter income in 1999.

For this manipulative behavior, FERC levied a fine of only $3 million, and, again, Dynegy did not have to admit any guilt.

In yet another instance, El Paso Merchant Energy and its affiliates inflated the price of natural gas by reducing deliveries to the State. In fact, El Paso withheld capacity from at least 21 percent of its pipelines that delivered natural gas to the California border. It is estimated that El Paso’s price manipulation cost California’s consumers $3.7 billion.

FERC settled with El Paso, letting them walk away, again, without admitting any wrongdoing, for a $1.5 billion fine. That’s only a fraction of the cost that California consumers were forced to bear due to El Paso’s misdeeds.

These companies used many deliberate strategies to manipulate the market, which included:
- Death Star
- Get Shorty
- Fat Boy
- Load Shift
- Black Widow
- Red Congo

California is still suffering from this unethical conduct.

Californians are forced to pay higher prices for electricity because of long-term contracts that were signed when wholesale prices were artificially inflated by price manipulation.

And Californians still have not gotten the $9 billion in refunds they deserve, which were overcharges as a result of Enron and other companies’ manipulation of the energy markets.

These tapes provide concrete evidence that there was intentional manipulation and fraud perpetrated by energy companies during the 2000-2001 energy crisis in California.

That’s why I have joined my colleague, Senator Boxer, in calling upon the Federal Energy Regulatory Commission to immediately refund California the $9 billion that it is owed and to order a renegotiation of the long-term contracts that were made under manipulated prices.

These transcripts further prove that the rates Californians paid for electricity were not “just and reasonable.”

Consumers are not served well by a deregulated marketplace where traders from companies including Enron, Dynegy, Reliant, Mirant, Reliant, Williams, AES, CMS, El Paso Merchant Energy, and Duke can manipulate the market in the grossest way.

Absent strong action, I have no doubt that this unethical, immoral and illegal behavior will continue.

That is why I support re-regulating California’s energy markets. Speaker Nunez’s bill would create a regulatory framework that will put California back in charge of its energy future.

The bill would:
- Attempt to ensure reliable electricity at stable and affordable rates for small customers;
- Require California’s utilities to meet a renewable portfolio standard of 20 percent by 2010; and
- Require utilities to have enough generation capacity to meet the demands of their consumers and have a significant reserve on hand in case of an emergency.

This bill will provide Californians the protection they need from exorbitant energy prices and energy traders with no ethical standards.

California was the first to experiment with de-regulation. Sadly, the 1996 deregulation was a total failure for consumers in California.

We learned the hard way that energy is not a commodity like pork bellies or frozen orange juice, but is a public good.

California needs to put in place a new framework to take regulate the energy market in order to ensure reliability and reasonable prices for consumers.
In other words, consumers should be protected from price spikes, market manipulation, and blackouts.

In closing, I cannot express how disgusted I am by the newest Enron transcripts.

I wish we could have prevented the manipulative behavior in the first place.

Congress still has not acted to pass bills that would prevent this kind of unethical and immoral manipulative behavior in the energy markets, such as those that were offered by me, Senator Cantwell and others.

As a result, I feel that California must act on its own to control its own energy supplies in order to prevent further manipulation of our markets and keep our lights on.

CBS News is to be commended for bringing these tapes to light.

It is imperative that we learn as much as we can about Enron's behavior -- so that we know its impact on the Western Energy markets and so that this type of fraud and manipulation can be prevented from ever happening again.
SUBJECT: SHOPPING CART STATUS REPORT

SOURCE: Public Works Department - Field Services

COMMENT: At the March 2, 2004 City Council meeting, Council was presented with a staff report (copy attached) on the State Shopping Cart Ordinance. Council directed staff to meet with the retail outlets to discuss the problem and possible solutions. City staff members met with representatives from Porterville retailers on March 11, 2004. A report to Council was presented on April 20, 2004 with the recommendation that a further report be made to the Council at the first meeting in July 2004.

The City did not adopt an ordinance in 1996 when state legislation passed. At that time, staff felt that passing an ordinance and trying to enforce the ordinance was not cost effective. Under the proposed ordinance:

- Shopping cart owners would be notified after a field inspection and given three (3) days to remove.
- A notification letter would have to be sent.
- Re-inspection would be required by staff to check to see if the cart was removed.
- Another letter would need to be sent to document notification that the cart was impounded.
- The City could fine cart owners $50 after three occurrences within a 6 month period if cart is not retrieved within 3 days.
- City could remove cart without waiting 3 days but could not fine cart owner.
- Staff time would have to be spent seeking restitution.

Staff has had two meetings with shopping cart owners; and, as a result of these meetings, the shopping cart owners have increased their cart pickups. This, in turn, has decreased the number of carts being picked up by City personnel. Some of the shopping cart owners have also indicated that they are interested in receiving a bid from the Porterville Sheltered Workshop (PSWS) for collection services. PSWS has had contracts in the last ten years with some of the local businesses for cart retrieval but determined it was not cost effective to provide this service on an individual business basis.

