

**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 19, 2013, 5:30 P.M.**

Call to Order
Roll Call

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

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

Roll Call: Agency Members/Chairman

ORAL COMMUNICATIONS

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

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: County of Tulare v. All Persons Interested in the Matter of the Addition of the 2010 Amendment to Redevelopment Plan for the Redevelopment Project Area No. 1, as Adopted by Ordinance 1765 on June 15, 2010, by the City of Porterville, et al., Tulare County Superior Court Case No. 249877.

During Closed Session, the Joint Council/Successor Agency Meeting shall adjourn to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
 - 2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 245-040-041 and 245-0470-042. Agency Negotiator: John Lollis and Baldo Rodriguez. Negotiating Parties: City of Porterville and Reconstruct Company, N.A. Under Negotiation: Terms and Price.
 - 3- Government Code Section 54956.95 – Liability Claims: Claimant: Allstate Insurance Company. Agency claimed against: City of Porterville.
 - 4- Government Code Section 54956.95 – Liability Claims: Claimant: Ricardo Gonzalez. Agency claimed against: City of Porterville.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Shelton
Invocation

AB 1234 REPORTS

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

1. Tulare County Local Agency Formation Committee (LAFCO) – February 6, 2013
2. Tulare County Association of Governments (TCAG) – February 19, 2013

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission – February 7, 2013
 2. Youth Commission – February 11, 2013
 3. Library and Literacy Commission – February 12, 2013

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. **Minutes of February 5, 2013**
2. **Authorization to Advertise for Bids – 2013/2014 Fiscal Year Micro-Surfacing Project**
Re: Considering approval of staff's Plans and Project Manual for the project consisting of the installation of a durable thin asphalt overlay on several streets within the City.
3. **Authorization to Advertise for Bids – Underground Waste Oil Storage Tank Monitoring System**
Re: Considering authorization to advertise for bids on the installation of a new monitoring system for the underground waste oil storage tank at the Wastewater Treatment Facility.
4. **Award of Contract – Jaye Street Bus Turnout**
Re: Considering awarding contract in the amount of \$72,906.46 to Halopoff & Sons for the project consisting of the installation of new concrete and landscape improvements at the bus stop location on Jaye Street between Putnam and Oak Avenues.
5. **Request for Approval to Purchase Specialized Equipment**

Re: Considering approval to purchase one (1) “Phase I Drager Swede System – Flashover” at a cost of \$37,080.00 plus applicable sales tax, to be located at the Regional Fire Training Facility, 500 N. Newcomb.

6. **Authorize Staff to Purchase Additional RouteMatch Passenger Information Modules**
Re: Considering authorization to begin negotiations for the purchase of three additional RouteMatch modules for a cost not to exceed \$175,395.00.
7. **Negotiate a Contract – Design Services for the Softball and Sports Field Lighting Project**
Re: Considering authorization to negotiate a contract with Electrical Power Systems for design services related to the Softball and Sports Field Lighting Project.
8. **Authorization to Distribute Requests for Qualifications for the Design of Transit Signal Priority**
Re: Considering authorization to distribute a Request for Qualifications for the design of a transit signal priority system to improve public transit service.
9. **Citizens’ Advisory and Housing Opportunity Committee and Citizen Participation Plan**
Re: Considering adoption of the 2013 Citizen Participation Plan, and the appointment of Citizen’s Advisory and Housing Opportunity Committee members for a one-year term.
10. **Monster Energy Drink Motocross Race Proposal**
Re: Considering approval of a request to hold the Central Valley segment of the Monster Energy Road to Mammoth Motorcycle Racing series at the Porterville Off Highway Vehicle Park, March 16-17, 2013.
11. **Over the Hill Gang Motocross Race Proposal**
Re: Considering approval of a request to hold three races at the Porterville Off Highway Vehicle Park of February 24, June 23, and December 1, 2013.
12. **Landscape and Lighting Maintenance Districts Consolidation**
Re: Considering approval of a resolution ordering the proceedings for consolidation of Westwood Estates (D1), Westwood Estates Unit 4, Phase 5 (A5), and Westwood Estates Unit 5, Phase 2 (D12) Landscape and Lighting Maintenance Districts.
13. **Legal Services Agreement – City Attorney**
Re: Considering approval of a Legal Services Agreement between the City of Porterville and McCormick, Kabot, Jenner & Lew, and Julia M. Lew, for the period of March 1, 2013, to February 28, 2015.
14. **Review of Local Emergency Status**
Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.

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

PUBLIC HEARINGS

15. Consideration of Factfinding Report Pursuant to Government Code Sections 3505.5 and 3505.7

Re: Consideration of Factfinding Report and Recommended Terms of Settlement in the matter of the impasse between the City of Porterville and Operating Engineers Local Union No. 3.

16. Consideration of an Ordinance Adding Penalty Provisions to the Municipal Code Related to Charter Section 67 Pertaining to Interference

Re: Consideration of an ordinance to amend the Municipal Code by adding penalty provisions regarding Council interference in the administrative functions of the City.

17. Modification of Vested Parcel Map No. 4996 (Jaye Street Crossing Commercial Center)

Re: Consideration of a resolution approving a modification to Vested Parcel Map No. 4996 (the northern section of the Jaye Street Crossing Commercial Center) to rescind earlier rights and re-establish vesting rights within current development standards and policies.

SCHEDULED MATTERS

18. Parks and Leisure Services Commission Vacancy

Re: Consideration of the appointment of an individual to fill the seat vacated by Mr. James Carson with a term scheduled to expire in October 2015.

Adjourn to a meeting of the Successor Agency to the Porterville Redevelopment Agency.

SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY

AGENDA

291 N. MAIN STREET, PORTERVILLE, CA 93257

Roll Call: Agency Members/Chairman

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

SCHEDULED MATTERS

SA-01. Successor Agency Review and Approval of Proposed Administrative Budget

Re: Considering approval of the Successor Agency Administrative Budget for the period of July 1, 2013, through December 31, 2013.

SA-02. Review and Approval of Draft Recognized Obligation Payment Schedule (ROPS)

Re: Considering approval of the ROPS for the period of July 1, 2013, through December 31, 2013.

Adjourn to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of March 5, 2013, at 5:30 p.m.

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

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

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 5, 2013, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Ward, Council Member Hamilton, Council Member Shelton, Vice Mayor McCracken, Mayor Gurrola

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

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

Roll Call: Member Ward, Member Hamilton, Member Shelton

ORAL COMMUNICATIONS

None

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During Closed Session, the Joint Council/Successor Agency Meeting adjourned to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
 - 2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 245-040-041 and 245-047-042. Agency Negotiator: John Lollis and Baldo Rodriguez. Negotiating Parties: City of Porterville and Reconstruct Company, N.A. Under Negotiation: Terms and Price.
 - 3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Hatcher v. City of Porterville et al., Tulare County Superior Court Case No. 11-244777.
 - 4- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.

5- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that no reportable action had taken place in Closed Session.

Pledge of Allegiance Led by Vice Mayor McCracken
Invocation – the Mayor participated.

PRESENTATIONS

Employee of the Month – Lupe Diaz

AB 1234 REPORTS

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

1. Consolidated Waste Management Authority (CWMA) – January 17, 2013: Vice Mayor McCracken reported that a model Sharps Ordinance had been approved and would be transmitted to city councils for consideration.
2. Tulare County Association of Governments (TCAG) – January 22, 2013: Mayor Gurrola reported on discussion regarding TAP funds and Sustainable Communities.
3. Tulare County Economic Development Corporation – January 23, 2013: Mayor Gurrola reported on discussion about target employment area changes, which require more documentation and could be a burden to small businesses.
4. Indian Gaming Local Community Benefit Committee – January 24, 2013: Council Member Hamilton reported on the selection of a Chair and Vice Chair of the committee, and spoke of grant application changes.
5. Joint City/School Committee – January 28, 2013: City Manager Lollis reported on continued discussion of future community forums, and the formation of a subcommittee charged with advancing the forums.
6. SJVAPCD's Special City Selection Committee – January 29, 2013: Council Member Shelton indicated that he did not attend the committee meeting, but that he understood a North Valley representative had been elected.
7. Council/City Manager Joint Meeting with City of Lindsay – January 31, 2013: Mayor Gurrola and Vice Mayor McCracken reported that it was determined that there was not sufficient need for a joint meeting of the two Councils; spoke of the cities supporting each other in areas of common interest; and indicated that the City of Lindsay was interested in participating in Council of Cities.

REPORTS

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

I. City Commission and Committee Meetings:

1. Arts Commission – January 16, 2013: Commissioners Rebecca Ybarra and Sandra Romero reported that the commission had adopted a mission statement and were working on a presentation of goals to be presented to the Council.
2. Youth Commission – January 28, 2013: Parks and Leisure Services Director Donnie Moore reported that the commission was currently working on their upcoming Youth Voice Conference and a dodge ball tournament for the local high schools.

II. Staff Informational Items

1. Project Update – New Animal Shelter: Council Member Shelton inquired about the use of Measure H funds, the presence of an elderberry bush in proximity to the proposed site, and available funding.
2. Street Performance Measure – 2nd Quarter Report: Council Member Ward requested that the number of potholes repaired be included in future reports; and requested that, as part of the budget process, an analysis be prepared that compares the cost/duration of overlay maintenance of County-standard neighborhood streets versus reconstruction/duration to City-standards.
3. Code Enforcement Update: Council Member Shelton lauded the efforts of Code Enforcement Officer Dignam.
4. Attendance Report for City Commissions and Committees – 2nd Quarter Report: Council Member Shelton requested that Parks and Leisure Services Commissioner Carson be contacted regarding his attendance.
5. Report on Charitable Car Washes

ORAL COMMUNICATIONS

- Catherine Harris, Porterville, spoke in support of the use of Measure H funds for the construction of an animal shelter; and suggested ordinances regarding animal control, administrative hearings for citations, and an increase in animal control officers.
- Brock Neeley, Porterville, spoke of Council Member Shelton's involvement in the recent purchase of City owned property and requested his resignation.
- Cody Clem, Member of Porterville Firefighters Association 2169, spoke of MDA fundraising efforts, noting that the Porterville Firefighters Association was ranked #1 in the state for funds raised per member.
- David Coon, Riverside resident, requested a re-bid for street sweeper due to difficulties with delivery of his bid; and spoke of the benefits of having two competitive bids.

A discussion followed, during which the City Manager spoke of Buy America requirements which were affecting the CMAQ funded replacement Mr. Coon had mentioned.

CONSENT CALENDAR

Items 2, 7, 9, 12 and 14 were pulled for further discussion and/or abstention.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve Item Nos. 1, 3 through 6, 10, 11, 13, and 15 through 19. The motion carried unanimously, with the exception of those abstentions noted below.

1. MINUTES OF AUGUST 7, 2012, AUGUST 21, 2012, AND JANUARY 15, 2013

Recommendation: That the City Council approve the Minutes of August 7, 2012, August 21, 2012, and January 15, 2013.

Documentation: M.O. 01-020513

Disposition: Approved.

3. ACCEPTANCE OF PROJECT – RAILS TO TRAILS CLASS I TRAIL
EXTENSION PROJECT (CMAQ PORTION) (OLIVE AVENUE TO HERITAGE
CENTER)

Recommendation: That City Council:

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

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

Documentation: M.O. 02-020513

Disposition: Approved.

4. AWARD OF CONTRACT - ISLAND ANNEXATION SEWER PROJECT (AREA
458A & 458B)

Recommendation: That City Council:

1. Award the Island Annexation Sewer Project, Area 458A & Area 458B, to Todd Companies, in the amount of \$1,804,502.40;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize 5% for construction management, quality control and inspection.

AYES: Hamilton, McCracken, Gurrola
NOES: None

ABSTAIN: Ward, Shelton
ABSENT: None

Documentation: M.O. 03-020513

Disposition: Approved.

5. INTENT TO VACATE EASEMENTS FOR INGRESS, EGRESS, STORM DRAIN PIPELINE AND STORM WATER RETENTION RELATED TO SIERRA MEADOWS SUBDIVISION (NICHOLSON & SMEE, LLC)

Recommendation: That the City Council:

1. Pass a Resolution of Intent to Vacate easements dedicated to the City of Porterville by document numbers 2004-0134038 and 2004-0134039, recorded December 28, 2004 in the Office of the Tulare County Recorder; and
2. Set the Council Meeting of March 5, 2013, or as soon thereafter, as the time and place for a public hearing.

Documentation: Resolution 02-2013

Disposition: Approved.

6. AUTHORIZE TRANSIT STAFF TO APPLY FOR TRANSIT SECURITY GRANT PROGRAM FUNDING

Recommendation: That the City Council approve the draft Resolution authorizing staff to act on behalf of the City to apply for financial assistance.

Documentation: Resolution 03-2013

Disposition: Approved.

10. COMMUNITY CLEAN UP EVENTS

Recommendation: That City Council:

1. Declare April 13, 2013, "Spring Clean Up Day" and October 12, 2013, "Fall Clean Up Day";
2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;
3. Authorize the City to accept trash, litter and yard clippings delivered by City residents receiving City residential refuse service to the Spring and Fall Clean Up Events for free disposal; and
4. Authorize the cost of both events be funded from the Solid Waste Operating budget.

Documentation: M.O. 04-020513

Disposition: Approved.

11. CONSIDERATION OF STREET CLOSURE FOR PORTERVILLE “STEP-UP”
NEIGHBORHOOD OUTREACH EVENT

Recommendation: That the City Council authorize the temporary closure of Doree Street between Forester and Mohoff Courts on February 23, 2013, in support of the planned neighborhood “Step-Up” outreach event.

Documentation: M.O. 05-020513

Disposition: Approved.

13. REQUEST TO SCHEDULE PUBLIC HEARING FOR THE CONSIDERATION
OF AN ORDINANCE ADDING PENALTY PROVISIONS TO THE MUNICIPAL
CODE RELATED TO CHARTER SECTION 67 PERTAINING TO
INTERFERENCE

Recommendation: That the City Council direct staff to notice a public hearing for February 19, 2013, for the consideration of an ordinance adding penalty provision to the Municipal Code related to Charter Section 67 pertaining to Interference.

Documentation: M.O. 06-020513

Disposition: Approved.

15. ASSIGN AIRPORT LEASE – LOT 37

Recommendation: That the City Council approve the assignment of the Lease Agreement for Airport Hanger Lot 37 between the City of Porterville and the Estate of Earnest Freeman to Chris Freeman and Connie Hulsey.

Documentation: M.O. 07-020513

Disposition: Approved.

16. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the interim financial status reports as presented.

Documentation: M.O. 08-020513

Disposition: Approved.

17. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 09-020513

Disposition: Approved.

18. CONSIDERATION OF PROPOSED BUDGET CALENDAR FOR FISCAL YEAR

2013-2014

Recommendation: That the City Council approve the proposed budget calendar for the 2013-2014 Fiscal Year.

Documentation: M.O. 10-020513

Disposition: Approved.

19. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

AYES: Ward, Hamilton, McCracken, Gurrola

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 11-020513

Disposition: Approved.

The Council recessed for five minutes at 7:49 p.m.

PUBLIC HEARINGS

20. MINOR CONDITIONAL USE PERMIT PRC-2012-028M – CONSIDERATION OF THE PROPOSED DIALYSIS CLINIC AT 841 W. HENDERSON AVENUE (AMERICAN RENAL ASSOCIATES)

Recommendation: That the City Council adopt the draft resolution approving MUP PRC-2012-028m subject to the conditions of approval.

City Manager Lollis introduced the item, and Vice Mayor McCracken recused himself due to a conflict of interest relative to ownership of property within proximity to the proposed site. The staff report was presented by Community Development Manager Julie Phillips.

The public hearing was opened at 8:05 p.m. Seeing no one, the Mayor closed the public hearing at 8:06 p.m.

The Council spoke of the need for the proposed service in the community; and inquired about the patient capacity and safe loading/unloading areas. Questions posed by the Council were addressed by staff and the applicant.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council adopt the draft resolution approving MUP PRC-2012-028m subject to the conditions of approval.

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

Documentation: Resolution 04-2013

Disposition: Approved.

SCHEDULED MATTERS

21. CONSIDER ‘WALL OF FAME’ HONOR DESIGNATIONS

Recommendation: That the City Council consider the nominations and designate new ‘Wall of Fame’ Honorees.

City Manager Lollis introduced the item, and the staff report was presented by Parks and Leisure Services Director Donnie Moore.

Council Member Shelton spoke in favor of approving all nominees submitted for designation. A discussion ensued regarding the number of nominees, and whether additional time was needed to review the information provided. It was noted that a number of family members were in attendance. At 8:22 p.m. the Council took a ten minute recess to allow Vice Mayor McCracken and Mayor Gurrola the opportunity to review the supplemental information provided with regard to the nominees.

Following the recess, the Council discussed previous changes to the ‘Wall of Fame’ placement procedures and future consideration of the procedures for possible amendment. The Council took a moment to speak about each of their nominees, and then provided the opportunity for family members in attendance to address the Council.

- Joe Faure, brother of Cyrille O. Faure, spoke of insensitivity for the Council to discuss the need for changes to the existing placement procedures in the presence of the nominees’ families.
- Muriel Josten, daughter of Vivian Lucey, spoke in favor of the placement procedures, and of the designations.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council designate all seven nominees as ‘Wall of Fame’ honorees: Clara Rutherford, Mary Baker, Emogene McCullar, Vivian Lucey, George Overcash, Cyrille O. Faure, Robert Christenson. The motion carried unanimously.

Documentation: M.O. 12-020513

Disposition: Approved.

CONSENT CALENDAR (Items pulled for discussion)

**2. ACCEPTANCE OF PROJECT - FIRE STATION NO. 2 TRAINING FACILITY
MEZZANINE AND STAIRS PROJECT**

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton lauded staff for coming in under budget on the project.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

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

Documentation: M.O. 13-020513

Disposition: Approved.

**7. AUTHORIZE STAFF TO APPLY FOR JOB ACCESS & REVERSE COMMUTE
AND NEW FREEDOM PROGRAM FUNDING**

Recommendation: That the City Council:

1. Approve the draft Resolution authorizing staff to act on behalf of the City to apply for financial assistance; and
2. Authorize the City Manager to certify all General Certifications and Assurances for these programs.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Transit Manager Rich Tree addressed questions from Council Member Shelton regarding the intended use of the funds.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve the draft Resolution authorizing staff to act on behalf of the City to apply for financial assistance; and authorize the City Manager to certify all General Certifications and Assurances for these programs. The motion carried unanimously.

Documentation: Resolution 05-2013

Disposition: Approved.

8. ADOPTION OF THIRD AMENDMENT OF NONDISPOSAL FACILITY ELEMENT

Recommendation: That the City Council approve the amended Nondisposal Facility Element.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Public Works Director Baldo Rodriguez addressed questions from Council Member Shelton regarding odors and segregation of waste.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the amending Nondisposal Facility Element.

AYES: Shelton, Hamilton, McCracken, Gurrola

NOES: None

ABSTAIN: Ward

ABSENT: None

Documentation: Resolution No. 06-2013

Disposition: Approved.

9. REQUEST FOR IMMEDIATE CONSULTANT SERVICES – WASTE WATER TREATMENT FACILITY RAW SEWAGE PUMPS PROJECT

Recommendation: That the City Council:

1. Direct the Public Works Director to negotiate a Design Service Agreement with Carollo Engineers for a "Not to Exceed" \$60,000 fee;
2. Authorize the Mayor to execute the Design Service Agreement, if successfully negotiated, for a "Not to Exceed" \$60,000 fee; and
3. Direct staff to present a report no later than March 5, 2013, describing the recommended pre-selected equipment for Council's consideration.

The City Manager introduced the item, and presented the staff report. Following the staff report the Public Works Director addressed questions from the Council regarding the urgency of the item, costs for repair of the current pumps, and new pump technology available.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council direct the Public Works Director to negotiate a Design Service Agreement with Carollo Engineers for a "Not to Exceed" \$60,000 fee; authorize the Mayor to execute the Design Service Agreement, if successfully negotiated, for a "Not to Exceed" \$60,000 fee; and direct staff to present a report no later than March 5,

2013, describing the recommended pre-selected equipment for Council's consideration. The motion carried unanimously.

Documentation: M.O. 14-020513

Disposition: Approved.

12. INTENT TO SET A PUBLIC HEARING TO CONSIDER THE FORMATION OF SEWER UTILITY DISTRICT AREA 458

Recommendation: That the City Council:

1. Set a Public Hearing for April 2, 2013, pursuant to Proposition 218 Guidelines, for consideration to form Sewer Utility District 458;
2. Approve the Engineer's Report for Sewer Utility District Area 458; and
3. Authorize staff to notify all affected property owners of the Public Hearing, via certified mail, including the sewer connection assessment amount, length of time provided on the assessment, reason for the assessment and a summary on how the voting will function.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Members Ward and Shelton recused themselves due to conflicts of interests, and exited the Council Chambers. City Attorney Lew indicated that the item had been pulled by staff simply to make note of non-substantive amendments made to the draft resolutions.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council set a Public Hearing for April 2, 2013, pursuant to Proposition 218 Guidelines, for consideration to form Sewer Utility District 458; approve the Engineer's Report for Sewer Utility District Area 458; and authorize staff to notify all affected property owners of the Public Hearing, via certified mail, including the sewer connection assessment amount, length of time provided on the assessment, reason for the assessment and a summary on how the voting will function.

Documentation: Resolution Nos. 07-2013 and 08-2013

Disposition: Approved.

14. SCHEDULING OF CITY COUNCIL SPECIAL MEETING REGARDING THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) PROPOSED "MEASURE R" EXPENDITURE PLAN AMENDMENT #3

Recommendation: That the City Council authorize the scheduling of a Special Meeting for Tuesday, February 12, 2013, beginning at 5:30 p.m. in City Hall Council Chambers, to discuss the proposed "Measure R" Expenditure Plan Amendment No. 3.

City Manager Lollis introduced the item, and indicated that staff was requesting a meeting

time of 5:00 p.m. for Closed Session and 6:00 p.m. for Open Session.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council authorize the scheduling of a meeting for Tuesday, February 12, 2013, to discuss the proposed “Measure R” Expenditure Plan Amendment No. 3, as amended to include a start time of 5:00 p.m. for Closed Session and 6:00 p.m. for Open Session. The motion carried unanimously.

Documentation: M.O. 15-020513

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Shelton lauded City employee Sarah Weaver for being a 2012 Junior Giants Willie Mac Award recipient. He spoke of the following community events: Tule River Tribe elections, Emerald Duo concert; SF Giants trophy viewing event, the upcoming round dance event at the Tule River Reservation, and the World Ag Expo. He then communicated his interest in a City sponsored soap box derby event, and made a motion to have it considered on the next Agenda. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council appoint Council Members Shelton and Hamilton to a committee to explore the proposed soap box derby event and present information to the Council.

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

Documentation: M.O. 16-020513

Disposition: Committee members appointed.

- Council Member Shelton requested that the Parks and Leisure Services Director and the City Manager conduct a review of all Leisure Services Programs to find funding for the OHV Park.
- Council Member Hamilton expressed condolences to Mr. Will Lloyd whose ex-wife and current mother-in-law had both recently passed away.

CLOSED SESSION

The Council took a five minute recess at 9:41 p.m. before reconvening in Closed Session.

ADJOURNMENT – at 10:30 p.m. to the meeting of February 12, 2013 at 5:00 p.m.

SEAL

Luisa M. Herrera, Deputy City Clerk

Virginia R. Gurrola, Mayor

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – 2013/2014 FISCAL YEAR MICRO-SURFACING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the 2013/2014 Fiscal Year Micro-Surfacing Project. The project is part of the City's Measure 'R' street maintenance program, which consists of a durable thin asphalt overlay on several streets within the City. An important project component is the removal and replacement of badly distressed asphalt concrete. New pavement markings will be placed once each street receives the thin asphalt overlay. Streets and project limits are as follows:

- Henderson Avenue – Patsy Street to Westwood Street
- Indiana Street – Henderson Avenue to Westfield Avenue
- Leggett Street – Putnam Avenue to Porter Slough
- Gibbons Avenue – Jaye Street to Indiana Street.

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

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

This year's street maintenance program has been evaluated by staff and the PCI for each street is as follows:

Street	Limits	PCI
Henderson Avenue	Patsy Street to Westwood Street	85
Indiana Street	Henderson Ave. to Westfield Ave.	56
Leggett Street	Putnam Ave. to Porter Slough	85
Gibbons Avenue	Jaye St. to Indiana St.	85

The Engineering Division is targeting arterial and collector streets that have a PCI near or above 70 for micro-surfacing projects. Unfortunately, this is difficult to do with so many of our arterial and collectors having numerous badly distressed pavement areas.

Dir 362 Appropriated/Funded MB CM J

Item No. 2

To pursue the cost effectiveness of micro-surfacing, the Engineering Division has identified the badly distressed areas for removal and replacement. This remedial action pulls the PCI up to or above the target of 70.

Indiana Street is a classic example of elevating the PCI from a low number (56) to an acceptable PCI (70) by simply removing and replacing severely distressed areas prior to the placement of the micro-surfacing. Indiana Street and Leggett Street will receive a two layer system including a bottom course of asphalt rubber chip seal followed by a top course of micro-surfacing to lock in the aggregate chips commonly known as a cape seal, which is a preventative maintenance treatment for urban major roads with PCI ratings of 70-89 and helps reduce reflective cracking.

Although Gibbons Avenue and Henderson Avenue have a PCI rating of 90, due to the age of the street segments staff felt it necessary to apply a micro-surfacing now in order to prolong pavement life.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council's review.

The Engineer's Estimate for the noted street projects is \$769,359. An additional \$38,467.95 is necessary for construction contingency (5%) and \$38,467.95 is required for construction management, quality control and inspection (5%). The total estimated cost associated with the project is \$846,294.90.

City Staff will provide construction management/inspection services and the City's on-call consulting firm, Consolidated Testing, with assistance from APART Inc., will provide quality control services (asphalt concrete aggregate sieve analysis, chip rock sieve analysis, sand equivalent testing, oil content confirmation, field confirmation of micro-surfacing mix design, etc.).

If the City receives favorable bids, a total of 8.58 lane miles of maintenance work will be accomplished with this project. Staff is requesting that Council consider approving bid advertisement in advance of the approved 2013/2014 budget for two distinct reasons:

1. CalEMA disaster relief funds in the amount of \$100,561 are funding a portion of the project including repairs to the damage caused on Henderson Avenue between Patsy and Balmoral from the floods of 2010. Staff felt it prudent to combine this work with the larger Measure 'R' street maintenance project in order to receive more competitive bids. The deadline for expenditure of these funds is June 21, 2013.

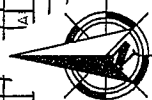
2. The Local Measure 'R' Funds are available now for the City by an advancement request. This year's City allocation is approximately \$748,000 and Tulare County Transportation Authority (TCTA) is in receipt of our advancement request. Staff is awaiting formal commitment by TCTA and we are confident the advancement request will be forthcoming.

The funding source for this annual project is based on TCTA approval of the 2013/2014 Local Measure 'R' Tax Revenue advancement. It is possible that the approval of the advancement will be given by the time this report is presented to Council. Measure 'R' will fund \$746,363.90 and the remaining \$100,561 will be funded by CalEMA disaster relief.

RECOMMENDATION: That City Council:

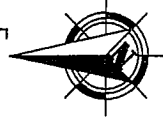
1. Approve Staffs recommended Plans and Project Manual for the 2013/2014 Micro-Surfacing Project;
2. Approve the advancement of 2013/2014 "Local" Measure 'R' Funds as approved by TCAG; and
3. Authorize staff to advertise for bids on the project.

ATTACHMENTS: Locator Maps (Henderson, Indiana, Leggett, Gibbons)
Engineer's Estimate

[illegible]

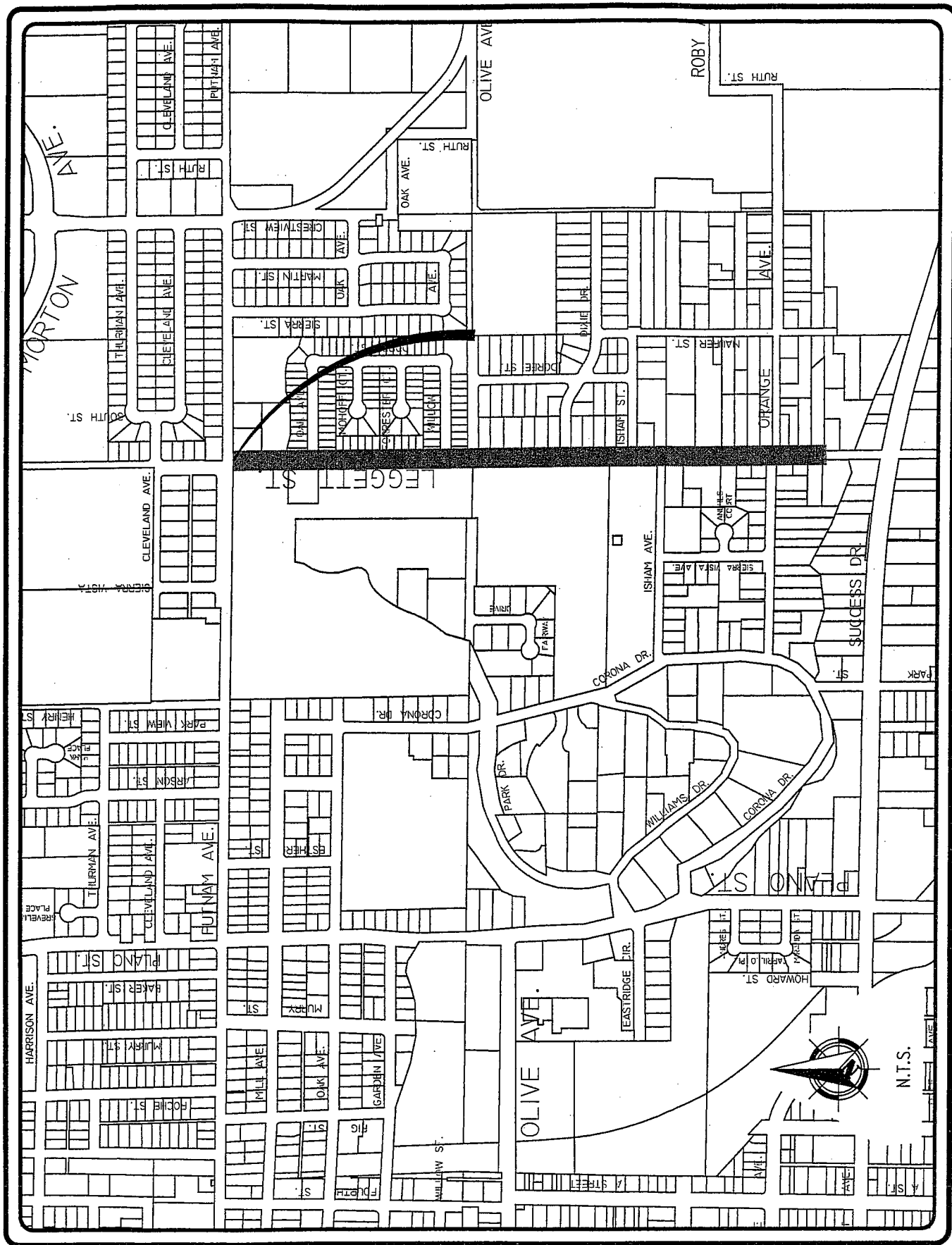
N.T.S.

Map showing the project location (indicated by a large black rectangle) situated on the east side of Westfield Ave. between Indiana St. and Shadowwood St. The map includes surrounding streets such as Birch, Elm, Oak, and various residential blocks. A north arrow is present in the bottom right corner, and the text "N.T.S." (Not To Scale) is printed below it.



N.T.S.

LEGGETT ST. MICRO-OVERLAY
PROJECT LOCATION MAP



[illegible]

PROJECT: Micro-Surfacing Project - Measure R Local Funds - CalEMA Funds

Date: 2/7/13

PART A - HENDERSON AVENUE (PATSY STREET TO WESTWOOD STREET)					
ITEM NO.	EST. QTY.	UNIT	ITEM	UNIT PRICE	TOTAL PRICE
1	1	L.S.	Mobilization and Demobilization	\$20,000.00	\$20,000.00
2	1	L.S.	Traffic Control	\$15,000.00	\$15,000.00
3	74,100	S.F.	Grind 4' Wide Wheel Tracks & Replace 2" Asphalt Concrete with 1/2" PG 64-10 Asphalt Concrete including Tack Coat & Final Sweeping per Plans & Specifications - Deliver Grindings to City Stock Pile	\$2.00	\$148,200.00
4	14	EA.	Double Adjust Water Valve Frame & Cover to Finish Grade per City Standard W-7.1	\$600.00	\$8,400.00
5	7	EA.	Double Adjust Manhole Frame & Cover to Finish Grade per City Standard S-3.1	\$1,000.00	\$7,000.00
6	2,680	S.F.	Grind & Replace 4" Asphalt Concrete with 1/2" PG 64-10 Asphalt Concrete including Tack Coat & Final Sweeping per Plans & Specifications - Deliver Grindings to City Stockpile	\$4.00	\$10,720.00
7	30,670	S.Y.	Type II-II Micro-Surfacing (top course) including site preparations per the guidelines set forth in the project specifications	\$3.25	\$99,677.50
8	8	EA.	Replace Traffic Loop Detector per 2010 Caltrans Standard Plan ES-5B Type E	\$500.00	\$4,000.00
9	1	L.S.	Removal & Replacement of Striping & Pavement Markings inclusive of temporary pavement delineation	\$15,000.00	\$15,000.00
SUBTOTAL					\$327,997.50

PART B - INDIANA STREET (HENDERSON AVENUE TO WESTFIELD AVENUE)					
ITEM NO.	EST. QTY.	UNIT	ITEM	UNIT PRICE	TOTAL PRICE
10	1	L.S.	Mobilization and Demobilization	\$20,000.00	\$20,000.00
11	1	L.S.	Traffic Control	\$15,000.00	\$15,000.00
12	3,673	S.F.	Grind Full Pavement Depth (4") and Replace with Asphalt Concrete per the guidelines set forth in the project specifications	\$4.00	\$14,692.00
13	16,950	S.Y.	Asphalt Rubber Chip Seal (bottom course) including site preparations per the guidelines set forth in the project specifications	\$5.00	\$84,750.00
14	16,950	S.Y.	Type II-III Micro-Surfacing (top course) including site preparations per the guidelines set forth in the project specifications	\$3.25	\$55,087.50
15	10	EA.	Adjust Existing Manhole Cover to Finish Grade per City Standard S-3.1	\$800.00	\$8,000.00
16	3	EA.	Adjust Existing Survey Monument Encasement to Finish Grade per City Standard M-1	\$350.00	\$1,050.00
17	17	EA.	Adjust Existing Water Valve Cover to Finish Grade per City Standard W-7.1	\$500.00	\$8,500.00
18	1	L.S.	Removal & Replacement of Striping & Pavement Markings inclusive of temporary pavement delineation	\$10,000.00	\$10,000.00
SUBTOTAL					\$217,079.50

PROJECT: Micro-Surfacing Project - Measure R Local Funds - CalEMA Funds

Date: 2/7/13

PART C - LEGGETT STREET (PUTNAM AVENUE TO PORTER SLOUGH)					
ITEM NO.	EST. QTY.	UNIT	ITEM	UNIT PRICE	TOTAL PRICE
19	1	L.S.	Mobilization and Demobilization	\$10,000.00	\$10,000.00
20	1	L.S.	Traffic Control	\$12,000.00	\$12,000.00
21	12,950	S.Y.	Asphalt Rubber Chip Seal (bottom course) including site preparations per the guidelines set forth in the project specifications	\$5.00	\$64,750.00
22	12,950	S.Y.	Type II-II Micro-Surfacing (top course) including site preparations per the guidelines set forth in the project specifications	\$3.25	\$42,087.50
23	15	EA.	Adjust Existing Manhole Cover to Finish Grade per City Standard S-3.1	\$800.00	\$12,000.00
24	24	EA.	Adjust Existing Water Valve Cover to Finish Grade per City Standard W-7.1	\$500.00	\$12,000.00
25	2	EA.	Adjust Existing Survey Monument to Finish Grade per City Standard M-2 Type C	\$350.00	\$700.00
26	2	EA.	Adjust Existing Survey Monument Encasement to Finish Grade per City Standard M-1	\$350.00	\$700.00
27	1	L.S.	Removal & Replacement of Striping & Pavement Markings inclusive of temporary pavement delineation	\$7,000.00	\$7,000.00
SUBTOTAL					\$161,237.50

PART D - GIBBONS AVENUE (JAYE STREET TO INDIANA STREET)					
ITEM NO.	EST. QTY.	UNIT	ITEM	UNIT PRICE	TOTAL PRICE
28	1	L.S.	Mobilization and Demobilization	\$10,000.00	\$10,000.00
29	1	L.S.	Traffic Control	\$10,000.00	\$10,000.00
30	11,706	S.Y.	Type II-III Micro-Surfacing including site preparations per the guidelines set forth in the project specifications	\$3.25	\$38,044.50
31	1	LS	Removal & Replacement of Striping & Pavement Markings inclusive of temporary pavement delineation	\$5,000.00	\$5,000.00
SUBTOTAL					\$63,044.50

TOTAL CONSTRUCTION COST	\$769,359.00
Construction Contingency 5%	\$38,467.95
Construction Management & Quality Control (5%)	\$38,467.95
	\$846,294.90

Estimate Certification

Project Manager

Date

DPWD/City Engineer

Date

Public Works Director

Date

City Manager

Date

COUNCIL AGENDA: FEBRUARY 19, 2013

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – UNDERGROUND
WASTE OIL STORAGE TANK MONITORING SYSTEM

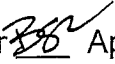

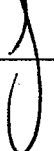
SOURCE: Public Works Department – Field Services Division

COMMENT: The City of Porterville Wastewater Treatment Facility has a 500 gallon underground waste oil storage tank equipped with a leak detection system it uses for temporary storage of spent oil from its engines and equipment.