The City has received a proposal from PSWS to contract with the City for shopping cart retrieval services. The proposal is to spend two (2) hours a day driving to approximately 10 different areas to search for abandoned carts. They also will create a hotline similar to the graffiti hotline where the general public can leave messages of where additional abandoned carts are located. They will pick up and return the carts to the business/owner's parking lots. They are proposing to initially offer this service Monday through Friday for approximately two (2) hours per
day at the rate of $1,516.67 per month. The yearly cost of this program would be $18,200. They request the right to re-evaluate the program after a period of time to see if the specifics of the contract need to be changed. This would establish a fixed monthly cost to the City.

Of the following suggested three options on how to handle the abandoned shopping cart situation, City staff feels that Option #1 is the most efficient and expedient:

Option #1:

Respond to citizen complaints or staff observation of abandoned carts by notifying the cart owners of the location. If a hazard exists, such as blocking drainage facilities, the carts(s) will be removed by Field Services staff and stored at the City Yard for owner retrieval.

This policy provides for removal of carts by the cart owners. Cart owners shall work together to notify each other of carts they find. City staff will continue meeting quarterly with shopping cart owners. This allows staff to monitor and communicate the effectiveness of the program. There is no additional cost to the City for this option. Approximately $700 are expended each month relating to cart removal issues.

Option #2:

Hire one Field Services Worker to retrieve carts and a part time clerical to track cart locations and time, send letters, and seek restitution. The cost for this option is approximately $45,000 per year. Direct legal counsel to draft a shopping cart ordinance and seek viable funding sources.

Option #3:

Contract with the Porterville Sheltered Workshop for cart removal services. Estimated yearly cost will be $18,200. Direct legal counsel to draft a shopping cart ordinance and seek viable funding sources.

RECOMMENDATION: That City Council approve Option #1, to continue the current policy regarding abandoned shopping carts.

ATTACHMENT: March 2, 2004 Shopping Cart Report Agenda Item PSWS Proposal
SUBJECT: SHOPPING CART REPORT - SCHEDULE A PUBLIC HEARING FOR A SHOPPING CART ORDINANCE

SOURCE: Public Works Department - Field Services Division

COMMENT: A question has been raised as to how the City deals with abandoned shopping carts. The current policy is to respond to citizen complaints or staff observation of abandoned carts. If it is a small number of carts or a hazard exists, such as blocking drainage facilities, the cart is removed by Field Services staff and stored at the City Yard for owner retrieval.

State law under the Business and Professions Code authorizes cities with ordinances to impound shopping carts.

A synopsis of Section 22435.7 of the Business and Professions Code is as follows:

a. That the retrieval by local government agencies of shopping carts need uniform statewide regulation and shall be governed solely by this section.

b. A shopping cart that has a sign permanently affixed to it identifying the owner or retailer may be impounded by a city provided:
   1. It is located outside the premises or parking area of a retail establishment.
   2. It is not retrieved within three business days from the date the owner of the shopping cart, or his or her agent, receives actual notice from the city of the location.

c. If a shopping cart will impede emergency services, a city is authorized to immediately retrieve the shopping cart from public or private property.

d. The city is authorized to recover its actual costs for providing this service.

e. If impounded by a city pursuant to subdivisions b. and c., they shall be held at a location that is both:
   1. Reasonably convenient to the owner of the shopping cart.
   2. Open for business at least six hours of each business day.

f. A city may fine the owner of a shopping cart in an amount not to exceed fifty dollars ($50) for each occurrence in excess of three during a specified six-month period for failure to retrieve shopping carts in accordance with this section. An occurrence includes all shopping carts impounded in accordance with this section in a one-day period.

Dir ___ Appropriated/Funded ___ CM ___ Item No. 13 ___
g. Any shopping cart not reclaimed from the city within 30 days of receipt of a notice of violation by the owner of the shopping cart may be sold or otherwise disposed of by the city.

h. This section shall not invalidate any contract entered into prior to June 30, 1996, between a city, county or city and county and a person or business entity for the purpose of retrieving or impounding shopping carts.

i. A shopping cart may be impounded if it is outside the premises or parking area of a retail establishment without providing the three-day advance notice provided that:
   1. The owner of the shopping cart is provided actual notice within 24 hours following the impound as to the location where the cart may be claimed.
   2. Any shopping cart so impounded shall be held at a location convenient to the owner and open for business at least six hours of each business day.
   3. Any shopping cart reclaimed by the owner within three business days following the date of actual notice shall be released to the owner at no charge.
   4. Any shopping cart not reclaimed by the owner within three business days following the date of actual notice shall be subject to any applicable fee to recover actual costs or a fine per f. above.
   5. Any shopping cart not reclaimed by the owner within 30 days of receipt following the date of actual notice may be sold or disposed of.

Since the City’s present policy is in line with the State ordinance, the City needs to adopt an ordinance to be in compliance.

RECOMMENDATION: That City Council set April 2, 2004, as the date for the hearing of the Shopping Cart Ordinance.

COUNCIL ACTION: MO #08-030204 - Council directed Staff to schedule meeting with larger retail outlets and staff prior to public hearing being schedule to discuss problem and possible solutions; staff to present report at first meeting in April.
June 25, 2004

Mr. John Longley, City Manager
City of Porterville
291 North Main Street
Porterville, CA 93257

Dear Mr. Longley,

In response to the growing concern regarding abandoned shopping carts, we would like to propose a program to the City to help eliminate the safety concerns abandoned shopping carts create.