The monitoring system has failed its recent annual inspection. The system is obsolete and parts are no longer available. Staff estimates a new system will cost approximately \$10,000. Funds are available in the Wastewater Treatment Facilities Operating Fund.

RECOMMENDATION: That City Council authorize staff to advertise for bids on the installation of a new monitoring system for the underground waste oil storage tank.

P:\pubworks\General\Council\Authorization to Advertise for Bids - Underground Waste Oil Storage Tank Monitoring System.doc

Dir  Appropriated/Funded  CM 

Item No. 3

COUNCIL AGENDA: FEBRUARY 19, 2013

SUBJECT: AWARD OF CONTRACT – JAYE STREET BUS TURNOUT

SOURCE: Public Works Department - Engineering Division

COMMENT: On February 6, 2013, staff received nine (9) bids for the Jaye Street Bus Turnout. The proposed project will improve transit accessibility along a portion of Route 6 to Sierra View District Hospital. This bus stop is south of Putnam Avenue and north of Oak Avenue. The bus turnout project includes removal of existing concrete and landscape improvements and installation of new concrete and landscape improvements allowing for a bus to completely pull out of the travel way to access the bus stop location. Concrete pads with bus shelters, provided by the City and installed by the contractor, will be adjacent to the back of the new sidewalk.

The Engineer's Estimate of Probable Cost for construction is \$94,813.40. The low bid for the project is 23.1% below the Engineer's Estimate. An additional \$7,290.65 is required for construction contingency (10%). It is anticipated that an additional \$7,000 is required for construction management, quality control and inspection services for a total estimated project cost of \$87,197.11.

Funding for this project is from a Federal Transportation Administration Grant with a twenty percent (20%) local match. Local Transportation Funds are the revenue source for the local share, all of which was approved in the 2012/2013 Annual Budget.

The bids are as follows:

	<u>Contractor</u>	<u>Amount</u>
1.	Halopoff & Sons Porterville, CA	\$72,906.46
2.	Valley Oak Contractors Porterville, CA	\$85,750.06
3.	R.C. General Visalia, CA	\$88,839.00
4.	Lockwood General Engineering Visalia, CA	\$90,667.10

Dir BSV Appropriated/Funded MB CM J

Item No. 4

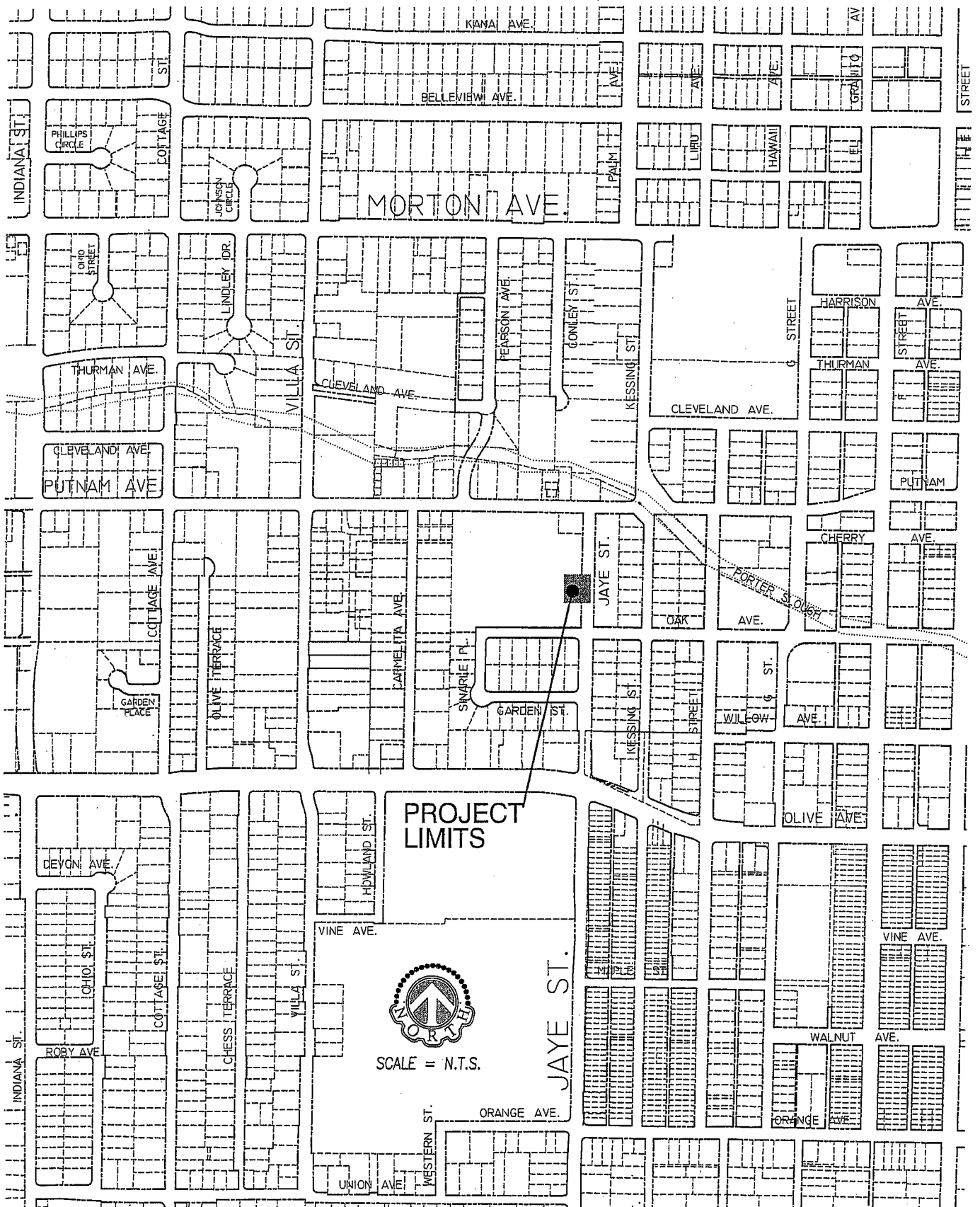
5.	Dawson Mauldin Huntington Beach, CA	\$90,749.00
6.	Todd Companies Visalia, CA	\$92,775.72
7.	JJ Fisher Construction Arroyo Grande, CA	\$94,694.40
8.	Central Valley Asphalt Lindsay, CA	\$98,275.50
9.	DOD Construction Bakersfield, CA	\$146,536.50

Staff has found the low bid acceptable and in compliance with the specification requirements for this federally funded project.

RECOMMENDATION: That City Council:

1. Award the Jaye Street Bus Turnout Project to Halopoff & Sons in the amount of \$72,906.46; and
2. Authorize a 10% contingency to cover unforeseen construction costs and \$7,000 for construction management, quality control and inspection.

ATTACHMENT: Locator Map



CITY OF PORTERVILLE
ENGINEERING DIVISION
291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(569) 782-7462

JAYE STREET BUS TURNOUT PROJECT NEAR HOSPITAL

OWNER	-
APN	-
AREA	-
ACRES	-
SCALE	N.T.S.
DATE	-
DRAWN BY	-
CHECKED BY	-

CITY COUNCIL AGENDA: FEBRUARY 19, 2013

SUBJECT: REQUEST FOR APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT

SOURCE: FIRE DEPARTMENT

COMMENT: The Porterville Fire Department would like to purchase a Flashover Simulator / Fire Behavior prop to be located at the Regional Training Facility, 500 N. Newcomb. This piece of equipment would provide invaluable training in firefighting techniques.

The department has identified the following three manufacturers of this specialized equipment and obtained estimates and specifications from each. The estimates received are:

Fire Blast:	\$54,101.20
Fire Training Structures:	\$50,604.40
Drager:	\$37,080.00

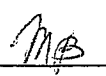
The Drager Flashover Simulator is the most cost-effective product primarily due to its delivery with "some assembly required." The Fire Department will assemble the two main sections utilizing its significant in-house experience with "sea-train" construction. The department will also perform all site work including grading, staking, forming, pouring and finishing of the required concrete base pad.

Funding for this project, approved in the 2012 /2013 Annual Budget, is currently available from the 2012 Indian Gaming Grant.

RECOMMENDATION: That City Council approve purchase of one "Phase 1 Drager Swede System – Flashover" at a cost of \$37,080.00, plus applicable sales tax.

ATTACHMENTS: Drager Price Quotation
Drager Technical Specifications

Dir. 

Approp./ Funded 

CM 

Item No. 5.

Draeger Safety, Inc.
700 Second Street, Suite G
Encinitas, CA 92024
Tel: +1 760 634-7740
Fax: +1 760 634-7746



PRICE QUOTATION

CUSTOMER:		Porterville Fire Dept.		DATE:	01/31/13
ADDRESS:					
CITY, STATE (PROV):		Porterville, CA		PAGE:	1 of 1
ZIP (PCODE):		93257			
ATTENTION:		Shannon Skiles		PHONE:	559-782-7475
TITLE:				FAX:	
E-MAIL ADDRESS:		sskiles@porterville.ca.us			
REFERENCE:		Phase 1 Draeger Swede System- Flashover		DSM:	Scott Miller
DELIVERY INFO:		60 Days from date of purchase order		RSM:	Jim Eder
ITEM	QTY	DRAEGER PART #	DESCRIPTION	NET UNIT PRICE	NET EXTENSION
A	1	n/a	Dräger Swede Survival - Phase 1 Flashover as per Technical Specification attached to this Price Quotation Training Included- 2 day onsite, up to 12 in class 2 Zone Temperature Monitoring System Included	\$36,180.00	\$ 36,180.00
B	1	n/a	Freight- FOB DESTINATION- Porterville, CA	\$900.00	\$ 900.00
Notes:					
1) All funds are in US Dollars					
2) Freight only Valid for 30 Days					
3) Site preparation and set-up are not included					
4) Customs and Duties are not included					
5) Any building permits and/or trade licenses to be supplied by client					
6) Bonding price (if required) not included					
7) Local, State, or Federal Taxes are not included					
TOTAL QUOTATION:					\$37,080.00
Special Conditions/Comments:					
<ul style="list-style-type: none"> - Site preparation and set-up is in the responsibility of the purchasing authority. For site requirements see performance specification. - Training is mandatory part of the scope of delivery and has to take place within 90 days of the set-up of the system. - System is NOT to be used with untrained operators/instructors. - Purchasing authority will disclose final destination of the unit to Draeger within 5 working days after placement of purchase order - Purchasing authority will specify location of training to Draeger within 5 working days after placement of purchase order. - Draeger holds the right to adjust sales price of line item A, if training is to take place outside the NAFTA area. 					
Incoterms:					
TERMS:		Net 30 Days upon Credit Approval			
EXPIRY:		Offer expires 90 days from date of signed quotation.			
Authorized Signature:				Draeger Name:	Mr. John Hunter
				Draeger Title:	Product Specialist Draeger Swede Survival

Confidential and Proprietary
No release without written authorization from Draeger

Technical Specification: Dräger Swede Survival - Phase 1 "Flashover Observation"

A. SCOPE OF DELIVERY

- Container System built to specifications of Draeger
- System meets or exceeds NFPA 1001, 1403 and 1500 Standards
- System meets the Swedish Rescue Training Center specifications
- 2 day advanced "train-the-trainer" course conducted on site for up to 12 trainers

B. CONTENTS OF TRAIN-THE-TRAINER COURSE

1. Ignition Sources
2. Fire Behavior
3. Formation of Fire Gases
4. Fire Control
5. Container Operations
6. Hydration
7. Heat Stress
8. SCBA & Safety Equipment
9. Heat Stress Management
10. Recognition of Pre-Flashover
11. Smoke and Ventilation Exercises
12. Nozzle Technique
13. Container Management
14. Safety

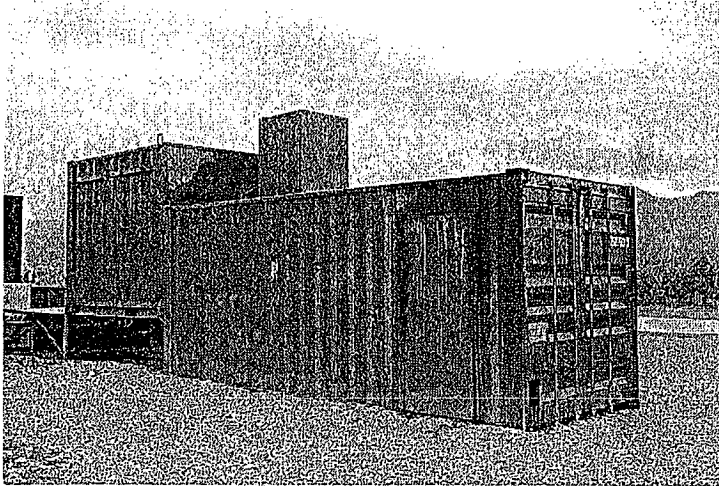
C. CONTAINER SYSTEM SPECIFICATIONS AND SET-UP REQUIREMENTS

Dimensions:

- | | |
|---------------------------|----------------------------------|
| a) Burn Container | 10' Long, 8 ' Wide, 11 1/2' High |
| b) Observation Container: | 20' Long, 8 ' Wide, 8 1/2' High |

Weight:

Approx. 21,000 pounds. (Observation 9,000 & Burn 12,000)



Construction and Included Items:

- Access Platform / Loading Dock
- Partek High Performance Insulation In Burn & Portion of Observation Container
- 14 Gauge Steel Exterior with 8 Gauge Sheet Metal Covering Insulation
- 5/8" Chain on Walls, Ceiling and Doors of Burn Container
- Ventilation System
- Concrete Paving to Line Floor of Burn Container
- 1 ea.- Crib Fire Drum
- Side entry doors without locks
- Access for Hose Line
- Jacks for additional Support of Burn Container
- Paint – Red Oxide

Site Requirement:

- Level pad of either concrete or gravel with average dimensions of not less than 20' Wide and 40' Long (800sq ft).
- No foundation or drainage system required.
- Burn Container to be placed directly into prevailing wind, if applicable.
- Equipment required for set-up: Large capacity fork-lift truck, with extended arms or crane. Set-up time is approximately one hour for 3 people (forklift operator +2)

Site preparation and set-up is the responsibility of the purchasing authority.

D. PRICE & DELIVERY

see "price quotation" page

E. TERMS & CONDITIONS

see "price quotation" page

COUNCIL AGENDA: FEBRUARY 19, 2013

SUBJECT: AUTHORIZATION TO PURCHASE ADDITIONAL ROUTEMATCH PASSENGER INFORMATION MODULES

SOURCE: Public Works Department - Transit

COMMENT: On May 1, 2012, the City Council approved staff to negotiate the sole source procurement of the RouteMatch scheduling and passenger information system due to their ability to provide a fully integrated solution using a single database and the ability to add additional components to their system without purchasing a new system or additional 3rd party equipment. With Council's direction, staff negotiated the price of the software package and began installing the software in July of 2012.

As the RouteMatch system was being implemented, in conjunction with the new bus stop sign program, it became evident to staff that additional modules should be purchased, if funding was available, to enhance the passengers overall experience. Specifically, staff is interested in procuring three (3) additional RouteMatch modules which will increase the overall efficiency of Porterville's entire transit operations and provide riders another means to access real time information, thereby increasing the rider's use of and overall satisfaction with the City's transit system.

The three additional modules staff is interested in procuring is: (1) Paratransit Notification Module, this module interacts with the existing RouteMatch database to provide paratransit passengers with advanced trip confirmation scheduling capabilities and real time arrival notices; (2) BusLine Notification Module, this module interacts with the existing RouteMatch database to automate the transit center phone system, providing transit customers with next bus, schedule and other transit information; and (3) Fixed Route Display Module, this module interacts with the existing RouteMatch database to allow staff to easily configure and manage digital displays located at the transit center, notifying customers when the next bus will arrive.

If authorized, the cost of the three additional modules will be \$159,450, with a 10% contingency, bringing the total cost of the additional modules not to exceed \$175,395. This project will be funded in full from Transit's FY 2012/2013 Prop 1B grant, which was advanced through Measure R and is readily available.

DD BB

Appropriated/Funded MB

CM 1

Item No. 6

Staff estimates that it would take up to three months to implement the three additional modules.

RECOMMENDATION: That the City Council:

- 1) Authorize staff to begin negotiations for the purchase of the three additional RouteMatch modules; and
- 2) Authorize payment upon satisfactory delivery of the equipment.

ATTACHMENT: RouteMatch Software Proposal
May 1, 2012 Staff Report

RouteMatch Software Proposal

Proposal Response To:

City of Porterville

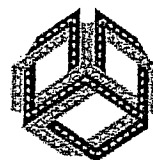
Submitted By:

Teague Kirkpatrick
RouteMatch Software
World Trade Center, Tower I
1675 Broadway Street, Suite 1045
Denver, CO 80202
(303) 997-1507

teague.kirkpatrick@routematch.com
www.routematch.com

Submitted On:

February 8, 2013



RouteMatch
Software™



RouteMatch Software uses recyclable paper and materials.

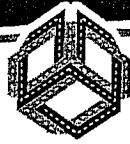


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Contents

1.0 Introduction	4
1.1 Scope of Services	4
2.0 Product Description	5
2.1 RouteMatch Paratransit Notification Module.....	5
2.2 RouteMatch Display Module.....	10
2.3 BusLine Fixed Route IVR System.....	11
3.0 Cost Proposal.....	13
3.1 Pricing Summary.....	13
3.2 RouteMatch Notification Module	13
3.3 RouteMatch Display System.....	14
3.4 BusLine Fixed Route IVR System.....	14
3.1 BusLine Fixed Route IVR System.....	14
4.0 Acceptance Page.....	15



1.0 Introduction

RouteMatch Software is pleased to provide the following proposal for various turn-key components to City of Porterville's current RouteMatch Transportation Management System. RouteMatch has carefully reviewed the requirements of your project and is very confident our solutions combined with our excellent project team will provide your organization and extremely valuable solution and assist in leveraging technology to automate your operations.

1.1 Scope of Services

The Scope of Services for this engagement consists of the following components:

1. RouteMatch Paratransit Notification Module

- a. Floodgate Messaging, Night-before Reminders and Pre-Arrival Notifications
- b. Up to 50,000 Calls, Emails and SMS Texts annually
- c. Professional Services for Project Management, Configuration, Implementation and Training
- d. Required Support & Maintenance Program

2. RouteMatch Display System

- a. Licensing for three (3) displays
- b. Professional Services for Project Management, Configuration, Implementation and Training
- c. Required Support & Maintenance Program

3. BusLine Fixed Route IVR System

- a. 4 Port IVR System
- b. Fixed Route Integration with GTFS for Scheduled Times
- c. Nuance Text-to-Speech – English & Spanish
- d. Implementation & Project Manager Fees
- e. Telephony Hardware & Warranty & Maintenance Options

These items are further summarized below.



2.0 Product Description

2.1 RouteMatch Paratransit Notification Module

The RouteMatch Notification Module interacts with phone systems and email exchange servers to provide your customers with trip confirmation notification and real time arrival notices. Transit systems can configure the system to deliver automated call-backs to customers to remind them of schedules, service issues, or reminders. If combined with your AVL system, consumers can access the phone for real-time "where's my ride" information. RouteMatch developed the Notification Module for a flexible, targeted technology solution to initiate contact with riders.

The RouteMatch Notification Module uses a flexible, customizable approach to manage proactive, agency initiated messages to riders about trips or general service updates. The technology uses four (4) methods for communication which can be customized to each rider according to their communication preferences: Phone, Email, SMS (Text), or Fax. In addition, RouteMatch stores multiple phone numbers and email address so that, with prior authorization, notifications can be sent to interested family members or care givers about a passenger's trip.

Key features:

- Automated call-backs to customers to notify them of schedule changes, service disruptions, or emergency alerts.
- Multi-language support.
- Allows users to access call center 24/7/365.
- Integrate to AVL system for real time "where's my ride" and arrival notification.

Key benefits:

- Improve system accessibility to your customers.
- Improve operational efficiencies of call centers and labor required to communicate to your customers.
- Improve customer satisfaction by providing more options to your service.
- Reduce no-shows and dwell time using the Arrival Notification feature of the system.

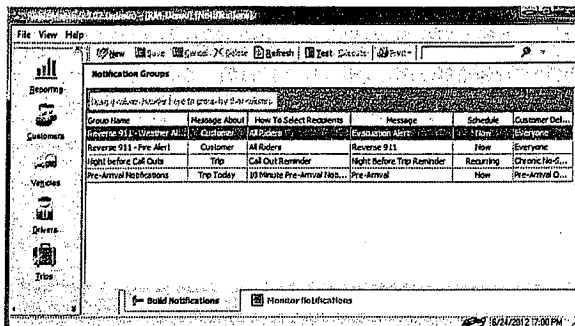


Notifications

The Notification module is used to create "Notification Groups" that allow you to schedule and send your notifications based on the options you have set for each recipient. When you set up a group, you have the ability to use a Criteria Editor to build criteria that RouteMatch TS uses to choose which recipients the notification is sent to.



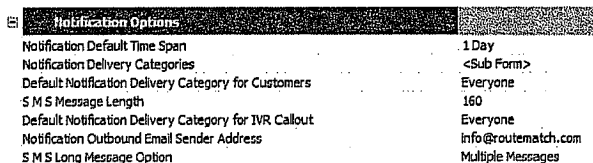
The message itself is template-based and uses a combination of entered text and tags that populate the message from data from the RouteMatch database. After messages are configured, use the Monitor Notification tab to view which messages have been sent and which are scheduled to go out.



Notification Groups

Notification Delivery Categories

These categories are configured in the Notification Options of the Settings module and are the basis of how customers and addresses are configured to receive messages. These categories are entered as free text and have no further settings. All other configuration is done through the other parts of the notification process. When creating the category, you should plan how the notifications are going to be used and for what reason you are going to be contacting your clients. For example, you could configure a category called —Flood Gate to send a message to all active clients and addresses, or you could create a —Trip Based category to determine how customers would need to be notified about their upcoming trips.



Delivery Categories

Configuring Recipients

It is important to remember that by default, no customers or addresses are configured to receive notifications. Each customer or address that has opted-in has to be configured before any notifications are sent to them. You can have messages sent to individual customers if they handle their own transit requests or you can have messages sent to addresses to notify doctor's offices, group homes, or anyone else who may handle transit request or pickup or dropoff destinations.

Anderson, Judith B (13456789)

General

Title: First Name: M.I.: Last Name: Suffix:

Name: Judith B Anderson Ph.D.

Official Name: Judy

Address: Home

149 State Hwy 63
Atlanta, GA 30318 (Pulton)

149 State Hwy 63
Atlanta, GA 30318 (Pulton)

Primary Phone 1- (515) 555-1281 Extension: 123456 Birthday: 12/16/1954

Secondary Phone 1- (555) 555-5555 Extension: 2 Language: English

Official Phone 1- (123) 456-7890 Internal ID: 13456789 Ethnicity: [Dropdown]

Social Security: [Dropdown]

Email Address: joname@website.com Gender: Male Female N/A

☒ Customer is Currently Active Customer Created By: RouteMatch User



RouteMatch Software™

Manage Notifications directly from RM Customer module

Client Level Notification Management

Creating Messages

Use the Notification module to craft the message, the message schedule, and the message criteria that identifies who the message should be sent to. Messages can be sent —on demand , according to a calendar, or on a recurring basis. They can also be sent —as needed when the message pertains to a trip.

Scheduling Messages

There are two ways of thinking about recurring scheduled messages. For customers and addresses, this is how often a single message is sent to that entity. You should be careful to not send too many messages as this could frustrate the customer and could cost them money in terms of data and message charges from their mobile carrier. The message criteria is fairly loose for these message types, so they system sends your message to everyone that matches the criteria you set up.

In terms of recurring trip messages, the system doesn't send the message each time the criteria are met. Instead, the message is queued and sent only once for the criteria you configure. The schedule you are setting up is how often RouteMatch TS checks to see if a message should be sent about the trips. For more information, see the following section, How to create a message.

Parameter Name	Operator	Value
Elderly	Equals	True
Home City	Equals	Denver
Email	Is Not Specified	

Criteria Editor



The screenshot shows the 'Criteria Editor' window. At the top, there are radio buttons for 'Standard' (selected) and 'Advanced'. A 'Please Note' message states: 'After this new criteria is saved in the 'Standard Mode', you will not be able to add it in the 'Advanced Mode'.' Below this, the 'Standard' section has a 'Select a Parameter:' list on the left containing items like 'Customer Middle Initial', 'Customer SSN', 'Customer Suffix', 'Customer Title', 'Default Mobility Requirement', 'Default Service', 'Disabled', 'Elderly', 'Email', 'Home Address', 'Home Address 2', 'Home Address Type', 'Home Building Name', 'Home City', 'Home County Name', and 'Home State'. A 'How To Compare:' dropdown is set to 'Equals'. To the right, the 'Compare With:' section has radio buttons for 'Constant Value' (selected), 'Global Value', and 'SQL'. Below these is a 'Value (True/False):' dropdown set to 'True'. At the bottom are 'Save & Continue', 'Save & Return', and 'Close' buttons.

Criteria Editor(by row)

The screenshot shows the 'Message Template Editor' window. It has a 'Select and Return' button and 'New', 'Save', and 'Delete' buttons. On the left, 'Defined Templates:' lists 'Evacuation Alert' and 'Reverse 911'. The 'Template Name:' field is set to 'Reverse 911'. Below this is a list of 'Tags' including '@AlternateLetterFormat', '@AppealDecisionDate', '@AppealDecisionInfo', '@AppealHearingDate', '@AppealReceivedDate', '@AppealStatusDate', '@ApprovalDate', '@AssessmentDate', '@CertificationStatus', '@CurrentDate', '@CurrentDate', '@EligibilityCode', '@ExpirationDate', '@FirstName', '@HomeAddress', and '@HomeAddress2'. The 'Message:' field contains the text: '@FirstName (@LastName) You are a trip scheduled to pick you up at @HomeAddress. Press 1 to confirm, and 2 to cancel. Press 3 to speak with a live operator. Thank you.' At the bottom are 'Save' and 'Cancel' buttons.

Message Template Editor

The screenshot shows the 'When To Post / When To Deliver' window. It has two tabs: 'When To Post' (selected) and 'When To Deliver'. The title is 'Define When Messages Are Queued To Be Sent'. There are three radio buttons: 'User Will Issue A "Notify" Command To Send This Notification', 'Schedule Notification Once On A Future Date' (with a date field '06/25/2012 0:00 AM'), and 'Schedule Recurring Notifications' (selected). Below this, the 'First Occurrence Time' is set to '15:00 PM'. The 'Recurrence Pattern' section has radio buttons for 'Daily', 'Weekly', 'Monthly' (selected), and 'Yearly'. The 'Monthly' pattern is configured as 'The Fourth Saturday of every month'. Below this, it says 'Every 0 Hours And 1 Minutes'. The 'Range of Recurrence' section has a 'Starts' date of '6/24/2012' and a 'No End Date' option selected. At the bottom, there is a checkbox 'Only Post If Not In Queue' (checked) and a 'Number of Retries Before Failure:' field set to '4'. 'Save' and 'Cancel' buttons are at the bottom right.



Testing Notifications

The Notification module allows you to send a test message to a single recipient to make sure what you are sending to your clients is what you expect to send.

Testing Options

Monitoring Notifications

The Monitor Notifications tab lists all notification messages that have been sent or are in the message queue during a given date range.

To use the tab, select the start and end of the date range and click the Refresh button to search for notifications that occurred during that time period. The messages display:

The Group Name, the Recipient Name, the number or address of the message type, the current status of the notification, the number of retries that have been made in sending the message and the complete text of the message that was sent.

Group Name	Message About	How To Select Recipients	Message	Schedule	Customer Del...
Reverse 911 - Weather Alert	Customer	All Riders	Evacuation Alert	Now	Everyone
Reverse 911 - Fire Alert	Customer	All Riders	Reverse 911	Now	Everyone
Night before Call Outs	Trip	Call Out Reminder	Night Before Trip Reminder	Recurring	Chronic No-5...
Pre-Arrival Notifications	Trip Today	10 Minute Pre-Arrival Noti...	Pre-Arrival	Now	Pre-Arrival O...



2.2 RouteMatch Display Module

The RouteMatch Display Module allows staff to easily configure and manage signs located at transfer centers, major depots, and bus stops directly from RouteMatch CA. Any stop can have one or multiple signs associated with it. The signs can be LCD, LED, or a Kiosk. RouteMatch simply needs a device with an IP address that it can connect with. RouteMatch can connect to multiple sign types and communication methods including: Ethernet, WiFi, and/or cellular modems.

Users simply search for the stop they would like to attach a sign to using our Stop Management tools. Users check the box "This is a stop with a Sign". The user interface below is then displayed:

General Stop Details: Govmnt_Cntr_S1

Sign name: Govmnt_Cntr_S1 Category: Depot Sign

Location: Address: 10.0.0.192 Port: 9191

Refresh rate: 60 (in seconds) ☒ Active

Display Options

Depot Display Type: RouteMatch Application

Display template: Default - Manifest and Messages Preview...

Secondary display template: Default - Manifest Only Preview...

Display manifest stops from: 30 minutes BEFORE to: 30 minutes AFTER their scheduled stop time

Display stop times as: 12-hour time Example: 12:22 AM

Header text to display: Roaring Forks Transit Authority

Footer text to display: Traveler Information System

HTML Templates are provided for agency customization. This gives an extremely flexible environment to customize the look, feel, and content of each sign. Each display could have different appearances based on audience and target markets. Weather, advertising, and emergency response systems can be easily integrated into each wayside sign. Once templates are edited, users can preview the sign by selecting the PREVIEW button.

Vehicle	Route	Scheduled Stop Time	ETA	Next Stop
Vehicle 0	Route Name 0	Stop Time 0	ETA Time 0	Next Stop Name 0
Vehicle 1	Route Name 1	Stop Time 1	ETA Time 1	Next Stop Name 1
Vehicle 2	Route Name 2	Stop Time 2	ETA Time 2	Next Stop Name 2
Vehicle 3	Route Name 3	Stop Time 3	ETA Time 3	Next Stop Name 3
Vehicle 4	Route Name 4	Stop Time 4	ETA Time 4	Next Stop Name 4
Vehicle 5	Route Name 5	Stop Time 5	ETA Time 5	Next Stop Name 5
Vehicle 6	Route Name 6	Stop Time 6	ETA Time 6	Next Stop Name 6
Vehicle 7	Route Name 7	Stop Time 7	ETA Time 7	Next Stop Name 7

Important Messages

This is the message text 0

This is the message text 1

This is the message text 2

This is the footer



2.3 BusLine Fixed Route IVR System

FIXED ROUTE TRAVELER INFORMATION

BusLine automates transit call centers by providing public transit riders with automated next bus, schedule and other transit information.

BENEFITS

Cost Savings

Call center capacity increases without adding staff. Agents can focus on complex inquiries. BusLine reduces the overall cost per call.

Better Customer Service

Riders have convenient 24/7 access to transit information. Busy signals and hold times are reduced or eliminated.

Easy to Install and Maintain

BusLine integrates seamlessly with your scheduling and operating environment. BusLine also integrates with HandyLine and TripFinder.

Scalable

BusLine can scale to handle any call volume.

Configurable

Change bulletins, surveys, or agent settings at any time.

STANDARD FEATURES

Next Bus Times

Riders select a timing point or numbered stop, and BusLine returns the next times that the bus passes the location.

Schedule Lookup

Riders select a route, day and time and BusLine provides schedules at timing points for that route.

Bulletins

Announce special events, emergency information, delays, and detours to riders. Bulletins can be generic or specific to the route, date or time.

Surveys

Configure surveys to poll your riders on any subject and receive detailed feedback on the results.

System Reports

View or print detailed BusLine usage statistics.

Control Center

The Control Center is a sophisticated administrative tool for configuring BusLine without system downtime.

OPTIONAL FEATURES

Stop Level Information

BusLine provides schedules and next bus times for each individual stop.

AVL Integration

When BusLine is integrated with your Automatic Vehicle Location (AVL) system, riders receive real-time schedule and next bus times, adjusted for delays.

Computer Technology Integration (CTI)

Provides call center agents with the collected call detail allowing the customer's query to be handled more efficiently.

Pass and Ticket Sales

Riders can place orders for tickets without speaking to an agent. Reports are generated for order fulfillment.





Core IVR Functionality

- ❖ Web-Based Control Center
- ❖ 2 ports of Nuance / Loquendo Tier 3 Speech Recognition and 2 Text-to-Speech Licenses (English & Spanish Only)
 - Bus Stop Names (can be optionally recorded)
 - Spanish translation is the responsibility of Porterville
 - Professional translation are available at additional cost
 - Route / Pattern Names
- ❖ PrEditor 2 – Prompt Editing Recording Tool
- ❖ Speech Blocks & Voice Forms – allowing City of Porterville to simply make changes to IVR Content
- ❖ Floodgate Messaging, Special Announcement, and General Information Menus (FAQ's)
- ❖ SIP Trunking
- ❖ Windows 2008R2 and Microsoft SQL Server 2008 Express Support
- ❖ Full set of Standard Reports for auditing and usage statistics
- ❖ Global grammar for detecting zero out, repeat, and main menu. (0,*,9 in DTMF)
- ❖ Error Recovery and help – 3 levels of fallback when reprompting including ability to transfer to agent.

Fixed Route Functionality

- ❖ Integration with ROUTEMATCH RMXS API for communication of real-time
- ❖ bus arrival information at the stop level.
 - Integration with ROUTEMATCH or AGENCIES database for scheduled times
 - Self-Service Customer Information to handle inquiries
 - Configurable Call Routing Schedules
- ❖ Agent Language Skills
- ❖ Open / Closed Messages on Transfer
- ❖ Holiday Exceptions
- ❖ Conditional Routing based on time of day
- ❖ Arrival Times by Stop ID or Stop Name
- ❖ Future Scheduled Arrival Times
- ❖ Find My Stop Functionality by Intersection
- ❖ General Information / Floodgate Messaging
- ❖ Identification of First and Last Trips of Day
- ❖ Configurable content for speaking trip information
 - Route Name, Route Number, Pattern Name, Direction
 - Number of times to speak out
 - Times organized by route or arrival time



3.0 Cost Proposal

3.1 Pricing Summary

Project	Capital Cost
Paratransit Notification Module	\$38,160
RouteShout Display System	\$14,380
BusLine Fixed Route IVR System	\$84,200
Total	\$136,740

3.2 RouteMatch Notification Module

For this scenario, the proposal assumes:

- RouteMatch Notification Module
 - Floodgate Messaging, Night-before and pre-arrival reminders
 - Up to 50,000 Calls, Emails and/or SMS Texts annually

RouteMatch Software – Base License Fees	
Notification Module License Fees	\$24,500
Sub-Total	\$24,500
RouteMatch Software Implementation Services	
Notification Professional Services	\$10,560
Telephony Fees (includes English & Spanish) – Year 1	\$1,500
Travel (1 trip)	\$1,600
Sub-Total	\$13,660
TOTAL	\$38,160
Premium Support & Maintenance	
First Year Premium Support and Maintenance Program	Included
Ongoing Annual Premium Support and Maintenance Program	\$2,450
Annual Telephony Fees (includes English & Spanish)	\$1,500



3.3 RouteMatch Display System

For this scenario, the proposal assumes:

- Licensing for three (3) displays
- Professional Services for Project Management, Configuration, Implementation and Training

RouteMatch Software – Base License Fees	
RouteMatch Display License Fees	\$7,500
Sub-Total	\$7,500
RouteMatch Software Implementation Services	
Display Professional Services	\$5,280
Travel (1 trip)	\$1,600
Sub-Total	\$6,880
TOTAL	\$14,380
Premium Support & Maintenance	
First Year Premium Support and Maintenance Program	Included
Ongoing Annual Premium Support and Maintenance Program	\$1,125

3.4 BusLine Fixed Route IVR System

For this scenario, the proposal assumes:

- 4 Port IVR System - Nuance Text-to-Speech
- Professional Services for Project Management, Configuration, Implementation and Training

RouteMatch Software – Base License Fees	
BusLine IVR System Fees	\$42,800
Sub-Total	\$42,800
RouteMatch Software Implementation Services	
Implementation & Professional Services	\$37,400
Travel (1 trip)	\$4,000
Sub-Total	\$41,400
TOTAL	\$84,200
Premium Support & Maintenance	
90 Day Warranty	Included
OPTIONAL 1 Year Extended Warranty	\$7,134
OPTIONAL Ongoing Extended Warranty	\$9,704

3.1 BusLine Fixed Route IVR System

Optional IVR Components	
Additional Port	\$2,400
Analog – Audiocodes MP118 – 8 port with IP PBX	\$890



4.0 Acceptance Page

This proposal serves as a change to the original scope of this project. This proposal will also be considered an addendum and is subject to the original Hardware, Software License, and Service Agreement Between RouteMatch Software, Inc., and City of Porterville. It will assume the terms and conditions as set forth in this executed contract. If accepted, please have an authorized official to sign and return. Upon receipt of the accepted quote, RouteMatch will authorize the above describe product and/or services to be delivered to City of Porterville.

Authorized Signature

Date

Printed Name

Organization Name

Please return immediately to the following contact:

Teague Kirkpatrick

RouteMatch Software

teague.kirkpatrick@routematch.com

303.997.1507

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

SOURCE: Public Works Department - Transit

COMMENT: The Porterville Transit System has provided transportation services as the public transit operator for the Porterville Urbanized Area since 1980. Porterville Transit provided 437,041 trips during Fiscal Year 2010/2011. Transportation is provided to the community in the form of local fixed-route and curb-to-curb Dial-A-Ride services.

Thirty (30) employees provide transportation services twelve (12) hours a day, Monday through Friday, with limited Saturday hours. All components necessary to provide public transportation are housed within the Porterville Transit Center and the City's Corporation Yard. The City maintains and schedules a fleet of nineteen (19) vehicles, including wheelchair accessible mini-vans.

Currently there are only two (2) methods of communication available in the transit vehicles:

- Two-way Radio System
- Limited Global Positioning System (GPS)

The following recommendations were approved by the City Council to improve its intelligent transportation system (ITS).

- 1) The **Porterville Transit Short Range Transit Plan**, adopted August 2010, states, "Reduce COLT operational costs through improved trip-planning efforts (service efficiency)."
- 2) The **Tulare County Coordinated Transportation Plan**, adopted July 2010, states, "Develop user-friendly information systems that illustrate available services and trip options, including guides/brochures, kiosks, automated routing services, etc."

In September 2011, the City Council approved the Public Transportation Modernization, Improvement & Service Enhancement Program (PTMISEA) allocation plan for the installation of an automatic dispatch system, automatic vehicle locating system, and passenger information system through the State Proposition 1B bond program – PTMISEA.

This project will implement both recommendations noted above with the transition from a limited demand response scheduling program. The passenger information system project will acquire, install and support a user-friendly information system that details available services and trip options.

Currently, Porterville Transit uses an outdated method to collect data. Drivers record mileages and trips on paper trip sheets. At the conclusion of the driver's shift, drivers submit the trip sheets to dispatch and dispatchers enter the reportable data into Microsoft Excel.

This process is both labor intensive and prone to human error. With a computer assisted software system, drivers will input data on a touchpad and reportable data is wirelessly downloaded from each vehicle in real-time. This would minimize staff time and significantly reduce errors and improve reporting accuracy.

Additionally, the only passenger information system is the Transit Guide and Google Transit as a way of providing passenger information on the times and locations of services available. During the 2012's "Unmet Transit Needs" hearing, Porterville Transit was asked to provide passenger information at each of its bus stops. Although Porterville Transit does not find this as an unmet need, staff believes this is an operational issue that can be met by this project.

Staff was directed at the Council meeting on March 20, 2012, to 1) develop a list of potential firms, 2) identify the estimated time and/or cost to develop the project specifications, and 3) obtain legal advice on local procurement policies for the sole source procurement of a Demand Response, Fixed-Route and Passenger Information System.

Staff is requesting that the project be completed by one individual firm capable of providing a complete, fully integrated system, utilizing a single database solution. Staff's research identified only one firm, RouteMatch, which is capable of providing a single database solution. Advantages of utilizing a single database solution is 1) intra-system real-time communication between all components, 2) operational efficiencies through the use of a single user interface, 3) additional cost efficiencies are realized with both implementation and future expansion, and 4) efficient and reliable support utilized from a single vendor.

Staff researched the available intelligent transportation system firms capable of completing the project and has provided Council with the attached compatibility matrix.

Trapeze, one of the systems staff researched, is capable of providing most of staff's required elements, but is located outside of the United States and is not capable of utilizing a single database. Therefore, the operator must log out of one program to use another. Staff believes the use of multiple programs can be problematic and does not increase dispatcher efficiencies.

Staff is particularly interested in the RouteMatch product because of its ability to provide coordinated services without any required upgrade costs. Staff is currently studying the possibilities of coordinating transportation services with providers in our community and the county through the Southeast Tulare County Mobility Study and believes this project will lead the way for increased coordination of all transportation providers in Tulare County.

Staff contacted the City of El Dorado, City of Glendora, City of Ridgecrest and the City of Delano for RouteMatch references and cost analysis. All of the cities highly recommended RouteMatch for its ease of use, reliability, support and immediate time and cost savings to their systems. Also, each of these cities, except for the City of Ridgecrest, did not issue a formal competitive process and their systems were purchased using state or local funds. When analyzing costs, the City of Porterville was below all of the above cities due to the integration between the paratransit, fixed-route and traveler information solutions. Recently, RouteMatch was awarded several state contracts to provide similar systems in the state of Idaho, Montana, Nebraska, North Carolina and Georgia.

Staff also researched the estimated time and cost to develop the detailed specifications required to competitively procure this project. Staff estimated that it would cost \$5,000 for our transit consultant to develop the project specifications. Staff is fully capable of developing the project specifications in-house and estimated that it would take approximately two months to develop in-depth project specifications.

Lastly, the City Attorney issued a memorandum discussing whether the City could legally sole source this project. The memorandum stated, "Use of a competitive bidding process is likely not required."

Staff believes that it is unnecessary to go through the time and expense of a competitive proposal process because RouteMatch is the only source which can provide the necessary interface for the complete project. Developing the scope of work and proper specifications will require additional staff time and/or costs to hire a consultant to write the proper specifications. In addition, given that the City currently has the funds and is able to start work on the project immediately, the delay caused by the competitive process, in conjunction with the fact that only RouteMatch can really provide the necessary solution, would be a disadvantage to the City and the public.

Given the integration between RouteMatch's paratransit, fixed-route and traveler information solutions, the cost of this project is greatly reduced. In short, the cost of the software itself is reduced since many components of the software are inter-related (i.e. Customers, Vehicles, Addresses, etc.). In addition, the City's users (dispatchers, drivers, administrators) will be trained on one integrated RouteMatch system and better understand the intricacies of the software.

Staff's recommendation would utilize an exemption from competitive bidding as allowed under City's Purchasing Policy & Procedure Manual, as amended by Resolution No. 122-87, adopted by Council on October 10, 1987. No federal funds will be used in this project, therefore local purchasing rules apply.

Funding sources for this project include \$243,017 from Prop 1B and \$36,244 from Local Transportation Funding (LTF). The total cost of the project will be \$279,261.

Staff estimates that the project will take up to five months to complete.

RECOMMENDATION: That the City Council:

- 1) Authorize Staff to begin negotiations for the purchase of RouteMatch Software; and
- 2) Authorize payment upon satisfactory delivery of the equipment.

ATTACHMENTS: 1. RouteMatch Software Proposal
2. Compatibility Matrix
3. Legal Memorandum

COUNCIL AGENDA: FEBRUARY 19, 2013

SUBJECT: NEGOTIATE A CONTRACT – DESIGN SERVICES FOR THE SOFTBALL AND SPORTS FIELD LIGHTING PROJECT

SOURCE: Public Works Department – Engineering Division

COMMENT: On November 6, 2012, City Council authorized staff to seek consulting services for the Softball and Sports Field Lighting Project. Electrical engineering services is the City's specific need in preparing plans and specifications for the lighting of the two softball fields and perimeter lighting necessary to expand night-time practice facilities at the Sports Complex. The consultant will review and analyze current electrical usage and ultimate anticipated lighting requirements. Once these parameters are defined, the consultant will design the necessary electrical infrastructure for this project and planned electrical related projects.

Recently, staff received two (2) statements of qualification from electrical engineering firms. Staff has assessed each of the proposer's experience and expertise in the area of sports field lighting and overall electrical design capabilities. The rating results of the review are as follows:

<u>Consulting Firm</u>	<u>Score</u>
Electrical Power Systems – Fresno Office	87.7
Sala's O'Brien – San Luis Obispo Office	84.7

The top rated firm has demonstrated project design experiences that meet the specific needs of the City of Porterville. This firm has also successfully designed electrical systems for recent City municipal water facilities, e.g. municipal wells and booster pumps.

Funds for this project are available from the CEQA mitigation measures for the Porterville Courthouse as approved in the 2012/2013 Annual Budget.

RECOMMENDATION: That the City Council:

1. Authorize the Public Works Director and/or City Engineer to negotiate a contract with Electrical Power Systems for design services related to the Softball and Sports Field Lighting Project;

Dir ~~BA~~ Appropriated/Funded NB CM J

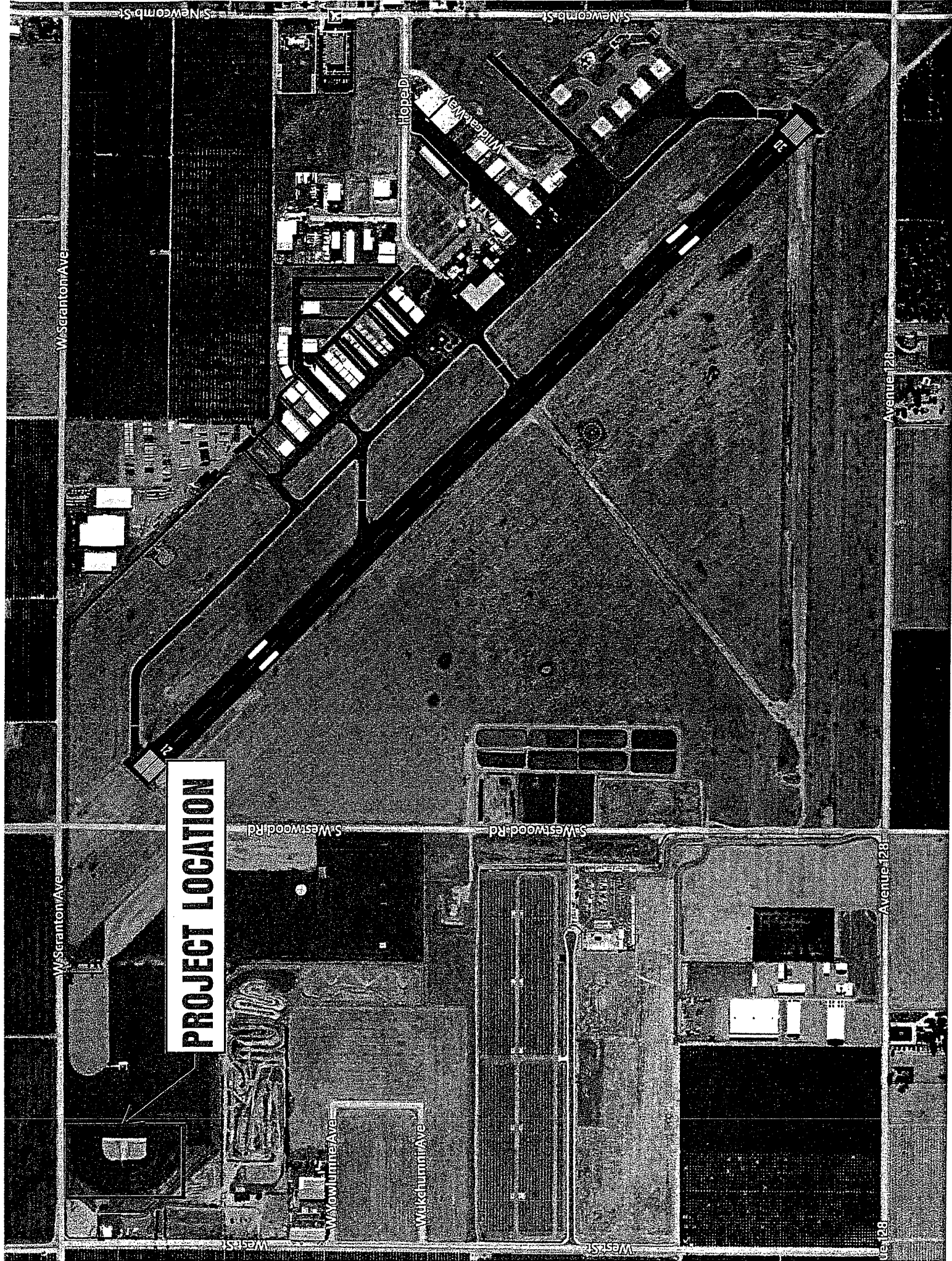
Item No. 1

2. Authorize the Public Works Director and/or City Engineer to negotiate a contract with Sala's O'Brien if negotiations with the top rated firm are not successful; and
3. Authorize the Mayor to execute a Professional Services Agreement with the selected Engineering firm once negotiations are successfully completed.

ATTACHMENT: Sports Complex Location Map

P:\pubworks\General\Council\Negotiate a Contract - Softball and Sports Field Lighting Project - 2013-2-19.doc

PROJECT LOCATION



COUNCIL AGENDA: FEBRUARY 19, 2013

SUBJECT: AUTHORIZATION TO DISTRIBUTE REQUESTS FOR QUALIFICATIONS FOR THE DESIGN OF TRANSIT SIGNAL PRIORITY

SOURCE: Public Works Department - Transit

COMMENT: Our streets and highways are getting more congested as the population grows and more cars enter the transportation system. It is staff's desire to improve public transit service so that more travelers will utilize transit, freeing up space on our streets, diminishing our dependence on fossil fuels and improving air quality.

A simplified explanation of a signal priority system is as follows: 1) the bus approaching the intersection is detected; 2) the traffic control system processes the request and decides whether to grant priority based on defined conditions. Typically, if the intersection signals are already displaying a green phase, the controller will extend the length of the green phase to enable the bus to pass through. If the intersection signals are displaying a red phase as the bus approaches, the controller will shorten the green phase on the cross street to provide an earlier green phase for the bus approach; and 3) on being notified that the bus has cleared the intersection, the controller restores the normal signal timing through predetermined logic.

Signal priority is a tool that can be used to help make emergency and transit service more reliable, faster and more cost effective. Signal priority has little impact on general traffic and is an inexpensive way to make transit more competitive with the automobile.

Signal priority systems will also work with emergency vehicles, reducing response time to emergencies, improving safety and stress levels of emergency vehicle personnel and reducing accidents involving emergency vehicles at intersections.

Currently, the City has 4 intersections that have functional signal priority systems and several other intersections that have the components required to make them operable.

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Appropriated/Funded MB

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Item No. 8

The services to be rendered under this contract would consist of, but not be limited to, the preparation of a complete design and specification of a signal priority system. In addition to the preparation of the design, it is anticipated that the consultant would also perform intersection and vehicle surveys, identify intersection controller upgrades, preparation of an engineer's estimate and contract documents.

Over the past three years, staff has been applying for and has been awarded approximately \$79,000 to upgrade the City's infrastructure to allow for additional signal priority systems.

This project is funded by 80% FTA 5307 grants and 20% local match.

RECOMMENDATION: That the City Council authorize staff to distribute a Request for Qualifications for the design of a transit signal priority system.

CITY COUNCIL AGENDA: FEBRUARY 19, 2013

CONSENT CALENDAR

SUBJECT: CDBG CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In preparation for the development of the Community Development Block Grant (CDBG) 2013 Action Plan to be submitted to the Department of Housing and Urban Development (HUD), the following items are required: 1) the adoption of the 2013 Citizen Participation Plan and 2) the annual designation and appointment of a Citizens' Advisory and Housing Opportunity Committee.

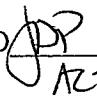
HUD requires each jurisdiction that receives formula grants through its Community Development Block Grant Program to prepare and adopt a Citizen Participation Plan. The Plan provides guidelines for the participation of citizens in determining the use of CDBG funds. This Plan is reviewed annually for necessary revisions prior to Council's adoption of the CDBG Action Plan. In 2000, the adopted Citizen Participation Plan incorporated numerous revisions to bring it into compliance with the Federal regulations. Since 2000, only minor revisions to update the information have been necessary and the same is being recommended for the 2013 Citizen Participation Plan. Revisions are highlighted in bold font in the attachment and consist of changing scheduling dates and additions of program activity (Attachment 1).

The 2012 Citizen Participation Plan adopted by the City Council established a committee of seven (7) members (this has been the number since the original Citizen Participation Plan was adopted in 1981). The Citizen Participation Plan places particular emphasis on obtaining representation of low and moderate income persons residing in slum and blight areas, members of minority groups, the elderly, the disabled, and residents of areas where use of funds is proposed.

All seven members of the 2012 committee have expressed their willingness to serve as 2013 committee members:

Pat Contreras
John Dennis
Doug Heusdens
Grace Munoz-Rios
Linda Olmedo
Rebecca Vigil
Kelle Jo Lowe

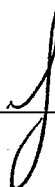
DD


ACTING

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ITEM NO.

9

The 2013 Action Plan is in the process of being developed by staff in accordance with the Five Year Consolidated Plan (2010 - 2015) adopted by the City Council in May 2010. It is anticipated that expenditures for activities will be consistent with past experience. Almost half of the entitlement will be allocated to the debt service for the Section 108 loan for the Heritage Center, and the balance of the entitlement and program income will be allocated between the programs adopted in the Five Year Consolidated Plan, which include the Housing Rehabilitation Program, the First Time Low Income Homebuyer Program, the Public Utility Assistance Program, the Homebuyer Education Program, Permanent Supportive Housing Program for the Homeless, the Neighborhood Improvement Program, the Park Improvement Program, the Business Assistance Program, and the Porterville Youth Center. HUD has informed the City that a reduction of 10% in Entitlement funds can be expected this year. As is typical of each year, not all programs in the Consolidated Plan would be allocated funding.

The Citizens' Advisory and Housing Opportunity Committee will meet in March to hold a Public Hearing on the proposed 2013 Action Plan. The Plan will then be available for a 30 day public comment period and will be taken to the City Council for final adoption in May.

- RECOMMENDATION: That the City Council:
1. Adopt the 2013 Citizen Participation Plan; and
 2. Appoint existing committee members Pat Contreras, Doug Heusdens, Linda Olmedo, Grace Munoz-Rios, John Dennis, Rebecca Vigil, and Kelle Jo Lowe to the Citizens' Advisory and Housing Opportunity Committee for a one-year term.

- ATTACHMENTS:
1. Draft 2013 Citizen Participation Plan

CITY OF PORTERVILLE

2013 CITIZEN PARTICIPATION PLAN

This Plan describes how the City of Porterville will involve citizens in the planning, implementation, and assessment of the Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) Programs. The funds must be used for projects which benefit low and moderate income persons and/or aid in the elimination or prevention of slum and blight. These programs are intended to assist cities in undertaking neighborhood improvement, economic development, and homeowner assistance programs. Program regulations give ultimate responsibility for the design and implementation of the program to local elected officials, and also require that citizens be given an opportunity to serve in a key advisory role to these elected officials.

ADVISORY COMMITTEE

To ensure that Porterville residents are given a full opportunity to participate in the Program, a Citizens' Advisory Committee was established in 1981 to function in an advisory capacity to the Mayor and Council regarding program design, implementation, and assessment. This Committee consists of seven (7) residents of the City, appointed annually by the Mayor and City Council. Citizens and civic organizations are urged to make recommendations for appointments prior to February 1. The Committee has been responsible for making recommendations on allocation of the City's multi-purpose Community Development Block Grant since 1981/82. The Committee has provided direction in establishing the Housing Rehabilitation Loan Program (HRLP) and other worthwhile projects under the CDBG Entitlement Cities and HOME Programs which have benefitted low and moderate income households within the City of Porterville. In addition to the HRLP, the Committee has recommended the establishment of several revolving loan funds since 1982, including the Sewer and Water Connection Fund, the Underground Utility Connection Fund (merged in 2000 into one fund known as the Public Utilities Revolving Loan Fund), the First-Time Low-Income Home Buyer Program, and the Business Assistance Program. The Committee has also recommended the allocation of funds toward remodeling the Santa Fe Plaza Senior Citizens Center, an inventory of Industrial Land Resources, the Low Income Residential Smoke Detector Installation Program, the Porterville Enterprise Zone Area Infrastructure Improvement Program, the rehabilitation of the Porterville and Glennwood Hotels, the opening of the Porterville Youth Center, and four targeted Curb, Gutter, Sidewalk and Street Light Neighborhood Improvement Projects. In addition, the Committee has supported the establishment of economic development programs and public improvement activities such as the completion of the Heritage Center with Section 108 Loan Guarantee funds. Several years ago, the Committee recommended the establishment of the Homebuyer Education Program and the Murry Park Improvement Project. An expansion to the Park Improvement Program was approved in 2010 to include the Lime Street Neighborhood Park.

The City has taken steps to secure the services of concerned individuals to form the Advisory Committee for the purposes of program model design, implementation, assessment, and development of the Community Development Block Grant Program under the Entitlement Cities criteria. The City places particular emphasis on obtaining representation of low and moderate

income persons residing in slum and blight areas, members of minority groups, the elderly and persons with disabilities, and residents of areas where use of funds are proposed. In continuing its efforts to serve the needs of the public, the City Council has expanded the role of the Committee to incorporate efforts to expand housing opportunities, thereby changing the name to the Citizens' Advisory and Housing Opportunity Committee.

SCOPE OF CITIZEN PARTICIPATION

Citizens will be involved in all stages of the Community Development Block Grant Program, including the development of the consolidated plan, inclusive of the annual action plan, substantial amendments to the plan, program implementation, assessment of performance, and design of the citizen participation plan. Mechanisms for citizen involvement include: The Citizens' Advisory and Housing Opportunity Committee, public hearings and ad hoc community meetings, individual citizen efforts in the form of comments, complaints, or inquiries submitted directly to the Mayor and/or Community Development Department, and input through staff conducted neighborhood surveys. The Community Development Department is located in City Hall, 291 N. Main Street, and the telephone number is (559) 782-7460.

Public Hearings

At least two (2) public hearings open to the entire community, will be held annually. The hearings will provide an opportunity for citizens to identify community development needs, proposed projects, and assist in the development of an overall strategy for Porterville. The hearings will also be used to solicit comments on the citizen participation plan to determine what, if any, amendments may be in order to make the citizen participation plan more sensitive to local needs and to realign the plan with changes in Federal regulations, and to review the HUD annual community assessment, if available. The hearings will be held in February or March and April or May of each program year.

Consolidated Plan

Participation in the development of the consolidated plan, inclusive of the annual action plan, will occur as follows: at least one (1) public hearing will be held before the proposed consolidated plan is published for comment. Before the City adopts a consolidated plan, the City will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the jurisdiction expects to receive and the range of activities that may be undertaken, including the amount that will benefit persons of very low and low income.

The City will ensure that plans will be available to minimize the displacement of persons and to assist any persons displaced according to Federal Regulation standards.

A summary of the proposed use of CDBG funds and, when applicable, HOME funds, will be made available in Spanish, the predominate non-English language spoken in Porterville, at all public hearings.

Advisory Committee proposals and comments, with regard to development of the consolidated plan, will be obtained at Committee meetings or hearings scheduled either at the request of Committee members or program officials. The public is invited to attend these meetings.

The public will be notified of the period, not less than thirty (30) days, in which to receive comments from citizens on the consolidated plan. Any comments or views of citizens received in writing, or orally at the public meetings will be considered. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore, will be attached to the final consolidated plan.

Amendments

In the case of proposed substantial amendments to the consolidated plan, the City shall provide reasonable notice and an opportunity to comment on substantial amendments. The public will be notified of the period, not less than thirty (30) days, in which to receive comments on the substantial amendments before the amendment is implemented. The meetings regarding the proposed amendments are not required to be public hearings, but will be open to the public to attend. The City will consider any comments or views of citizens received in writing, or orally at public hearings, if any, in preparing the substantial amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore, will be attached to the substantial amendment of the consolidated plan.

Amendments to the plan will be necessary whenever one of the following decisions is made:

- 1) To make a substantial change in the allocation priorities or a substantial change in the method of distribution of funds;
- 2) To carry out an activity, using funds from any program covered by the consolidated plan (including program income), not previously described in the consolidated plan; or
- 3) To substantially change the purpose, scope, location, or beneficiaries of an activity.

Performance Report

Reasonable notice and an opportunity to comment on performance reports will be given to the public. The public will be notified of the period, not less than fifteen (15) days in which to receive comments from citizens on the performance report that is to be submitted to HUD before its submission. Any comments or views of citizens received in writing, or orally at public meetings will be considered, and a summary of the comments and views will be attached to the performance report.

Citizen Participation Plan

The City will provide citizens a reasonable opportunity to comment on amendments or revisions to the citizen participation plan and will make the plan public.

Other Methods of Participation

Informal, individual contact with citizens, initiated either by citizens or program officials, will also provide input to the consolidated plan. For example, an individual may contact the Community Development Department at (559) 782-7460 to request consideration of a special project; or program officials may seek the opinion of local business persons as to the need for commercial revitalization.

Program officials will also be available to advise citizens of the procedures for filing objections to the consolidated plan with the U.S. Department of Housing and Urban Development Area Office. Citizen participation in program implementation will occur primarily through consultation with the Citizens' Advisory and Housing Opportunity Committee. Citizens will be asked to review and comment on specific strategies for approved projects. They will also meet to review any substantial program amendments. All such changes will be discussed with the committee and their comments considered prior to the City taking final action. These meetings will be held on an as-needed basis.

Program assessment activities by citizens will occur in a variety of ways. Citizens will have the opportunity to comment on the City's performance for the prior program year during the public hearings for the consolidated and action plan adoption. The public will also be notified of the public comment period for the annual performance report before its submission to HUD.

The Citizens' Advisory and Housing Opportunity Committee shall function as a forum for public participation in the City's efforts to affirmatively further fair housing. Prior to the submission of the consolidated plan, the Committee shall discuss and recommend for Council adoption suggested methods of furthering fair housing. As part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of program performance throughout the program year.

Public comments or complaints regarding the consolidated plan, substantial amendments to the plan, the performance report, or the citizen participation plan should be submitted in writing to the Community Development Director, City of Porterville, 291 N. Main Street, Porterville, CA 93257. If a public hearing is held, comments should be submitted within fifteen (15) working days from the date of the public hearing. A timely, substantive written response will be provided by the City within fifteen (15) working days. If the response is unsatisfactory, correspondence may then be addressed directly to the Mayor, City of Porterville, 291 N. Main Street, Porterville, CA 93257. The Mayor shall respond within fifteen (15) working days. If the citizen is still dissatisfied, he/she should write to the U.S. Department of Housing and Urban Development Area Office, 600 Harrison Street, 3rd Floor, San Francisco, CA 94107-1300 requesting investigation of the issue. Program staff will also be available during normal business hours to respond to citizen inquiries.

TECHNICAL ASSISTANCE

Citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents may propose their own specific program(s). The proposal for a specific program should include the program's design, its budget, and the scope of proposed activities. Also, the proposal should identify the specific individuals anticipated to carry out activities and provide a summary of their experience and training.

Technical assistance which may be provided by city staff is limited to proposals that are considered eligible uses of CDBG funds, and not intended to assist citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents applying for funding from other grant sources. The Citizens' Advisory and Housing Opportunity Committee may direct staff to provide technical assistance that may consist of staff or local expert presentations, informational handouts, research of a specific issue, or other short-term efforts.

PUBLIC INFORMATION

The City will also undertake the following public information efforts to promote citizen participation:

- Public notices of all public hearings will be published in the *Porterville Recorder* at least ten (10) days before the scheduled hearing. These notices will indicate the date, time, location, and topics to be considered. Upon notification, arrangements will be made by the City to accommodate persons with disabilities. The public notices also will be made available in the form of press releases and as a public service announcement to local radio stations. Public hearing notices will indicate that summary statements of projected use of CDBG and/or HOME funds will be available in Spanish, the predominant non-English language spoken within the City.
- Notices will also be published in the *Porterville Recorder* to notify the public of the period, not less than thirty (30) days for the consolidated plan or substantial amendments to the plan, or fifteen (15) days for the performance report, in which to receive comments from citizens before submission of the plan or report to HUD. All notices will include information that complete copies of the proposed plan or report will be available for public review at City Hall, 291 N. Main Street or at the City Library at 41W. Thurman Avenue. A reasonable number of free copies of the plan or report will be provided to citizens and groups that request it.
- Orientation information will be provided at the first public hearing conducted by the Citizens' Advisory and Housing Opportunity Committee. City staff will make a presentation which covers: the total amount of funds available and the basis for award; the range of eligible activities and those previously funded in the community; the planning process and the schedule of meetings and hearings; the

role of citizens in the program, a summary of other important program requirements, such as: environmental policies, fair housing provisions, and contracting procedures. Some of these topics will be covered in written materials.

- A public file containing program documentation for the preceding five (5) years will be available for review at City Hall during normal business hours. Included will be copies of the consolidated plan, environmental review record, the citizen participation plan, and the consolidated annual performance evaluation report. Other program documents are also available for citizen review on request at City Hall consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality. Upon request, materials will be made available in a form accessible to persons with disabilities.

CITIZEN PARTICIPATION SCHEDULE 2013

Advisory Committee Meetings	Annually or as deemed necessary by Committee
Public Hearings (2)	March - May 2013
Adoption of Action Plan	May 2013
Submission of Action Plan	May 2013 (date is determined by HUD)

City Council hearings, unless otherwise specified, will be held in the City Hall Council Chambers at 6:30 p.m.

Citizens' Advisory Committee Meetings and/or hearings, unless specified otherwise, will be held in the Hamamatsu Conference Room in City Hall at 5:30 p.m.

COUNCIL AGENDA: February 19, 2013

SUBJECT: MONSTER ENERGY DRINK MOTOCROSS RACE PROPOSAL

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Staff has been contacted by Myron Short representing 2x Promotions with a proposal to, for the second year in a row, operate the Central Valley segment of the Monster Energy Road to Mammoth Motorcycle Racing series at the Porterville Off Highway Vehicle Park. This year the event will be held March 16 – 17, 2013.

2x Promotions will provide the insurance (\$2,000,000 liability) naming the City of Porterville as an additional insurer. All necessary equipment and personnel (with the exception of track prep) will also be provided by 2x Promotions. The track will be rented to the Monster Series for \$1,000 per day.

One hundred percent (100%) of the fees collected on practice days will be given to the City. The event last year went extremely well prompting staff and the Parks and Leisure Services Commission to recommend it take place again this year.

Staff is also seeking permission to permit overnight camping in the open space adjacent to the park for this event at \$10 per unit.