We propose that on a daily basis the Porterville Sheltered Workshop would spend two (2) hours a day driving to approximately 10 different areas to search for abandoned carts. In addition, we would create a hotline similar to the graffiti hotline where the general public can leave a message of where additional abandoned carts are located. Once the carts are picked up, they will be returned to the business/owner and dropped off in their parking lot.

Since we have very little information regarding the specifics of how this program might develop, we propose to initially offer this service Monday through Friday for approximately two (2) hours per day at the rate of $1,516.67 per month. The yearly cost of this program would be $18,200.

The current preliminary figures indicate there are ten consistent areas with an average of 239 abandoned carts per month. After we have had time to evaluate the program, we would like to revisit the contract to see if the specifics of the contract need to be changed.

We appreciate your consideration of this proposal and look forward to hearing from you at your earliest convenience.

Respectfully submitted,

Ron Killingsworth
Director of Marketing
SUBJECT: PROPOSED CHANGES TO REGULATIONS CONCERNING SOLICITORS, PEDDLERS, AND ITINERANT VENDORS

SOURCE: CITY ATTORNEY

COMMENT: Pursuant to direction given by the City Council at the March 16, 2004 City Council meeting, the City Attorney's office has been working with the Finance Department to develop modifications to the City's current peddler, solicitor and itinerant vendor regulations. At that time, proposed changes were being developed in order to better regulate door-to-door sales. The City had also received requests from the Porterville Downtown Association to review how door-to-door operations, as well as street vendors, are regulated. At the meeting, Council stressed that it wanted violations to have strong consequences, including the revocation of the violator's business license and, if possible, the inability for the violator to renew its license.

Staff has been reviewing all of the regulations in order to determine what changes may be appropriate. A summary of the proposed changes is provided below, and certain proposed revisions to the City's regulations are attached.

Review of the City's Municipal Code has revealed that there are multiple areas where other changes will be needed, after additional Council direction is received, in order to ensure that the regulations are consistent. Regulations concerning peddling, soliciting, canvassing, and street vendors occur in Chapter 8 (Soliciting and Canvassing), Chapter 15 (Business Licenses and Regulations), Chapter 20 (Streets and Sidewalks), and the City's Zoning Ordinance.

PEDDLERS AND SOLICITORS ("DOOR-TO-DOOR")

The City currently makes a distinction between those who sell goods for immediate delivery ("peddlers") and those who sell goods for future delivery ("solicitors/canvassers"). Staff proposes to modify Chapter 8 of the Municipal Code to regulate both activities in the same manner. There are also differences with regard to the business license fees charged; however, these distinctions are proposed to remain unchanged. Chapter 8 currently requires that solicitors obtain a permit and provide identification information
(including fingerprints) and references. The regulations also require a background investigation by the Chief of Police. The provisions allow for revocation of the permit if the regulations are violated, with an appeal right to the City Council. Proposed modifications include 1) requiring that peddlers as well as solicitors obtain a permit; 2) requiring that photograph identification be displayed on each peddler/solicitor at all times; 3) placing certain restrictions on the manner in which the peddlers/solicitors conduct business (no unduly loud shouting or actions disturbing residents of the city, order forms in duplicate with a copy to the purchaser, provision of name/signature upon request); 4) prohibiting peddling/soliciting where “no solicitation/peddling” signs are posted; and 5) setting forth additional restrictions on reapplying for a permit where the permit was revoked due to noncompliance with the City’s regulations. These regulations will also specify that this chapter does not regulate the distribution of handbills.

**ITINERANT VENDORS**

Itinerant ("Street") Vendors are currently regulated under Chapter 15 and Chapter 20 and are treated the same as peddlers. Street vendors, as part of the business license application process, must provide certain identification information concerning the items to be sold, the type of conveyance/vehicle utilized, the proposed location for the activity, insurance evidence, and identification information that must be carried by the vendor. The current regulations are not clear concerning use of sidewalks and public right of way. Staff proposes to modify the current regulations by 1) clarifying that vendors are not allowed in the public right of way and must obtain written permission from property/business owners to utilize proposed locations; 2) requiring that itinerant vendors wear identification badges (with a photograph) at all times while engaging in the commercial activity; and 3) clarifying that violations of the regulations may result in revocation of the permit and may affect an applicant’s ability to obtain future permits. Regulations addressing these recommendations will then be drafted pursuant to Council’s direction. Additionally and/or in the alternative, the Council may want to consider additional regulations and a separate permit requirement, similar to what is proposed for peddlers and solicitors. An example of this type of regulation is embodied in the provisions of Citrus Heights’s Zoning Ordinance and is also attached. (Note, however, that Citrus Heights allows for location in the public right of way.)