RECOMMENDATION: That the City Council:

- 1) Approve the Motocross Race Proposal for March 16 – 17, 2013, with 2x Promotions at the OHV Park; and
- 2) Approve overnight camping for this event.

DS Director

MP Appropriated/Funded

J City Manager

ITEM NO.: 10

COUNCIL AGENDA: February 19, 2013

SUBJECT: OVER THE HILL GANG RACE PROPOSAL

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Mike Tucker, President of the Over The Hill Gang Motocross Racing Club, is requesting to hold three races at the Porterville Off Highway Vehicle Park. The race dates are February 24, June 23, and December 1, 2013.

Over The Hill Gang will provide the necessary insurance, race registration, score keepers, trophies and advertising. The City will provide front gate staff, flaggers and track prep. The races are going to be held during normal track practice days so no additional duties are required of City staff. The racing will conclude at Noon, and then the OHV Park will open to the public for the remainder of the regular Saturday practice riding time.

All gate and entry fees (except \$15.00 per rider for insurance and trophy cost) will go to the City of Porterville. The Over The Hill Gang race last year brought in \$2,350. City staff and the Parks and Leisure Services Commission recommend approval of the proposal.

RECOMMENDATION: That the City Council:

- 1) Approve the Over The Hill Gang Race Proposal.

ATTACHMENT: 1) Over The Hill Gang Race Proposal

23 Director MP Appropriated/Funded

J City Manager

ITEM NO.: 11

Porterville OHV Park/Motocross Racing

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



Dear Porterville City Council:

My name is Mike Tucker; I am the president of the Valley Over The Hill Gang Motocross Racing Club. Last year you provided us with the opportunity to conduct motocross racing at the Porterville OHV Park. We put on 2 events last year and they were very successful in generating some extra revenue for the city and at the same providing a new track for us to compete on. As a long-time participant myself of the Porterville OHV Park I was excited to be able to bring our members out to this outstanding venue. The OHV park is very well run and one of the safest tracks we ride on. We would like to continue OTHG MX racing at the OHV park in Porterville for 2013. We are a non-profit organization and our only goal is to promote safe and fair racing opportunities for our members. We have about 130 members in our valley chapter and about 1100 members throughout California and Nevada.

Plan

City would provide the following

1. Staff at the front gate to take gate fees and signed waivers (already in place for practice)
2. Flaggers for race (already in place for practice)
3. Staff to prepare track (already in place for practice)
4. All gate and entry fees (except \$15.00 per rider for Insurance and trophy cost) will go to City of Porterville. The Valley OTHG does not make any profit at this event-we do provide the trophies which cost about \$15.00 per copy.

OTHG provides

1. Score keepers
2. Sign up and race entry forms
3. Club Secretary to help with sign up and race fee collection.
4. Trophies

5. Insurance
6. Club Officers to help control track entry gate in transition from racing to practice.
7. Advertising provided through the club web site and members email.
8. Members also help with starting gate and start/finish line flagging.
9. Club PA system available if needed

2013 Schedule

Motocross Races on the dates of **2-24-13, 6-23-13 and 12-1-13**. These dates would coincide with the already scheduled MX practice.

- a. Race day schedule: gates open at 7:00 A.M. – race practice at 8:00 A.M. – Racing starts at 9:00 A.M.- 2 Moto format
 - b. First round of Motos would conclude at about 10:00
 - c. Second round of motos would start at about 10:30 and conclude at about 11:45
 - d. At 12:00 Open Practice starts & continues for the remainder of the day.
5. **Fees - All fees go to City (except \$15.00 per rider for Insurance and trophy cost)**
- a. Gate Fee \$15.00 – Race Fee \$25 – Total Fees \$40.00
 - b. Estimated Rider Count 40 to 70 entries.
 - c. Estimated Fee collected \$1600.00 to \$2800.00
6. Our staff will handle statistics for the races.

Combining the Race Day and Practice day schedules provides a good revenue generating opportunity. It would probably double the rider count and generates 3 times the normal practice day revenue. Riders who do not want to race can practice just like they normally would, just a little later. Those who race can stay for the open practice after the races and get some extra ride time. This is the same format we have been using at the Tulare racetrack for the past 5 years and Porterville last year, it has been extremely successful. Porterville is a great track and has been a favorite for many of our members over the years. Please consider this proposal and give us the opportunity to continue racing at the Porterville OHV park.

Sincerely, Mike Tucker

President Valley OTHG

Mtuckereagle50@yahoo.com

Home 559-855-3107

Cell 559-356-4299

COUNCIL AGENDA: FEBRUARY 19, 2013

SUBJECT: LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS CONSOLIDATION

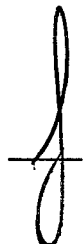
SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Landscape and Lighting Maintenance Districts (LLMDs) were created pursuant to the California Landscape & Lighting Act of 1972. The purpose of LLMDs is to pay for ongoing maintenance and public improvements. There is an annual assessment process for the maintenance of improvements within a development that only benefit the property owners within that development. Assessments are reported to the County Auditor's Office. The assessment is levied on each parcel and is collected on Property Tax Bills. Example costs associated with LLMDs include: landscape and tree maintenance service contracts, pest control, water, irrigation repair, vandalism and graffiti repair, security street lighting, overhead administrative costs, legal notice publication costs and County fees.

Staff is proposing to consolidate Westwood Estates (D1), Westwood Estates Unit 4, Phase 5 (A5), and Westwood Estates Unit 5, Phase 2 (D12). The consolidation would result in a new annual assessment for all three districts of \$98.44 per lot. The previous years' assessments were \$119.96 for D1, \$140.44 for A5, and \$216.74 for D12.

Consolidation will be a cost saving measure to reduce the administrative costs, including the annual assessment report preparation. Other factors enabling the consolidation include combining the fund balances of the three districts, and a recent change in the landscape contractor. In compliance with the regulations regarding assessments under Proposition 218, the proposed consolidation requires a majority protest/election for all affected property owners (207 lots). Pending Council authorization, an Engineer's Report will be prepared and a community meeting will be held to help inform the affected owners. Notices are to be mailed to the owners of the identified parcels, which include the ballot, and as required by Prop 218 guidelines, a public hearing is to be held not less than 45 days after mailing the notices. At the public hearing, proposed to be set for April 16, 2013, protests will be considered and ballots will be tabulated. Staff and the Parks and Leisure Services Commission recommend the consolidation which will reduce the annual assessment to all affected property owners.

 Director  Appropriated/Funded

 City Manager

ITEM NO.: 12

RECOMMENDATION: That the City Council:

- 1) Authorize Staff to take steps to consolidate Westwood Estates, Westwood Estates Unit 4, Phase 5, and Westwood Estates Unit 5 Phase 2;
- 2) Authorize Staff to prepare an Engineer's Report reflecting the consolidation;
- 3) Set a Public Hearing for April 16, 2013; and
- 4) Adopt a Resolution ordering the proceedings for the consolidation.

ATTACHMENTS:

- 1) Resolution Ordering the Proceedings for Consolidation of said Landscape and Lighting Maintenance Districts
- 2) Locator Map

RESOLUTION NO. -2013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
COUNTY OF TULARE, STATE OF CALIFORNIA, ORDERING
PROCEEDINGS FOR THE CONSOLIDATION OF LANDSCAPE AND
LIGHTING MAINTENANCE DISTRICTS WESTWOOD ESTATES,
WESTWOOD ESTATES UNIT 4, PHASE 5, AND WESTWOOD ESTATES UNIT
5, PHASE 2, ORDERING PREPARATION OF A DISTRICT MAP INDICATING
THE PROPOSED DISTRICT BOUNDARY FOR EACH OF THE DISTRICTS,
AND ORDERING THE PREPARATION OF ENGINEER'S REPORT**

WHEREAS, it has been determined by the City Council of the City of Porterville that the public interest, convenience and necessity required the installation and planting of landscape materials, the installation and construction of irrigation systems, the installation of lighting and other facilities set forth in Section 22525 of the Streets and Highways Code, State of California; and

WHEREAS, the cost for operation and maintenance of the landscaping and lighting improvements is to be determined and considered for assessment to the benefiting properties; and

WHEREAS, Section 22525 requires that an Engineer's Report be prepared to establish new Landscape and Lighting Maintenance Districts, and outlining the initial assessments to be levied against the properties within each assessment district.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Porterville as follows:

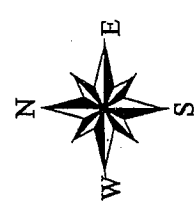
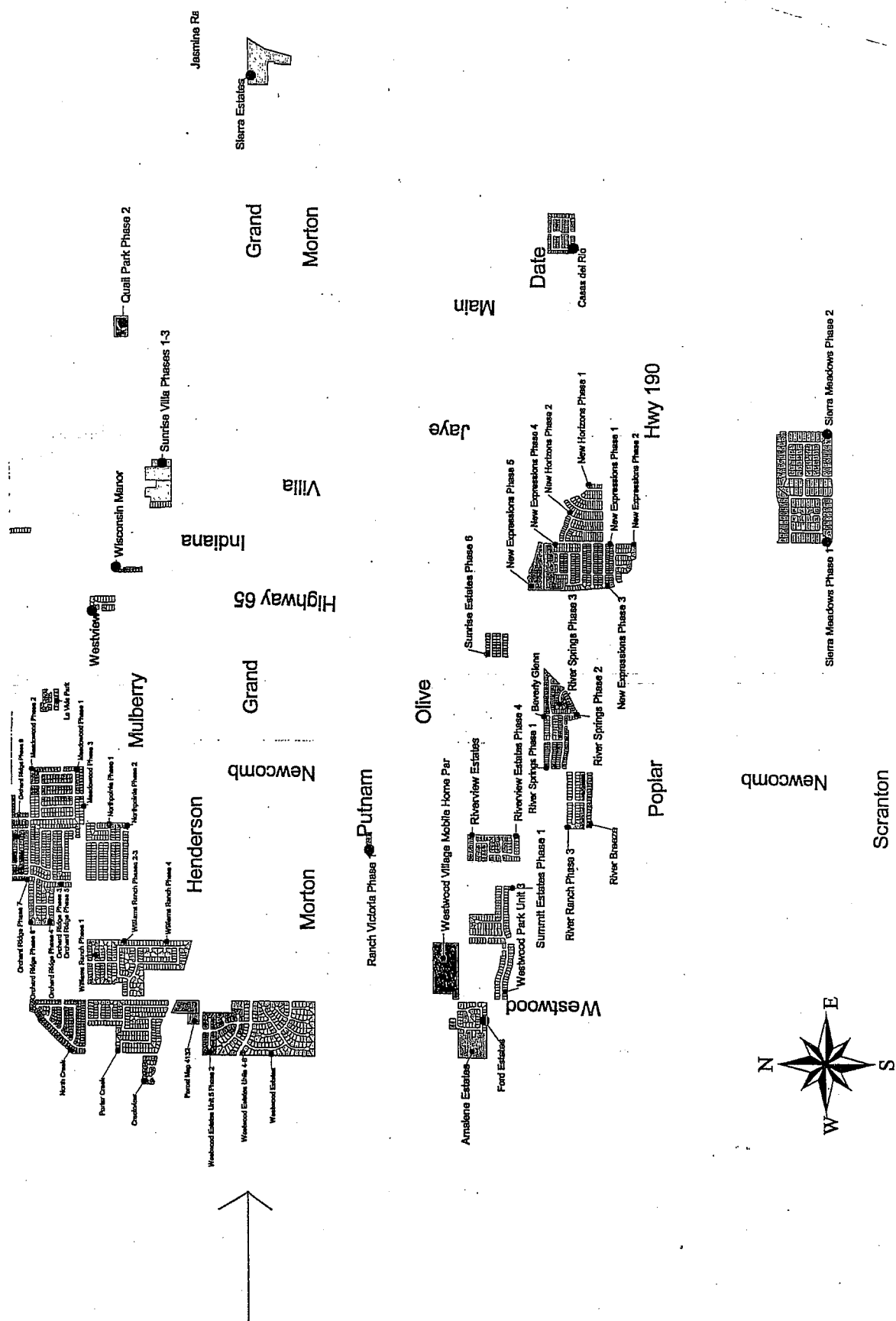
1. That proceedings are to be conducted for the consolidation of said Landscape and Lighting Maintenance Districts.
2. That the properties to be specifically affected for maintenance of lighting improvements shall be located within the boundary of the proposed districts, and maps to illustrate said boundaries are hereby ordered to be prepared.
3. That Baldomero Rodriguez be appointed as "Engineer of Work" with all applicable provisions of Article 4, Division 15 of the Landscape and Lighting Act of 1972 applied to said "Engineer of Work."
4. That the cost of maintaining the Landscape and Lighting Maintenance District shall be borne by the property owners within the district, and said cost shall be assessed according to said 1972 Act.
5. That the Engineer of Work is hereby ordered to prepare a report for the district consolidation in accordance with Article 4, Division 15 of said 1972 Act.

APPROVED AND ADOPTED THIS 19th DAY OF FEBRUARY 2013

Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



COUNCIL AGENDA: February 19, 2013

SUBJECT: LEGAL SERVICES AGREEMENT – CITY ATTORNEY

SOURCE: City Manager


COMMENT: For the City Council's consideration, please find attached the proposed Legal Services Agreement between the City of Porterville and McCormick, Kabor, Jenner & Lew, and Julia M. Lew. The Agreement provides for an hourly fee of \$150.00 for legal services by attorneys, an hourly rate of \$75.00 for services by law clerks and paralegals, and is for the period of March 1, 2013 to February 28, 2015. The only proposed changes from the previous Agreement are the term (Section 3), as well as the addition of a new section (Section 13) consistent with the requirements of AB 1344.

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.

ATTACHMENTS: 1. Memorandum dated February 13, 2013
2. Draft Legal Services Agreement
3. AB 1344 (Feuer)

CM



Item No. 13

WALTER MCCORMICK (1926 - 2005)
S.L. KABOT
NANCY A. JENNER
JULIA M. LEW
CHAD M. LEW

MICHAEL J. MAURER

LAW OFFICES OF
MCCORMICK KABOT JENNER & LEW
A PROFESSIONAL CORPORATION
1220 WEST MAIN STREET
VISALIA, CALIFORNIA 93291

TELEPHONE
(559) 734-6729

FACSIMILE
(559) 734-8762

INTERNET
WWW.MKJW.COM

February 13, 2013

Porterville City Council
Porterville City Hall
291 North Main Street
Porterville, California 93257

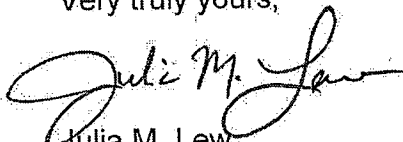
Re: Legal Services Agreement

Dear Mayor Gurrola, Vice Mayor McCracken, and Council Members Hamilton, Ward, and Shelton:

It has been a pleasure serving as the City Attorney for the City of Porterville. The term of the current legal services agreement and addendum will expire at the end of this month. I respectfully request that the Council consider and approve the attached Legal Services Agreement, proposed to run from March 1, 2013 through February 28, 2015. The firm is not proposing any other changes to the terms of the Agreement, other than to add a section consistent with the requirements of AB 1344 which became effective on January 1, 2012 (see section 13).

If you have any questions, please feel free to contact me. Thank you.

Very truly yours,


Julia M. Lew
Porterville City Attorney

encl

cc: John Lollis, City Manager

LEGAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into as of the _____ day of February, 2013, by and between the CITY OF PORTERVILLE, a municipal corporation, hereinafter referred to as CITY, and McCORMICK, KABOT, JENNER & LEW, a professional law corporation, and JULIA LEW, hereinafter referred to as ATTORNEYS, and based upon the exchange of mutual promises hereinafter contained, the parties agree as follows:

1. The CITY hereby hires JULIA M. LEW as its City Attorney, to serve as such municipal officer at the pleasure of the City Council of the City of Porterville. The compensation to be paid JULIA M. LEW for her services as City Attorney shall be included in and made a part of the compensation arrangement herein provided for as it relates to other legal services to be performed for and on behalf of the CITY:

2. The CITY hereby hires McCORMICK, KABOT, JENNER & LEW, a professional law corporation, to do and perform legal services for and on behalf of the CITY, together with such legal services as may be required of the City Attorney for the City of Porterville.

3. This Agreement may be terminated by either party upon thirty (30) days written notice to the other. The term of this Agreement shall begin on March 1, 2013, and extend through February 28, 2015. Furthermore, this 2013 Agreement shall terminate should JULIA M. LEW permanently leave the firm or her position as City Attorney.

4. CITY shall pay ATTORNEYS the sum of ONE HUNDRED FIFTYY DOLLARS (\$150.00) per hour, and shall pay the sum of SEVENTY FIVE DOLLARS (\$75.00) per hour for law clerks and/or paralegals for each hour of services, in one quarter hour increments. ATTORNEYS shall bill CITY monthly for their services rendered in the CITY=s behalf during the prior month. ATTORNEYS shall categorize the billings by City department and/or projects, as specified by the City Manager.

5. The services to be provided by the ATTORNEYS for the CITY shall include all legal services rendered at the request of the CITY, to include but not be limited to the following: Appearances at all necessary staff meetings, board or commission meetings; conferences with any staff member who might call for assistance; drafting of ordinances, leases, contracts, and other normal and customary legal documents; attendance at City Council meetings; attendance at other meetings in which the CITY has a vital interest; litigation which requires representation of the CITY, City officers or City Council persons in any trial or Appellate Court; representation of the CITY=s interest in connection with eminent domain and condemnation proceedings; representation of the CITY=s interest at necessary public hearings, meetings and legislative meetings conducted outside of the CITY limits of the City of Porterville; representation of the CITY=s interest with regard to labor relations; labor negotiations (if requested) or labor litigation; prosecution of violations of the City Code of the City of Porterville; representation in personnel matters in any administrative hearing procedure and/or litigation; representation of the CITY in all Pitchess motions before trial court; and other legal services not described above.

6. By specifying the areas of representation in the immediately preceding paragraph, it is not the intention of the parties to preclude the CITY from hiring or engaging other attorneys to act on its behalf in any area of concern to CITY.

7. The ATTORNEYS shall provide all reasonable and necessary facilities, equipment, books, supplies, stenographic and secretarial services, insurance policies and other property or services necessary to carry out and provide the required legal services pursuant to this Agreement.

8. It is understood that this Agreement provides for the services by the ATTORNEYS as the City Attorney for the City of Porterville on a contractual basis and not upon an employer/employee basis.

9. From time to time, the individual named in this Agreement as the City Attorney may designate other attorneys within the Law Firm to act in her place or stead in matters relating to affairs of the CITY.

10. The CITY agrees to reimburse the ATTORNEYS for any and all out-of-pocket expenses incurred on behalf of the CITY, including but not limited to, court reporter fees and charges, title company fees and charges, court costs, costs of outside investigators or experts pertaining to CITY litigations, telephone expenses, travel expenses (including meals and lodging outside the corporate limits of the County of Tulare), and membership fees in the League of California Cities Municipal Attorneys Section. Use of personal automobiles shall be reimbursed at the rate permitted under the US Internal Revenue Code. Copying charges shall be at the rate of Twenty Cents (.204) per page and it is expressly understood that said charges shall be kept to an absolute minimum and that CITY facilities shall be utilized for such services whenever possible. All such costs and expenses to be reimbursed by CITY shall be billed from time to time and paid by CITY in due course after receipt of billing.

11. It is further understood that in the interest of the City of Porterville the City Attorney and members of the appointed law firm shall keep abreast of rapidly changing developments of municipal law and the City Attorney will be expected to attend appropriate conferences of the League of California Cities, and such other courses and seminars on municipal law as may be mutually deemed necessary to maintain current proficiency. The City Attorney shall be reimbursed for reasonable out-of-pocket expenses for travel, lodging and incidental expenses in connection with attendance at such conferences, courses and seminars. The City Attorney will be expected to attend at least one of the above referenced conferences, courses or seminars without being reimbursed on an hourly basis and provided for in this Agreement.

12. The City Attorney and law firm shall not accept private cases or clients which will or in the reasonable exercise of their judgment may, in the future, create conflicts of interest between the CITY and such clients or cases and shall not be involved in legal matters which, by reason of this Agreement, violate any state law or court holding.

13. To the extent that any of the terms and conditions of this agreement could be construed to provide for paid leave to the City Attorney by the local agency pending investigation, or to provide for a legal defense fund for criminal legal defense, or to provide for any cash settlement related to the termination of the City Attorney's services, any such payments or funds are required to be reimbursed if the City Attorney is convicted of a crime involving an abuse of her office or position, as set forth per AB 1344 (effective January 1, 2012). Said reimbursements are required if such payments are made, even if the payments were made by the City in the absence of any contractual requirement to do so.

14. The City Council shall annually meet, in closed session, with the City Attorney, to review the performance of the services provided under this Agreement. Said review shall occur on or before the first Council meeting in the month of December of each year.

CITY OF PORTERVILLE
A Municipal Corporation

BY _____
Virginia Gurrola, Mayor

McCORMICK, KABOT, JENNER & LEW
A Professional Law Corporation

BY _____
Julia M. Lew, City Attorney

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BILL NUMBER: AB 1344 CHAPTERED
BILL TEXT

CHAPTER 692

FILED WITH SECRETARY OF STATE OCTOBER 9, 2011
APPROVED BY GOVERNOR OCTOBER 9, 2011
PASSED THE SENATE SEPTEMBER 7, 2011
PASSED THE ASSEMBLY SEPTEMBER 8, 2011
AMENDED IN SENATE AUGUST 30, 2011
AMENDED IN SENATE JULY 11, 2011
AMENDED IN SENATE JUNE 29, 2011
AMENDED IN ASSEMBLY MAY 27, 2011
AMENDED IN ASSEMBLY MAY 10, 2011
AMENDED IN ASSEMBLY APRIL 25, 2011

INTRODUCED BY Assembly Members Feuer and Alejo
(Coauthor: Assembly Member Portantino)

FEBRUARY 18, 2011

An act to amend Sections 9255 and 9260 of the Elections Code, and to amend Sections 34457, 34458, 54954.2, and 54956 of, to add Section 34458.5 to, to add Article 2.6 (commencing with Section 53243) to Chapter 2 of Part 1 of Division 2 of Title 5 of, and to add Chapter 10.1 (commencing with Section 3511.1) to Division 4 of Title 1 of, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1344, Feuer. Local governance.

(1) Existing law requires a charter commission to submit, among other things, a city charter to the voters of a city at either a special election called for that purpose, at any established municipal election date, or at any established election date, provided that there are at least 88 days before the election. Existing law also authorizes the governing body of any city or city and county to, among other things, propose a charter and submit the proposal for the adoption to the voters at either a special election called for that purpose or at any established municipal election date or at any established election date, provided there are at least 88 days before the election.

This bill would require a city charter or charter amendment, whether submitted to the voters by a charter commission or the governing body of the city or city and county, to be submitted at the next established statewide general, statewide primary, or regularly scheduled municipal election date, provided there are at least 95 days before the election. This bill would also require a proposal to adopt a charter, whether submitted to the voters by a charter commission or the legislative body of a city or city and county to include in the ballot description an enumeration of new city powers as a result of the adoption of the charter, including, but not limited to, whether the city council will, pursuant to an adopted charter, have the power to raise its own compensation and the compensation of other city officials without voter approval.

(2) The Meyers-Milias-Brown Act contains various provisions that govern collective bargaining of local represented employees. The Ralph M. Brown Act requires that all meetings of a legislative body

of a local agency be open and public and all persons be permitted to attend unless a closed session is authorized. Existing law requires all contracts of employment between an employee and a local agency employer to include a provision which provides that regardless of the term of the contract, if the contract is terminated, the maximum cash settlement that an employee may receive shall be an amount equal to the monthly salary of the employee multiplied by the number of months left on the unexpired term of the contract, with a maximum of 18 months.

This bill would, on and after January 1, 2012, additionally prohibit an employment contract for a local agency executive, as defined, from providing an automatic renewal of a contract that provides for an automatic compensation increase in excess of a cost-of-living adjustment or a maximum cash settlement in excess of certain limits, as specified. By expanding the duties of local officials, this bill would impose a state-mandated local program.

(3) Existing law sets forth the penalties for misuse of public resources or falsifying expense reporting, including, but not limited to, loss of reimbursement privileges, restitution to the local agency, civil penalties for misuse of public resources, and prosecution for misuse of public resources, including imprisonment for 2, 3, or 4 years, and disqualification from holding office, as specified.

This bill would, on and after January 1, 2012, require a contract executed or renewed between a local agency and an officer or employee of the local agency to include a provision that requires an officer or employee of a local agency who is convicted of a crime involving an abuse of his or her office or position, as defined, to fully reimburse the local agency for specified payments made by that local agency to the officer or employee. The bill would also require an officer or employee of the local agency, who is convicted of a crime involving an abuse of his or her office, to fully reimburse any such payments that are made by the local agency in the absence of a contractual obligation between the agency and the officer or employee.

(4) The Ralph M. Brown Act enables the legislative body of a local agency to call both regular and special meetings. The act requires the legislative body of a local agency to post an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, in a location that is freely accessible to members of the public. The act also requires the presiding officer of the legislative body to deliver written notice to each member of the legislative body, and to each local newspaper of general circulation and radio or television station requesting notice in writing if the presiding officer of the legislative body calls a special meeting.

This bill would require the legislative body, or the presiding officer of the legislative body, to provide notice of each meeting, including special meetings, on the local agency's Internet Web site, if the local agency has one, as specified. In addition, this bill would prohibit any legislative body from holding a special meeting regarding the salary, salary schedule, or other form of compensation for any local agency executive.

(5) The bill would express a legislative finding and declaration that, to ensure the statewide integrity of local government, the provisions of the act are an issue of statewide concern and that, therefore, all counties and cities, including charter counties, charter cities, and charter cities and counties, would be subject to the provisions of the bill.

(6) The California Constitution requires the state to reimburse

local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 9255 of the Elections Code is amended to read:

9255. (a) A charter or charter amendment proposed by a charter commission, whether elected or appointed by a governing body, for a city or city and county shall be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election date pursuant to Section 1200, 1201, or 1301, provided that there are at least 95 days before the election. A charter commission may also submit a charter pursuant to Section 34455 of the Government Code.

(b) The following city or city and county charter proposals shall be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election, pursuant to Section 1200, 1201, or 1301, provided that there are at least 88 days before the election:

(1) An amendment or repeal of a charter proposed by the governing body of a city or a city and county on its own motion.

(2) An amendment or repeal of a city charter proposed by a petition signed by 15 percent of the registered voters of the city.

(3) An amendment or repeal of a city and county charter proposed by a petition signed by 10 percent of the registered voters of the city and county.

(4) A recodification of the charter proposed by the governing body on its own motion, provided that the recodification does not, in any manner, substantially change the provisions of the charter.

(c) Charter proposals by the governing body and charter proposals by petition of the voters may be submitted at the same election.

(d) The total number of registered voters of the city or city and county shall be determined according to the county elections official's last official report of registration to the Secretary of State that was effective at the time the notice required pursuant to Section 9256 was given.

SEC. 2. Section 9260 of the Elections Code is amended to read:

9260. The petition shall be in substantially the following form:

Petition for Submission to Voters of Proposed Amendment to the Charter of the City (or City and County) of _____

To the city council (or other legislative body) of the City (or City and County) of _____:

We, the undersigned, registered and qualified voters of the State of California, residents of the City (or City and County) of _____, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the city council (or other legislative body) of the city (or city and county) this petition and request that the following proposed amendment to the charter of the city (or city and county) be submitted to the

registered and qualified voters of the city (or city and county) for their adoption or rejection at the next statewide general, statewide primary, or regularly scheduled municipal election date pursuant to Section 1200, 1201, or 1301.

The proposed charter amendment reads as follows:

First. (setting forth the text of the amendment) _____ (etc.)

Signature	Printed Name	Residence	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SEC. 3. Chapter 10.1 (commencing with Section 3511.1) is added to Division 4 of Title 1 of the Government Code, to read:

CHAPTER 10.1. LOCAL AGENCY EXECUTIVES

3511.1. As used in this chapter, the following definitions apply:

(a) "Compensation" means annual salary, stipend, or bonus, paid by a local agency employer to a local agency executive.

(b) "Cost-of-living" means the California Consumer Price Index for Urban Wage Earners and Clerical Workers as calculated by the Department of Industrial Relations.

(c) "Local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or other local public agency.

(d) "Local agency executive" means any person employed by a local agency who is not subject to the Meyers-Miliias-Brown Act (Chapter 10 (commencing with Section 3500)), Chapter 5 (commencing with Section 45100) of Part 25 of Division 3 of Title 2 of the Education Code, or Chapter 4 (commencing with Section 88000) of Part 51 of Division 7 of Title 3 of the Education Code, and who meets either of the following requirements:

(1) The person is the chief executive officer of the local agency.

(2) The person is the head of a department of a local agency.

3511.2. On or after January 1, 2012, any contract executed or renewed between a local agency and a local agency executive shall not provide for the following:

(a) An automatic renewal of a contract that provides for an automatic increase in the level of compensation that exceeds a cost-of-living adjustment.

(b) A maximum cash settlement that exceeds the amounts determined pursuant to Article 3.5 (commencing with Section 53260) of Chapter 2 of Part 1 of Division 2 of Title 5.

SEC. 4. Section 34457 of the Government Code is amended to read:

34457. After the charter prepared by the charter commission has been filed in the office of the clerk of the governing body of the city or city and county pursuant to Section 34455, the proposed charter shall be submitted to the voters of the city or city and county at the next established statewide general, statewide primary, or regularly scheduled municipal election date pursuant to Section 1200, 1201, or 1301 of the Elections Code, provided there are at least 95 days before the election.

SEC. 5. Section 34458 of the Government Code is amended to read:

34458. (a) As an alternative to the procedure provided for in

Sections 34450 to 34457, inclusive, the governing body of any city or county, on its own motion may propose or cause to be proposed, amend or cause to be amended, or repeal or cause to be repealed, a charter, and may submit the proposal for the adoption, amendment, or repeal thereof, to the voters at the next established statewide general, statewide primary, or regularly scheduled municipal election date pursuant to Section 1200, 1201, or 1301 of the Elections Code provided there are at least 88 days before the election.

(b) Prior to approving the submission to the voters of a proposal to adopt a charter, the governing body shall hold at least two public hearings on the matter of the proposal of a charter and the content of the proposed charter. Notice of the public hearings shall be given by publication pursuant to Section 6066, in a newspaper designated by the governing body and circulated throughout the city, and by posting the notice in three public places within the jurisdiction at least 21 calendar days prior to the date of each public hearing. The second public hearing shall be held at least 30 days after the first public hearing. At least one of the public hearings shall be held outside of normal business hours to facilitate public participation. The governing body shall not conduct a vote on whether to approve the submission to the voters of the proposal to adopt a charter until 21 days after the second public hearing.

SEC. 6. Section 34458.5 is added to the Government Code, to read:

34458.5. A proposal to adopt or amend a charter, whether submitted to the voters pursuant to Section 34457 or 34458, shall include in the ballot description an enumeration of new city powers as a result of the adoption of the charter, including, but not limited to, whether the city council will, pursuant to an adopted charter, have the power to raise its own compensation and the compensation of other city officials without voter approval.

SEC. 7. Article 2.6 (commencing with Section 53243) is added to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 2.6. Abuse of Office

53243. On or after January 1, 2012, any contract executed or renewed between a local agency and an officer or employee of a local agency that provides paid leave salary offered by the local agency to the officer or employee pending an investigation shall require that any salary provided for that purpose be fully reimbursed if the officer or employee is convicted of a crime involving an abuse of his or her office or position.

53243.1. On or after January 1, 2012, any contract executed or renewed between a local agency and an officer or employee of a local agency that provides funds for the legal criminal defense of an officer or employee shall require that any funds provided for that purpose be fully reimbursed to the local agency if the officer or employee is convicted of a crime involving an abuse of his or her office or position.

53243.2. On or after January 1, 2012, any contract of employment between an employee and a local agency employer shall include a provision which provides that, regardless of the term of the contract, if the contract is terminated, any cash settlement related to the termination that an employee may receive from the local agency shall be fully reimbursed to the local agency if the employee is convicted of a crime involving an abuse of his or her office or position.

53243.3. On or after January 1, 2012, if a local agency provides, in the absence of a contractual obligation, for any of the payments described in this article, then the employee or officer receiving any payments provided for those purposes shall fully reimburse the local agency that provided those payments in the event that the employee or officer is convicted of a crime involving the abuse of his or her office or position.

53243.4. For purposes of this article, "abuse of office or position" means either of the following:

- (a) An abuse of public authority, including, but not limited to, waste, fraud, and violation of the law under color of authority.
- (b) A crime against public justice, including, but not limited to, a crime described in Title 7 (commencing with Section 92) of Part 1 of the Penal Code.

SEC. 8. Section 54954.2 of the Government Code is amended to read:

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those

members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

SEC. 9. Section 54956 of the Government Code is amended to read:

54956. (a) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

(b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

(c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members

of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

SEC. 10. The Legislature finds and declares that the fiscal integrity and stability of local governmental agencies in this state, including charter cities and charter counties, have a direct impact on the long-term well-being of all the residents of this state. The likelihood of businesses locating to or staying in the state is affected by the perception of a functioning, transparent, and practical governmental structure in the local governmental bodies in California. Therefore, the Legislature finds and declares that to ensure the statewide integrity of local government, the provisions of this act are an issue of statewide concern. Therefore, this act shall apply to all counties and cities, including charter counties, charter cities, and charter cities and counties.

SEC. 11. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 12. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

COUNCIL AGENDA: February 19, 2013

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS



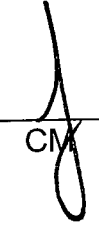
SOURCE: Administration

COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review on February 5, 2013, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of \$361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately \$270,000 was approved. Although all repair projects were originally to be completed by no later than July 2012, the City received a one (1)-year extension to July 2013.

At its meeting on October 16, 2012, the Council awarded a contract in the amount of \$95,391.71 to Greg Bartlett Construction (Porterville), beginning CEMA repairs to Plano Street (south of Thurman Avenue), El Granito Street (near Zalud Park), E. Grand Avenue (at Henrahan Street), and W. Grand Avenue (at Hawaii Street). At its meeting on December 18, 2012, the Council accepted the completion of these identified CEMA repairs, including \$90,295.53 in final construction costs.

At its meeting on January 15, 2013, the Council authorized staff to begin advertising for bids the repair of West Street and related storm drain improvements between Scranton and Tea Pot Dome Avenues, with a total estimated probable project cost of \$52,098. The final, and most significant, repair project is currently under design, which includes the repair and resurfacing of Henderson Avenue between Newcomb and Westwood Streets.

 Dir	 Approp./ Funded	 CM
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Item No. 14

RECOMMENDATION:

That the Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

ATTACHMENT: None

PUBLIC HEARING

SUBJECT: CONSIDERATION OF FACTFINDING REPORT PURSUANT TO
GOVERNMENT CODE SECTIONS 3505.5 AND 3505.7

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

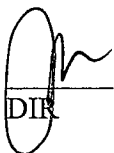
COMMENT: As the Council is aware, the City and the Public Safety Support Unit (PSSU) have been engaged in factfinding as a result of PSSU's assertion that the City's communications dispatchers have been impacted by the City of Porterville entering into contracts with the Cities of Lindsay and Woodlake to provide dispatching services. PSSU made demands for a salary increase, minimum staffing, training compensation of 2.5%, and non-supplanting of full-time dispatchers with part-time dispatchers. The City asserted that the matter was not subject to impact negotiations, and because the City had allocated one additional limited-term dispatcher tied to the Lindsay contract (the Woodlake contract had subsequently terminated), any impacts to PSSU members were de minimus and therefore the City could not agree to additional compensation. With regard to the issue of non-supplanting, the City pointed to an existing Administrative Policy which prohibits the supplanting of the General Fund with Measure H monies which is applicable due to the Measure H funding of two dispatch positions. The City did agree to maintain minimum staffing levels on a limited-term basis; and regarding the training pay, advised that the City was already providing a 5% compensation for training, double that which PSSU requested.

Because an agreement was not reached during factfinding, Government Code Section 3505.5 provides that the panel make findings of fact and recommend terms of settlement. This advisory report is then issued to the parties. Within 10 days of receipt, the public agency is then required to make the report available to the public. Further, pursuant to Government Code Section 3505.7, the public agency must hold a public hearing to consider the advisory report.

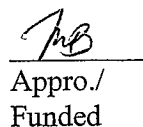
The factfinding report in this matter was received on February 7, 2013 and has been posted utilizing the city's normal posting procedures. It is recommended that the Council hold the public hearing to receive public comment. It is further recommended that PSSU representatives be provided an opportunity to make a presentation to the Council on this matter.

RECOMMENDATION: That the City Council consider and accept the advisory factfinding report; and reaffirm the status quo.

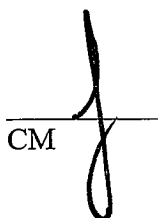
ATTACHMENT: Factfinding Report and Recommended Terms of Settlement



DIR



Appro./
Funded



CM

Item No. 15

RECEIVED

FEB 07 2013

CITY OF PORTERVILLE
ADMINISTRATIVE SERVICES

In the Matter of the Impasse Between)

CITY OF PORTERVILLE,)

Public Employer)

- and -)

OPERATING ENGINEERS LOCAL UNION)
NO. 3)

Exclusive Representative)

FACTFINDING REPORT AND
RECOMMENDED TERMS OF
SETTLEMENT

January 31, 2013

COMPOSITION OF THE FACTFINDING PANEL:

Neutral Chairman: ROBERT BERGESON, Arbitrator/Factfinder
13351-D Riverside Drive #142
Sherman Oaks, CA 91423

City Member: SHELLINE BENNETT, Esq., Liebert Cassidy Whitmore
5250 North Palm Avenue, Suite 310
Fresno, CA 93704

Union Member: CLAYTON DIGNAM, Code Enforcement Officer
Porterville Fire Department
40 W. Cleveland Avenue
Porterville, CA 93257

PRESENTING EVIDENCE/ARGUMENT TO THE PANEL:

On Behalf of the City: Patrice Hildreth, Human Resources Manager

On Behalf of the Union: Doug Gorman, Business Agent

BACKGROUND AND PROCEDURAL HISTORY

Operating Engineers Local Union No. 3 (Union) is involved with representation of two bargaining units in the City of Porterville (City). The General Unit, which contains about 140 employees, is directly represented by Porterville City Employees Association, which is affiliated with the Union. The Safety Support Unit (Unit), for which the Union is the recognized exclusive representative, includes the classes of animal control officer, code enforcement officer,

communications dispatcher (Dispatcher), community service officer, public education officer and records clerk.

Dispatchers are required by state law to be certified as competent by the state commission on Peace Officer Standards and Training (POST). At the time of the hearing in this matter, there were 12 rank and file dispatchers and one supervisory Dispatcher.

On May 1, 2012, the City Council passed a resolution approving of the use of a \$100,000 Homeland Security Grant to purchase equipment which would allow the City's police department to provide certain emergency dispatch services to the Tulare County cities of Woodlake and Lindsey. Pursuant to agreements between the City and Woodlake and Lindsey, the latter two entities would pay the City \$60,000 for the provision of such services. Specifically, City Dispatchers would use said new equipment to provide dispatch services after hours and on weekends and holidays.

On a date not entirely clear from the record, the Union requested to meet and confer with the City over the impact of assumption of the additional work on Dispatchers. In response the City opined that it had no legal obligation to bargain with the Union but would do so in an effort to maintain a good working relationship between the parties and avoid the cost of litigation. On or about August 30, 2012, the Union declared the existence of an impasse on the issues involved and the parties proceeded to mediation.

On October 1, 2012, Woodlake terminated its contract with the City after three months of service thereunder. During this same period of time, the city hired two "provisional" Dispatchers. A provisional appointment means that the incumbent holding such position holds it for only a specified period of time, in this case apparently for the term of the contract between the City and Lindsay.

After a resolution to the parties' impasse was unable to be reached through mediation, the matter was moved to factfinding pursuant to the provisions of Government Code § 3505.4(d). From a list of names provided by the state Public Employment Relations Board (PERB), Robert Bergeson was chosen by the parties to be the neutral chairperson of the factfinding panel (Panel). The City and Union thereafter chose Shelline Bennett and Clayton Dignam to be their respective members of the Panel.

The panel is statutorily authorized to meet with representatives of the parties through

investigation and/or hearing and, if an agreement settling all issues cannot be reached, to make factual findings based on the evidence obtained and to recommend terms of settlement. To initiate those quasi-legislative responsibilities a hearing was held at City Hall on November 14, 2012, during which the Union and the City were given full opportunity to present evidence on the outstanding issues. The parties thereafter submitted briefs to the Panel to confirm their positions. Chairman Bergeson then drafted the present report for review by partisan panel members Bennett and Dignam. Following such review, the report was finalized.

RELEVANT FACTORS

Subsection 3505.4(d) of the Government Code provides as follows:

In arriving at their findings and recommendations, the factfinders shall consider, weigh, and be guided by all the following criteria:

- (1) State and federal laws that are applicable to the employer.
- (2) Local rules, regulations, or ordinances.
- (3) Stipulations of the parties.
- (4) The interests and welfare of the public and the financial ability of the public agency.
- (5) Comparison of the wages, hours, and conditions of employment of the employees involved in the factfinding proceeding with the wages, hours, and conditions of employment of other employees performing similar services in comparable public agencies.
- (6) The consumer price index for goods and services, commonly known as the cost of living.
- (7) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.
- (8) Any other facts, not confined to those specified in paragraphs (1) to (7), inclusive, which are normally or traditionally taken into consideration in making the findings and recommendations.

Any criterion which has not been relied upon by the parties has not been relied upon by the parties has not been considered in arriving at the findings and recommendations made herein.

SALARY INCREASE FOR ASSUMPTION OF ADDITIONAL WORK
AND RELATED ISSUES

Union's Position

The Union's position can be summarized as follows.

Although the City's contract with Woodlake has been terminated Dispatchers nevertheless performed some additional duties during that time for which they were not compensated. Although the additional responsibilities are in theory handled by a part-time Dispatcher the City has hired, full-time Dispatchers need to provide assistance when their part time counterpart is overwhelmed with calls from Lindsay or when part timers need to take a restroom break.

The difficulty of the Dispatcher job is exemplified by the fact three of five Police Explorers who have taken the qualifying exam have been unable to successfully pass it. In order to get a sufficient number of part timers, the City has therefore had to lower the minimum age below 18 and to lower the minimum typing words per minute below the previous 40.

"To think that these additional duties from the Lindsay contract will not have an affect on [Dispatchers] is ludicrous at best . . ." . The Union has asked Dispatchers to come forward and provide testimony to the factfinding panel but "Those who wanted to talk clearly indicated that they were afraid of retaliation" by management.

Accordingly, the salary of Dispatchers should be increased by 5% to compensate for this additional work. The City's assertion it lacks the financial wherewithal to fund such an increase is disingenuous. The City ended its 2009-2010 fiscal year with a 65% general fund reserve, "which is huge by today's standard."

The City should also ensure that part timers are not being used to "supplant" full-time Dispatchers.

City's Position

The City argues as follows.

As set forth in a number of PERB decisions, the Union bears the burden of showing impacts on the bargaining union which are direct and not merely speculative. However, the Union has failed to meet that burden. Indeed, a study performed by the City showed the impact on Dispatchers of

assumption of some small amount of work from Lindsay was to the effect there is an average of only two additional calls per hour during the relevant times.

To address that small number of additional calls, the City has been utilizing part-time Dispatchers until a limited-term full-time Dispatcher can be hired for the duration of the contract with Lindsay. In the meantime, the City has paid full-time Dispatchers a 5% bonus during the time they are needed to train part timers. That 5% is double the 2.5% the Union advocated. Thus, there is no justification for any increase in the regular salary of full-time Dispatchers.

The Union's contention the City is flush with money with which to increase the salary of all Dispatchers is also without merit. However solvent the City's budget may once have been, at the end of the 2011-2012 fiscal year, the City had a deficit of \$1,606,912 and as a result, the City has been in concession bargaining with all recognized unions. As a result of such concessions, as of November 1, 2012, the City had obtained over \$225,000 in PERS contribution savings. Therefore, to increase the salary of Dispatchers by the 4.68% (the exact figure) the Union advocates would be to open the City up to the likelihood that most or all other bargaining units would seek a similar increase. In any event, as the City showed, it pays its Dispatchers almost exactly as much as is the case with the city of Tulare and city of Hanford dispatchers earn a little more, City Dispatchers earn considerably more than their counterparts in Delano.

On the issue of problems with finding qualified part-time help, in order to save money the City has endeavored to become POST certified so it may administer its own written examinations rather than having to pay for an outside source to do so. Delay in certification was through no fault of the City but rather a function of state budget problems. Since the parties began meeting and conferring, the City has obtained POST certification and during the last administration of the salient test, 46 of the 64 applicants were able to successfully complete it.

Analysis and Recommendation

It should be said at the outset that it is beyond the authority of the Panel to decide whether the City is obligated to meet and confer with the Union in this matter. The law on that point is within the exclusive jurisdiction of PERB via its unfair employee relations practice procedure. The Panel will therefore refrain from addressing the PERB cases cited by the City.

Nevertheless, the Panel is statutorily charged to make findings of fact on the evidence

presented to it by the parties. In that regard, the City has presented the results of a study that its contract with Lindsay has resulted in simply one additional call per hour to Dispatchers. The Union has attempted to rebut the study by presenting to the Panel what it indicates are emails from full-time Dispatchers as to the impact upon them. The problem with those emails is as follows.

Although administrative proceedings are not held to the same strict procedural standards of civil procedure, basic concepts of fairness must nevertheless be adhered to. The emails presented by the Union are hearsay evidence which, contrary to direct testimony, cannot be cross examined by the City. Moreover, they are particularly problematic since the names of those who addressed them to the Union have been redacted. For the Panel to be persuaded by the substance of those emails would therefore be patently unfair to the City.

Granted, employees should not be intimidated by management in the exercise of their rights to union representation under the Government Code. Although the Panel has no doubt the Union has accurately represented that unit members have advised they are unwilling to appear before the Panel to testify, that does not negate the potential prejudice to the City of the Panel making findings of fact based on such hearsay which is incapable of cross examination or corroboration. The fact is this. A union can only be as strong as its membership. When members are unable or unwilling to stand up for themselves, the union can do little on their behalf. Such is the case here.

To put it another way, even assuming there is some impact on the workload of full-time Dispatchers as a result of the City's contract with Lindsay, the Panel is compelled from the useful evidence presented to conclude that it has been minimal as the City argues. And contrary to impact, the Union does not dispute the City's contentions regarding measures it has taken to mitigate even that minimal impact.

To repeat, the valid evidence produced leads inexorably to the conclusion that, on average, the City's contract with Lindsay has resulted in merely two additional calls per hour. Obviously that is some additional work but the City has hired part-time Dispatchers to neutralize the impact.

The Panel also believes that the City has made a persuasive argument about the ramifications of granting a salary increase to all Dispatchers. First, the City's fiscal situation is not as rosy as the Union argues is the case. But even if it were, the City is no doubt correct that providing a salary increase to Dispatchers would, at a minimum, result in questions from other employee groups as to


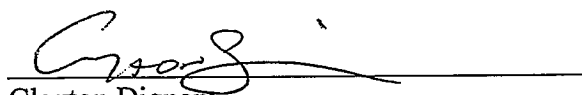
why they have not be accorded such consideration. Had the City not taken measures to negate the impact of the small amount of additional work, perhaps inquiring groups could be placated with an explanation that Dispatchers were entitled to additional income based on additional work. However, to repeat, from the record presented to this Panel, that cannot be said.

Similarly, no viable evidence was presented that the City has been using part timers to "supplant" full-time Dispatchers. The City denies that is the case and in the absence of persuasive evidence supporting that Union contention, the Panel cannot recommend anything which would alleviate a problem it cannot find to exist.

The Panel having so opined, the factfinding process is concluded.

DATED: January 31, 2013

Respectfully submitted,


Robert Bergeson
Impartial Chairman
Shelline Bennett
City Panel Member
Clayton Dignam
Union Panel Member

COUNCIL AGENDA – FEBRUARY 19, 2013

PUBLIC HEARING

SUBJECT: CONSIDERATION OF AN ORDINANCE ADDING PENALTY PROVISIONS TO THE MUNICIPAL CODE RELATED TO CHARTER SECTION 67 PERTAINING TO INTERFERENCE

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: On January 15, 2013, the City Council directed staff to proceed with an Ordinance to amend the Municipal Code to add penalty provisions regarding Council interference in the administrative functions of the City. A copy of the January 15th staff report is herein provided for Council's reference. Because penalty provisions are proposed, staff was further directed to schedule a public hearing to receive public comments on the proposed ordinance.

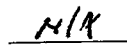
RECOMMENDATION: That the City Council:

1. Hold the public hearing to receive public comments;
2. Adopt the draft Ordinance of the City Council of the City of Porterville Adding Sections 2-6.1 and 2-6.2 to Chapter 2, Article I of the Porterville Municipal Code Regarding Council Manic Interference with Administrative Functions of the City;
3. Give first reading of the Ordinance; and order it to print.

ATTACHMENTS: 1. Staff Report of January 15, 2013
2. Draft Ordinance

Report No. 16


Dir


Approp./
Funded


CM

COUNCIL AGENDA: JANUARY 15, 2013

SUBJECT: DRAFT ORDINANCE ADDING PENALTY PROVISIONS TO THE MUNICIPAL CODE RELATED TO PORTERVILLE MUNICIPAL CHARTER SECTION 67 (INTERFERENCE WITH PERFORMANCE OF DUTIES OF CITY MANAGER/POLITICAL ACTIVITIES OF COUNCIL MEMBERS, ADMINISTRATIVE OFFICERS AND EMPLOYEES)

SOURCE: City Attorney's Office/Ad Hoc Committee re Charter Issues

COMMENT: At the direction of the Council at prior City Council Meetings, the ad hoc committee consisting of Vice Mayor McCracken and Councilmember Ward met on multiple occasions to discuss a potential Charter Amendment addressing penalty and enforcement provisions for Charter violations, and potential alternatives or interim provisions including an ordinance provision imposing penalties for violations of Charter Section 67.

Per discussion with the committee, proposed ordinance language has been drafted by the City Attorney, that restates the proscriptions contained in Section 67 (including interference with the performance of duties of the City Manager) and specifies that violations of the Section would be subject to the general enforcement and penalty provisions contained in the Municipal Code – i.e. criminal citation as well as civil remedies. There are two proposed sections since Section 67 of the Charter also deals with restrictions on political activities of elected and appointed officials as well as City employees.

The committee also discussed the possibility of proposing the addition of a general penalty provision in the City Charter (covering all Charter violations). The cost of taking a proposed Charter measure to the ballot was much more expensive if done at a special election (estimated to cost approximately \$55,433 to \$59,128) than if done in November, 2013 (estimated to cost approximately \$40,651 to 44,346). The greatest savings to the City would likely be achieved if the Charter measure was done in conjunction with the City's General Election in June 2014. The City Clerk estimates the cost would likely be approximately \$20,000 to \$25,000 (in addition to the cost of the general election) depending on the number of amendments proposed. Given the cost, the committee believes any changes should be proposed for the June 2014 election.

ITEM NO. 12

ATTACHMENT 1

Additionally, the committee felt that the City Council may want to consider whether it wishes to propose any additional Charter amendments, as it will have been over ten years since the last comprehensive amendments were considered and approved by the voters.

RECOMMENDATION: The City Attorney/Committee is requesting that the City Council consider this report and the draft ordinance and provide further direction, including whether the Council wishes to consider the attached ordinance for first reading at a future City Council meeting.

ATTACHMENT: Draft Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDING SECTIONS 2-6.1 AND 2-6.2 TO CHAPTER 2, ARTICLE I OF
THE PORTERVILLE MUNICIPAL CODE
REGARDING COUNCILMANIC INTERFERENCE WITH ADMINISTRATIVE
FUNCTIONS OF THE CITY**

**THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:**

Section 1. Code Amendment. Sections 2-6.1 and 2-6.2 are hereby added to Chapter 2, Article I, of the Porterville Municipal Code, to read as follows:

**CHAPTER 2
ARTICLE I**

Section 2-6.1. Interference with Performance of Duties of City Manager.

- (a) As set forth in Section 67 of the Porterville Municipal Charter, no member of the City Council shall in any manner attempt to influence or coerce the city manager in the making of any appointment or the purchase of supplies in accordance with applicable State and Federal law.
- (b) The City Council shall deal with the administrative functions of the City through the city manager. The City Council shall only have direct contact with the directors of the city's departments for the purpose of asking questions. No City Council member shall give an order or orders to any subordinate of the City under the jurisdiction of the City Manager or other such officers, either publicly or privately.
- (c) Violations of this Section shall be subject to the penalty and enforcement provisions set forth in this Municipal Code, including but not limited to Section 1-9.

Section 2-6.2. Political Activities of Council Members, Administrative Officers, and Employees.

- (a) As set forth (and unless otherwise specified) in Section 67 of the Porterville Municipal Charter, political activities of, and campaign contributions by, the City's legislative officers, administrative officers, and employees shall be governed in accordance with applicable State and Federal law.

- (b) All City legislative officers, administrative officers, and employees are prohibited from engaging in political activities during working hours.
- (c) All City officers and employees are prohibited from engaging in political activities at their work place. Furthermore, all City officers and employees are prohibited from engaging in political activities on City property, provided this prohibition does not pertain to property that is otherwise open to the public for the purpose of engaging in political activities.
- (d) Violations of the Section shall be subject to the penalty and enforcement provisions set forth in this Municipal Code, including but not limited to Section 1-9, in addition to any applicable State and Federal laws restricting said activities.

Section 3. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 4. Effective Date. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this ____ day of February, 2013.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL AGENDA: FEBRUARY 19, 2013

PUBLIC HEARING

SUBJECT: MODIFICATION OF VESTED PARCEL MAP NO. 4996 (JAYE STREET CROSSING COMMERCIAL CENTER)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a modification to Vested Parcel Map (VPM) 4996 to rescind earlier rights and re-establish vesting rights with current development standards and policies. VPM 4996 is located east of Jaye Street between Springville and Vandalia Avenue; more specifically, the map is the northern section of the Jaye Street Crossing Commercial Center.



The approval of a Vested Parcel Map confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vested map was deemed complete. If ordinances, policies, and standards change after the map is vested, the development within the VPM would not be subject to those changes. Conversely, a parcel map that is not vested would be subject to any changes in ordinances, policies, and development standards and would comply with current codes at time of development.

This request is being made by the applicant specifically related to the pending application by Les Schwab Tires and its agent. Under current vesting rights contained within VPM 4996, an automobile sales and service use is not allowed in the Central Commercial (C-2) Zone. The applicant is requesting approval for the modification of VPM 4996, which would rescind earlier rights and re-establish vesting rights with current development standards and policies. Re-establishing the vested rights to current standards would accommodate a minor automobile/vehicle service and repair facility to be located in the Retail Center (CR) Zone.

Pursuant to Section 66472.1 of the California Government Code and Section 406.01(2)h of the City of Porterville Development Ordinance, amendments to a final map or parcel map may be made to make modifications when there are changes that make any or all of the conditions of the map no longer appropriate or necessary. There are no changes in environmental circumstances from what was originally evaluated in the Jaye Street Crossing Environmental Impact Report, and the proposed modification is exempt from the California Environmental Quality Act.

RECOMMENDATION: That the City Council review and consider adoption of the draft resolution approving the modification to Vested Parcel Map 4996 subject to conditions of approval.

ATTACHMENTS: Complete Staff Report

DD  APPROPRIATED/FUNDED N/A CM 

ITEM NO. 17

CITY COUNCIL AGENDA: FEBRUARY 19, 2013

PUBLIC HEARING

TITLE: MODIFICATION TO VESTED PARCEL MAP NO. 4996

APPLICANT: John S. Hale
10000 Stockdale Highway, Suite 102
Bakersfield, CA 93311

AGENT: Terra Mortensen, PE
Precision Engineering
7440 N. Palm Ave., Suite 101
Fresno, CA 93711

PROJECT LOCATION: The project is generally located on the east side of Jaye Street between Springville Drive and Vandalia Avenue.

SPECIFIC REQUEST: The applicant is requesting approval of a modification to Vested Parcel Map 4996 to rescind earlier rights and re-establish vesting rights with current development standards and policies.

PROJECT DETAILS & STAFF ANALYSIS: Vested Parcel Map 4996 (VPM 4996) contains four parcels ranging from 1.1± acres to 2.58± acres in size. Parcel 1 of VPM 4996 is developed with an existing car wash (Waterdrops). The remaining parcels are undeveloped and vacant. A development project has been proposed recently on Parcel 3: Les Schwab Tire Sales and Services. Under current vesting rights contained within VPM 4996, an automobile sales and service use is not allowed in the Central Commercial (C-2) Zone. The applicant is requesting approval for the modification of VPM 4996, which would rescind earlier rights and re-establish vesting rights with current development standards and policies. Re-establishing the vested rights to current standards would accommodate a minor automobile/vehicle service and repair facility to be located in the Retail Center (CR) Zone.

This request is being made by the applicant specifically related to the pending application by Les Schwab Tires and its agent. The applicant requests that the modification to VPM 4996 be subject to and specifically contingent upon the City's final approval of all aspects of the development proposed by Les Schwab Tire Centers, Inc and their ownership entity. Additionally, the letter attached herein as Attachment 1 addresses the owner's acknowledgment that the square footage being proposed on Parcel 3 (Les Schwab) is approximately 11,800 square feet, 5,625 square feet more than approved under VPM 4996 and that Parcel 1 (Waterdrops Car Wash) was built approximately 7,480 square feet, 3,908 square feet more than approved under the referenced map. The applicant acknowledges that the square footage to be constructed in one or both future building pads shown as Major 'A' and Major 'B' and/or Parcels 2 and 4 (included herein as attachment 2) would need to be reduced by approximately 9,605 square feet to maintain consistency with the square footages of the overall

center as defined in the certified Environmental Impact Report adopted by Resolution 8-2007. Any significant increase of square footage within the commercial center would require additional entitlements and would prompt further environmental review pursuant to the California Environmental Quality Act statute and guidelines.

The approval of a Vested Parcel Map confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vested map was deemed complete. If ordinances, policies, and standards change after the map is vested, the development within the VPM would not be subject to those changes. Conversely, a parcel map that is not vested would be subject to any changes in ordinances, policies, and development standards and would comply with current codes at time of development. When an applicant requests vesting rights with a parcel map, additional information is required beyond that typically required for a standard map, including for example: height, size, and location of buildings, geological studies, and architectural plans. This information is used in the evaluation of the plans so that the application may be fully considered in context of the vested rights.

Pursuant to Section 66472.1 of the California Government Code and Section 406.01(2)h of the City of Porterville Development Ordinance, amendments to a final map or parcel map may be made, to make modifications when there are changes that make any or all of the conditions of the map no longer appropriate or necessary. A public hearing notice was posted on February 1, 2013 to consider the proposed modification.

On February 7, 2007 the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report evaluating the development, mitigation measures and land use changes necessary to facilitate the development of a 10.7± acre site with a 75,000 square foot shopping center (Jaye Street Crossing). The certified EIR included both Vesting Tentative Parcel Map 1-2009, which has been recorded as VPM 4996, located east on Jaye Street between Springville Drive and Vandalia Avenue and Vesting Tentative Parcel Map 2-2009, which has been recorded as VPM 5037, located east on Jaye Street between Vandalia Avenue and Highway 190. The applicant is only requesting the modification to the northern section of Jaye Street Crossing Commercial Center (VPM 4996).

On June 3, 2008, the City Council adopted Resolution 49-2008 containing findings and conditions in support of Design "D" Overlay Site Review 2-2008 to facilitate the development of the 75,000± square foot Jaye Street Crossing commercial center. Included in the resolution were design and architectural features as well as colors and tones of materials to be used. The southern section of Jaye Street Crossing Commercial Center (VPM 5037), will comply with the design standard given by the City Council adopted as Resolution 49-2008 and will remain vested to the "Old" Zoning Ordinance development standards and adopted resolutions. If the proposed modification were approved, the northern section of Jaye Street Crossing Commercial Center (VPM 4996) would instead be required to comply with current development standards and the D-overlay would be nullified. The site would be developed to the current City of Porterville's Development Ordinance adopted September 20, 2012 Ordinance 1791. The Development Ordinance contains supplemental regulations regarding commercial centers and design criteria. Section 203.04 (c)(2)a of the Development Ordinance requires that commercial centers have an integrated theme. The theme was established by Resolution

49-2008 and the remaining pads would be required to be designed with similar architectural features, colors, and materials to those approved by the City Council in that resolution.

On April 29, 2009, the Parcel Map Committee of the City of Porterville heard testimony from the public and approved Vesting Tentative Parcel Map 1-2009 with Resolution 565.

VTPM 1-2009

PARCEL 1- 1.1± ACRES

PARCEL 2- 2.25± ACRES

PARCEL 3- 1.57± ACRES

PARCEL 4- 2.58± ACRES

GENERAL PLAN DESIGNATION: Retail Centers

SURROUNDING ZONING LAND USE:

North: City- CR and IG (Retail Center and General Industrial Zone) - Developed Retail Center and undeveloped General Industrial.

South: City – CR (Retail Center Zone) – Undeveloped

East: City – IG (General Industrial Zone) - Developed

West: City – PD (Planned Development/Retail Commercial Center) – Partially developed Retail Center

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The vesting rights would remain and the site would remain undeveloped until an amended development plan is approved or an application submitted that complies with the vested rights.
2. Approve the project. Approval of the modification to Vested Parcel Map 4996 would rescind earlier rights and re-establish vesting rights with current development standards and policies and would accommodate for the development of a minor automobile/vehicle service and repair facility, more specifically Les Schwab Tires Sales and Services.

ENVIRONMENTAL: On January 29, 2013 the Environmental Coordinator made a preliminary determination that the project meets the intended use for a Class 5 Categorical Exemption under the California Environmental Quality Act, as a minor alteration in land use limitations. (CCR Section 15305- CEQA Guidelines)

DATE FILED FOR PARCEL MAP COMMITTEE:

January 24, 2013

DATE ACCEPTED AS COMPLETE:

January 29, 2013

RECOMMENDATION:

That the City Council review and consider adoption of the draft resolution approving the modification to Vested Parcel Map 4996 subject to conditions of approval.

ATTACHMENTS:

1. Letter of request to Modified Tentative Parcel Map 1-2009 (VPM 4996)
2. Vested Parcel Map 4996 modified layout
3. Page 30 of Book 260, of the County of Tulare Assessor's Maps
4. Resolution 8-2007 (Certifying the EIR for the Jaye Street Crossing project)
5. Resolution 49-2008 (Approving the "D" Overlay for Jaye Street Crossing project)
6. Resolution 565 (Approving Vesting Tentative Parcel Map 1-2009)
7. Draft resolution for City Council consideration of Modification of Vested Parcel Map 4996

January 24, 2013

Mr. Fernando Rios
Assistant Planner
City of Porterville
291 North Main Street
Porterville, CA 93257

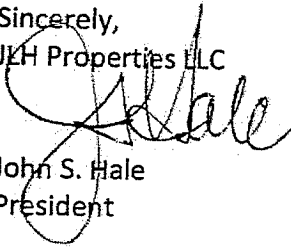
RE: Request for Modification of VTPM 1-2009

Dear Mr. Rios:

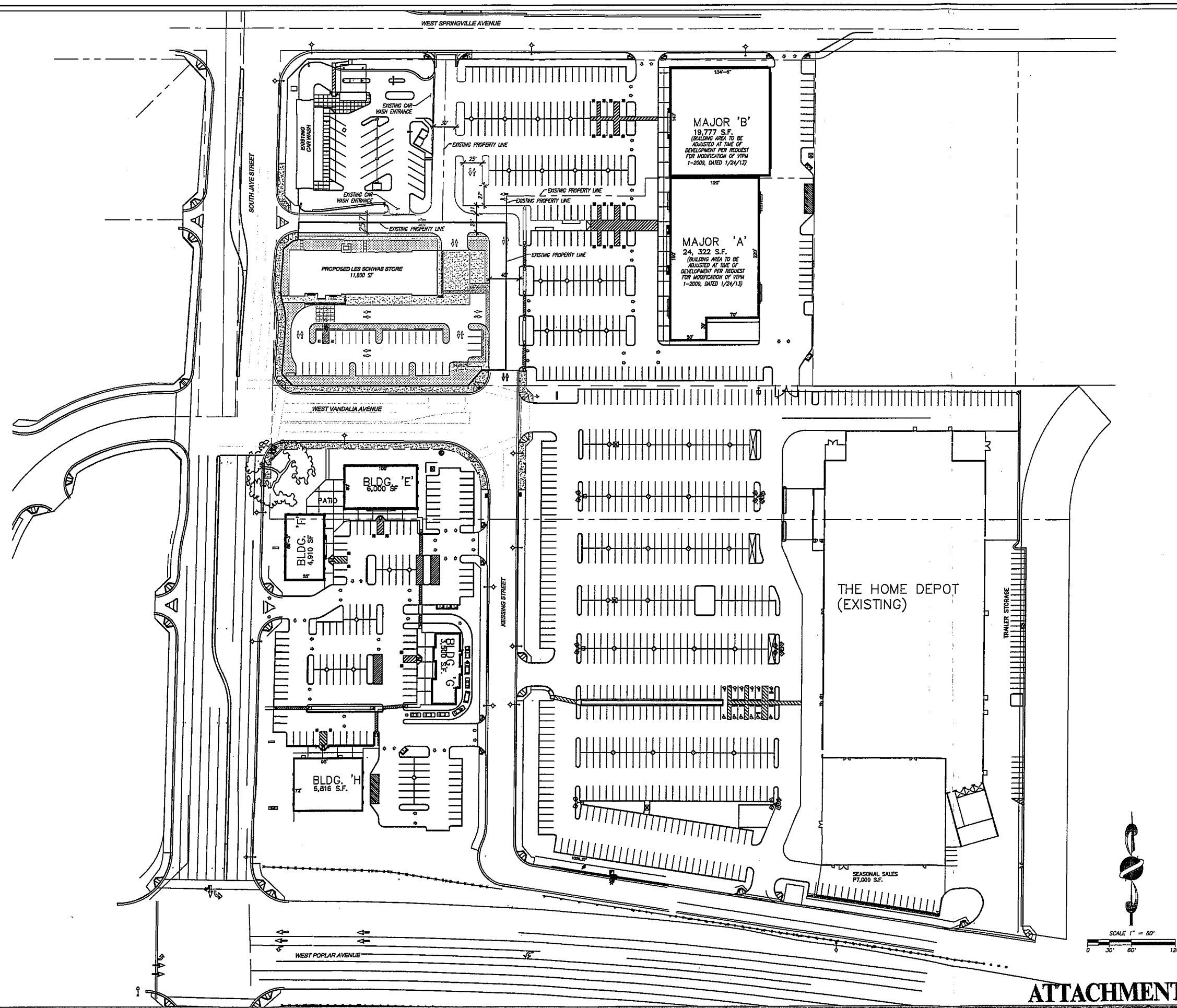
This letter shall act as our formal request from the ownership of the referenced property in Porterville, CA to the City of Porterville to modify the referenced map to comply with current codes and policies. This request is subject to and specifically contingent upon the city's final approval of all aspects of the development proposed by Les Schwab Tires and their ownership entity.

Additionally, this letter shall act as the ownerships' acknowledgement that the square footage being proposed to be built and developed by Les Schwab Tires on Parcel 3 of Exhibit A (which by this reference is attached hereto and included herein) is approximately 11,800 square feet, 5,625 square feet more than the square footage previously approved by the city for this parcel. In addition, the owners of Parcel 1 of Exhibit A (generally known as Waterdrops Car Wash) built approximately 7,480 square feet, 3,980 square feet more than the square footage previously approved by the city for this parcel for a grand total of 9,605 square feet more than approved under the VTPM 1-2009 conditions of approval for these two (2) parcels. Accordingly, subject to and specifically contingent upon the city's final approval of all aspects of the development proposed by Les Schwab Tires and their ownership entity, we acknowledge that the square footage to be constructed in one or both of the future buildings shown on Parcels 2 and 4 of VPM 1-2009 the will be reduced by approximately 9,605 square feet to accommodate the certified Environmental Impact Report adopted on February 7, 2007 as Resolution 8-2007. A revised site plan (which by this reference is attached hereto and included herein as Exhibit B) has been submitted to the Parcel Map Committee for review and to illustrate the reduction of approximately 9,605 square feet in the current building areas shown as Major A and Major B.

Sincerely,
JLH Properties LLC


John S. Hale
President

**ATTACHMENT
ITEM NO. 1**



260-30

004--000	004--045
004--084	004--145
004--150	004--158



ATTACHMENT
ITEM NO. 3

RESOLUTION NO. 8-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF CERTIFICATION OF AN
ENVIRONMENTAL IMPACT REPORT FOR GENERAL PLAN AMENDMENT 1-2007
(FORMERLY 1-2006 (A)) AND ZONE CHANGE 3-2007 (FORMERLY 1-2006) FOR THAT
10.7± ACRE VACANT SITE LOCATED ON THE NORTHEAST CORNER OF
SOUTH JAYE STREET AND STATE ROUTE 190

WHEREAS: The Final Environmental Impact evaluates the development and land use changes necessary to facilitate the development of a 10.7± acre site with a 75,000± square foot shopping center;

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 7, 2006, conducted a public hearing to consider General Plan Amendment 1-2007 and Zone Change 3-2007 for that 10.7± acre vacant site located on the northeast corner of South Jaye Street and State Route 190; and

WHEREAS: General Plan Amendment 1- 2007, proposes to change the land use map of the Land Use Element of the General Plan from Industrial to General Commercial; and

WHEREAS: Zone Change 3-2007 proposes to change the present zoning from M-1 (Light Manufacturing) to C-2 "D" (General Commercial with Design Review Overlay) Zone contingent upon approval of General Plan Amendment 1-2007; and

WHEREAS: Development of a 75,000± square foot commercial center was evaluated in the Environmental Impact Report and will subsequently be brought to the City Council for approval. Prior to the applicant/agent submitting any final map or Conditional Use Permit for processing, General Plan Amendment 1-2007, and Zone Change 3-2007 would have to be approved; and

WHEREAS: A reconnaissance-level field survey was conducted on September 10, 2004 by Quad Knopf biologist James W. Jones, Jr. to determine whether special-status plant and animal species occur on an area which includes the subject site (area between State Route 190 to the south, Springville Avenue to the north, Jaye Street to the west and an existing Home Depot store and vacant lot to the east) or if habitats for such species are present in the project area. No Elderberry shrubs, wetland habitat, or Kit Fox dens were found to exist on the subject site. The biological study was included by reference into the Initial Study for this project; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That an Environmental Impact Report was prepared in accordance with the California Environmental Quality Act.