**MISC. PROVISIONS**

Currently, the City exempts direct producers of meat or poultry, eggs, fruits and vegetables, etc. from the peddler provisions, and staff does not propose any change unless directed by Council. As noted, there are many small
changes that may be needed to various city regulations located throughout the Code in order to ensure consistency. In addition to the changes proposed above, the Council may want to consider modifying its regulations concerning begging, currently located in Chapter 18. The City can adopt “aggressive solicitation” provisions that can better regulate donation requests. The Finance Department is also developing comprehensive modifications (as well as housekeeping changes) to Chapter 15 affecting other areas of business, including but not limited to beauty salons, carnivals, circuses, and catalog and home party sales.

RECOMMENDATION: The City Attorney and staff make the following recommendations:

1) That the changes discussed above concerning solicitors, peddlers, and itinerant vendors be made, and any additional direction by Council be given at this time. A final draft of the ordinance will then be prepared for review on August 3, 2004.

2) That a public hearing be set on August 3, 2004, for the first reading of the Ordinance.

Attachment: 1) Draft ordinance provisions concerning solicitors and peddlers
2) Sample regulations concerning itinerant vendors
3) Draft provisions concerning “aggressive solicitations”
## CHAPTER 8 PEDDLERS AND SOLICITORS

**PERMIT REQUIREMENTS, RELATED PROVISIONS, AND REGULATION OF PEDDLERS AND SOLICITORS**

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### 8-00 LEGISLATIVE FINDINGS.

[Justice Brewer, Souter and Ginsburg have suggested that specific factual findings of crime, fraud etc. that the ordinance seeks to reduce. These Justices suggest these findings should be localized. Prior to adopting an ordinance limiting door-to-door solicitation or peddling, the City should consider adopting localized findings.]

### 8-1 PEDDLERS AND SOLICITORS DEFINED.

"Peddler" and/or "Solicitor" means any person who goes from house to house, or from place to place in the city selling or taking orders for, or offering to sell or take orders for goods, wares and merchandise for present or future delivery, or for services to be performed immediately or in the future, whether or not such person has, carries or exposes a sample of such goods, wares and merchandise, or not and whether or not he is collecting advance payments on such sales or not.

### 8-2 PERMIT REQUIRED.

It is unlawful for any person to act as a Peddler within the city without having first obtained a permit issued pursuant to this chapter.

### 8-3 APPLICATION FOR PERMIT.
Applicants for a permit under this chapter shall file with the finance officer an application in writing on a form to be prescribed by the finance officer.

8-4 CONTENTS OF APPLICATION.

The application shall contain the following information:

A. The permanent home address and full local address of the Peddler or Solicitor;

B. The name and address of the person, firm or corporation by whom the Peddler/Solicitor is employed;

C. The length of service of each Peddler/Solicitor with such employer;

D. The place of residence and nature of the employment of the Peddler/Solicitor with such employer during the last preceding year;

E. The nature or character of the goods, wares merchandise or services to be offered by the Peddler/Solicitor;

F. A personal description of the Peddler/Solicitor; including height, weight, eye color and hair color.

G. A statement as to any convictions of any crimes, misdemeanors, violations of municipal ordinances; and the date, the nature of the offense and penalty assessed therefor.

H. The length of time for which the right to do business is desired.

I. The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed, and the proposed method of delivery.

J. Photographs pursuant to Section 8-7.

K. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
8-5 OTHER INFORMATION.

Such information shall be accompanied by such credentials and other evidence of good moral character and identity of each Peddler/Solicitor as may be reasonably required by the finance officer.

8-6 APPLICATION FEES.

A. The application fee, replacement application, and identification card fees shall be set by resolution.

B. Fees and investigations as used in this section refer solely to individuals and not to firms.

8-7 PHOTOGRAPHS REQUIRED.

Each application for a permit as required by this chapter must be accompanied by two prints of a recent photograph of the Peddler/Solicitor, which photographs shall not exceed two inches square in size and shall be full front views of the face and head only of such Peddler/Solicitor.

8-8 FINGERPRINTS REQUIRED.

At the time of making the application for a permit, each Peddler/Solicitor shall present him/herself at the office of the chief of police of the city for the purpose of being fingerprinted and supplying routine information required on the fingerprinting forms provided without expense by the city, including the physical characteristics of each person, identifying marks or scars, age, name, address and signature. Such fingerprint records are to be taken in triplicate and each individual so presenting him/herself is advised that the city reserves the right to retain one of such fingerprint records in its files for permanent safekeeping, and to send one such fingerprint record to the Federal Bureau of Investigation of the Department of Justice at Washington, D.C., and to the Criminal Investigation Department of the California Department of Justice at Sacramento, California, for the purpose of filing. No fingerprint records will be returned in the event the permit applied for is not issued or is subsequently suspended or revoked.

8-9 INVESTIGATION--CHARACTER AND BUSINESS RESPONSIBILITY.

The original copy of the application shall promptly be referred to the chief of police, who shall promptly make an investigation of the applicant's character and business responsibility. If the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application the police chief's disapproval and the reason therefor and return the application to the finance officer. The finance officer shall notify the applicant that the application is disapproved and that no permit will be issued. If the chief of police finds that the applicant's character and business
responsibility are satisfactory, the police chief shall approve the application and return it to the finance officer, who shall promptly issue the permit and identification card. The City may refuse to issue a permit to an applicant that has previously violated the City’s regulations concerning peddling and/or soliciting.