**ATTACHMENT
ITEM NO. 4**

2. That the subject project will not create unmitigatable adverse environmental impacts.

The Environmental Impact Report was evaluated in light of the prepared technical reports, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

3. That the City Council is the decision-making body for the project.

4. That the Environmental Impact Report prepared for this project was made available for public review and comment for a thirty (30) day review period from November 11, 2005 to December 11, 2005. The agencies and parties that responded were: Matthew Francois, Esq. of Cassidy Shimko Dawson Kawakami; Porterville Parks and Leisure Services; California Department of Water Resources Floodway Protection Section; Caltrans District 6, Office of Transportation Planning; and the San Joaquin Valley Air Pollution Control District. Comments were received at the public hearing in December from John Hale, Daryl Nicholson, Greg Shelton, Ben Ennis, Boyd Leavitt, Dick Eckhoff, and Felipe Martinez. All comments have been responded to in the Final EIR.

5. That the mitigation measures contained in the Environmental Impact Report were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.

6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.

The reconnaissance-level field survey conducted on September 10, 2004 by Quad Knopf biologist James W. Jones, Jr. determined that there are no Elderberry shrubs, wetland habitat, or Kit Fox dens located on the subject site. Potential impacts to migratory birds associated with the removal of one oak tree on site will be mitigated as described in the mitigation monitoring reporting program or will be avoided through incorporation of the oak tree into site design.

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department's consideration of a "de minimis impact" pursuant to Section 711.2 et. Seq. of the Fish and Game Code.


8. That the analysis prepared for this project supporting the Environmental Impact Report reflects the independent judgment of the City of Porterville.

9. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Environmental Impact Report for this project. The

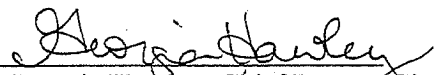
INTERCITY
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developer/applicant will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Environmental Impact Report prepared for General Plan Amendment 1-2007 and Zone Change 3-2007, and that the mitigation measures defined in Attachment A shall be implemented by the applicant or his/her successors with project implementation.


Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By 
Georgia Hawley, Chief Deputy City Clerk

**Table 3-1
Mitigation Monitoring Program**

Impact Number	Developer Initial	Responsible Party	Mitigation Measure	City Approval	Time Span
Impact #3.1.1: Visual Compatibility		City of Porterville	Mitigation Measure #3.1.1: The north and west elevations of the Porterville Commercial Center will be designed to minimize views of urban development and will be landscaped with trees and shrubbery. A licensed landscape architect will design a landscaping plan to achieve these goals. Outdoor billboards shall be excluded from the site. The design and appearance of retail stores, restaurants, and fueling station structures shall be in conformance with the City's Building codes.		Completed prior to issuance of building permit.
Impact #3.1.2: Light and Glare		City of Porterville	Mitigation Measure #3.1.2: A lighting plan will be developed by a registered illumination engineer so that lighting levels comply with generally accepted standards. Lighting will be designed to avoid direct exposure of lighting elements and associated glare into adjacent areas. No more than a 0.25 footcandle increase shall be detected offsite on adjacent properties.		Completed prior to issuance of building permit.
Impact #3.3.1: PM ₁₀ From Construction Activities		San Joaquin Valley Air Pollution Control District	<p>▪ Mitigation Measure #3.3.1: The optional dust control measures in Tables 3.3-4 and 3.3-5 will be implemented.</p> <p>Enhanced Control Measures – The following measures should be implemented at construction sites when required to mitigate significant PM₁₀ impacts (note these measures are to be implemented in addition to Regulation VIII requirements)</p> <ul style="list-style-type: none"> ▪ Limit traffic speeds on unpaved roads to 15 mph; and ▪ Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent <p>Additional Control Measures – The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reduction.</p> <ul style="list-style-type: none"> ▪ Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site ▪ Install wind breaks at windward side(s) of construction areas ▪ Suspend excavation and grading activity when winds exceed 20 mph*, and ▪ Limit area subject to excavation, grading, and other construction activity at any 		During construction period

Impact Number	Developer Initial	Responsible Party	Mitigation Measure	City Approval	Time Span
			<p>one time</p> <p>* Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.</p> <p>Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002</p> <p>Heavy duty equipment (scrapers, graders, trenchers, earth movers, etc.)</p> <ul style="list-style-type: none"> ▪ Use of alternative fueled or catalyst equipped diesel construction equipment ▪ Minimize idling time (e.g., 10 minute maximum) ▪ Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use ▪ Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set) ▪ Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways ▪ Implement activity management (e.g. rescheduling activities to reduce short-term impacts) <p>Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002</p>		
Impact #3.4.1: Special Status Species - Migratory Birds		City of Porterville	<p>Mitigation Measure #3.4.1: The nesting season for avian predators and other migratory birds generally occurs sometime between February 1 and September 15. A pre-construction survey for migratory birds will be conducted prior to construction. If nesting is occurring, construction activities within 250 feet of the nest will not occur.</p>		
Impact #3.5.1:		City of Porterville	<p>Mitigation Measure #3.5.1: Should buried cultural resources be discovered during construction, the project contractor shall immediately halt all work within 50-feet of the find until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation measures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American</p>		During construction period.

Impact Number	Developer Initial	Responsible Party	Mitigation Measure	City Approval	Time Span
Impact #3.11.1: Construction Noise		City of Porterville	<p>participation in determining the disposition of such remains.</p> <p>Mitigation Measure #3.11.1: Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday and Sunday. Also, effective mufflers shall be fitted to gas- and diesel-powered equipment.</p>		Before opening day of project
Impact #3.15.1: Increased traffic		City of Porterville	<p>Mitigation Measure #3.15.1: The following mitigation measures are recommended to reduce traffic impacts to a less than significant level:</p> <p>Under "Existing plus Approved/Pending Projects plus Project Only" conditions, the following mitigation measures are recommended:</p> <ol style="list-style-type: none"> 1. <i>Springville Avenue/Jaye Street</i> intersection: Install a traffic signal. This intersection is projected to operate at LOS "F" conditions during the AM and PM peak hour periods. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a "gap" to enter or cross Jaye Street (major street). This intersection is also projected to meet the Caltrans' Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS "B" conditions during the AM and PM peak hour periods. 2. <i>Vandalia Avenue/Jaye Street</i> intersection: Install a traffic signal and widen the southbound approach to accommodate a dedicated left turn lane. This two-way stop-controlled intersection, which currently provides access to a home improvement store and garden center, is projected to operate at LOS "F" conditions during the AM and PM peak hour periods under this scenario. This intersection is also projected to meet the Caltrans' Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS "C" conditions during the AM and PM peak hour periods. 3. <i>State Route 190/Jaye Street</i> intersection: Widen the southbound approach of this signalized intersection to include dual right turn lanes. Under "Existing plus Approved/Pending Projects" conditions this intersection is projected to operate at LOS "E" conditions during the PM peak hour period. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS "D" conditions during the AM and PM peak hour 		Before opening day of project

Impact Number	Developer Initial	Responsible Party	Mitigation Measure	City Approval	Time Span
			periods. 4. <i>Project Driveways:</i> It is recommended that the project driveways along Springville Avenue contain shared movements as shown in Figure 8. The project driveway on Jaye Street between State Route 190 and Vandalia Avenue is recommended to be a "right turn only" driveway and should provide for a deceleration lane no less than 100 feet in length. For recommended phasing of these mitigation measures please refer to the TIS (Appendix H). Mitigation Measure #3.15.2: The following mitigation measures are recommended to reduce traffic impacts to a less than significant level: Under "Existing plus Approved/Pending Projects plus Project Only" conditions, the following mitigation measures are recommended: 5. <i>Springville Avenue/Jaye Street</i> intersection: Install a traffic signal. This intersection is projected to operate at LOS "F" conditions during the AM and PM peak hour periods. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a "gap" to enter or cross Jaye Street (major street). This intersection is also projected to meet the Caltrans' Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS "B" conditions during the AM and PM peak hour periods. 6. <i>Vandalia Avenue/Jaye Street</i> intersection: Install a traffic signal and widen the southbound approach to accommodate a dedicated left turn lane. This two-way stop-controlled intersection, which currently provides access to a home improvement store and garden center, is projected to operate at LOS "F" conditions during the AM and PM peak hour periods under this scenario. This intersection is also projected to meet the Caltrans' Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS "C" conditions during the AM and PM peak hour periods. 7. <i>State Route 190/Jaye Street</i> intersection: Widen the southbound approach of this signalized intersection to include dual right turn lanes. Under "Existing		Before opening day of project
Impact #3.15.2: Exceeds traffic threshold needed to maintain level of service		City of Porterville			

Impact Number	Developer Initial	Responsible Party	Mitigation Measure	City Approval	Time Span
			<p>plus Approved/Pending Projects" conditions this intersection is projected to operate at LOS "E" conditions during the PM peak hour period. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS "D" conditions during the AM and PM peak hour periods.</p> <p>8. <i>Project Driveways:</i> It is recommended that the project driveways along Springville Avenue contain shared movements as shown in Figure 8. The project driveway on Jays Street between State Route 190 and Vandalla Avenue is recommended to be a "right turn only" driveway and should provide for a deceleration lane no less than 100 feet in length.</p> <p>For recommended phasing of these mitigation measures please refer to the TIS (Appendix H).</p>		

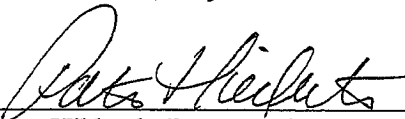
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 20th day of February, 2007.

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

Council:	McCRACKEN	P. MARTINEZ	F. MARTINEZ	HERNANDEZ	HAMILTON
AYES	X	X	X	X	X
NOES					
ABSTAIN					
ABSENT					

JOHN LONGLEY, City Clerk


by Patrice Hildreth, Deputy City Clerk

RESOLUTION NO. 49-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF "D" OVERLAY
REVIEW 2-2008 TO FACILITATE THE DEVELOPMENT OF A ±75,000 SQUARE
FOOT COMMERCIAL CENTER TO BE LOCATED AT THE NORTHEAST
CORNER OF JAYE STREET AND STATE ROUTE 190 IN THE C-2 (D) (CENTRAL
COMMERCIAL – DESIGN OVERLAY REVIEW) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 3, 2008, reviewed and considered "D" Overlay Site Review 2-2008, to facilitate development of a ±75,000 square foot commercial center to be located at the northeast corner of Jaye Street and State Route 190 in the C-2 (D) (Central Commercial – "D" Overlay Site Review) Zone; and

WHEREAS: On February 7, 2007 the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report evaluating the development, mitigation measures and land use changes necessary to facilitate the development of a ±10.7 acre site with a ±75,000 square foot shopping center.

WHEREAS: Pursuant to Article 18 (Supplemental "D" – Design Review Overlay Zone) of the Porterville Ordinance, the City Council made the following findings:

1. That the proposed project is consistent with the General Plan (designated as Retail Centers) and Zoning for the site (C-2 (D) Central Commercial – Design Overlay Site Review).
2. That the design and architectural features of the project are compatible with that of surrounding uses. The commercial center is located along Jaye Street, Vandalia Avenue and Springville Avenue with access from those streets. The landscaping and pedestrian access has been designed for appeal, convenience and ease of access. The colors and tones of materials used are neutral and blend and transition well with the surrounding uses.
3. That the site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaping areas either meet or exceed the minimum requirements which will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Design Review Site Overlay 2-2008 subject to the following conditions:

1. That the project shall be constructed in accordance with the approved plans and elevations, attached and incorporated herein by reference as Attachments 4-10 to the staff report. Prior to making any modification of exterior design, materials or colors, plans and/or color samples showing the proposed modifications shall be submitted to the Zoning Administrator for approval, and any modifications shall comply with the approved building plans.

Additionally, the architectural design of buildings "C, G, Major A, and Major B" shall be approved by consent of the City Council if the design is architecturally compatible and in compliance with all applicable codes. A unified theme shall be established and maintained for all buildings, signage and accessory amenities to be constructed within the commercial center.

2. The developer is required to implement all mitigation measures incorporated into the project approval as contained in the certified Final EIR (Resolution 8-2007) for the project. A copy of the mitigations measures is attached.
3. Unless otherwise noted, the developer/applicant shall obey the City Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Rev. 8-20-02), the Tulare County Hazardous Waste Management Plan, the Cal-Trans Traffic Manual, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
4. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
5. The developer/applicant shall convey right of way along Jaye Street and Springville Avenue consistent with the fully executed Right of Entry dated August 21, 2007. The developer/applicant shall also convey additional right of way for the drive approaches constructed on the east side of Jaye Street, north and south of Vandalia Avenue. The City will pay the applicant the fair market value for the right of way described in the Right of Entry dated August 21, 2007 and the additional right of way necessary for the constructed Jaye Street drive approaches.
6. The developer/applicant shall comply with Appendix J of the 2007 California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/ applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable. Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.

7. The developer/applicant shall provide a Preliminary Soils Report in accordance with the City's Municipal Code and Standard Specifications prior to issuance of building permits,
8. The developer/applicant shall construct the remaining Springville Avenue frontage improvements in accordance with the adopted Circulation Element and City Standards (arterial width standards) upon development of the northern vacant parcel (APN-260-300-009).
9. The developer/applicant shall construct a looped water system that provides fire flow in accordance with the California Fire Code upon development of the property.
10. The developer/applicant shall repair previously constructed street frontage improvements in accordance with City Ordinance No. 1306. The ordinance will become effective once the Jaye Street Corridor Project guarantees lapse.
11. The developer/applicant shall pay their "Pro Rata" share of all off-site road improvements, including project related traffic signals, modifications to the State Route 190/Jaye street intersection and proportional share of the future State Route 190/Plano Street intersection improvements, as defined in the traffic study (Omni-Means, November 2005) or as otherwise mutually agreed upon by all parties and returned to the City Council for approval. A Reimbursement Agreement, adopted by City Council, shall act as the instrument that describes in detail how the developer or assignees will reimburse the City for the completed improvements described in said traffic study.
12. The developer/owner shall proportionally reimburse the City for constructed frontage improvements serving the subject development should the property develop in phases. The formula is as follows:

$$\text{Phased development (acres)/Entire Commercial Site (acres)} \times \text{"Pro Rata" Share (\$)} = \text{Reimbursement amount}$$

The "Pro Rata" share will be defined after City Council accepts the completed off-site improvements related to this commercial development and the adjacent westerly commercial project. Staff anticipates an April 15, 2008 acceptance date.

13. Developer/applicant shall pay their proportional share of the sidewalk constructed along Jaye Street, Kessing Street, Poplar Avenue, Vandalia Avenue, and Springville Avenue. The project will require the extension of Springville Avenue sidewalk to the eastern property line.
14. Prior to issuance of any permits, the developer/applicant shall submit for City review and approval a precise grading and drainage plan and dedicate a drainage

easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50).

15. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than one acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

17. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust by obtaining a Dust Control Permit, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

18. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 – Indirect Source Review (ISR) Rules

Effective March 1, 2006, the San Joaquin Valley Air Pollution Control District will enforce the Indirect Source Rule (ISR). ISR applies to projects that are at least:

- 50 residential units

- 2,000 square feet of commercial space
- 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of medical or recreational space
- 25,000 square feet of light industrial space
- 39,000 square feet of general office space
- 100,000 square feet of heavy industrial space
- Or, 9,000 square feet of any land use not identified above.

Projects that meet the above thresholds but are found through the application process to have mitigated emissions of less than two tons per year each of nitrogen oxides and PM10 (particulate matter 10 microns and smaller) will not be subject to the emission-reduction requirements of the rule.

- a. It is the applicants' responsibility to file an application (found at <http://www.valleyair.org/ISR/ISR.htm>) with the District. The application must be filed with the District no later than concurrent with an application for final

discretionary approval with a public agency. An application may be filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the

benefits of the ISR program emission reductions in their environmental documents.

- b. The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects.
- c. ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.
- d. The District will be responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District will enforce those measures through a Monitoring and Reporting Schedule (MRS).

- e. The District will notify the local agency when a project's application is deemed complete, and when it is approved. The District will send copies of the preliminary and finalized MRS to the local agency for voluntary review for consistency with local regulations and programs.
 - f. If the local agency, or applicant or district determines that a measure on the MRS is not consistent with local agency regulations and programs, that measure will be removed from the MRS and the project will be re-assessed.
 - g. The District will provide a letter of rule compliance status to the local agency upon request.
 - h. The ISR Rules and Program does not place any requirements upon the agency. For more information regarding the Indirect Source Rule, please contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. The Central Region office in Fresno is leading the ISR enforcement.
19. The developer/applicant shall move utility structures that exist within the current and ultimate rights of way (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).
20. The developer/applicant shall provide street lights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without prior written approval of the City Engineer. 16000 H.P.S.V. street lights are to be installed along the south side of Springville Avenue at 320 foot intervals. 9500 H.P.S.V. street lights shall be installed along the both sides of Vandalia Avenue at maximum spacing of 160 feet and on the west side Kessing Street at a maximum spacing of 320 feet.
21. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit "A") of the Zoning Ordinance.
22. Provide a barrier curb or other physical barrier acceptable to the Community Development Director between the developed portions of the site and the undeveloped portions of the site. No parking or vehicular circulation is allowed on unpaved portions of the site.
23. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance of on-site water mains and fire hydrants for systems not isolated by a detector check valves. Otherwise, the developer/applicant shall construct the pipe

connecting to on-site fire hydrants to City water main standards, detector check included, and shall provide easements for maintenance of the fire hydrants only.

24. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).
25. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.
26. The developer/applicant shall comply with Ordinance No. 1288 regarding Waste Water Discharge requirements and shall complete and submit a Wastewater Discharge Permit Application, Part "A". If monitoring is required, based on the responses to questions in Part "A" of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee.
27. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health.

The developer/ applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.
28. If underground storage tank(s) are to be used for storage of hazardous substances, the developer/applicant shall follow California Health and Safety Code, Division 20, Chapter 6.7, Section 25280 through 25299.6, governing the underground storage of hazardous substances prior to issuance of Certificate of Occupancy.
29. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.
30. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
31. The developer/applicant shall install a refuse container enclosure according to City Standards. The enclosure location to be approved by City prior to issuance of building permit. The enclosure should be oriented for direct pick up. The

developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. Developer is encouraged to install an enclosure that would accommodate a solid waste and recyclable container for collection. Trash enclosure shall be architecturally treated to blend with the development.

32. The heritage oak tree at the southeast corner of Jaye & Vandalia is to be retained. An evaluation and report on recommendations for preserving the oak is to be obtained from a qualified arborist. All work within at least twenty-five (25) feet of the trunk is to be included within the arborist evaluation and monitored to ensure the health and vitality of the oak.
33. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.
34. A minimum of 5% of parking lot and driveway areas are to be landscaped with live plant materials. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per 8 parking spaces distributed throughout the paved area. Parking lot tree wells are to be a minimum of twenty (20) square-feet in size within the curbed perimeter.
35. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping.
36. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway and State Route 190 frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway/highway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks. The selection of planting locations, and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.
37. Provide consistent landscaping within the area between Kessing and Jaye to provide a minimum of eight (8) feet of planting area for trees and shrubs exceeding four (4) feet in height.
38. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance.
39. Provide designated pedestrian routes between all building storefronts, linked to all

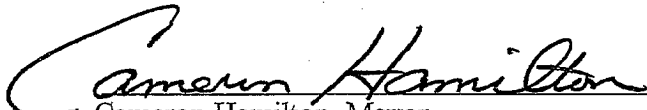
roadway frontage public sidewalks, and through parking lots. Pedestrian routes are to be apart from walking within the vehicular travel ways and compliant with Americans with Disability act requirements. Provide for at least 50% shading of site pedestrian routes, within seven years by tree canopies, or approved architectural features. The project must provide low-level illumination of the walkways.

40. Provide bicycle-parking facilities at each building site to encourage employee and patron use, and provide at least one location of bicycle storage lockers for employees of the site businesses.
41. The project must comply with latest applicable codes.
42. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.
43. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are less than 20.
44. Submit three (3) complete sets of sprinkler and/or fire alarm plans to the Fire Department for review prior to installation.
45. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.
46. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required fire flow.
47. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.
48. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
49. Fire hydrant spacing shall be as follows:
In **Commercial development**, one hydrant shall be installed at 300-foot intervals.
50. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

51. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.
52. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.
53. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.
54. A Knox box will be required. An application may be obtained from the Fire Department.
55. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000 feet per California Fire Code Appendix C Table C105.1, Note Number c.
56. That architectural detail be included on all building elevations.
57. That all secondary doors facing Jaye Street and Springville Avenue be painted to match the background color of the building wall in which the door is located and public streets.
58. The developer shall incorporate ground cover, shrubs and trees between buildings and public streets to help soften the transition between buildings and the public right-of-way.
59. All mechanical and electrical equipment must be inside the building and/or screened from public view (ex. #30 and #33 from legend) in a manner that is architecturally compatible with the building. Care must be given to screening equipment, and panels.
60. This project shall conform to the C-2 Zone development standards contained in the Porterville Zoning Ordinance Section 800.
61. Exterior materials and colors shall be specified on the architectural elevations submitted to the Building Division for building permits. Samples of these materials and colors shall also be provided at time of building permit submittal and approved by the Zoning Administrator prior to issuance of building permits.
62. Each trash receptacle shall be stored within a trash enclosure so as not to be visible to public view. The location and access of the receptacles shall be clearly shown on the plans submitted for building permits. The Zoning Administrator shall approve of receptacle storage locations prior to the issuance of building

permits. Trash enclosure shall be architecturally treated to blend with the development.

63. Landscaping plans for all of the commonly maintained areas shall be included in the plans submitted for building permits. The Zoning Administrator shall approve the landscaping plans prior to the issuance of building permits.
64. The detailed site landscaping plan shall substantially comply with the conceptual landscape plan shown on Attachment 4B, and 4C, incorporated herein by reference.
65. Construction activities shall be limited to the hours between 7:00 a.m. and 6:00 p.m. Monday through Saturday.


Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

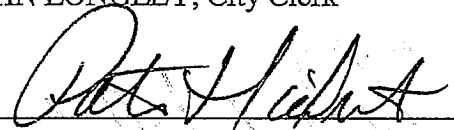
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 3rd day of June, 2008.

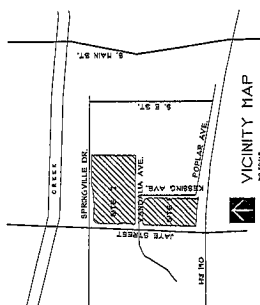
THAT said resolution was duly passed adopted by the following vote:

Council:	McCRACKEN	P. MARTINEZ	F. MARTINEZ	HERNANDEZ	HAMILTON
AYES:	X		X	X	X
NOES:					
ABSTAIN:					
ABSENT:		X			

JOHN LONGLEY, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

REVISIONS	
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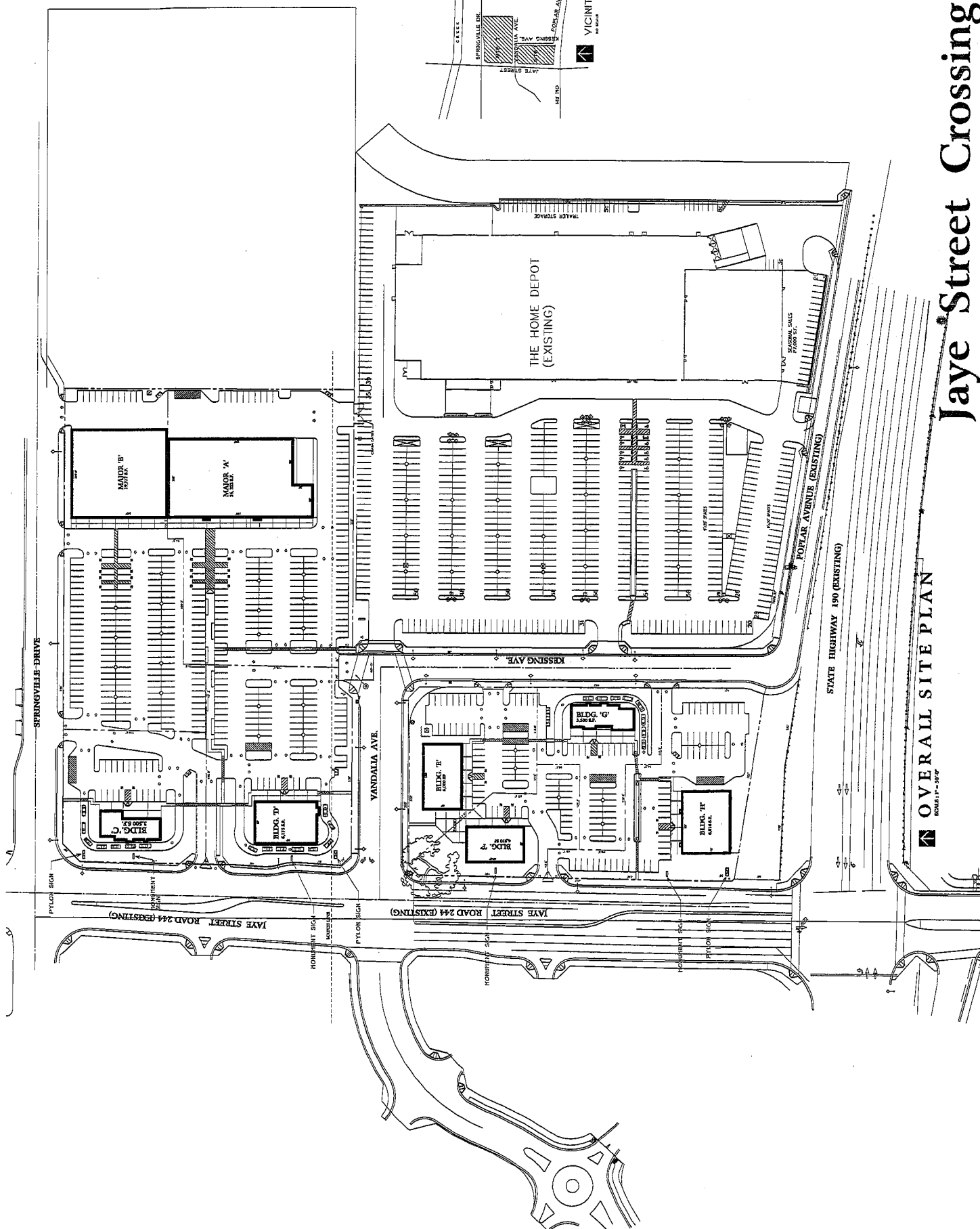
APPLICATION NUMBER
BSR 34-2007 (A)

Weber Press
Associates, Inc.

1730 N. East State St.
Pueblo, CO 81001
554-274-0000

DATE, APRIL 30, 2008

A-1.2



OVERALL SITE PLAN

Jaye Street Crossing

REVISIONS	DATE	BY	APP
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LANDSCAPE PLAN 2

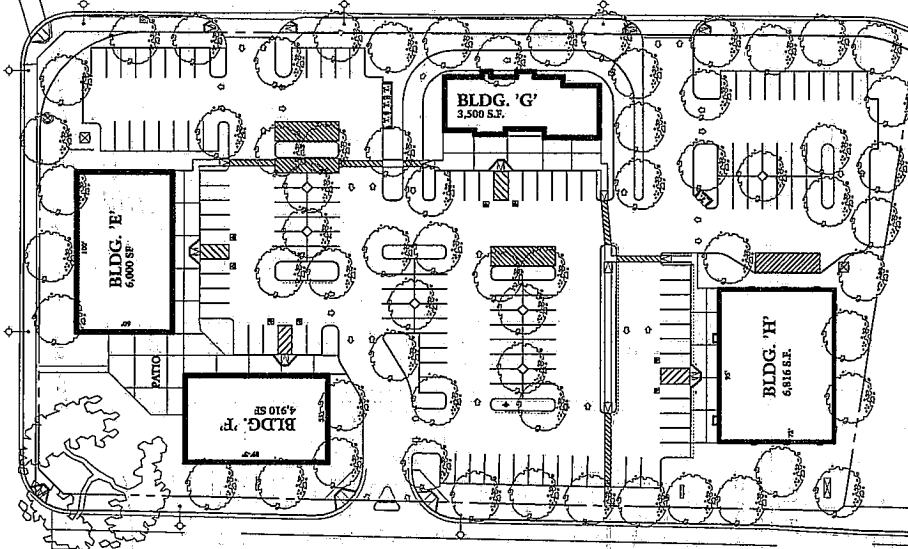
SCALE: 1" = 30'-0"



VANDALIA AVE.

JAYE STREET ROAD 244 (EXISTING)

KESSING AVE.



THE CALCULATION:
SITE 1: 10 STALLS DIVIDED BY 2 = 5 TREES REQUIRED
SITE 2: 30 STALLS DIVIDED BY 6 = 5 TREES REQUIRED

LEGEND:

1" = GALLON CITY APPROVED TREE

NOTES:

1. A MINIMUM OF 5% OF PARKING LOT AND DRIVEWAY AREAS ARE TO BE LANDSCAPED WITH TREE PLANT MATERIALS.
2. TREES SHALL BE SPECIFIED TO AND ASSIGNED TO THE PROJECT BY THE CITY OF PORTLAND PLANT TO BE ASSIGNED TO THE PROJECT.
3. ALL TREES SHALL BE PLANTED IN A MANNER THAT THEY WILL BE PROTECTED BY A FENCE OR OTHER MEANS TO PREVENT DAMAGE TO THE TREES.

ALL LANDSCAPING SHALL BE INSTALLED BY THE DEVELOPER.

APPLICATION NUMBER
BSR 3-4-2007 (A)



Video Inc.
01/06/07

LANDSCAPE PLAN 1



POPLAR AVENUE (EXISTING)

STATE HIGHWAY 190 (EXISTING)

Jaye Street Crossing

1" = 30'-0"

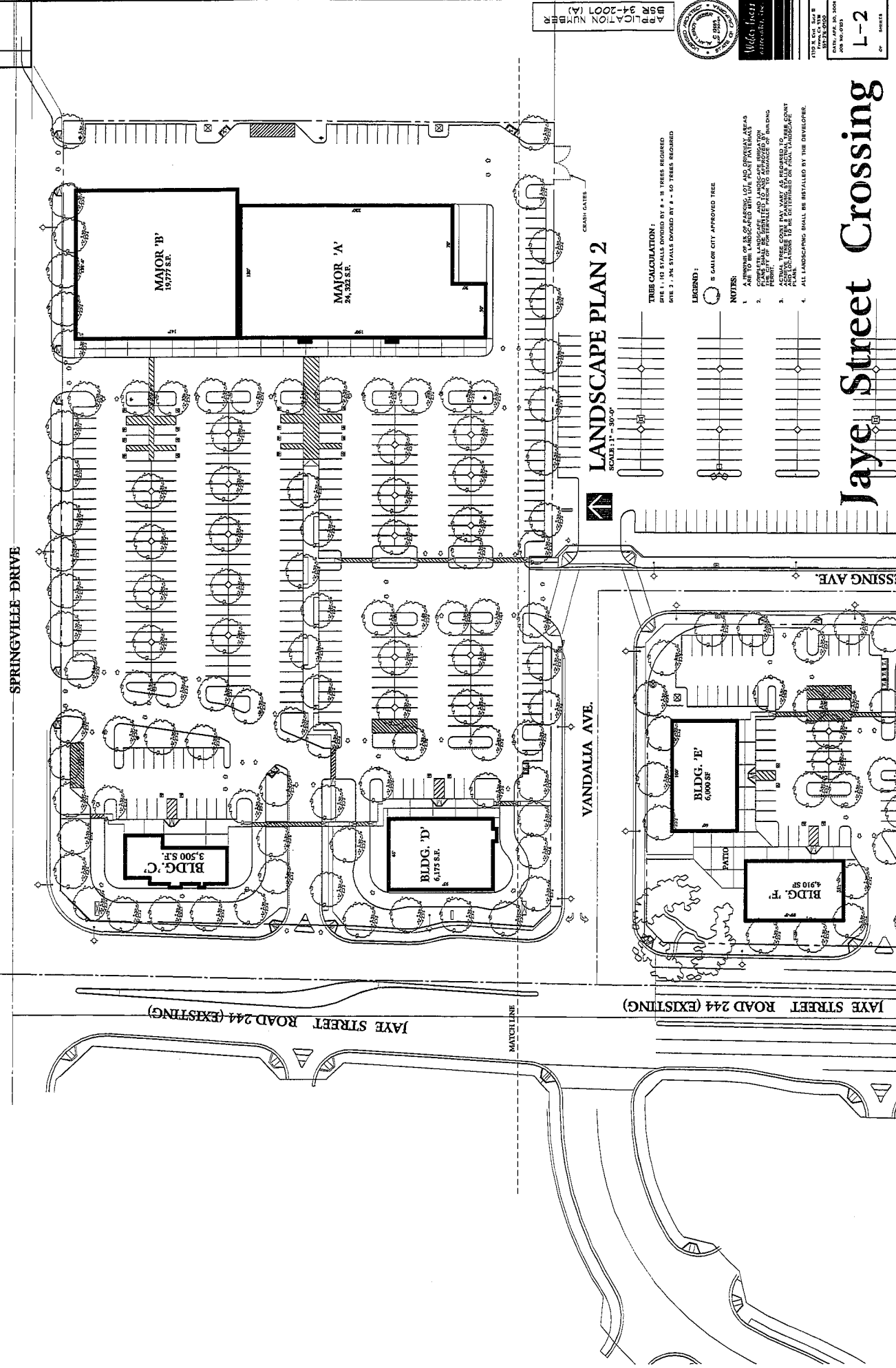
REVISIONS
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William H. Hest
Professional Engineer
State of Ohio
No. 9884
Exp. 12/31/2008

DATE: APR. 26, 2004
JOB NO. 0353

PROJECT NO. 0353

APPLICATION NUMBER
BSP 34-2007 (A)

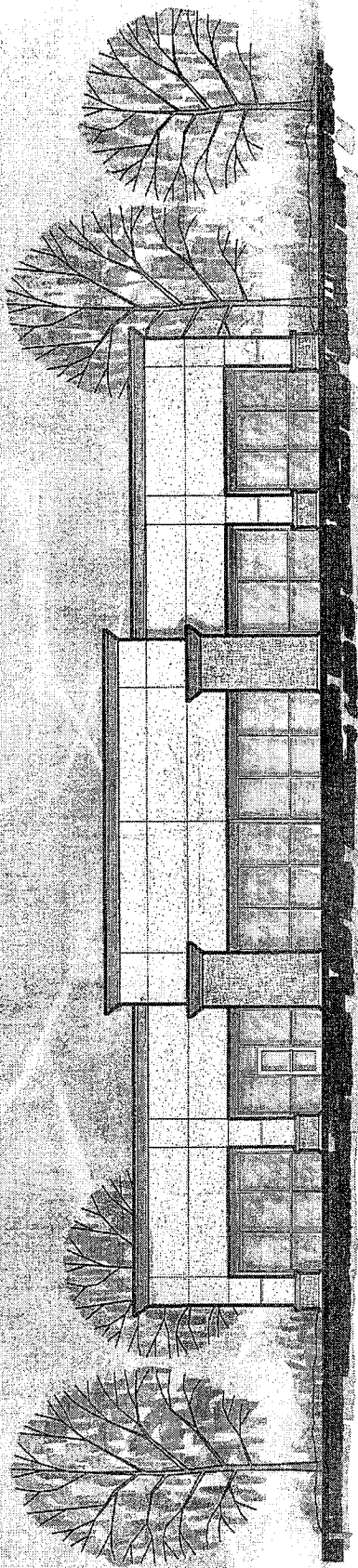


LANDSCAPE PLAN 2

SCALE: 1" = 30'-0"

- TREE CALCULATION:**
SIZE 1 - 1/2" STALLS DIVIDED BY 8 = 18 TREES REQUIRED
SIZE 2 - 3/4" STALLS DIVIDED BY 8 = 50 TREES REQUIRED
- LEGEND:**
○ 8 CALLOW CITY APPROVED TREE
- NOTES:**
1. APPROXIMATE AMOUNT OF PLANTING, LOT AND DRIVEWAY AREAS
2. COMPLETE LANDSCAPE AND LANDSCAPE ORIENTATION
3. ACTUAL TREE COUNT MAY VARY AS REQUIRED TO
4. ALL LANDSCAPING SHALL BE INSTALLED BY THE DEVELOPER.