8-10 PERMIT AND IDENTIFICATION CARD TO BE CARRIED ON PERSON.

Each Peddler/Solicitor issued a permit and identification card must be in possession of the permit and identification card at all times when engaged in the business so permitd within the city. The Peddler/Solicitor must produce and show the permit and identification card on the demand of any person solicited or of any police officer or official of the city. No person issued a permit or an identification card shall alter, remove or obliterate any entry made upon such permit or card, or deface such permit or card in any way. Each permit and card shall be personal and not assignable or transferable, nor shall any permit or card be used by any person other than the permit or the person for whom the identification card is issued. The Peddler/Solicitor must wear the permit so that it is visible at all times.

8-11 CONDITIONS AND REGULATIONS.

The following conditions and regulations shall also apply to the exercises of the privileges granted by permits issued under the provisions of this chapter in addition to those set forth in other parts of this chapter or elsewhere in this code.

A. Shouting--calling wares. No person acting under authority of any permit issued under this chapter shall shout or call the person’s wares in a loud, boisterous or unseemly manner, or to the disturbance of residents in the city.

B. Identification by comparing signature with that on permit. Every Peddler/Solicitor, upon the request of any police officer or official of the city, shall sign the Peddler/Solicitor’s name for comparison with the signature upon the permit or card or the signature upon the permit application.

C. Order to be written in duplicate. Any person acting under authority of any permit issued under this chapter who solicits orders for future delivery shall write each order at least in duplicate, plainly stating the quantity of each article or commodity ordered, the price to be paid therefor, the total amount ordered and the amount to be paid on or after delivery. One copy of such order shall be given to the customer.

D. Every Peddler/Solicitor shall, upon request of any person solicited, provide his/her name, business address and telephone number and the name, business address and telephone number of the person, organization, or entity on whose behalf solicitation is being made.

8-12 REVOCATION OF PERMIT.
A. A permit issued under this chapter may be suspended or revoked by the chief of
police for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for
permit;

2. Fraud, misrepresentation or false statement made in the course of carrying
on the business as Peddler/Solicitor;

3. Any violation of this chapter.

4. Conviction of any crime or misdemeanor involving moral turpitude;

5. Conducting the business of soliciting or of canvassing in an lawful manner
or in such a manner as to constitute a breach of the peace or to constitute
a menace to the health, safety or general welfare of the public.

B. This section shall be self-executing and the suspension or revocation shall be
effective immediately. The city clerk shall give notice of the suspension or
revocation of the permit and sufficient notice shall be given if mailed or delivered to
the permittee at the permittee’s last known local address.

8-13 PERMIT -- APPEALS TO CITY COUNCIL.

In the event that any applicant or permittee desires to appeal from any order, revocation or
other ruling of the finance officer, the chief of police or any other official of the city, made
under the provisions of this chapter, such applicant or any other person aggrieved shall file
written notice of such appeal with the city clerk and such matters shall be heard at the next
regular meeting of the city council, at which time the city council shall hear and receive
evidence, written and oral upon all matters involved. The decision of the city council shall
be final upon all parties concerned.

8-14 PEDDLING/SOLICITING UNLAWFUL WHERE SIGN POSTED.

It is unlawful for any person described in Section 5.01.010 of this chapter to perform or
attempt to perform the acts described in this section by ringing the doorbell or knocking
at the door or otherwise calling attention to the person’s presence of or at any residence
whereon a sign bearing the words “No Peddlers”, “No Solicitors” or words of similar import
is painted or affixed so as to be exposed to public view, and no such person, described in
Section 5.08.800 shall perform or attempt to perform any of the acts described in such
section in any building, structure or place of business whereon or wherein a sign bearing
the words “No Peddlers”, “No Solicitors” or words of similar import, is painted or affixed so
as to be exposed to public view.

8-15 DISTRIBUTION OF HANDBILLS--EXCLUDED.
Nothing in this chapter shall prohibit persons from distributing handbills door-to-door within the city without a permit.
ARTICLE 6: ITINERANT VENDORS (ORDINANCE 2002-06)

301-60. Purpose

This Article is intended to regulate the activity of itinerant vendors. This use is a special privilege, not a matter of right, it is subject to a revocable permit and compliance with performance standards and conditions described herein.

The City recognizes the community benefits that can accrue from outdoor concessions in addition to regular retail and commercial activity that occurs in a permanent building. These benefits include: patron convenience, community ambience, increased street activity, low-overhead business opportunities, and unique opportunities to serve special events, among others.

The City also recognizes of the concerns that can accompany such vending, including: unfair competition for traditional retail and commercial businesses, public health, public safety, aesthetics, and trespass, among others.

It is the purpose of this Article to recognize itinerant vending as a desirable and beneficial incidental use of certain public and private spaces, and to provide for such use under certain circumstances as long as such use is not inconsistent with the underlying dedication for public use where applicable, does not impede other primary uses, and does not interfere with the rights of adjoining property owners and the general public.

301-61. Definitions

Itinerant Vending. The conduct or housing of sales using a table, stand cart, vehicle, or other device rather than from a permanent building. An "Itinerant Vendor" may travel from place to place and vend along an approved route and/or within an approved area, or may vend from a single or several location(s) on a regular basis.