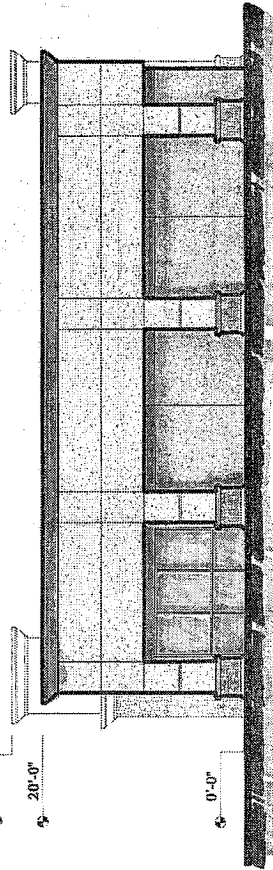
Jaye Street Crossing



SOUTH ELEVATION - SHOPS 'E'

SCALE: 1/8" = 1'-0"

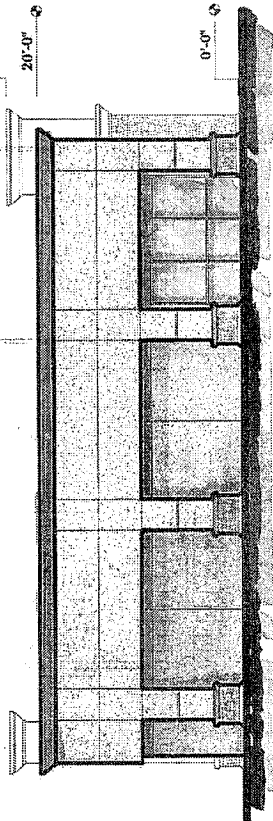
22'-10"
20'-0"
0'-0"



EAST ELEVATION - SHOPS 'E'

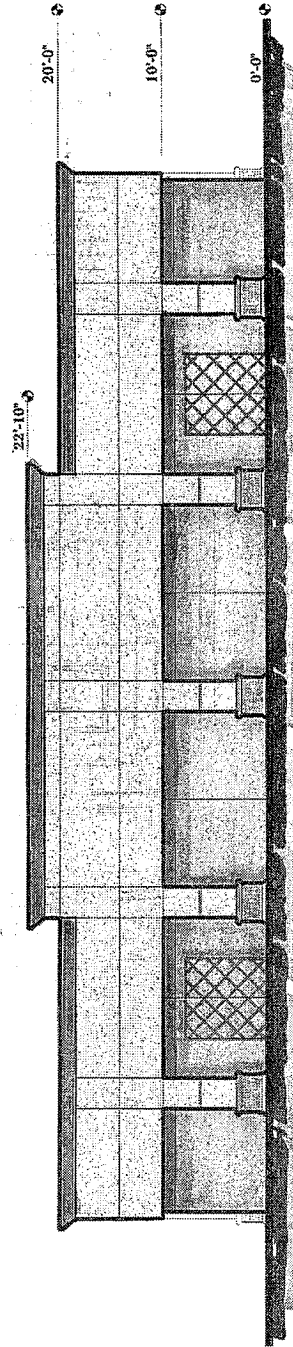
SCALE: 1/8" = 1'-0"

22'-10"
20'-0"
0'-0"



WEST ELEVATION - SHOPS 'E'

SCALE: 1/8" = 1'-0"



NORTH ELEVATION - SHOPS 'E'

SCALE: 1/8" = 1'-0"

22'-10"
20'-0"
10'-0"
0'-0"

APPLICATION NUMBER
BSR 34-2007 (A)



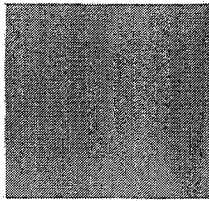
4750 N. Third Street
Fresno, CA 93711
BSR 21-0000

DATE: APR. 5, 2009
JOB NO.: 01105

A-6E
OF SHEETS

Jaye Street Crossing

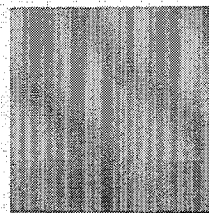
JAYE STREET CROSSING



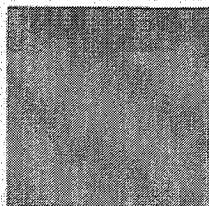
'ICI PAINT' 458 CANVASBACK



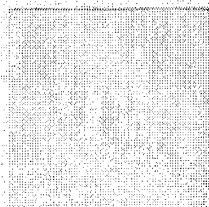
'ICI' PAINT 726 COUNTRY CREAM



'ICI PAINT' 688 KINGS CANYON GREY



'ICI PAINT' 1083 SPRUCE PINE

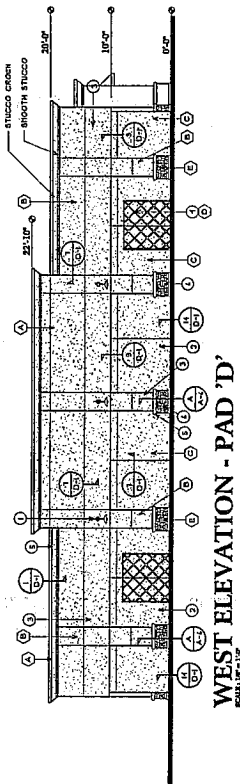
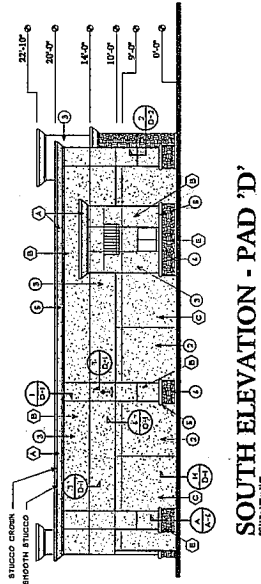
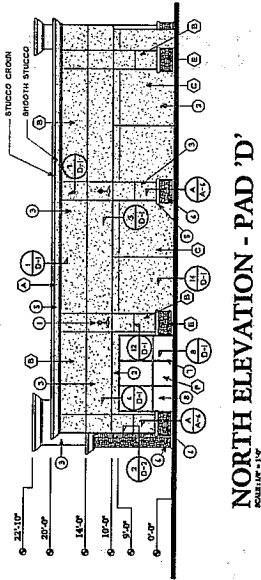
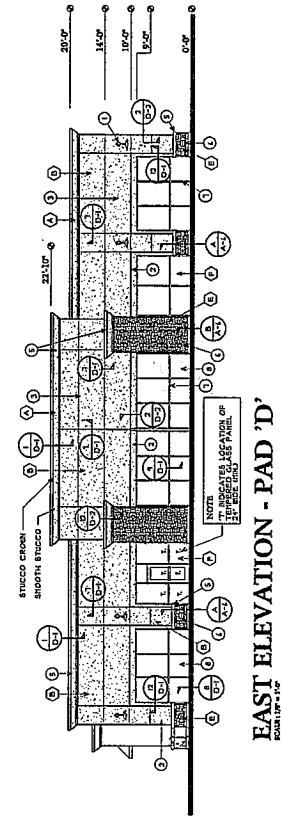


CMU : 'ICI PAINT' 726 COUNTRY CREAM



**ROCK VENEER : 'EL DORADO'
MOUNTAIN
LEDGE**

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PAINT COLORS
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MATERIALS
ITEM NO.
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APPLICATION NUMBER
BSR 34-2007 (A)

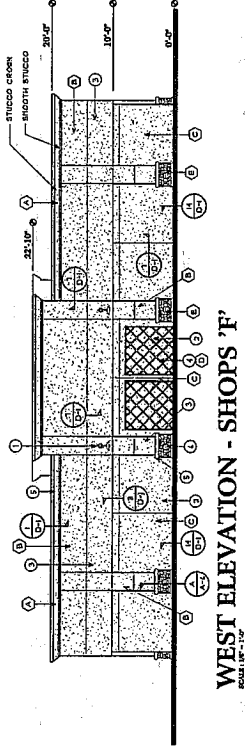
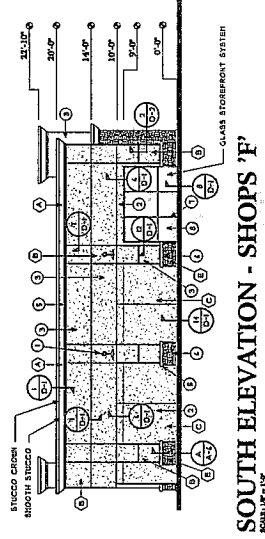
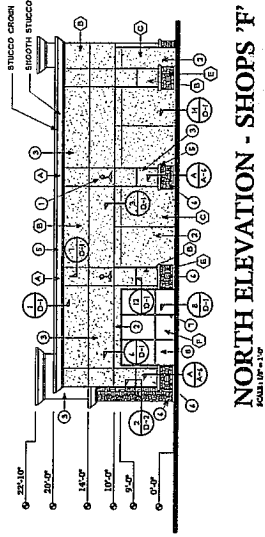
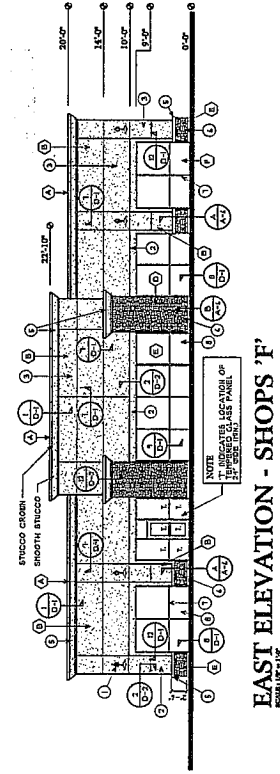


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Jaye Street Crossing

A-6D
1/8" = 1'-0"

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PAINTE COLORS
1 'C1 PAINT - 48 CANVASBACK
2 'C1 PAINT - 24 COUNTRY CREAM
3 'C1 PAINT - 48 RING CANYON GREY
4 'C1 PAINT - 48 SPRUCE PINE
5 ROCK VENEER - 'EL DORADO' MOUNTAIN LEDGE BERRA
6 STOREFRONT BRIDGE MILLIONS WITH CLEAR GLASS

MATERIALS
1 LIGHT FIBERGLASS INSULATION
2 PAINTED STUCCO
3 PAINTED STUCCO
4 METAL TRUSS
5 PAINTED STUCCO
6 ROCK VENEER
7 ALUMINUM STOREFRONT
8 GLASS

APPLICATION NUMBER
34-2007 (A)
7



Widespread
Architects, Inc.
1000 10th St.
San Francisco, CA 94103
415.774.1111

DATE: APR. 20, 2003
BY: J. J. J. J.
A-6F
SHEETS

Jaye Street Crossing

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
CERTIFICATE OF COMPLIANCE TO:
City of Porterville
291 N. Main Street
Porterville, CA 93257

fee
COPY of Doc: Recorded
3-Jun-2009 2009-0034548
Has not been compared with
original
TULARE COUNTY RECORDER

No fee Pursuant to Section; 6103

**VESTING TENTATIVE PARCEL MAP 1-2009
RESOLUTION 565**

RECEIVED

JUN - 5 2009

Community Development
Department

**ATTACHMENT
ITEM NO. 6**

RESOLUTION NO. 565

A RESOLUTION OF THE PORTERVILLE CITY COUNCIL CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF VESTING TENTATIVE PARCEL MAP 1-2009 TO DIVIDE A 7.5± ACRE SITE INTO FOUR (4) PARCELS FOR THAT SITE GENERALLY LOCATED AT THE SOUTHEAST CORNER OF JAYE STREET AND SPRINGVILLE AVENUE NORTH OF STATE ROUTE 190

WHEREAS: The project proponent is requesting approval for Vesting Tentative Parcel Map 1-2009 to divide a 7.5± acre vacant site into four (4) parcels for that site located at the southeast corner of Jaye Street and Springville Avenue north of State Route 190 as follows:

Parcel 1 - 1.1± acres
Parcel 2 - 2.25± acres
Parcel 3 - 1.57± acres
Parcel 4 - 2.58± acres

WHEREAS: On February 7, 2007 the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report evaluating the development, mitigation measures and land use changes necessary to facilitate the development of a ±10.7 acre site with a ±75,000 square foot shopping center (Jaye Street Crossing); and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 3, 2008, reviewed and considered "D" Overlay Site Review 2-2008, to facilitate development of a ±75,000 square foot commercial center to be located at the northeast corner of Jaye Street and State Route 190 in the C-2 (D) (Central Commercial – "D" Overlay Site Review) Zone; and

WHEREAS: The Parcel Map Committee held a scheduled public hearing on April 29, 2009. The Committee discussed concerns and conditions relevant to the proposed project. Conditions developed as a result of this meeting and subsequent staff review were discussed with the applicant's agent and incorporated into the draft resolution of approval; and

WHEREAS: The Parcel Map Committee received testimony from all interested parties relative to the proposed vesting tentative parcel map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the General Plan.

The Land Use Element of the General Plan designates the site for Retail Centers type uses. The subject site is located within the Central Commercial with Design Review Overlay Zone.

2. That the site is physically suitable for the type and density of the proposed development.
3. That the certified Final EIR (Resolution 8-2007) prepared for this project is in compliance with the California Environmental Quality Act.
4. That Resolution 8-2007 adopts a Mitigation Monitoring Plan for the Final EIR for the Jaye Street Crossing commercial development project.
5. That the standards of population density, site area dimensions, site coverage, yard spaces, distance between structures, off-street parking facilities and landscaping areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
6. The proposed project complies with all the requirements of the Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the Parcel Map Committee of the City of Porterville does here by approve Vesting Tentative Parcel Map 1-2009, subject to the following conditions:

1. The proposed vesting tentative parcel map will not require any further environmental review. The Vesting Tentative Parcel Map shall adhere to the Certified EIR (Resolution 8-2007) including all mitigation requirements for the commercial development (Jaye Street Crossing) project. A "Notice of Determination" will be resubmitted to the county for the previously adopted EIR.
2. The map reads "VESTING TENTATIVE PARCEL MAP."
3. Unless otherwise noted herein, the developer/applicant shall obey the development standards of the Subdivision Ordinance, adopted Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Rev. 8-20-02), the Manual of Traffic Controls, and Porterville Circulation Element.
4. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
5. The developer/applicant shall dedicate the right of way necessary for the construction of the required remaining Springville Avenue frontage improvements. Dedications may be conveyed by illustration and processing of the Final Parcel Map or conveyed by a separate legal instrument.

6. Prior to the recording of the Final Map or issuance of building permit, whichever may occur first, the developer/applicant/owner and City shall fully execute an agreement that defines all procedures associated with the conveyance of right of way along Jaye Street and Springville Avenue consistent with the fully executed Right of Entry dated August 21, 2007. This agreement shall specifically reiterate Council Resolution No. 48-2008 and 49-2008, which defines pro-rate share cost of improvements constructed along Jaye Street and Springville Avenue. The developer/applicant shall also convey additional right of way for the drive approaches constructed on the east side of Jaye Street, north of Vandalia Avenue. The City will pay the applicant the fair market value for the right of way described in the Right of Entry dated August 21, 2007 and the additional right of way necessary for the constructed Jaye Street drive approach.
7. Prior to the issuance of a building permit, the developer/applicant shall pay their "Pro Rata" share of all off-site road improvements, including project related traffic signals, modifications to the State Route 190/Jaye street intersection and proportional share of the future State Route 190/Plano Street intersection improvements, as defined by the traffic study prepared by Omni Means and subsequent City Council Resolution No. 48-2008 and Resolution No. 49-2008. The total reimbursement fee for the 7.51 acre property is \$781,454.41.
8. The developer/ applicant shall dedicate all applicable utility easements in favor of the City of Porterville that are reasonable for the orderly development of the commercial project (Section 21-23).
9. The dedication of easements or any other potential dedications shall be clearly identified on the Parcel Map. A Dedications Statement shall be placed on the map that reads:

"Pursuant to the authority conferred by the City of Porterville, Ordinance No. 1590, adopted February 20, 2001, the undersigned, on behalf of the Public and City Council of the City of Porterville consents to the acceptance and recordation of the _____ dedication(s) as shown on this map.

Dated this _____ day of _____, 20__

By: Michael K. Reed, City Engineer

PLS 7514"

10. A Preliminary Soils Report shall be provided by a Professional Engineering authorized to perform such work. The engineer shall sign a statement on the Final Parcel Map that a Preliminary Soils Report was prepared by him or her and it is on file with the City's Engineering and Building Division.
11. The developer/applicant shall comply with Appendix J of the California Building Code including the provision of "R-Value" tests and recommendations regarding construction of public improvements, satisfactory to the City Engineer, prior to the start of grading. The developer/applicant shall provide the items indicated below:
 - a. Grading Plans and Specifications.
 - b. Soils Report.
12. Prior to approval of a permit or other grant of approval for development of the property, the developer/applicant shall comply with or provide plans that comply with City Retaining Wall Standards at Lot Lines (adopted by City Council January 3, 1989).
13. Prior to issuance of a certificate of occupancy for any pad or as otherwise set forth in a Development Agreement, the developer/applicant shall provide improvements by the method indicated below:
 - a. Construct or provide surety for construction of curb, gutter, connecting pavement, street safety signs, pavement markings, sidewalk, wheelchair ramp(s), streetlights, etc. along full Springville Avenue frontage per City Council Adopted Resolution No. 49-2008.
 - b. Construct or provide surety for the installation of street lights along the north side of Vandalia Avenue per City Council Adopted Resolution No. 49-2008.
 - c. Installation of required on site improvements, including those improvements in the opinion of the City Engineer needed for the orderly development of the adjacent property.
 - d. Simultaneously recording of a separate legal instrument or placement of a statement of the Final Map, if appropriate, that reads as follows:

"In accordance with Section 66411.1 of the Government Code, the construction of on-site improvements, such as, but not limited to, utilities, grading, parking lot improvements, well abandonment (if any), removal of irrigation lines (if any), etc. has been deferred until such time as a permit or other grant of approval for development of the parcel is issued. Such construction may be phased when only a portion of the parcels shown herein receive such approval. The phased construction shall consist of all

improvements related to the specific parcels plus that required to make the installed improvements properly function."

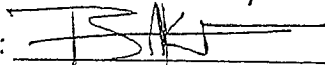
14. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).
15. Prior to recording the final map, the developer/applicant shall provide easements, permits, calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the development (e.g., water, sewer, drainage, "turn arounds", etc.). If the City Engineer determines that construction of improvements is needed to protect public health and safety or for orderly development of the surrounding area, the developer/applicant shall construct or provide a surety for said improvements.
16. To the fullest extent allowed by law, the Vesting Tentative Parcel Map (Exhibit A) shall comply and be consistent with the conditions of approval for the Jaye Street Crossing commercial development Design Review Overlay 2-2008 approved by Resolution 49-2008.
17. The Vesting Tentative Parcel Map (Exhibit A) shall adhere to the certified Final EIR approved by City Council for the Jaye Street Crossing commercial project (Resolution 8-2007).
18. Access to and from Jaye Street shall be limited to the existing driveway as shown on the Vesting Tentative Parcel Map and shall not be modified without approval of the City Engineer.
19. The developer/applicant is hereby notified that reimbursement for Master Plan improvements is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must approved by the City prior to construction.
20. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
21. The Vesting Tentative Parcel Map approval time limits shall comply with Government Code Section 66452.6. Time limit extensions shall comply with the same Government Code Section and applicable section(s) of the City's Subdivision Ordinance.

MOVED BY COMMITTEE MEMBER Mike Reed, SECONDED BY COMMITTEE
MEMBER Loran Blasdel, AND CARRIED BY THE FOLLOWING VOTE:

AYES: 3
NOES: 0
ABSTAIN: 0
ABSENT: 0

April 29, 2009

ATTEST:



Benjamin Kimball, Chairman, Parcel Map Committee

RESOLUTION NO.

MODIFICATION TO VESTED PARCEL MAP NO. 4996

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF MODIFICATION TO
VESTED PARCEL MAP 4996 LOCATED ON THE EAST SIDE OF JAYE STREET
BETWEEN SPRINGVILLE DRIVE AND VANDALIA AVENUE

WHEREAS: The City Council of the City of Porterville at its scheduled meeting of February 19, 2013, conducted a public hearing to consider the Parcel Map Committee recommendation regarding modification to Vested Parcel Map 4996; and

WHEREAS: The Parcel Map Committee of the City of Porterville at its regularly scheduled meeting of February 13, 2013, conducted a public hearing to review to modification of Vested Parcel Map 4996 to rescind earlier rights and re-establish vesting rights with current development standards and policies; and

WHEREAS: On June 3, 2008, the City Council adopted Resolution 49-2008 containing findings and conditions in support of Design "D" Overlay Site Review 2-2008 to facilitate the development of the 75,000± square foot Jaye Street Crossing commercial center. Included in the resolution were design and architectural features as well as colors and tones of materials to be used; and

WHEREAS: On April 29, 2009, the Parcel Map Committee of the City of Porterville heard testimony from the public and approved Vesting Tentative Parcel Map 1-2009 Resolution 565; and

WHEREAS: Pursuant to Section 66472.1 of the California Government Code and Section 406.01(2)h of the City of Porterville Development Ordinance, amendments to a final map or parcel map may be made to make modifications when there are changes that make any or all of the conditions of the map no longer appropriate or necessary; and

WHEREAS: On January 29, 2013, the Environmental Coordinator made a preliminary determination that the project meets the intended use for Class 5 Categorical Exemption under the California Environmental Quality Act as a minor alteration in land use limitations (CCR Section 15305- CEQA Guidelines); and

WHEREAS: The Parcel Map Committee received testimony from all interested parties relative to the modification of Vested Parcel Map 4996 on February 13, 2013. The Committee discussed concerns and conditions relevant to the proposed project. Conditions developed as a result of this meeting and subsequent staff review were discussed with the applicant and incorporated into the draft resolution of approval; and

**ATTACHMENT
ITEM NO. 7**

WHEREAS: The Parcel Map Committee made the following findings:

1. That the proposed modification to Vested Parcel Map 4996 is consistent with the applicable general and specific plans.

The proposed uses of the sites shall be required to be operated and maintained to comply with State law, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances.

Parcels 1 through 4 conform to the minimum lot width and depth pursuant to the Porterville Development Ordinance.

2. That the design or improvements of the proposed modification are consistent with the General Plan.

The Land Use Element of the General Plan designates the site for Retail Center type uses. The design and improvements of the proposed modification are consistent with the Retail Centers (CR) zone district.

3. That the site is physically suitable for the type and density of proposed development.

The subject site is flat. Conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will be required.

Additionally, compliance with federal, State and local regulation requiring that storm water runoff monitored and maintained free of heavy concentration of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).

The modification to Vested Parcel Map 4996 shall rescind earlier rights and re-establish vesting rights at current development standards and policies.

4. That the certified EIR (Resolution 8-2007) prepared for Jaye Street Crossing Commercial Center is in compliance with the California Environmental Quality Act.

The modification to Vested Parcel Map 4996 will not cause an amendment to the certified EIR (Resolution 8-2007).

5. That the proposed modifications or improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project is Exempt under Minor Alterations in Land Use Limitations (Section 15305) from the California Environmental Quality Act because the proposed modification to Vested Parcel Map 4996 does not have the potential to have a

significant effect on the environment.

6. That the proposed modification or improvements will not cause serious public health problems.

The location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.

7. That the design of the parcel map or the type of improvements and proposed modification will not conflict with easements, acquired by the public at large, for access through or use of, property within the parcel map.

NOW, THEREFORE, BE IT RESOLVED: That the Parcel Map Committee of the City of Porterville does hereby recommend that City Council review and consider adopting the draft resolution approving the modification to Vested Parcel Map 4996 subject to conditions of approval:

1. The proposed modification to Vested Parcel Map 4996 will not require any further environmental review. The modification to Vesting Parcel Map shall adhere to the Certified EIR (Resolution 8-2007) including all mitigation requirements for the commercial development (Jaye Street Crossing Commercial Center) project. A Notice of Exemption will be filed with the Tulare County Clerk.
2. An amended map shall be recorded that amends the vested rights of the prior recorded VPM 4996 pursuant to Section 66472.1 of the California Government Code.
3. The proposed modification to Vested Parcel Map 4996, and subsequent development of the parcels, shall comply with the revised vested rights, which are the development codes and policies in place at the time of the adoption of this resolution.
4. Section 203.04 (c)(2)a of the Development Ordinance requires commercial centers have an integrated theme. The theme was established by Resolution 49-2008 and the remaining pads of VPM 4996 shall be required to be designed with similar architectural features, colors, and materials to those approved by the City Council in that resolution.
5. That all dedications, easements and public improvement agreements recorded on July 8, 2010 under Parcel Map No. 4996 shall remain in favor of the City of Porterville.
6. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2009 Edition), and Standard Plans and Specifications (2007 Edition), except where they are in conflict with the Americans with Disabilities Act and the 2010 California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.

7. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. Fees are subject to change annually.
8. Prior to approval of a permit or other grant of approval for development of the proposed parcels, the developer/applicant shall comply with approved grading plan(s) and Appendix J of the California Building Code.
9. Prior to the issuance of a building permit, the developer/applicant shall pay their "Pro Rata" share of all off-site road improvements, including project related traffic signals, modifications to the State Route 190/Jaye street intersection and proportional share of the future State Route 190/Plano Street intersection improvements, as defined by the traffic study prepared by Omni Means and subsequent City Council Resolution No. 48-2008 and Resolution No. 49-2008.
10. Prior to issuance of a certificate of occupancy for any pad or as otherwise set forth in a Development Agreement, the developer/applicant shall provide improvements by the method indicated below:
 - a. Construct or provide surety for construction of curb, gutter, connecting pavement, street safety signs, pavement markings, sidewalk, wheelchair ramp(s), streetlight, etc. along full Springville Avenue frontage per City Council Adopted Resolution No. 49-2008.
 - b. Construct or provide surety for the installation of street light along the north side of Vandalia Avenue per City Council Adopted Resolution No. 49-2008.
 - c. Installation of required on site improvements, including those improvements in the opinion of the City Engineer needed for the orderly development on the adjacent property.
11. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

PASSED, APPROVED AND ADOPTED this _____ day of February, 2013

By: _____

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL AGENDA – FEBRUARY 19, 2013

SUBJECT: PARKS AND LEISURE SERVICES COMMISSION VACANCY

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: On February 5, 2013, Mr. James Carson tendered his resignation from the Parks and Leisure Services Commission thereby creating a vacancy with a term due to expire in October 2015. One Request for Appointment remains on file with the City Clerk's Office for this Commission, that being from Mr. Eric Mendoza. Staff has contacted Mr. Mendoza and has confirmed his continued interest in being appointed.

At the Council's direction, staff can provide notice to the public and solicit applications by way of a Press Release. This would allow individuals interested in serving on the Commission the opportunity to submit an application for the Council's consideration at a future meeting date.

RECOMMENDATION: That the City Council:

1. Appoint Mr. Eric Mendoza to fill the seat vacated by Mr. James Carson with a term scheduled to expire in October 2015; or
2. Direct staff to solicit applications to fill the seat vacated by Mr. Carter, and bring the item back to the Council for appointment.

ATTACHMENT: Request for Appointment

M Director n/a Appropriated/Funded

J City Manager

Item No.: 18

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

RECEIVED

OCT 13 2011

CITY OF PORTERVILLE
CITY CLERK OFFICE

Please complete all blanks.

Name: ERIC MENDOZA
(Please Print)

Appointment to: PARKS & LEISURE SERVICE COMMISSION
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: 1660 W. WESTFIELD AVE.
PORTERVILLE, CA 93257

Mailing Address: "same"

Name of Business: PORTERVILLE COLLEGE ATHLETICS

☐ Own ☒ Operate

Business Address: 100 E. COLLEGE AVE.
PORTERVILLE, CA 93257

Telephone: Home (559) 824-5717
Work (559) 791-2460
FAX (559) 791-2487
E-mail ericmend@portervillecollege.edu

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☐ Yes

☒ No

Qualifications: PORTERVILLE COLLEGE ADMINISTRATOR
IN CHARGE OF ATHLETIC DEPARTMENT, STUDENT
GOVERNMENT, CAMPUS EVENTS/ ACTIVITIES, AND
WELLNESS CENTER. FORMER UNIT DIRECTOR OF
WEST FRESNO BOYS & GIRLS CLUB - AND
B&GC OF FRESNO COUNTY SPORTS COUNCIL CHAIR.
FORMER FRONT OFFICE ASSISTANT FOR
SAN FRANCISCO GIANTS TRIPLE-A AFFILIATE
FRESNO GRIZZLIES. FORMER PROGRAM ASSISTANT AT
CITY OF FRESNO PARKS & RECREATION - CALWA PARK.
CURRENT MEMBER OF PORTERVILLE BOYS & GIRLS CLUB
BOARD OF DIRECTORS.

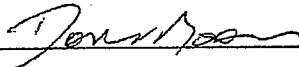
- ☒ Resume attached
☒ Letter of request attached

Submitted By: _____



10/12/11
Date

Received by: _____



Forwarded to: City Clerk



Date:

10/13/11

City Council



Date:

City Manager



Date:

Applicable Dept.



Date:

Tentative Council Mtg Date:

10/18/11

Eric A. Mendoza

(559) 824-5717

ericmend@portervillecollege.edu

CAREER OBJECTIVE

An experienced community college professional specializing in campus administration, athletics, student programs, and organizational leadership, seeking a position where these skills will add value to the mission of higher education.

EDUCATION

Fresno Pacific University	M.A., Kinesiology/Physical Education
California State University, Fresno	B.A., Mass Communication & Journalism
Fresno City College	A.A., Liberal Arts
Reedley College	Student-Athlete (Golf)

**PROFESSIONAL
EXPERIENCE**

April 2008 – Present

Porterville College**Director of Student Programs & Athletics**

College administrator responsible for planning, directing, and coordinating the operations of Intercollegiate Athletics, Student Activities, Student Government, Outreach, and Wellness Center. Duties include implementing program goals and objectives under KCCD policies and procedures. Organize and administer all programs of intercollegiate competition in men's and women's sports. Conduct regular meetings and mandated trainings to promote adherence to conference and state athletic rules, regulations, and codes. Prepare annual budget and monitor all department expenditures in a fiscally responsible manner. Coordinate all activities related to the scheduling of events, facilities, travel, and transportation. Lead the department in the hiring/selection of staff, supervision, evaluation of coaches/support staff/student workers. Plan and coordinate fundraising projects with college president and college foundation board. Oversee all athletic fundraising accounts and related paperwork. Serve as primary contact for media, athletic publicity, marketing and promotions, and special events. Assist physical education division/chair in developing strategic plans, involving curriculum, new courses, scheduling of classes/facilities, faculty assignments, and purchasing equipment. Represent the college in the community, Central Valley Conference, and California Community College Athletic Association (CCCCAA). Prepare local and state reports, and coordinate program reviews. Serve as chair and/or member of various college committees, including Administrative Council (President's Cabinet), College Learning Council (Shared Governance), Budget, Facilities Planning, Accreditation, Marketing and Outreach, Title IX, Athletic Foundation, and Athletic Hall of Fame. Provide leadership in the development of Associated Student Government, Inter-Club Council, student events, recruitment and advising with student clubs and various community groups. Promote a well-rounded educational experience that celebrates a diverse college campus community. Organize committees/events for commencement, student and staff awards, and K-12 partnerships. Participate with outside agencies in outreach activities including career fairs, college nights, and high school presentations. Oversee the college Wellness Center, supervise campus nurse, and provide health-related programs from community such as blood drives, health fairs, and immunization clinics.

Dec. 2005 – Present

Central Valley Conference

Sports Publicist

Under the direction of the CVC Commissioner, responsible for compiling and publicizing sports information and news regarding athletics in the conference. Oversee all broadcast projects and coordinate statistics software training for various sports. Attend regular meetings and represent the conference in leadership and committee roles with the CCCAA, Sports Information Association, and several CCC Coaches' Associations. Coordinate media relations and event/venue management duties for various men's and women's CCCAA state championships. Serve as media contact and liaison for the CVC, statewide statisticians, four-year universities, scouts, and conference representatives. Responsible for content on CVC website.

Feb. 2005 – April 2008

West Fresno Boys & Girls Club

Director

Responsible for the operations and administration of Fresno County's largest Boys & Girls Club (more than 650 youth, 10 staff members). Oversaw the development of staffing and budgeting. Coordinated and directed a wide variety of activities as a leader in the community. Planned and implemented specific program objectives and goals, and managed the Unit in accordance with the standards of Boys & Girls Clubs of America and the policies of the organization. Employed and trained staff personnel through proper recruitment and evaluation. Compiled monthly statistical and progress reports. Assisted organization with budget planning, fundraising, and financial administration. Conducted seasonal sports programs, recreation, educational and guidance-oriented programs. Established partnerships with public and private agencies, schools, and other organizations. Developed special events for the Club and local K-12 schools. Organized staff meetings, provided leadership, direction, and problem-solving. Chaired the Boys & Girls Clubs of Fresno County Sports Council – the governing body of all athletic teams.