Point of Vending. "Point of Vending" is the location or approved route/area at/within which the vending occurs. Each location, or approved route/area, requires a separate Permit even if under the same ownership or management.

Stationary Vending. A "stationary" vendor vends from the same location(s) on a regular basis. Vending from any one location for more than 2 consecutive hours is stationary vending.

Vending. "Vending" means selling, offering for sale, or displaying or dispensing of any goods or merchandise for sale or purchase to the public from any carrying device, box, bag, stand, human-powered device (including but not limited to any pushcart, wagon, bicycle, tricycle, or other wheeled container), portable stand, or any other device used for carrying goods or merchandise. This includes hawking, operating noise-making devices, and any other activity or signage to attract attention to the vendor or the goods or merchandise. A vendor may be both stationary and itinerant depending on the vendor's method of operation. Examples of vending activity include but are not limited to hot dog carts/vehicles, flower carts/stands/sales, ice cream carts/vehicles, roadside sales, stationary food carts/vehicles, and similar activities.

Vendors. For the purposes of this Article, "vendors" are individuals or entities that engage in itinerant vending including both owners and operators.
301-62. Application Procedures

An Itinerant Vendors/Permit is required in order to vend pursuant to this Article. Each permit applicant shall provide the following:

(a) Completed application, including a written description of the proposed vending activity.
(b) Mailing address for notification.
(c) Legal names of vending business owner and/or operator.
(d) Proof of valid business license.
(e) Proof of valid health permit(s), if required by applicable law or regulation.
(f) Photocopy of valid form of identification for business owner and/or operator.
(g) Color photographs showing different views of the vending vehicle or device, and of the proposed location for vending. An applicant shall provide a site plan for all proposed stationary location(s) and a map of the proposed route/area of vending.
(h) Dimensioned sample or rendering of proposed signage.
(i) Non-refundable application fee.
(j) If an applicant proposes to vend from a single location for more than four consecutive hours at a time, the applicant must identify the location of an available restroom to be used by the vendor.
(k) Property-owner approval.
(l) An applicant with a stationary location(s) shall provide mailing labels for purposes of notification to all property owners/occupants immediately adjacent to the stationary location(s).

301-63. Itinerant Vendor Permit Issuance and Notification of Decision

An Itinerant Vendor Permit is an administrative permit issued by the Planning Division (Division) of the Community Development Department (Department) pursuant to the provisions of this Article. The Neighborhood Enhancement Program (NEP) of the Department and/or the Police Department shall have the authority to enforce the terms of the permit.

Upon acceptance of a properly filed application, the Division shall make a determination within 30 days of acceptance to approve, approve with conditions, or deny the application. Applicants shall receive written notice of the decision.

For stationary vending, the Division shall mail the notice to approve or conditionally approve to property owners and occupants immediately adjacent to each location. The notice shall include a description of the proposed vending activity, a map of the proposed location(s), and identification of a minimum 10-day comment period to provide comments to the Division. The notice shall specify that the approval or conditional approval has no force or effect until completion of the comment period, issuance of a final action, and expiration of the appeal period.
The Division shall consider any comments received in its final action on the application, and each commentor shall receive a notice of the final action on the project. The notice of final action shall identify appeal procedures.

301-64. Performance Standards

No person(s) may engage in vending in any location within the City of Citrus Heights unless the conduct of that activity meets each of the following criteria listed below, and unless the person is operating under and by the authority of a valid Vendor Permit (Permit).

The permit shall address, and the vendor shall comply with, the following items:

(a) General. The City may impose conditions on the Permit as it deems necessary for health and safety, and/or to mitigate the impact of vending on an area. This may include the imposition of additional conditions and/or stricter requirements than identified below.

(b) Shall Not Obstruct or Create Hazards. Vendors shall not obstruct vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards.

(c) Hours of Operation. Vending shall be conducted within the hours of operation established in the Permit. Notwithstanding approved hours of operation, all activities are subject to the restrictions of the City's Noise Ordinance requirements.

(d) Signage. No more than one sign is allowed associated with each Permit. The sign shall not exceed ten (10) square feet and shall be affixed to the vehicle or device from which the goods or merchandise are being vended.

(e) Number of Permits. Each point of vending shall require a separate Permit, even if multiple points of vending are under the same ownership or management.

(f) Business License. The vendor shall have a valid City business license.

(g) Health Permit. Vending of food, produce, or other edible items requires valid health or other permit(s) issued by the appropriate agency.

(h) Indemnification. As a condition of issuance, the vendor agrees to indemnify, hold harmless, and defend the City and its representatives against liability and/or loss arising from activities connected with and/or undertaken pursuant to the Permit. The City is not liable for any business loss, property loss, or other damage that may result from use of the Permit, or suspension or revocation of the Permit, and no vendor shall maintain any claim or action against the City, its officials, officers, employees, or agents on account of any suspension or revocation.

(i) Property Owners Approval. Permit applications must include the written approval of any property owner whose property will be used for vending. Vending on private property must comply with any development conditions imposed on the private property, and all requirements of the appropriate zoning category.