June 2000 – Feb. 2005

Fullerton College

Assistant Athletic Director, Sports Information & Marketing

Responsible for daily operations supporting athletic department's 20 intercollegiate sports. Developed and managed projects for sports information, media/public relations, marketing, promotions, game/event management, and community outreach. Coordinated all athletic department publications (game programs, media guides, recruiting materials) and website design. Served as primary media contact, and conducted outreach projects with local schools and youth organizations. Assisted the physical education division dean/athletic director with game management operations, compiling annual reports, and other duties as needed. Secured corporate sponsorships and directed various athletic fundraising campaigns. Hired and supervised game management staff, student workers, volunteers, and photographers. Monitored campus budget accounts under district policies and procedures. Represented the college by working with COA/CCCAA in several leadership roles involving Management Council, Festival Advisory Committee, and Affiliate Organizations Relations Committee. Worked various COA/CCCAA men's and women's state championships as event/venue director, media director, and statistician. Served on various campus, district, conference (Orange Empire Conference, Mission Football Conference), and statewide committees.

Feb. 1998 – June 2000

Fresno City College**Public Information Office News Writer/Reporter**

Responsibilities included writing, editing and preparing news articles for campus newsletter (*City at Large*), website, and other college publications. Wrote and distributed press releases, proofread material (class schedules and catalogs), assisted with layout/graphic design, and processed media requests for public information office and college president's office. Assisted sports publicist and athletic director in media guide/gameday program production and daily operations such as game/event management, coordinating press conferences, handling media requests, compiling statistics, and updating archives. Worked with college administration to organize special events, including homecoming, commencement, graduation ceremonies, fundraising projects, football Hall of Fame dinners, and sports banquets.

May 1999 – June 2000

Fresno Grizzlies Baseball Club**(San Francisco Giants AAA) Promotions & Media Relations Assistant**

Duties included coordinating pre-game events and in-game promotions for San Francisco Giants' Triple-A affiliate. Organized special events for corporate sponsors. Trained new staff members; and assisted media relations director with press releases, website design, writing, editing, statistics and media requests. Fostered relationships with community groups and education partners. Coordinated outreach and fundraising efforts with front office management. Worked with ticket sales staff to attract special events for business clients. Assisted clubhouse staff with hospitality services for visiting teams, players, and coaches.

**RELATED
EXPERIENCE**

Commission On Athletics/California Community College Athletic Association (State Championship Media/Venue Director, 1998-2008) ... CCC Softball Coaches Association (State Publicist, 1998-2008) ... Fresno City College (Student Aide, Athletic Department, 2006) ... Mission Football Conference (Sports Information Director & Statistician, 2001-2005) ... California State University, Fresno (*The Collegian*, Sports Editor, 1999) ... Fresno State Quarterback Club (Sports Writer, 1999) ... The Fresno Bee (Sports Correspondent/Prep Writer, 1997-98) ... Fresno City College (*The Rampage*, Sports Editor, 1997-98) ... City of Fresno Parks & Recreation (Calwa Park Program Assistant, 1993-94).

**COMPUTER
SKILLS**

Proficient in PC & Macintosh applications: PageMaker, Photoshop, InDesign, Acrobat, Quark, Illustrator, Front Page, Dreamweaver, StatCrew, Banner, and all Microsoft Office programs.

CERTIFICATIONS

Automated External Defibrillator (AED)
Cardio Pulmonary Resuscitation (CPR)

COMMITTEES & AFFILIATIONS

Porterville College

Administrative Council (President's Cabinet)
College Learning Council (Shared Governance)
Budget Committee
Accreditation Team
Facilities Planning Committee
Student Services Counselors & Directors
Associated Student Government (Director)
Inter-Club Council (Director)
Title IX Committee (Chair)
Athletic Hall of Fame (Co-Chair)
Student-Athlete Advisory Council (Founder/Advisor)
Marketing & Outreach Committee (Co-Chair)
Academic & Athletic Achievement Awards Committee (Founder/Chair)
Student & Staff Recognition Awards Committee (Chair)
"Pirate Madness" (Founder/Chair)
Luminis/Website Committee
Commencement Committee
High School Senior Day Committee
PC Connection/Freshman Registration Committee
Community College Survey of Student Engagement (Administrator)
PC Transition Task Force
KCCD Supervisory Development Workshop (Graduate)
KCCD Human Resource Trainings (Various)

California Community College Athletic Association

Gender Equity Committee (Title IX), 2008-Present
Festival Advisory Committee, 2004
Affiliate Organizations Relations Committee, 2004-05
Management Council, Voting Member, 2003-05

California Community College Athletic Directors Association

Social Media Committee, 2011-Present
Values Committee, 2008-Present
Vice President Candidate, 2011

California Community College Sports Information Association

Member, 2000-Present
Vice President, 2000-03
President, 2003-05

Central Valley Conference

Sports Publicist, 2005-Present
Women's Basketball Representative, 2010-Present
Planning Board
Appeals Board

**COMMITTEES &
AFFILIATIONS**

Fullerton College

President's Table
Marketing Committee
Bond Measure Committee
Athletic Hall of Fame (Co-Chair)
Student-Athlete Club (Founder/Advisor)
Neighborhood Partnership Program (Founder)
"Hornet Madness" (Founder/Chair)

Fresno City College

50 Years of Athletics Committee
Guest Speaker, Learning Community; Public Speaking
"Ram Jam" Committee (Founder/Chair)
Rampage Newspaper Club (Sports Editor)

Porterville Boys & Girls Club

Board of Directors

Association of California Community College Administrators (ACCCA)

Member

National Alliance of Two-Year College Athletic Administrators (NATYCAA)

Member

National Association for the Advancement of Colored People (NAACP)

Member

American Student Government Association (ASGA)

Member

California Community College Athletic Directors Association (CCCADA)

1st Vice President Nominee (Elections in June 2011)

Member

California Community College Physical Educators (CCCPE)

Member

North Orange County Community College District Latino Faculty & Staff Association

Member, 2000-2005

California Community College Public Relations Organization

Member, 2000-2005

College Sports Information Directors of America

Member, 2000-2005

CONVENTION PRESENTATIONS

Community College League of California Convention; Anaheim, CA (2004)
"How the Media Can Shape Your Opinion About Your College"
Commission On Athletics Convention; Reno, Nevada (2002)
"What Every CEO Needs To Know About Athletics"
Commission On Athletics Convention; Reno, Nevada (2002)
"Why Every College Needs A Sports Information Professional"
College Public Relations Organization; South Lake Tahoe, CA (2002)
"Using the Athletic Pool to Generate a Mountain of Publicity"

BROADCASTING TV & RADIO

Sporting News Radio, AM-1550/96.1 FM (2008-2009)
"Porterville Sports Weekly" (Host/Producer/Sales)
Sporting News Radio, AM-1550/96.1 FM (2005-2009)
Various Sports, College/High School/Youth (Commentator/Sales)
JC Talk Internet (2004-2006)
CCCCAA Basketball Championships (Producer/Commentator)
AT&T Broadband Cable Television (2003-2004)
Fullerton College Commentator
COA Sports Radio (2001-06)
Various Events/Championships (Producer/Commentator)

PUBLICATION AWARDS

College Sports Information Directors of America: 18 "Best In The Nation" honors
National Council for Marketing & Public Relations: 4 honors (2 Gold)
Community College Public Relations Organization: 9 honors (3 Gold)
— *All awards led California two-year institutions

College Sports Information Directors of America (CoSIDA)

2004-05

"Best In The Nation" Media Guide, Football

2003-04

"Best In The Nation" Media Guide, Football

"Best In The Nation" Media Guide Cover, Baseball

"Best In The Nation" Media Guide Cover, Softball

"Second In The Nation" Media Guide, Men's Basketball

"Fourth In The Nation" Media Guide, Softball

"Sixth In The Nation" Media Guide, Women's Basketball

2002-03

"Third In The Nation" Media Guide - Football

"Fourth In The Nation" Media Guide - Softball

2001-02

"Best In The Nation" Media Guide - Football

"Best In The Nation" Media Guide Cover - Men's Basketball

"Fourth In The Nation" Media Guide - Men's Basketball

"Best In The Nation" Media Guide Cover - Women's Basketball

"Best In The Nation" Media Guide - Baseball

"Best In The Nation" Media Guide Cover - Baseball

"Best In The Nation" Media Guide - Softball

"Best In The Nation" Media Guide Cover - Softball

2000-01

"Second In The Nation" Media Guide- Men's Basketball

SUCCESSOR AGENCY AGENDA: FEBRUARY 19, 2013

SCHEDULED MATTER

SUBJECT: SUCCESSOR AGENCY REVIEW AND APPROVAL OF PROPOSED ADMINISTRATIVE BUDGET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Health & Safety Code section 34177(j), as modified by AB 1484, requires the Successor Agency to the Porterville Redevelopment Agency (referred to herein as "Successor Agency") to prepare a proposed "Administrative Budget" covering the upcoming six-month fiscal period, which will be July 1, 2013, through December 31, 2013, (i.e., concurrent with the fourth Recognized Obligation Payment Schedule, or "ROPS 13-14 A") and submit it to the Oversight Board for approval. The California Department of Finance (DOF) implemented a new ROPS naming convention to be associated with the fiscal year that the ROPS is related to, and the time period (A-the first half of the fiscal year, and B-the second half of the fiscal year). To date, the Successor Agency previously prepared and approved, and the Oversight Board reviewed and approved, Administrative Budgets through June 30, 2013.

Pursuant to the Dissolution Act (Parts 1.8 and 1.85 of Division 24 of the Health & Safety Code), each ROPS includes a line item for the Successor Agency's Administrative Budget for the applicable period, and AB 1484, which amended the Dissolution Act on June 27, 2012, requires that the ROPS 13-14 A for the period July 1, 2013, to December 31, 2013, shall be approved by the Successor Agency and Oversight Board and submitted to the State Department of Finance ("DOF") by March 1, 2013.

The Administrative Budget is required to set forth all of the following: (1) Estimated amounts for successor agency administrative costs for the upcoming six-month fiscal period; (2) Proposed sources of payment for the costs identified in paragraph (1); and (3) Proposals for arrangements for administrative and operations services provided by a city, county, city and county, or other entity.

Estimated administrative costs have increased from the prior budget as staff anticipates an increase of \$3,134 for the costs of preparing the Property Management Plan and in anticipation of the DOF issuing a Finding of Completion by early April which would allow for the expenditures of bond proceeds for the Porterville Hotel project and the construction of the parking lot on Hockett Street. ABX 1 26 specifies

DD BA APPROPRIATED/FUNDED MB CM J ITEM NO. SA-01

that successor agencies may spend up to \$250,000 of the former tax increment revenues for administrative expenses.

Under Section 34177(k) of the Dissolution Act, upon approval of the Administrative Budget by the Oversight Board, the Successor Agency will provide to the County of Tulare Auditor Controller the administrative cost estimates from the approved Administrative Budget that are to be paid from property tax revenues deposited into the Redevelopment Property Tax Trust Fund for such period.

Pursuant to Section 34179(h) of the Dissolution Act, as amended by AB 1484, written notice and information about all actions taken by the Oversight Board must be provided to the California Department of Finance ("DOF") by electronic means and in a manner of DOF's choosing.

An Oversight Board's action shall become effective five (5) business days after notice in the manner specified by the DOF, unless the DOF requests a review; provided, however, pursuant to Section 34177(m) as to each ROPS submitted to the DOF of which an Administrative Budget is a part, the DOF shall make its determination of the enforceable obligations and the amounts and funding sources of the enforceable obligations on each ROPS submitted no later than 45 days after submittal.

RECOMMENDATION: That the Successor Agency:

1. Approve the Successor Agency's proposed Administrative Budget for the period of July 1, 2013, through December 31, 2013, prepared pursuant to Health & Safety Code section 34177(j); and
2. Adopt a Resolution approving the Administrative Budget and directing Successor Agency staff to submit the Administrative Budget to the Oversight Board.

ATTACHMENTS:

1. Proposed Administrative Budget
2. A Resolution of the Successor Agency to the Porterville Redevelopment Agency Approving the Administrative Budget Pursuant to Health & Safety Code Section 34177(j) and Directing Transmittal of the Administrative Budget to the Oversight Board

(Note that the action of the Oversight Board to approve the ROPS 13-14 A shall not become effective for 45 days after the ROPS has been submitted to the DOF).

SUCCESSOR AGENCY AND HOUSING AUTHORITY SUCCESSOR AGENCY BUDGET
JULY 1, 2013 THROUGH DECEMBER 31, 2013

OBJECT #	ACCOUNT DESCRIPTION	2013-14 BUDGET
PERSONAL SERVICES		
-01	SALARIES, REGULAR	\$10,795
-02	SALARIES, PART TIME	\$0
-03	SALARIES, OVERTIME	\$0
-09	BENEFITS	\$3,942

SUB-TOTAL \$14,737

MATERIALS, SUPPLIES & SERVICES		
-12	BUILDINGS/GROUNDS MAINTENANCE	\$2,000
-21	ADVERTISING	\$250
-22	PRINTING	\$1,000
-23	PROFESSIONAL SERVICES	\$50,000
-24	COLLECTION COSTS	\$0
-28	ADMINISTRATIVE SERVICES	\$0
-32	OFFICE AND COMPUTER SUPPLIES	\$500
-34	MAINTENANCE & REPAIR MATERIALS	\$0
-41	MEETING EXPENSE	\$750
-42	UTILITIES	\$3,000
-43	UNIFORM ALLOWANCE	\$0
-44	TRAINING EXPENSE	\$750
-45	PUBLICATION AND DUES	\$0
-46	POSTAGE	\$500
-52	INSURANCE, LIABILITY	\$0
-62	DEBT REDEMPTION	\$0
-64	AMORTIZATION	\$0
-65	DEPRECIATION EXPENSE	\$0
-66	OTHER EXPENSES	\$2,775

SUB-TOTAL \$61,525

TOTAL \$76,262

**ATTACHMENT
ITEM NO. 1**

SUCCESSOR AGENCY RESOLUTION NO. _____

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE
ADMINISTRATIVE BUDGET PURSUANT TO HEALTH & SAFETY CODE
SECTION 34177(j) AND DIRECTING TRANSMITTAL OF THE
ADMINISTRATIVE BUDGET TO THE OVERSIGHT BOARD**

WHEREAS, the Porterville Redevelopment Agency ("Agency") was established as a redevelopment agency, organized and existing under the California Community Redevelopment Law, Health & Safety Code Section 33000, *et seq.* ("CRL"), and was authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Porterville ("City"); and

WHEREAS, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code ("Dissolution Act"), pursuant to which (1) all redevelopment agencies in California were dissolved on February 1, 2012, and (2) successor agencies were formed for the purpose of winding down the affairs of the former redevelopment agencies; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council of the City at an open public meeting, the City Council chose to serve as the governing body of the Successor Agency to the dissolved Agency, a separate legal entity, under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and the City will perform the functions of the Successor Agency under the Dissolution Act to administer the enforceable obligations of the former Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member Oversight Board ("Oversight Board"); and

WHEREAS, Section 34177(j) requires the Successor Agency to prepare a proposed administrative budget covering the upcoming six-month fiscal period, and submit it to the Oversight Board for approval; and

WHEREAS, pursuant to Section 34177(j), the Successor Agency's "Administrative Budget" is required to include all of the following: (a) estimated amounts for successor agency administrative costs for the upcoming six-month fiscal period; (b) proposed sources of payment for the costs identified in clause (a); and (c) proposals for arrangements for administrative and operations services provided by a city, county, city and county, or other entity, such as the City; and

**ATTACHMENT
ITEM NO. 2**

WHEREAS, the Administrative Budget, as approved by the Oversight Board, will be provided to the County of Tulare Auditor-Controller pursuant to Section 34177(k) so that the Successor Agency's estimated administrative costs in the approved Administrative Budget will be paid from property tax revenues deposited into the Redevelopment Property Tax Trust Fund for the applicable six-month period.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY:

1. The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the Successor Agency.

2. Pursuant to the Dissolution Act, the Successor Agency hereby approves the proposed Administrative Budget in the form attached hereto as Attachment No. 1 and incorporated herein by this reference. The City Manager and Successor Agency legal counsel are authorized to make such revisions to the Administrative Budget, as they deem appropriate, in order to ensure the proper and effective operation of the Successor Agency pursuant to the Dissolution Act.

3. The City Manager, or his authorized designees, are hereby authorized to transmit the Administrative Budget to the Oversight Board for approval.

4. Upon approval of the Administrative Budget by the Oversight Board, the City Manager or his authorized designees, shall provide written notice and information about the Oversight Board's approval of the Administrative Budget to the State of California Department of Finance by electronic means, as directed by the Department of Finance, pursuant to Section 34179(h) and shall post the Administrative Budget on the Successor Agency's website.

5. This Resolution shall be effective immediately upon adoption.

6. The City Clerk on behalf of the Successor Agency shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 19th day of February, 2013.

By: _____

Virginia R. Gurrola, Chair

ATTEST:

John D. Lollis, Agency Secretary

Patrice Hildreth, Chief Deputy Agency Secretary

SUCCESSOR AGENCY AGENDA: FEBRUARY 19, 2013

SCHEDULED MATTER

SUBJECT: REVIEW AND APPROVAL OF DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: As of February 1, 2012, the Porterville Redevelopment Agency ("Agency") was dissolved and the City Council now acts and serves as the governing body of the "Successor Agency," a separate legal entity from the City, pursuant to Parts 1.8 and 1.85 of Division 24 of the Health & Safety Code ("Dissolution Act"). The Dissolution Act requires the Successor Agency to administer the enforceable obligations of the former Agency and otherwise unwind the Agency's affairs subject, where applicable, to the review and approval by the seven-member Oversight Board.

On June 27, 2012, the Legislature passed and the Governor signed AB 1484. The primary purpose of AB 1484 is to make technical and substantive amendments to the Dissolution Act. Included in AB 1484 was a change to the schedule for adoption of a Recognized Obligation Payment Schedule for the period ending June 30, 2013, and all subsequent ROPS. The California Department of Finance (DOF) implemented a new ROPS naming convention to be associated with the fiscal year that the ROPS is related to and the time period (A-the first half of the fiscal year and B-the second half of the fiscal year). Under AB 1484, a Successor Agency and its Oversight Board are required to submit the ROPS 13-14 A (previously referred to as Fourth ROPS) by March 1, 2013 for the June 1st distribution of the semiannual Redevelopment Property Tax Trust Fund (RPTTF) distribution.

Pursuant to Section 34177(l)(1) of the Dissolution Act, for each recognized obligation the ROPS 13-14 A shall identify one or more of the following sources of payment:

(A) Low and Moderate Income Housing Fund.

(B) Bond proceeds.

(C) Reserve balances.

(D) Administrative cost allowance.

(E) The Redevelopment Property Tax Trust Fund, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.

DD



APPROPRIATED/FUNDED



CM



ITEM NO. SA-02

(F) Other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former redevelopment agency, as approved by the Oversight Board.

The draft ROPS 13-14 A is included as Attachment No. 1 to this agenda report and includes comparable listings of Enforceable Obligations as were set forth in the DOF-approved first, second and third ROPS.

Section 34177(l)(2)(B) of the Dissolution Act requires the Successor Agency to submit the ROPS 13-14 A to the Oversight Board for approval and, concurrently with the submission of the ROPS to the Oversight Board, the Successor Agency is required to transmit the ROPS 13-14 A to the County Administrative Officer, the County Auditor-Controller, and the California Department of Finance ("DOF"). Section 34177(l)(2)(C) requires that, once the Oversight Board has approved the ROPS 13-14 A, the ROPS 13-14 A be sent to the County Auditor-Controller, the State Controller's Office, the DOF, and that the ROPS 13-14 A be posted on the Successor Agency's website.

Section 34177(m) of the Dissolution Act requires the Successor Agency to complete the Third ROPS and each subsequent ROPS in the manner directed by the DOF. The DOF provided a pre-populated ROPS template and instructions for the ROPS 13-14 A. As the format is new and there have been issues with the provided template, staff recommends that the Successor Agency review and approve the ROPS 13-14 A as provided and authorize the Successor Agency's Community Development Director and/or the Finance Director or their authorized designees to also augment, modify, add or revise the ROPS 13-14 A as may be necessary to comply with requirements imposed by the DOF.

RECOMMENDATION: That the Successor Agency:

1. Approve the Recognized Obligation Payment Schedule for the first half of fiscal year 2013-14 (ROPS 13-14 A) provided that should any modification be required to the ROPS 13-14 A by the DOF, the Community Development Director and/or the Finance Director or their authorized designees shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 13-14 A to requirements imposed by the DOF; and
2. Adopt a Resolution approving the ROPS 13-14 A for the period of July 1, 2013 through December 31, 2013 and directing Successor Agency staff to submit the ROPS 13-14 A to the Oversight Board.

ATTACHMENT: 1. Recognized Obligation Payment Schedule for the period of July 1, 2013 through December 31, 2013.

2. A Resolution of the Successor Agency to the Porterville Redevelopment Agency Approving the Recognized Obligation Payment Schedule (ROPS 13-14 A) for the Period July 1, 2013 to December 31, 2013, Subject to Submittal to, and Review and Approval by, the Oversight Board and California Department of Finance pursuant to California Health & Safety Code, Division 24, Part 1.85, as amended by Assembly Bill 1484; and Authorizing Posting and Transmittal Thereof.

(Note that the action of the Oversight Board to approve the ROPS 13-14 A shall not become effective for 45 days after the ROPS has been submitted to the DOF).

SUCCESSOR AGENCY CONTACT INFORMATION

Successor Agency

ID: 379
County: Tulare
Successor Agency: Porterville

Primary Contact

Honorific (Ms, Mr, Mrs)

First Name

Last Name

Title

Address

City

State

Zip

Phone Number

Email Address

Maria
Bemis
Finance Director
291 N. Main Str
Porterville
CA
93257
559-782-7435
mbemis@ci.porterville.ca.us

Secondary Contact

Honorific (Ms, Mr, Mrs)

First Name

Last Name

Title

Phone Number

Email Address

Jenni
Byers
Project Manager
559-782-7460
jbyers@ci.porterville.ca.us

**ATTACHMENT
ITEM NO. 1**

SUMMARY OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Filed for the July 1, 2013 to December 31, 2013 Period

Name of Successor Agency: PORTERVILLE (TULARE)

Outstanding Debt or Obligation	Total
Total Outstanding Debt or Obligation	\$8,731,868

Current Period Outstanding Debt or Obligation	Six-Month Total
A Available Revenues Other Than Anticipated RPTTF Funding	\$103,832
B Enforceable Obligations Funded with RPTTF	\$164,945
C Administrative Allowance Funded with RPTTF	\$76,262
D Total RPTTF Funded (B + C = D)	\$241,207
E Total Current Period Outstanding Debt or Obligation (A + B + C = E) <i>Should be same amount as ROPS form six-month total</i>	\$345,039
F Enter Total Six-Month Anticipated RPTTF Funding	\$448,998
G Variance (F - D = G) <i>Maximum RPTTF Allowable should not exceed Total Anticipated RPTTF Funding</i>	\$207,791

Prior Period (July 1, 2012 through December 31, 2012) Estimated vs. Actual Payments (as required in HSC section 34186 (a))

H Enter Estimated Obligations Funded by RPTTF <i>(lesser of Finance's approved RPTTF amount including admin allowance or the actual amount distributed)</i>	\$320,830
I Enter Actual Obligations Paid with RPTTF	\$271,376
J Enter Actual Administrative Expenses Paid with RPTTF	\$29,518
K Adjustment to Redevelopment Obligation Retirement Fund (H - (I + J) = K)	\$19,936
L Adjustment to RPTTF (D - K = L)	\$221,271

Certification of Oversight Board Chairman:

Pursuant to Section 34177(m) of the Health and Safety code,

I hereby certify that the above is a true and accurate Recognized

Obligation Payment Schedule for the above named agency.

Dr. John Snavelly

Oversight Board Chair

Name

Title

/s/

Signature

Date

Oversight Board Approval Date: _____

[illegible]

PORTERVILLE (TULARE)

RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 13-14A) -- Notes (Optional)

July 1, 2013 through December 31, 2013

[illegible]

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE
RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 13-14 A) FOR THE PERIOD
JULY 1, 2013, TO DECEMBER 31, 2013, SUBJECT TO SUBMITTAL TO, AND REVIEW
AND APPROVAL BY, THE OVERSIGHT BOARD AND CALIFORNIA DEPARTMENT OF
FINANCE PURSUANT TO CALIFORNIA HEALTH & SAFETY CODE, DIVISION 24,
PART 1.85, AS AMENDED BY ASSEMBLY BILL 1484; AND AUTHORIZING POSTING
AND TRANSMITTAL THEREOF

WHEREAS, the Porterville Redevelopment Agency ("Agency") was established as a redevelopment agency, organized and existing under the California Community Redevelopment Law, Health & Safety Code Section 33000, et seq. ("CRL"), and was authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Porterville ("City"); and

WHEREAS, Assembly Bill x1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code ("Dissolution Act"), pursuant to which (1) all redevelopment agencies in California were dissolved on February 1, 2012 and (2) successor agencies were formed for the purpose of winding down the affairs of the former redevelopment agencies; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council of the City at an open public meeting, the City Council chose to serve as the governing body of the Successor Agency to the dissolved Agency, a separate legal entity, under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and the City will perform the functions of the Successor Agency under the Dissolution Act to administer the enforceable obligations of the former Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member Oversight Board ("Oversight Board"); and

WHEREAS, pursuant to Section 34171(h) of the Dissolution Act, a "Recognized Obligation Payment Schedule" means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period as provided in subdivisions (l) and (m) of Section 34177 of the Dissolution Act; and

WHEREAS, pursuant to subdivisions (l) and (m) of Section 34177 of the Dissolution Act, the City, acting as Successor Agency to the Agency, has prepared its Recognized Obligation Payment Schedule ("ROPS") for the period covering July 1, 2013 through December 31, 2013, in the form attached to this Resolution as Attachment No. 1 and incorporated herein by this reference; and

WHEREAS, by this Resolution, pursuant to Section 34177(l)(2)(B) of the Dissolution Act, as amended by AB 1484, the City Council, serving as and on behalf of the Successor

ATTACHMENT
ITEM NO. 2

Agency, approves the ROPS and authorizes the transmittal of the ROPS to the Oversight Board and concurrently to the County Administrative Officer, the County Auditor-Controller, and the State Department of Finance; and

WHEREAS, pursuant to Section 34177(1)(2)(C) of the Dissolution Act, a copy of the ROPS shall be submitted to the County Auditor-Controller, the State Controller's Office, the State Department of Finance and shall be posted on the City's/Successor Agency's website promptly upon approval thereof by the Oversight Board.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY:

1. The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the Successor Agency.
2. The Successor Agency hereby approves the ROPS in the format provided by the State Department of Finance attached hereto as Exhibit A.
3. The City Manager or his authorized designees on behalf of the Successor Agency shall cause the ROPS to be transmitted concurrently to the Oversight Board, the County Administrative Officer, the County Auditor-Controller, and the State Department of Finance.
4. The City Manager or his authorized designees on behalf of the Successor Agency shall, upon approval of the ROPS by the Oversight Board, transmit the approved ROPS to the County Auditor Controller, the State Controller's Office, and the State Department of Finance, and shall cause the approved ROPS to be posted on the City's website.
5. This Resolution shall be effective immediately upon adoption.
6. The City Clerk on behalf of the Successor Agency shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 19th day of February, 2013.

By: _____
Virginia R. Gurrola, Chair

ATTEST:
John D. Lollis, Agency Secretary

Patrice Hildreth, Chief Deputy Agency Secretary

SUCCESSOR AGENCY CONTACT INFORMATION

Successor Agency

ID:

379

County:

Tulare

Successor Agency:

Porterville

Primary Contact

Honorific (Ms, Mr, Mrs)

First Name

Last Name

Title

Address

City

State

Zip

Phone Number

Email Address

Maria
Bemis
Finance Director
291 N. Main Str
Porterville
CA
93257
559-782-7435
mbemis@ci.porterville.ca.us

Secondary Contact

Honorific (Ms, Mr, Mrs)

First Name

Last Name

Title

Phone Number

Email Address

Jenni
Byers
Project Manager
559-782-7460
jbyers@ci.porterville.ca.us

EXHIBIT A

SUMMARY OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE
 Filed for the July 1, 2013 to December 31, 2013 Period

Name of Successor Agency: **PORTERVILLE (TULARE)**

Outstanding Debt or Obligation	Total
Total Outstanding Debt or Obligation	\$8,731,868

Current Period Outstanding Debt or Obligation	Six-Month Total
A Available Revenues Other Than Anticipated RPTTF Funding	\$103,832
B Enforceable Obligations Funded with RPTTF	\$164,945
C Administrative Allowance Funded with RPTTF	\$76,262
D Total RPTTF Funded (B + C = D)	\$241,207
E Total Current Period Outstanding Debt or Obligation (A + B + C = E) Should be same amount as ROPS form six-month total	\$345,039
F Enter Total Six-Month Anticipated RPTTF Funding	\$448,998
G Variance (F - D = G) Maximum RPTTF Allowable should not exceed Total Anticipated RPTTF Funding	\$207,791

Prior Period (July 1, 2012 through December 31, 2012) Estimated vs. Actual Payments (as required in HSC section 34186 (a))	
H Enter Estimated Obligations Funded by RPTTF (lesser of Finance's approved RPTTF amount including admin allowance or the actual amount distributed)	\$320,830
I Enter Actual Obligations Paid with RPTTF	\$271,376
J Enter Actual Administrative Expenses Paid with RPTTF	\$29,518
K Adjustment to Redevelopment Obligation Retirement Fund (H - (I + J) = K)	\$19,936
L Adjustment to RPTTF (D - K = L)	\$221,271

Certification of Oversight Board Chairman:

Pursuant to Section 34177(m) of the Health and Safety code,

I hereby certify that the above is a true and accurate Recognized

Obligation Payment Schedule for the above named agency.

/s/	
Signature	Date

Dr. John Shavey

Name

Oversight Board Chair

Title

Oversight Board Approval Date:

Item #	Contract/Agreement	Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2013-14	Funding Source					St-Month Total		
								Bond Proceeds	Reserve Balance	Admin Allowance	BRTF	Other			
1	2008 Tax Allocation Bonds Series A	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Tax Allocation Refunding Bonds.	Project Area No. 1	4,155,000	306,545	0	0	0	81,209	0	10,832	\$345,039
2	2008 Tax Allocation Bonds Series B	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Taxable Tax Allocation Refunding Bonds	Project Area No. 1	1,960,000	187,419	0	0	0	0	0	0	81,209
3	2008 Tax Allocation Bonds Series C	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Tax Allocation Refunding Bonds.	Project Area No. 1	1,055,000	78,735	0	0	0	0	29,368	0	29,368
4	2008 Tax Allocation Bonds Series D	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Taxable Tax Allocation Refunding Bonds	Project Area No. 1	600,000	54,681	0	0	0	0	24,841	0	24,841
5	2008 Tax Allocation Bond Reserves	9/16/2008	6/1/2040	Funded	Reserve account for the 2008 Bonds	Project Area No. 1	635,453	0	0	0	0	0	0	0	0
6	2008 Tax Allocation Bond Admin.	9/16/2008	6/1/2040	US Bank	Administration fees from US Bank - Trustee	Project Area No. 1	3,650	3,650	0	0	0	0	3,650	0	3,650
7	2008 Tax Allocation Bond Arbitrage	9/16/2008	6/1/2040	Arbitrage Compliance Specialist	Professional fees to be paid for arbitrage calculation	Project Area No. 1	45,000	0	0	0	0	0	0	0	0
8	Portl Eco. Dev. Infrastructure Prog.	11/13/1991	12/31/2016	St. of Ca. Dept of Commerce	Loan from St. of Ca. for Porterville Enterprise Zone	Project Area No. 1	91,352	27,872	0	0	0	0	13,995	0	13,995
9	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	31,288	0	0	0	0	0	0	0	0
10	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
11	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
12	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
13	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
14	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
15	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
16	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
17	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
18	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
19	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
20	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
21	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
22	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
23	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
24	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
25	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
26	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
27	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
28	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
29	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
30	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
31	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
32	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
33	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
34	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
35	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
36	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
37	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
38	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
39	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
40	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
41	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
42	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
43	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
44	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
45	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
46	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
47	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
48	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
49	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
50	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
51	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
52	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
53	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
54	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
55	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
56	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
57	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
58	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
59	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
60	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
61	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
62	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
63	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
64	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
65	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
66	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
67	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
68	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
69	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
70	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
71	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
72	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
73	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
74	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
75	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
76	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
77	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0	0	0	0	0	0	0
78	Portl Eco. Dev. Infrastructure Prog. Reserve	11/13/1991	12/31/2016	Funded	Infrastructure Project. Required by the St of Ca. and serves as insurance for the loan	Project Area No. 1	1,000,000	0	0						

July 1, 2012 through December 31, 2012

Item #	Project Name / Debt Obligation	Page	Description/Project Scope	Project Area	Lump		Bond Proceeds		Revery Balance		Admin. Allowance		DPYF		Other	
					Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual
A-1	2008 Tax Allocation Bond Series A	US Bank	Issuance of the Agency's Tax Allocation Refunding Bonds	Project Area No. 1 as Amended	158,172	117,172					388,177	327,336				
A-2	2008 Tax Allocation Bond Series B	US Bank	Issuance of the Agency's Tax Allocation Refunding Bonds	Project Area No. 1 as Amended									101,449	81,449		
A-3	2008 Tax Allocation Bond Series C	US Bank	Issuance of the Agency's Tax Allocation Refunding Bonds	Project Area No. 1 as Amended									43,768	23,768		
A-4	2008 Tax Allocation Bond Series D	US Bank	Issuance of the Agency's Tax Allocation Refunding Bonds	Project Area No. 1 as Amended									30,001	25,001		
A-5	2008 Tax Allocation Bond Referrals	Issued	Referral account for the 2008 Bonds	Project Area No. 1 as Amended												
A-6	2008 Tax Allocation Bond Admin	US Bank	2008 Bonds administration fees	Project Area No. 1 as Amended									4,650	3,650		
A-7	2008 Tax Allocation Bond Arbitrage	Arbitrage Compliance Spec	Professional fees to be paid for arbitrage calculations	Project Area No. 1 as Amended									13,936	13,936		
A-8	Bond Fee Over Infrastructure Prog	SI of Calif Dept of Commerce	Loan fees State of California for Porterville Enterprise Zone	Project Area No. 1 as Amended												
A-9	Bond Fee Over Infrastructure Prog Ref	Issued	Loan fees State of California for Porterville Enterprise Zone	Project Area No. 1 as Amended												
C-1	Successor Agency Administration	City of Porterville, Sterling, Yocum, Carlson, & Barn, Person Spruzek Group and Collins LLP	Successor Agency and Oversight Board administration costs for this loan	Project Area No. 1 as Amended							100,000	23,518				

RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 1.3-1.4A) -- Notes (Optional)

[illegible]