(j) Other Applicable Regulations. The vendor shall conform at all times with all applicable City and governmental requirements, including without limitation, the Americans With Disabilities Act, health and safety regulations, local zoning, and applicable redevelopment regulations.
(k) Term of Permit; Renewal. The maximum term of a Permit shall be for a one-year period. The Permit may be renewed subject to compliance with all terms and conditions of the Permit, the standards established in this section of the City Code, and payment of applicable fees. At the City's discretion the term of the Permit may be less than one year.

(l) Transferability. A Permit is not transferable to any entity or person and is valid only as to the original applicant.

(m) Proximity to Other Items. No vending may occur within ten (10) feet of a fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway. A greater distance or separation from other uses may be required, under the Permit, in order to preserve line-of-sight, or for other safety reasons. The vending shall not damage landscaped areas.

(n) Appearance and Storage. The vendor shall maintain the area within which vending activities occur in a clean, safe, sanitary, and dust-controlled condition. With the exception of approved stands, the vendor shall remove all evidence of vending and leave the site in a clean state at the close of each business day.

(o) Lighting. Vending may not occur after dark unless appropriate lighting is provided, or an exemption from this requirement is specifically granted as a part of the Permit due to the type of activity (e.g. one-time permit for itinerant vending at a special night-time event).

(p) Parking. Prior to issuance of any Permit, the City shall confirm that an acceptable area for customer parking exists, or must specifically exempt the vendor from this requirement due to the nature and/or location of the use. Parking for the vendor shall be specified pursuant to the permit. The vendor shall not indicate exclusive roadway parking or reserve any public parking area for the vendor's customer parking.

(q) Location On Particular Roadways. Vending may be restricted or prohibited along specific roadways, or portions thereof, which, as a result of limited parking, limited line-of-sight, traffic control impacts, high traffic flow, or other reasons specified, are determined to be unsafe for vending. This may include restrictions against operating during peak traffic hours, as determined by the City.

(r) Number of Vendors and/or Operators. The City may limit the number of vendors at any one location or within an area, or limit the number of operators, sales persons, or others engaged in the act of vending for any one owner or permittee at the requested or approved location. No vending activity may occur within the triangular visibility area described in Sections 12.12.010 or 12.12.020 of the Municipal Code, as shown below:
(s) Design and Set-up of Vehicle or Device for Vending. The width, length, and height of all vendor vehicles and devices shall be subject to review as a part of consideration of the Permit. The City's review shall include but not be limited to color, materials, and appearance of the vending vehicle or device; shade umbrellas; accessories (including ice chests and trash receptacles); and maneuvering necessary for set-up and takedown. Vending vehicles or devices shall be designed such that they add to the aesthetic value of the vicinity. A site plan of areas at which stationary vending will occur must be provided, and is subject to City discretionary review. The area of vending activity (excluding parking) shall be specified under the Permit and shall not generally exceed 200 square feet.

(t) Tables. Tables for use by customers shall generally be prohibited unless the vending is occurring in an area that is specifically designed for such purpose such as a plaza, park, or other public open space area with adequate restroom facilities, or if specifically required as a part of the Health Department conditions.

(u) Permit Display. Vendor permits and business licenses must be prominently displayed on the vehicle or device for vending, or if stationary, at the location of vending.

301-65. Exemptions

(a) Vendor permits are not required for the following activities:

(b) City-Sponsored Events. Farmers markets, crafts fairs, street fairs, and other special events approved and designated by the City. Vendor must have prior written approval of City.

(c) Deliveries. Delivery activities of any establishment with a fixed place of business, which only delivers its products, services, or goods to a specified address in response to a customer request, order, or invoice previously placed through that fixed place of business.

(d) Public Park Events. Organizations selling goods or merchandise on park property with prior written authorization from the Sunrise Recreation and Park District.

(e) Garage Sales. Garage sales are separately regulated by the City Code, and are not subject to this regulation.

(f) Door-to-Door Solicitation. Door-to-door solicitation in a residential area, except where an individual homeowner has posted a notice of “No Solicitation” or similar wording.

(g) Fundraisers. Temporary fundraising sales by non-profit organizations.

(h) Agricultural Products Grown On-site. The sale of agricultural products on the site where the product is grown.

(i) Mall Sales. The sale or offering for sale or distribution from interior private pedestrian circulation areas of shopping centers or malls of products to pedestrians who are traversing such areas or patrons of retail stores.

301-66. Prohibitions

(a) Vending is unlawful without a vending permit and a business license.

(b) Vending shall not be permitted in any roadway medians.

Effective 09-25-98
Revised 08/03
(c) Vending shall not be permitted in public rights-of-way.

(d) With the exception of food products, vending shall not be permitted in a Residential zone.

301-67. Denial; Suspension; Revocation

City staff may revoke or suspend a permit as an administrative action, for good cause or upon violation of any provision of this ordinance or the conditions of the Permit. Any person whose permit has been revoked or suspended shall receive in writing an explanation of such action by the Neighborhood Enhancement Program (NEP) Officer. Reasons for denial, suspension, and revocation include:

(a) Fraud or misrepresentation in the application for the Permit.

(b) Fraud or misrepresentation in the course of vending.

(c) Vending contrary to the conditions of the Permit and/or the regulations.

(d) Vending in such a manner as to create a public nuisance or to constitute a danger to the public.

The following factors shall be considered in determining whether a Permit should be suspended or revoked upon non-compliance with these regulations:

(a) Any prior citation for violation of these regulations previously received by the vendor.

(b) A previous suspension and/or revocation imposed on the vendor.

(c) Whether the vendor’s Permit was subject to suspension or revocation and was not suspended or revoked.

(d) The seriousness of the violation or misrepresentation and the danger to the health and/or safety of the public represented by the vendor’s misrepresentation, noncompliance and/or misconduct.

(e) Whether the condition subjecting the vendor to suspension or revocation is of a nature that can be or has been corrected.

(f) A vendor whose Permit is suspended or revoked, or whose application for a Permit is denied, may appeal the action to the Community Development Director or his/her designee within ten (10) days of the action by filing written notice of appeal with the Community Development Department. The appeal must include statements against the suspension, revocation, or denial, and must identify a proposed alternative outcome. A public hearing before the Community Development Director or his/her designee shall be scheduled within thirty (30) days to consider the appeal. Except in cases involving an immediate threat to public health, safety and welfare (as defined by the City), the permit will remain in effect pending the outcome of the appeal. At the hearing the permit holder or applicant will be afforded the opportunity to be heard and present facts and witnesses on his or her behalf. At that time or within 10 days thereafter, the Community Development Director or his/her designee shall make a final written decision.

301-68. Fees

Applicants for new or renewed Permits shall pay all appropriate fees pursuant to the City Fee Schedule.
301-69. Violations and Penalties

Any person who violates any provision of this Article is guilty of an infraction punishable by (1) a fine not to exceed fifty dollars ($50.00) for a first violation; (2) a fine not to exceed one hundred dollars ($100.00) for a second violation within one year of any prior violation; and (3) a fine not to exceed two hundred fifty dollars ($250.00) for the third and each successive violation within one year of any prior violation.
AGGRESSIVE SOLICITATION

Chapter 18
Article IV. Aggressive Solicitation

18- Legislative findings.
18- Definitions.
18- Prohibited acts.
18- Penalties
18- Construction and severability.

18- LEGISLATIVE FINDINGS.

A. The city council finds that the increase in aggressive solicitation throughout the city has become extremely disturbing and disruptive to residents and businesses, and has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder.

B. The city council also finds that solicitation at major intersections in the city and near freeways on and off-ramps poses a dangerous condition for the solicitor and motorists in the area.

C. Aggressive solicitation usually includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic. The city council further finds that the presence of individuals who solicit money from persons at or near banks, automated teller machines, or in public transportation vehicles is especially troublesome because of the enhanced fear of crime in those confined environments. Motorists also find themselves confronted by persons seeking money who, without permission, wash their automobile windows at traffic intersections, despite explicit instructions by drivers not to do so. People driving or parking on city streets frequently find themselves faced with persons seeking money by offering to open car doors or locate parking spaces. Such activities carry with them an implicit threat to both persons and property.

D. The city council is enacting this chapter pursuant to its police power, as stated in Article XI, Section 7 of the California Constitution, in addition to the power set forth in Section 647(c) of the state of California Penal Code. This law is timely and appropriate because current laws and city regulations are insufficient to address the aforementioned problems.

E. The law is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activity. Rather, its goal is to protect citizens from the fear and intimidation accompanying
certain kinds of solicitation that have become an unwelcome and overwhelming presence in the city.

18 -- DEFINITIONS.

As used in this chapter.

A. "Solicit" means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

B. "Aggressive manner" means and includes:

1. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

2. Following the person being solicited, if that conduct is: (I) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

3. Continuing to solicit within the immediate area of the person being solicited after the person has made a negative response, if continuing the solicitation is: (I) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

4. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a permit issued pursuant to Section _____________ of the __________________ Municipal Code, shall not constitute obstruction of pedestrian or vehicular traffic;

5. Intentionally or recklessly using obscene or abusive language or gestures: (I) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or

6. Approaching the person being solicited in a manner that: (I) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the
commission of a criminal act upon property in the person’s possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

C. “Automated teller machine” means a device, linked to a financial institution’s account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

D. “Automated teller machine facility” means the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers during and after regular banking hours.

E. “Bank” means any banking corporation, savings and loan association, or credit union chartered under the laws of this state or the United States.

F. “Check cashing business” means any person duly permitted by the superintendent of banks to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the banking laws.

G. “Public area” means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

18 - PROHIBITED ACTS.

It is unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

A. In an aggressive manner in a public area;

B. In any public transportation vehicle, or bus station or stop;

C. Within fifteen feet to any entrance or exit of any bank or check cashing businesses or within fifteen feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. When an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit to the automated teller machine facility.

D. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or
E. From any operator of a motor vehicle that is in traffic on a public street, including, but not limited to, major intersections in the city and near freeway on and off-ramps, whether in exchange for cleaning the vehicle’s windows, or for blocking, occupying, or reserving a public parking space, or directing the occupant to a public parking space; this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle.