

**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 6, 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(d)(1) – 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(d)(1) – 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: 466 East Putnam Avenue and 280 North Fourth Street. Agency Negotiators: John Lollis. Negotiating Parties: City of Porterville, Comision Honorifica Mexicana Americana, Porterville Senior Council, Kings/Tulare County Area Agency on Aging, and CSET. Under Negotiation: Terms and Price.
 - 3-** Government Code Section 54956.95 – Liability Claims: Claimant: Antonio Lara. Agency claimed against: City of Porterville.
 - 4-** Government Code Section 54956.95 – Liability Claims: Claimant: Catherine Lawlor. Agency claimed against: City of Porterville.
 - 5-** Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning the May 9, 2013 written request by Tulare County Council on behalf of the Tulare County Local Community Benefit Committee for the City to return the 2011 and 2012 grant funds awarded to it totaling \$217,313.
 - 6-** Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three Cases.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Brian Ward
Invocation

PRESENTATIONS

Employee of the Month – Jesus Guzman
Swearing In Ceremony – Police Officer Enrique Lara
Citrus Pest and Disease Prevention Program – Asian Citrus Psyllid

AB 1234 REPORTS

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

1. Tulare County Association of Governments (TCAG)—July 22, 2013
2. Consolidated Waste Management Authority (CWMA) – July 18, 2013
3. Tulare County Economic Development Corporation – July 24, 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. Library & Literacy Commission
 2. Parks & Leisure Services Commission – August 1, 2013
 3. Arts Commission – July 17, 2013
- II. Staff Informational Items:
 1. Building Permit Activity – May 1, 2013 to June 30, 2013
 2. Street Performance Measure – 4th Quarter Report
 3. Report on Charitable Car Washes
 4. Code Enforcement Report
 5. Attendance Report for City Commissions and Committees – 4th Quarter

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. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

1. **Minutes of April 16, 2013, May 7, 2013, and July 30, 2013**
Approving draft City Council Minutes of April 16, 2013, May 7, 2013 and July 30, 2013.

2. **Authorization to Advertise for Bids – Jaye Street and Montgomery Avenue Roundabout Project**
Re: Approving staff's recommended plans and project manual; authorizing staff to proceed with advertising for bids; and identifying funding sources for the project consisting of the construction of a roundabout.
3. **Authorization to Advertise for Bids – Rehabilitation of Runway 25-7**
Re: Approving staff's recommended plans and project manual; and affirming staff's decision to begin advertisement for bids on July 25, 2013 for the project consisting of the rehabilitation of a runway, the construction of a 15,000 sq. ft. concrete heliport, and storm drain improvements at the Municipal Airport.
4. **Reject all Bids – Main Street Bus Turnout and Authorization to Advertise for Bids – Main Street and Plano Street Bus Turnouts**
Re: Rejecting all bids, and authorizing staff to combine the Main Street Bus Turnout and Plano Street Bus Turnout projects into one, and directing staff to re-advertise for bids.
5. **Award of Contract – Olive Avenue Rehabilitation Project – Main Street to Plano Street**
Re: Awarding contract to Bowman Asphalt of Bakersfield in the amount of \$503,600, plus contingency and construction management, for the project consisting of the rehabilitation of Olive Avenue between Main and Plano Streets.
6. **Award of Contract – Six (6) Compressed Natural Gas Trucks**
Re: Awarding contracts to GCS Environmental Equipment Services of Sacramento for one new CNG PM10 Street Sweeper in the amount of \$282,547.02; to EM Tharp of Porterville for one CNG Dump Truck in the amount of \$180,183.36 and four CNG Refuse Collection Trucks in the amount of \$1,097,004.32.
7. **Award of Contract – Island Sewer Annexation (Area 455A)**
Re: Awarding contract to Todd Companies of Visalia in the amount of \$1,095,325.68, plus contingency and construction management, for the project consisting of the installation of new sewer infrastructure in the area generally bounded by W. North Grand Ave. to the north, Mulberry Ave. to the south, Beverly St. to the west and SR 65 to the east.
8. **Award of Contract – W. North Grand Avenue Reconstruction Project – Prospect Street to State Route 65**
Re: Awarding contract to Seal Rite Paving & Grading of Clovis in the amount of \$598,586, plus contingency and construction management, for the project consisting of the reconstruction to collector standards of W. North Grand between SR 65 and Prospect Street.
9. **Request for Authorization to Repair Pneumatic Wheel Roller**
Re: Authorizing the repair, by Pape Machinery in an amount not to exceed \$17,000, of equipment utilized in the City's asphalt overlay program
10. **Pre-Purchase of Pre-Selected Sludge Dewatering Equipment and Electric Blowers**
Re: Authorizing the issuance of purchase orders to Huber Technologies in the amount of \$390,000 for a screw press, and Piller TSC in the amount of \$772,599 for three electric blowers, for an upcoming capital project at the City's Wastewater Treatment Facility.

- 11. Request to Purchase Solar Powered Bus Stop Lighting**
Re: Authorizing the purchase of 160 solar powered bus stop lighting modules from UrbanSolar in the amount of \$171,964, utilizing Prop 1B grant funds.
- 12. Approval to Purchase Specialized Equipment**
Re: Authorizing the purchase of the Cellebrite System, a cell phone data extraction device in the amount of \$8,083.99.
- 13. Approval to Purchase Undercover Vehicles**
Re: Authorizing the purchase of two vehicles and associated emergency equipment utilizing \$80,000 in funds received from the Tulare County Auto Theft Fund.
- 14. Request to Purchase Animal Control Vehicle**
Re: Authorizing staff to negotiate the purchase and outfitting of a 2013 Ford F-350 truck from Downtown Ford Sales in Sacramento quoted at \$53,408.63.
- 15. Request to Purchase Three Marked Police Vehicles**
Re: Authorizing the negotiated purchase and outfitting of three 2013 Dodge Chargers from McPeck's Dodge in Anaheim quoted at \$126,138.87 for all three vehicles.
- 16. Approval to Purchase Unmarked Vehicle**
Re: Approving the negotiated purchase of a vehicle at a cost not to exceed \$40,000.
- 17. Request for Approval to Purchase Microsoft Office 2013 and Windows 8 Licensing**
Re: Approving the purchase of 190 licenses of Office 2013 and Windows 8 from Dell at a cost of \$69,838.80.
- 18. Authorization to "Piggy Back" on Existing Contracts**
Re: Authorizing the purchase of refuse containers utilizing the City of Lompoc's contract with Rehrig-Pacific Company in the amount not to exceed \$110,000; and authorizing the purchase of cold mix asphalt for the City's 2013/2014 Asphalt Overlay Program utilizing Tulare County's contract with Jaxson Enterprises.
- 19. Notice of Termination of Pioneer Water Company Agreement**
Re: Authorizing the submission of a six-month notice of intent to terminate the City's agreement with the Pioneer Water Company, and authorizing staff to negotiate a new agreement for Council's approval before February 2014.
- 20. Intent to Set a Public Hearing to Consider the Formation of a Sewer Utility District for Area 455**
Re: Setting a public hearing for October 15, 2013 pursuant to Proposition 218 Guidelines for the consideration of forming a Sewer Utility District; approving the Engineer's Report; and directing staff to notify all affected property owners.
- 21. Intent to Set a Public Hearing for Concrete Improvement Construction by the City – W. North Grand Reconstruction Project – Prospect Street to State Route 65**
Re: Setting a public hearing for September 3, 2013 to discuss the proposed construction of concrete improvements on W. North Grand, and authorizing staff to notify all affected property owners.

22. **Retirement of Police Service Dog “Diago”**
Re: Retiring Police Service Dog “Diago” due to health concerns, and authorizing the sale of Diago for \$1.00 to his former handler.
23. **Authorization to Roll Weed Abatement Balances, Delinquent Development Fee Payment Plan Agreements and Miscellaneous Loan Agreements to the Property Tax Rolls**
Re: Adopting a resolution authorizing the County Auditor to place items on the property tax rolls for the Fiscal Year 2013-2014.
24. **Preliminary Interim Financial Status Reports**
Re: Acceptance of preliminary reports for the 4th Quarter ended June 30, 2013.
25. **Quarterly Portfolio Summary**
Re: Accepting the City’s quarterly investment portfolio summary for the period ended June 30, 2013.
26. **Approval of Community Civic Event – Kiwanis Club of Porterville - American Crown Circus, Inc. – August 8 – 12, 2013**
Re: Approving civic event consisting of a circus to be held at the ball field area of the Heritage Center, behind Vallarta Market.
27. **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

28. **Modification to Conditional Use Permit 1-79 to Amend the Specific Plan for Wendy’s Restaurant at 860 West Henderson Avenue and Allow Complete Demolition of the Current Building and Construction of a New Wendy’s Restaurant and Drive Through**
Re: Considering the modification to provide for the demolition and reconstruction of a Wendy’s Restaurant on Henderson Avenue.
29. **Landscape & Lighting Districts Annual Assessments**
Re: A public hearing on the proposed 2013/2014 assessments; consideration of the adoption of a resolution to continue maintenance; and confirming the Engineer’s Report and Assessments.
30. **Arts Commission Ordinance Amendment**
Re: Consideration of amendments to Ordinance 1767 regarding the composition of the Arts Commission and the terms of office for its Commissioners.

SCHEDULED MATTERS

31. **Letter of Map Revision – “Monache” Special Flood Hazard Area (SFHA)**
Re: Consideration of a funding source for the \$5,300 Letter of Map Revision Application for the area south of Westfield, north of Henderson Avenue, west of Prospect Street, and east of Newcomb Street.

32. **Acceptance of the State Route 190 Corridor Study and Commencement of Near Term Projects**
Re: Considering acceptance of CalTran's study, approving associated projects designated as "near term," and authorizing the City to enter into the necessary agreements to proceed.
33. **Determination of Zoning Conformance – Definition of Personal Land Use Classification**
Re: Considering whether a florist constitutes a personal service and/or is an approved use in the D-PO and PO Zones.
34. **Consideration of Options for City Smart Phone App**
Re: Considering options for a City of Porterville application to allow the public to interface with City government and to report non-emergency issues.
35. **Dinner and Arts on Main Street**
Re: Considering approval of the Arts Commission's recommendation to sponsor an event promoting the arts, with the City providing insurance liability and staff support.
36. **Appointments to the Charter Review Committee and City's Internal Audit Committee**
Re: Considering appointments to fill vacancies on two City committees.
37. **Consideration of Request for Financial Support for the "Marching Through Time" Mural Project**
Re: Considering a request for financial support for the mural located in Centennial Park on Main Street.

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 August 20, 2013.

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.

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: BUILDING PERMIT ACTIVITY – MAY 1, 2013 TO JUNE 30, 2013

SOURCE: Public Works Department - Engineering Division

COMMENT: The Building Permit Activity Report (BPAR) presented herein to the City Council covers the reporting period from May 1, 2013, through June 30, 2013. Also included is the Fiscal Year End Report summarizing the building activity for Fiscal Year 2012/2013.

The two main categories include new residential permits issued and new commercial permits issued. New residential permits issued in May 2012, remained the same in May 2013 (at 3). New residential permits issued in June 2013, were up 300% from June 2012 (4 vs. 1). New commercial permits issued in May 2013, were up 100% from May 2012 (1 vs. 0). New commercial permits issued in June 2013, were up 200% from June 2012 (2 vs. 0).

The Fiscal Year End report shows a 2.6 % increase in new residential permits from July 1, 2012, through June 30, 2013 (39 vs. 40), and a 500% increase in new commercial permits from July 1, 2012, through June 30, 2013 (1 vs. 6).

RECOMMENDATION: None. Informational Only.

ATTACHMENTS: May, June, and Year End Building Permit Activity Reports

P:\pubworks\General\Council\Building Permit Activity Report - 2013-08-06

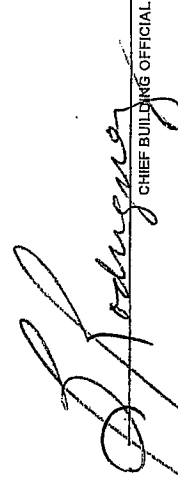
Dir B52 Appropriated/Funded N/A CM J

Report No. II.1

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
1/1/2012 - 5/31/2012 AND
1/1/2013 - 5/31/2013

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED				
	MAY 2013	MAY 2012	THIS YEAR TO DATE	LAST YEAR TO DATE	MAY 2013	MAY 2012	THIS YEAR TO DATE	LAST YEAR TO DATE	MAY 2013	MAY 2012	THIS YEAR TO DATE	LAST YEAR TO DATE	
NEW RESID	3	3	15	10	529,750	700,005	3,830,128	2,355,936	6,010	6,391	31,081	23,187	
NEW COMM	1	0	2	0	3,000,000	0	4,750,000	0	6,878	0	12,998	0	
RESID IMPROV	5	13	33	47	63,100	103,496	320,120	696,715	1,276	4,032	10,231	16,948	
COMM IMPROV	11	10	25	35	10,486,500	170,870	10,999,975	1,576,320	23,375	4,207	30,447	16,613	
OTHER	18	29	114	90	153,981	212,063	972,327	748,130	3,514	5,572	21,971	17,736	
ELECT	27	12	86	53	325,622	98,400	509,082	568,248	4,964	1,875	18,867	8,547	
PLUMB	32	37	146	132	0	202,500	2,200	253,000	5,247	5,463	21,727	19,048	
TOTALS	97	104	421	367	14,559,953	1,487,394	21,383,832	6,198,349	51,264	27,540	147,321	102,078	

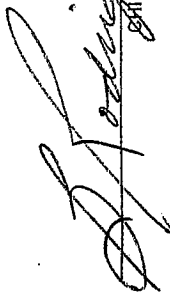
	NEW DWELLING UNITS TOTALS			
	MAY 2013	MAY 2012	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	3	3	15	10
TOTAL	3	3	15	10


CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
1/1/2012 - 6/30/2012 AND
1/1/2013 - 6/30/2013

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	JUNE 2013	JUNE 2012	THIS YEAR TO DATE	LAST YEAR TO DATE	JUNE 2013	JUNE 2012	THIS YEAR TO DATE	LAST YEAR TO DATE	JUNE 2013	JUNE 2012	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	4	1	19	11	1,014,799	182,336	4,844,927	2,538,272	10,508	1,914	41,589	25,101
NEW COMM	2	0	4	0	4,305,267	0	9,055,267	0	13,141	0	26,138	0
RESID IMPROV	15	23	48	70	217,680	140,518	537,800	837,233	5,652	6,605	15,882	23,553
COMM IMPROV	12	4	37	39	1,221,000	14,800	12,220,975	1,591,120	9,249	1,842	39,696	18,454
OTHER	15	21	129	111	195,010	178,607	1,167,337	926,737	3,671	4,173	25,642	21,909
ELECT	16	7	102	60	333,342	108,000	842,424	676,248	3,073	1,214	21,940	9,761
PLUMB	35	39	181	171	0	5,300	2,200	258,300	4,398	5,498	26,125	24,547
TOTALS	99	95	520	462	7,287,098	629,561	28,670,930	6,827,910	49,690	21,247	197,012	123,325

	NEW DWELLING UNITS TOTALS			
	JUNE 2013	JUNE 2012	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	4	1	19	11
TOTAL	4	1	19	11



D. Rodriguez
CHIEF BUILDING OFFICIAL

FISCAL Year

CITY OF PORTERVILLE - BUILDING DIVISION REPORT FOR THE PERIODS OF 7/1/2011 - 6/30/2012 AND 7/1/2012 - 6/30/2013

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	JUNE 2013	JUNE 2012	THIS YEAR TO DATE	LAST YEAR TO DATE	JUNE 2013	JUNE 2012	THIS YEAR TO DATE	LAST YEAR TO DATE	JUNE 2013	JUNE 2012	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	4	1	40	39	1,014,799	182,336	9,942,493	8,083,039	10,508	1,914	88,497	78,120
NEW COMM	2	0	6	1	4,305,267	0	9,525,267	595,000	13,141	0	36,070	5,279
RESID IMPROV	15	23	120	133	217,680	140,518	1,869,150	1,704,286	5,652	6,605	50,599	44,610
COMM IMPROV	12	4	56	67	1,221,000	14,800	13,376,749	3,615,627	9,249	1,842	50,918	36,232
OTHER	15	21	252	265	195,010	178,607	2,095,643	2,119,186	3,671	4,173	48,222	52,584
ELECT	16	7	184	159	333,342	108,000	1,864,483	2,572,438	3,073	1,214	36,274	25,173
PLUMB	35	39	333	331	0	5,300	89,700	273,610	4,398	5,499	48,918	49,491
TOTALS	99	95	991	995	7,287,098	629,561	38,763,485	18,963,186	49,690	21,247	359,498	291,489

	NEW DWELLING UNITS TOTALS			
	JUNE 2013	JUNE 2012	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	4	1	39	38
TOTAL	4	1	39	38


CHIEF BUILDING OFFICIAL

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: STREET PERFORMANCE MEASURE – 4th QUARTER REPORT

SOURCE: Public Works Department - Engineering Division

COMMENT: The purpose of this staff report is to provide Council with an update on the progress made on street reconstruction, overlay, micro-surfacing and pothole repair efforts for the 4th quarter in FY 2012/2013.

For Council's information, the light blue bar represents staff's estimated quantity of "work" for each category. The black overlaid bar represents the quantity of work accomplished to date.

The W. North Grand Avenue Reconstruction Project will begin in the 1st quarter of fiscal year 2013/2014 and is therefore not included in this report. The Lime Street Reconstruction project was expected to begin in the 4th quarter 2012/2013 but is undergoing a complete re-design due to the extremely poor quality of soil material. This project is expected to begin in the 4th quarter of fiscal year 2013/2014.

RECOMMENDATION: Information Only

ATTACHMENT: 4th Quarter Street Performance Chart
3rd Quarter Street Performance Chart

P:\pubworks\General\Council\Report - Street Performance Measure - 4th Quarter Update - 2013-08-06.doc

Dir BBA Appropriated/Funded N/A CM J

Report No. II.2

4th QUARTER REPORT - April 1, 2013 - June 30, 2013

Task	1000 SF	2000 SF	3000 SF	4000 SF	5000 SF	6000 SF	7000 SF	8000 SF	9000 SF	10000 SF	11000 SF	12000 SF
1. Street Reconstruction Progress Each square represents 250 LF of recon street lane.	1000 LF	3000 LF	5000 LF	7000 LF	9000 LF	11,000	13,000	15000 LF				
2. Overlay Progress Each square represents 250 LF of Street Lanes	1000 LF	3000 LF	5000 LF	7000 LF	9000 LF	11,000 LF	13000 LF	15000 LF	17000 LF	19000 LF	21000 LF	23000 LF
3. Micro Surfacing Progress Each square represents 1000 LF of Street Lane	4000 LF	12000 LF	20000 LF	28000 LF	36000 LF	44000 LF	52000 LF	60000 LF	68000 LF	76000 LF	84000 LF	
4. Pot holes Repair Progress Each Square Represents 125 SF of Pot hole Repairs (Each Square Represents Approx. 125 Potholes Repaired)												
Total annual effort in linear feet or square footage												
Completed as of June 30, 2013												

Task	1000 LF	3000 LF	5000 LF	7000 LF	9000 LF	11000 LF	13000 LF	15000 LF	17000 LF	19000 LF	21000 LF	23000 LF	25000 LF	27000 LF	29000 LF	31000 LF	33000 LF	35000 LF	37000 LF	39000 LF	41000 LF	43000 LF	45000 LF	47000 LF	49000 LF	51000 LF	53000 LF	55000 LF	57000 LF	59000 LF	61000 LF	63000 LF	65000 LF	67000 LF	69000 LF	71000 LF	73000 LF	75000 LF	77000 LF	79000 LF	81000 LF	83000 LF	85000 LF	87000 LF	89000 LF	91000 LF	93000 LF	95000 LF	97000 LF	99000 LF	101000 LF	103000 LF	105000 LF	107000 LF	109000 LF	111000 LF	113000 LF	115000 LF	117000 LF	119000 LF	121000 LF	123000 LF	125000 LF	127000 LF	129000 LF	131000 LF	133000 LF	135000 LF	137000 LF	139000 LF	141000 LF	143000 LF	145000 LF	147000 LF	149000 LF	151000 LF	153000 LF	155000 LF	157000 LF	159000 LF	161000 LF	163000 LF	165000 LF	167000 LF	169000 LF	171000 LF	173000 LF	175000 LF	177000 LF	179000 LF	181000 LF	183000 LF	185000 LF	187000 LF	189000 LF	191000 LF	193000 LF	195000 LF	197000 LF	199000 LF	201000 LF	203000 LF	205000 LF	207000 LF	209000 LF	211000 LF	213000 LF	215000 LF	217000 LF	219000 LF	221000 LF	223000 LF	225000 LF	227000 LF	229000 LF	231000 LF	233000 LF	235000 LF	237000 LF	239000 LF	241000 LF	243000 LF	245000 LF	247000 LF	249000 LF	251000 LF	253000 LF	255000 LF	257000 LF	259000 LF	261000 LF	263000 LF	265000 LF	267000 LF	269000 LF	271000 LF	273000 LF	275000 LF	277000 LF	279000 LF	281000 LF	283000 LF	285000 LF	287000 LF	289000 LF	291000 LF	293000 LF	295000 LF	297000 LF	299000 LF	301000 LF	303000 LF	305000 LF	307000 LF	309000 LF	311000 LF	313000 LF	315000 LF	317000 LF	319000 LF	321000 LF	323000 LF	325000 LF	327000 LF	329000 LF	331000 LF	333000 LF	335000 LF	337000 LF	339000 LF	341000 LF	343000 LF	345000 LF	347000 LF	349000 LF	351000 LF	353000 LF	355000 LF	357000 LF	359000 LF	361000 LF	363000 LF	365000 LF	367000 LF	369000 LF	371000 LF	373000 LF	375000 LF	377000 LF	379000 LF	381000 LF	383000 LF	385000 LF	387000 LF	389000 LF	391000 LF	393000 LF	395000 LF	397000 LF	399000 LF	401000 LF	403000 LF	405000 LF	407000 LF	409000 LF	411000 LF	413000 LF	415000 LF	417000 LF	419000 LF	421000 LF	423000 LF	425000 LF	427000 LF	429000 LF	431000 LF	433000 LF	435000 LF	437000 LF	439000 LF	441000 LF	443000 LF	445000 LF	447000 LF	449000 LF	451000 LF	453000 LF	455000 LF	457000 LF	459000 LF	461000 LF	463000 LF	465000 LF	467000 LF	469000 LF	471000 LF	473000 LF	475000 LF	477000 LF	479000 LF	481000 LF	483000 LF	485000 LF	487000 LF	489000 LF	491000 LF	493000 LF	495000 LF	497000 LF	499000 LF	501000 LF	503000 LF	505000 LF	507000 LF	509000 LF	511000 LF	513000 LF	515000 LF	517000 LF	519000 LF	521000 LF	523000 LF	525000 LF	527000 LF	529000 LF	531000 LF	533000 LF	535000 LF	537000 LF	539000 LF	541000 LF	543000 LF	545000 LF	547000 LF	549000 LF	551000 LF	553000 LF	555000 LF	557000 LF	559000 LF	561000 LF	563000 LF	565000 LF	567000 LF	569000 LF	571000 LF	573000 LF	575000 LF	577000 LF	579000 LF	581000 LF	583000 LF	585000 LF	587000 LF	589000 LF	591000 LF	593000 LF	595000 LF	597000 LF	599000 LF	601000 LF	603000 LF	605000 LF	607000 LF	609000 LF	611000 LF	613000 LF	615000 LF	617000 LF	619000 LF	621000 LF	623000 LF	625000 LF	627000 LF	629000 LF	631000 LF	633000 LF	635000 LF	637000 LF	639000 LF	641000 LF	643000 LF	645000 LF	647000 LF	649000 LF	651000 LF	653000 LF	655000 LF	657000 LF	659000 LF	661000 LF	663000 LF	665000 LF	667000 LF	669000 LF	671000 LF	673000 LF	675000 LF	677000 LF	679000 LF	681000 LF	683000 LF	685000 LF	687000 LF	689000 LF	691000 LF	693000 LF	695000 LF	697000 LF	699000 LF	701000 LF	703000 LF	705000 LF	707000 LF	709000 LF	711000 LF	713000 LF	715000 LF	717000 LF	719000 LF	721000 LF	723000 LF	725000 LF	727000 LF	729000 LF	731000 LF	733000 LF	735000 LF	737000 LF	739000 LF	741000 LF	743000 LF	745000 LF	747000 LF	749000 LF	751000 LF	753000 LF	755000 LF	757000 LF	759000 LF	761000 LF	763000 LF	765000 LF	767000 LF	769000 LF	771000 LF	773000 LF	775000 LF	777000 LF	779000 LF	781000 LF	783000 LF	785000 LF	787000 LF	789000 LF	791000 LF	793000 LF	795000 LF	797000 LF	799000 LF	801000 LF	803000 LF	805000 LF	807000 LF	809000 LF	811000 LF	813000 LF	815000 LF	817000 LF	819000 LF	821000 LF	823000 LF	825000 LF	827000 LF	829000 LF	831000 LF	833000 LF	835000 LF	837000 LF	839000 LF	841000 LF	843000 LF	845000 LF	847000 LF	849000 LF	851000 LF	853000 LF	855000 LF	857000 LF	859000 LF	861000 LF	863000 LF	865000 LF	867000 LF	869000 LF	871000 LF	873000 LF	875000 LF	877000 LF	879000 LF	881000 LF	883000 LF	885000 LF	887000 LF	889000 LF	891000 LF	893000 LF	895000 LF	897000 LF	899000 LF	901000 LF	903000 LF	905000 LF	907000 LF	909000 LF	911000 LF	913000 LF	915000 LF	917000 LF	919000 LF	921000 LF	923000 LF	925000 LF	927000 LF	929000 LF	931000 LF	933000 LF	935000 LF	937000 LF	939000 LF	941000 LF	943000 LF	945000 LF	947000 LF	949000 LF	951000 LF	953000 LF	955000 LF	957000 LF	959000 LF	961000 LF	963000 LF	965000 LF	967000 LF	969000 LF	971000 LF	973000 LF	975000 LF	977000 LF	979000 LF	981000 LF	983000 LF	985000 LF	987000 LF	989000 LF	991000 LF	993000 LF	995000 LF	997000 LF	999000 LF	1001000 LF	1003000 LF	1005000 LF	1007000 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LF	1919000 LF	1921000 LF	1923000 LF	1925000 LF	1927000 LF	1929000 LF	1931000 LF	1933000 LF	1935000 LF	1937000 LF	1939000 LF	1941000 LF	1943000 LF	1945000 LF	1947000 LF	1949000 LF	1951000 LF	1953000 LF	19550
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COUNCIL AGENDA: August 6, 2013

SUBJECT: REPORT ON CHARITABLE CAR WASHES

SOURCE: Finance Department

COMMENT: In accordance with City Council direction, staff is providing an updated report on charitable car wash permits issued during the year. Article VI, Section 15-130 of the City Code allows up to four car washes at any commercial property per calendar year and up to four car washes by a charitable organization in a calendar year. For the period January 1 to June 30, 2013, the following car washes occurred within the City.

Event Date	Name of Organization	Location of Car Wash
January 12, 2013	Helping Hands	BMK Automotive – 300 W Henderson Ave
January 19, 2013	Comision Honorifica Mexicana-Americana, Inc.	BR's Food Store – 284 W Olive Ave
January 20, 2013	Comision Honorifica Mexicana-Americana, Inc.	BR's Food Store – 284 W Olive Ave
February 2, 2013	El Granito Foundation	Express Mart & Gas – 1060 W Olive Ave
February 3, 2013	El Granito Foundation	El Gallito Market – 283 W Olive Ave
February 18, 2013	Church of God of Prophecy	Church of Good of Prophecy – 88 E Putnam Ave
March 1, 2013	First Christian Church	BR's Food Store – 284 W Olive Ave
March 2, 2013	First Christian Church	BR's Food Store – 284 W Olive Ave
March 29, 2013	MHS Environmental Science Academy	MHS Gym – 960 N Newcomb St
April 27, 2013	Pixley Church of the Nazarene	El Gallito Market – 283 W Olive Ave
May 1, 2013	Porterville Iglesia del Nazareno	Ace Cash Express -308 W Olive Ave
May 3, 2013	El Granito Foundation	El Gallito Market – 283 W Olive Ave
May 4, 2013	Porterville Area Coordinating Council	360° Performance Automotive - 1164 W Olive Ave
May 4, 2013	Central California Family Crisis Center	Five Star Realty – 19 N D St
May 5, 2013	Porterville Youth Soccer League	Roscoe Melton's Discount Tires - 921 W Olive Ave
May 8, 2013	New Life Center	New Life Center - 2012 W Morton Ave
May 11, 2013	Church of God Prophecy	Church of God Prophecy - 88 E Putnam Ave
May 11, 2013	Porterville Church of Christ	Porterville Church of God - 1000 N Newcomb St
May 11, 2013	Terra Bella American Legion	Express Mart & Gas - 1060 W Olive Ave

D.D. ME Appropriated/Funded ME C.M. f

Report No. II-3

Event Date	Name of Organization	Location of Car Wash
June 8, 2013	Terra Bella American Legion	Roscoe Melton's Discount Tires - 921 W Olive Ave
June 15, 2013	New Life Center	New Life Center - 2012 W Morton Ave
June 22, 2013	Girl Scouts of Central California South	El Gallito Market – 283 W Olive Ave
June 29, 2013	GHHS Cheerleaders	GHHS – 1701 E Putnam Ave
June 29, 2013	Porterville United Soccer	Roscoe Melton's Discount Tires - 921 W Olive Ave
June 29, 2013	First Assembly of God	O'Reilly Auto Parts – 1236 W Olive Ave
June 30, 2013	First Assembly of God	Crossfit Power House - 63 S Main St

RECOMMENDATION: For information only.

SUBJECT: QUARTERLY CODE ENFORCEMENT REPORT

SOURCE: FIRE DEPARTMENT

COMMENT: FOR INFORMATION ONLY

This informational report covers City of Porterville code enforcement activity during the second quarter of 2013, from April 1 – June 30.

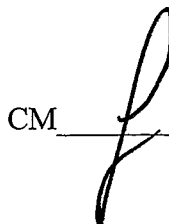
During this quarter, 152 code compliance issues were recorded and assigned to departments having regulatory authority. Of these, 45 have been corrected through voluntary compliance, 12 were issued a Notice of Violation, and 1 Administrative Citation was issued.

The weed abatement program was a priority this quarter and achieved a high level of success. Of the 1,083 properties noticed for weed abatement this fire season, 1,015 have been successfully abated by the end of June.

Attachment: Code Enforcement Statistics for April 1-June 30, 2013

Dir 

Approp./ Funded N/A

CM 

Report No. II-4

CODE ENFORCEMENT ACTIVITY FROM APRIL 1, 2013 TO JUNE 30, 2013

Department	Fire	Comm. Dev.	Public Works	Finance	Parks	Police	Admin. Serv.	Q2 Current	YTD Current	Q2 Previous	YTD Previous
Complaints Received											
Dept. Assigned	37	45	50	3	5	11	0	152	259		
Voluntary Compliance	23	2	12	1	2	5	0	45	88		
Notice of Violation Issued	12							12	31		
Administrative Citations Issued	1							1	2		
Weed Abatement											
Weed Abatement Properties Noticed	46							46	1181	1083	1083
Completed by Owner	994							994	994		
Assigned to Contractor	30							30	30		
Pending	139							139	139		
Total Properties Complete	1015							1015	1015		
Business License Inspections											
Business Operating Without License	4							4	36		
Voluntary Compliance	4							4	36		
Pending											
Itinerant Vendor Inspections											
Voluntary Compliance	0							0	5		
Pending											
Charitable Car Wash Inspections											
Voluntary Compliance	3							3	4		
Pending											
Building Permit Inspections											
Building Permit Violations	1							1	3		
Voluntary Compliance	1							1	2		
Pending									1		
YTD Voluntary Compliance by Department											
	Fire	Comm. Dev.	Public Works	Finance	Parks	Police	Admin. Serv.	Current	Current	Previous	Previous
Complaints Received	72	58	95	4	7	23	0	152	259		
Voluntary Compliance	45	5	25	1	3	5	0	45	88		
% Voluntary Compliance	62.50%	8.62%	26.31%	25.00%	42.86%	21.74%	0.00%	29.61%	33.98%		

COUNCIL AGENDA – AUGUST 6, 2013

INFORMATIONAL REPORT

SUBJECT: ATTENDANCE REPORT FOR CITY COMMISSIONS AND COMMITTEES – 4TH QUARTER REPORT

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

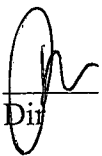
COMMENT: At the Council's request, staff is herein providing for informational purposes the attendance records as of the Fourth Quarter FY 2012/2013 for the following City Commissions and Committees:

- Parks & Leisure Services Commission;
- Library and Literacy Commission;
- Arts Commission;
- CDBG Advisory and Housing Opportunity Committee; and
- Transactions and Use Tax Oversight Committee (TUTOC)

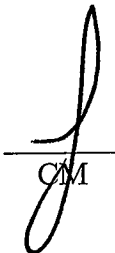
RECOMMENDATION: Informational report only.

ATTACHMENTS: Attendance Reports

Report No. II-5


Dir

N/A
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Funded


CM

Parks & Leisure Services Commissioner's Record of Attendance

	2012 July 5	2012 Aug 2	2012 Sept 6	2012 Oct 4	2012 Nov 1*	2012 Dec 6	2013 Jan 3	2013 Feb 7	2013 Mar 7	2013 Apr 4	2013 May 2	2013 June **	
Rocco Calantone	P	P	P	P		P	P	P	P	P	P		FT Exp 10/15
Monte Moore	P	P	P	P		P	P	P	P	P	P		FT Exp 10/13
Leticia Lupio	P	P	P	E		P	P	P	A	P	A		FT Exp 10/13
Rick Vafeades	A	P	P	P		P	P	P	P	P	P		FT Exp 10/13
Richard Rankin	P	P	A	P		P	P	P	P	P	P		PUSD Rep.
Jim Carson	P	A	T	E		E	P	Resigned 2/12					FT Exp 10/15
Carroll Land	A	P	P	P		P	A	P	P	P	P		FT Exp 10/15
Shannon Bennett	Appt 8/12		P	E		P	P	P	P	P	P		FT Exp 10/13
Eric Mendoza	Appt 2/13 to fill unexpired term of J. Carson								A	P	P		
	5	6	6	5		7	7	7	7	8	7		

* No meeting due to lack of quorum. ** No meeting held.

P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2011 July 7	2011 Aug 4	2011 Sept 1	2011 Oct 6	2011 Nov 3	2011 Dec 1	2012 Jan	2012 Feb	2012 Mar	2012 Apr	2012 May	2012 June	
Donald W. Beardsley	P	*	P	A	Term Ended								FT Exp 10/11
Rocco Calantone	E	*	P	P	P	P	P	P	P	P	P	P	FT Exp 10/11
Gary Ingraham	P	*	P	Term Ended									PUSD Rep.
Case Lok	P	*	P	P	P	P	P	P	P	P	P		FT Exp 10/13
Monte Moore	P	*	P	P	P	P	P	P	P	P	P	P	FT Exp 10/13
Charles F. Webber	P	*	P	P	Term Ended								FT Exp 10/11
Leticia Lupio	P	*	P	P	P	P	P	P	P	T	E	P	FT Exp 10/13
Rick Vafeades	P	*	P	E	P	P	P	P	P	P	P	E	FT Exp 10/13
Richard Rankin	Appt 10/11			P	P	P	A	P	P	P	P	P	PUSD Rep.
Jim Carson	Appt 11/11				P	P	A	A	P	T	E	P	FT Exp 10/15
Carroll Land	Appt 11/11				P	P	P	A	P	E	T	P	FT Exp 10/15
	7		8	6	8	8	6	6	8	7	6	6	

* Lack of quorum. Informational discussion only.

P = Present; E = Excused Absence; A = Absent; T = Tardy

LIBRARY & LITERACY COMMISSION - Attendance Record

As of: June 30, 2013

P = Present; A = Absent; E = Excused absence; T = Tardy

■ = Summer Hiatus

	2012 Oct *29	2012 Nov *7	2012 Nov 13	2012 Dec 11	2013 Jan 8	2013 Feb 12	2013 Mar 12	2013 Apr 9	2013 May 14	2013 May 18**	
Joe Moreno	P	Term Expired									
Ellen Nichols	T	Term Expired									
Catherine May	P	P	P	P	T	P	P	T	T	P	Re-appt. 10/10
Rebecca Ybarra	P	P	P	A	P	T	A	P	A	A	Appt. 10/10
Allan Bailey	P	P	T	P	P	P	T	P	P	P	Appt. 9/11
Esther Figueroa	P	P	P	P	P	P	P	P	P	P	Appt. 4/12
Tamara Bishop		P	P	P	P	P	P	P	P	P	Appt. 11/12
Carol Wilkins		P	T	E	T	P	A	P	A	T	Appt. 11/12
Edith La Vonne		E	P	P	P	P	P	P	P	P	Appt. 11/12

* Special Meeting with Arts Commission

** Special Meeting - Board Effectiveness Training.

	2012 Jan 10	2012 Feb 14	2012 Mar 13	2012 Apr 10	2012 May 16	2012 June	2012 July	2012 Aug 14	2012 Sept 11	2012 Oct 9	
Joe Moreno	P	P	P	P	P			P	P	P	
Ellen Nichols	P	P	P	P	E			P	P	P	Re-appt. 10/09
Catherine May	P	P	P	P	P			P	T	P	Re-appt. 10/10
Rebecca Ybarra	P	P	P	P	E			T	P	T	Appt. 10/10
Mary Leavitt	P	P	Resigned 3/12								Appt. 1/11; resigned 3/12
Stephanie Cortez	E	P	T	P	P			P	Res. 9/12		Appt. 1/11
Allan Bailey	P	P	P	P	P			E	P	T	Appt. 9/11
Esther Figueroa	Appt. 4/12			P	T			P	P	P	Appt. 4/12

	2011 Apr 12	2011 Apr 23*	2011 May 10	2011 June 14*	2011 July 14*	2011 Aug 9**	2011 Sept 13	2011 Oct 11	2011 Nov 8	2011 Dec 13	
Joe Moreno	P	E	E	E	P		P	P	P	P	
Ellen Nichols	P	P	P	P	P		P	P	P	P	Re-appt. 10/09
Catherine May	P	P	P	P	P		P	P	P	P	Re-appt. 10/10
Rebecca Ybarra	P	E	P	P	A		P	P	P	E	Appt. 10/10
Joseph Carter	P	P	P	P	P						Appt. 11/09; resigned 7/11.
Mary Leavitt	P	P	E	P	P		E	P	P	P	Appt. 1/11
Stephanie Cortez	P	P	E	P	P		E	P	P	P	Appt. 1/11
Allan Bailey								P	P	P	Appt. 9/11

*Special session called by the Chair.

**No meeting due to lack of a quorum.

**Arts Commission
Attendance Records**

As of: June 30, 2013

	2012 17-Oct	2012 29-Oct*	2012 7-Nov	2012 14-Nov	2013 16-Jan	2013 20-Feb	2013 20-Mar	
Deana Worthington	P	A	P	P	A	P	P	
Rebecca Ybarra	P	P	P	P	P	P	P	
Monte Reyes	P	P	P	A	P	P	P	
Alex Schooler	A	P	P	A	A	P	P	
Joan Givan	P	P	P	P	P	P	P	
Roger Merryman	P	P	P	P	A	P	P	
Sandra Romero	P	A	P	P	P	A	A	

**Joint Meeting with Library & Literacy Commission*

	2013 17-Apr	2013 15-May	2013 19-Jun	2013	2013	2013	2013	
Deana Worthington	P	A	P					
Rebecca Ybarra	P	P	P					
Monte Reyes	P	P	P					
Alex Schooler	P	P	P					
Joan Givan	P	P	P					
Roger Merryman	A	P	P					
Sandra Romero	P	A	P					

**CDBG Citizens' Advisory and Housing Opportunity Committee
Attendance Report as of June 30, 2013**

Committee Member	Year Originally Appointed	Reg. Mtg 3/15/2010	Reg. Mtg 3/14/2011	Reg. Mtg 3/12/2012	Reg. Mtg 3/11/2013
Pat Contreras	1988	P	P	P	P
Linda Olmedo	1997	P	P	P	P
Grace Munoz-Rios	1992	P	P	P	P
Doug Heusdens	2012	N/A	N/A	P	P
John Dennis	1998	P	P	P	A
Rebecca Vigil	2008	A	P	P	A
Kelle Jo Lowe	2009	P	P	P	P

This Committee meets on an annual basis in March.

**Transactions and Use Tax Oversight Committee
Attendance Records**

As of: June 30, 2013

	2011 21-Jul	2011 18-Aug	2012 4-Jun	2012 18-Jul	2012 22-Aug	2012 12-Dec	2013 13-Mar	
Gary Mekeel	P	A	A	A	A	A	A	Apptd 04/2010 thru 05/2014
Michael Pavone	A	P	P	P	A	A	Resigned	Apptd 04/2010 thru 05/2014
Adrian Monte Reyes	P	P	Term ended					Term expired 5/2012.
Khris Saleh	P	P	T	P	A	P	A	Apptd 04/2010 thru 05/2012
Charles Webber	P	P	P	P	P	P	P	Apptd 04/2010 thru 05/2014
John Simonich	P	P	P	P	P	P	P	Apptd. 01/2011 thru 05/2014.
Michael MacDonald	A	P	P	P	P	P	P	Apptd 01/2011 thru 05/2014.
Gail Lemmen	P	P	A	A	P	P	P	Apptd 09/2010 thru 05/2012.
John Dennis	P	P	P	P	P	P	P	Apptd 09/2010 thru 05/2012.
Kent D. Hopper	A	A	Term ended					Resigned 2/2012.
Margaret Stinson	Appt. 5/12		P	P	P	P	P	Apptd 05/2012.
Janet Meister	N/A	N/A	N/A	N/A	A	P	P	Apptd 08/2012.
Bill Nebeker	Appt. 2/12 to fill unexpired term of M. Pavone							Apptd. 02/12.

	2013** 23-May	2013** 30-May	2013 13-Jun	2013	2013	2013	2013	
Gary Mekeel			A					Apptd 04/2010 thru 05/2014
Khris Saleh			A					Apptd 04/2010 thru 05/2012
Charles Webber			P					Resigned 6/2013.
John Simonich			A					Apptd. 01/2011 thru 05/2014.
Michael MacDonald			P					Apptd 01/2011 thru 05/2014.
Gail Lemmen			P					Apptd 09/2010 thru 05/2012.
John Dennis			P					Apptd 09/2010 thru 05/2012.
Margaret Stinson			P					Apptd 05/2012.
Janet Meister			P					Apptd 08/2012.
Bill Nebeker			A					Apptd. 02/12.
Kathleen "Kat" Harris	Appt. 6/30/13							Apptd. 06/2013.

** No meeting held due to lack of quorum.

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
APRIL 16, 2013, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Ward, Council Member Shelton (arrived after roll call), Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

The City 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: Agency Member Ward, Agency Member Shelton (arrived after roll call), Agency Member Hamilton, Vice Chair McCracken, Chair Gurrola

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1-** Government Code Section 54956.9(d)(1) – 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.
 - 2 -** Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case concerning facts not yet known to potential plaintiffs.

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(d)(1) – 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 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Dinuba et al. v. County of Tulare et al., Tulare County Superior Court Case No. 11-243161.
 - 3-** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Allstate Insurance Company v. City of Porterville, Tulare County Superior Court Case No. PCL158272.
 - 4-** Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Steve Kabot. Employee Organizations: Porterville City Employees Association; Public Safety Support Unit; Porterville Police Officers Association; Management and Confidential Series; Porterville City Firefighters Association; Fire Officer Series; All Unrepresented Management Employees.

5 - Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Five cases concerning facts not yet known to potential plaintiffs.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew stated that no reportable action had taken place in Closed Session. She added that the Council would need to return to Closed Session following Open Session.

Pledge of Allegiance Led by Mayor Virginia Gurrola

Invocation – one individual participated, after which a moment of silence was observed for the victims of the recent bombing in Boston.

PROCLAMATIONS

Sutton's Iris Gardens Day – April 23, 2013

National Library Week – April 15-20, 2013

National Volunteer Week – April 21-27, 2013

Porterville Denim Day – April 24, 2013

Arbor Day – April 26, 2013

Iris Festival Day – April 27, 2013

Cinco de Mayo Week – April 29-May 5, 2012

AB 1234 REPORTS

1. Tulare County Local Agency Formation Committee (LAFCO) – April 3, 2013: Council Member Hamilton reported on an adopted policy change.
2. Tulare County Association of Governments (TCAG) – April 15, 2013: Mayor Gurrola announced that Congressman Nunes was accepting internship applications; provided an update regarding Buy America waivers; and spoke of discussion regarding inequity of funds.
3. Council of Cities – April 10, 2013: Vice Mayor McCracken reported that the Agenda consisted of one Closed Session item.
4. CALED Award Luncheon – April 11, 2013: Mayor Gurrola reported her attendance at the luncheon, and the Vice Mayor spoke of the Award of Excellence for the Porterville Marketplace Public-Private Partnership Project presented to the City.

REPORTS

I. City Commission and Committee Meetings:

1. Library and Literacy Commission – April 9, 2013: Commissioner Bailey updated the Council on Library and Literacy Commission activities, which included working on a revised MOU for the Margaret J. Slattery Library, and conference attendance. He also spoke of March Library highlights, volunteer hours logged, National Library Week events, and the mural dedication.
2. Parks & Leisure Services Commission – April 4, 2013: Commissioner Mendoza presented the commission's report of department efforts which included: reworking the Zalud Park infields; spring planting at the Zalud House; preparation of the Municipal Pool for the summer season; top dressing of the golf course greens; Spring Fishing Derby; City Youth Track and Field Meet; Music on Main Street; and Corporate Games.

3. Youth Commission – April 8, 2013: No report given.

City Manager Lollis notified the Council of an emergency item, and requested that its addition be considered prior to Oral Communications.

Emergency Item: ENGINE #4 COMPLETE OVERHAUL

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council accept the emergency item for addition to the evening's agenda as Item No. 20. The motion carried unanimously.

Documentation: M.O. 01-041613

Disposition: Item Added.

ORAL COMMUNICATIONS

None

CONSENT CALENDAR

Items 2, 3, 5, 6 and 7 were removed for further discussion. Council Member Shelton indicated his abstention on Item No. 12 due to a conflict of interest.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council approve Items 1, 4, and 8 through 12. The motion carried unanimously, with the exception of the aforementioned abstentions.

1. MINUTES OF MARCH 19, 2013

Recommendation: That the City Council approve the Minutes of March 19, 2013.

Documentation: M.O. 02-041613

Disposition: Approved.

4. APPROVAL OF SPORTS COMPLEX CONCESSION LICENSES

Recommendation: That the City Council approve the concession license with American Youth Soccer Organization for the spring of 2013, and the concession license with South Valley Chivas Academy for fall of 2013, and authorize and direct the Mayor to execute the same.

Documentation: M.O. 03-041613

Disposition: Approved.

8. CITY-FUNDED SUPPLEMENTAL INSURANCE COVERAGE FOR HISTORICAL PARADES

Recommendation: That the City Council:

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

2013.

Documentation: M.O. 04-041613
Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT – FAMILY CRISIS CENTER –
MUD RUN – JUNE 1, 2013

Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the family Crisis Center, subject to the stated requirements contained in Exhibit A.

Documentation: M.O. 05-041613
Disposition: Approved.

10. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY
COUNCIL TO CONSIDER OFFERING ONLINE PRE-SALE TICKETS TO CITY
EVENTS

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the May 7th Council Agenda the consideration of offering online pre-sale tickets to City events.

Documentation: M.O. 06-041613
Disposition: Approved.

11. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY
COUNCIL TO CONSIDER IMPLEMENTING LOCAL GOVERNMENT MOBILE
APPLICATION

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the May 7th Council Agenda the consideration of implementing a local government mobile application.

Documentation: M.O. 07-041613
Disposition: Approved.

12. REVIEW OF LOCAL EMERGENCY STATUS

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.

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

Documentation: M.O. 08-041613
Disposition: Approved.

PUBLIC HEARINGS

13. SEWER UTILITY DISTRICT AREA 458

Recommendation: That the City Council:

1. Open the Public Hearing and take comments and accept any ballots;
2. Instruct the City Clerk to receive all ballots, count said votes on April 17, 2013, in the La Barca Room at 1:30 pm and report to the Council the outcome of the voting at the May 7, 2013, Council meeting; and
3. If there is a majority favorable vote, the City Council shall consider the Resolution Approving the Formation of the District and the Levying of the Assessment.

Council Member Ward reported a conflict of interest, recused himself from the discussion, and joined the audience to participate as a member of the public.

In response to Council Member Shelton's inquiry as to his potential conflict of interest due to a trust deed he holds on property within the subject area, City Attorney Lew recommended that Council Member Shelton recuse himself from the discussion and exit the Council Chambers. Council Member Shelton disagreed with Ms. Lew's opinion as to the need to exit the Chambers, recused himself from the discussion, left the dais, and joined the audience to participate as a member of the public.

City Manager Lollis introduced the item. Public Works Director Rodriguez presented the staff report and advised that ballots could be submitted until the close of the meeting. Mr. Rodriguez then elaborated on the requirements and fee assessment process for property owners in the area to connect to the sewer lines, noting that an assessment of fees for the connections could not be imposed on the property owners if the majority of ballots submitted were in opposition to the assessment.

The public hearing was opened at 7:36 p.m.

- Reynold Rutledge, 366 N. Lindale, inquired about fees if the formation of the utility district does not pass the vote of the residents.
- Brian Ward, inquired into the 3% interest rate to be applied to the residents' sewer connection fees; and stated that the City should not be making money off of the residents who pay back the bonds issued.
- Ida Gomez, questioned the differences in costs between residents in the district.

The public hearing was closed at 7:38 p.m.

A brief discussion ensued regarding the fees and the applicable 3% interest rate. Mayor Gurrola called for any final ballots to be presented to the City Clerk.

The Council recessed for 15 minutes at 7:49 p.m.

The Public Hearing was re-opened at 8:08 p.m. to allow audience members to submit any final ballots. The Council proceeded with the agenda until all ballots were collected.

14. LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS CONSOLIDATION

Recommendation: That the City Council:

1. Open the public hearing to hear public comment on the proposed consolidation of Landscape and Lighting Maintenance Districts

- Westwood Estates (D1), Westwood Estates Unit 4, Phase 5 (A5), and Westwood Estates Unit 5, Phase 2 (D12).
2. Announce the last call for ballot submission, receive written ballots from affected property owners, and close the public hearing;
 3. Authorize the City Clerk's Office to commence tabulation of the ballots; and
 4. Adopt the resolution approving the Engineer's Report, diagram, and assessment method, pending ballot tabulation results of affirmative approval.

City Manager Lollis introduced the item, and Parks and Leisure Services Director Moore presented the staff report, which consisted of a review of the purpose for the creation of Landscape and Lighting Maintenance Districts, the functions of such Districts, the fees for services, and the proposed plan for consolidation.

The public hearing was opened at 8:10 p.m.

When no member of the audience came forward to speak, City Attorney Lew advised Mayor Gurrola to keep the Public Hearing open until all ballots were collected. Seeing that there were no more ballots to be collected, the Public Hearing was closed at 8:11 p.m.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council authorize the City Clerk to commence tabulation of the ballots. The motion carried unanimously.

Documentation: M.O. 09-041613
Disposition: Approved.

The Council proceeded with the agenda while the ballots were being tabulated by City Clerk staff.

SCHEDULED MATTERS

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council approve Items 15, 16, and 18. The motion carried unanimously.

15. STATUS OF DELISTING PROCESS FOR VALLEY ELDERBERRY LONGHORN BEETLE

Recommendation: That the City Council adopt the draft resolution supporting the delisting of the valley elderberry longhorn beetle from the Federal List of Endangered and Threatened Wildlife.

Documentation: Resolution 21-2013
Disposition: Approved.

16. REQUEST BY WILDPLACES TO WAIVE FEES FOR USE OF CITY DUMPSTER – CLEANUP PROJECT ALONG TULE RIVER WALKWAY

Recommendation: That the City Council provide direction to staff.

Documentation: M.O. 10-041613
Disposition: Approved.

18. CONSIDER RESOLUTION OF OPPOSITION TO SB 7 (STEINBERG) REGARDING
PUBLIC WORKS: CHARTER CITIES

Recommendation: That the City Council adopt a Resolution of Opposition to SB 7 (Steinberg).

Documentation: Resolution 22-2013
Disposition: Approved.

17. IDENTIFYING AREAS FOR POCKET PARKS/LIBRARY USERS ANALYSIS

Recommendation: That the Council provide further direction on how staff is to proceed with the Pocket Park Project and Library User Analysis item.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Shelton that the City Council separate Item No. 17 into two separate items for consideration. Item No. 17a will be “Identifying Areas for Pocket Parks”. Item No. 17b will be “Library Users Analysis”. The motion carried unanimously.

Documentation: M.O. 11-041613
Disposition: Approved.

17a. IDENTIFYING AREAS FOR POCKET PARKS

Recommendation: That the City Council provide further direction on how staff is to proceed with the Pocket Park Project.

City Manager Lollis introduced the item and provided a brief staff report. A discussion ensued as to the responsible parties for the construction, maintenance, and composition of, and the liability for, pocket parks. The Council further discussed the need to obtain property owner input in the design and location; the process for forming an assessment district, and whether pocket parks conformed to the City’s General Plan.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council refer the matter of pocket parks to the Parks and Leisure Services Commission with the direction of identifying locations for the parks and developing ideas for how they could be constructed.

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

Documentation: M.O. 12-041613
Disposition: Approved.

17b. LIBRARY USERS ANALYSIS

Recommendation: That the City Council provide further direction on how staff is to proceed with Library User Analysis.

A discussed ensued regarding Council Member Ward's interest in identifying neighborhoods that were not utilizing library services; the number of library users that were City residents as opposed to County residents; and the potential opportunity to partner with the local schools for the purposes of creating "literacy centers" throughout the City.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council direct staff to collect data regarding Library card users.

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

Documentation: M.O. 13-041613

Disposition: Approved.

Upon the recommendation of the City Attorney, the Council returned to Item 13.

13. SEWER UTILITY DISTRICT AREA 458

The public hearing closed at 8:52 p.m.

Disposition: Ballot tabulation to occur on April 17, 2013 at City Hall.

Upon confirmation that the ballot tabulation had been completed, the Council returned to Item No. 14.

14. LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS CONSOLIDATION

Mayor Gurrola called for the results of the ballot tabulation. Administrative Services Director Hildreth reported that the total valid ballots received totaled 90. Of the 90 ballots submitted, 73 voted "yes" and 17 voted "no". One ballot submitted was disqualified due to no vote being indicated on the ballot. The consolidation passed with 81 percent approval of the voters.

City Attorney Lew stated that staff recommended adding the following line to the Resolution for Item No. 14: "The certification of the assessment election results affirming the formation of the district is attached to this Resolution as Exhibit A."

COUNCIL ACTION: MOVED by Mayor Gurrola, SECONDED by Council Member Hamilton that the City Council adopt the resolution approving the Landscape and Lighting Maintenance Districts Consolidation, as amended to include reference to the certification of the assessment election results affirming the formation as

Exhibit A. The motion carried unanimously.

Documentation: Resolution 23-2013
Disposition: Approved.

19. PORTERVILLE COLLEGE “STEP UP” PARTNERSHIP PROPOSAL FOR SPONSORSHIP OF “COLLEGE 4 KIDS SUMMER CAMP”

Recommendation: That the City Council consider the partnership proposal from Porterville College for sponsorship of the upcoming “College 4 Kids Summer Camp”.

Mayor Gurrola recused herself from the discussion due to a conflict of interest, and exited the Council Chambers. Vice Mayor McCracken assumed mayoral duties as Mayor Pro Tempore.

City Manager Lollis provided the staff report, after which a brief discussion ensued as to the summer program.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council approve the partnership proposal for the “College 4 Kids Summer Camp”.

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

Documentation: M.O. 14-041613
Disposition: Denied.

City Attorney Lew and Community Development Manager Phillips advised Council Member Ward regarding a conflict of interest with Items 20 and 3.

20. ENGINE #4 COMPLETE OVERHAUL

Recommendation: That the City Council approve additional work to be completed by Valley Power on Engine #4 at cost of \$45,000.

Council Member Ward recused himself from the discussion due to a conflict of interest and exited the Council Chambers.

City Manager Lollis presented the item and a brief staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council approve additional work to be completed by Valley Power on Engine #4 at cost of \$45,000.

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

Documentation: M.O. 15-041613
Disposition: Approved.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

3. ENGINE #3 TOP END OVERHAUL

Recommendation: That the City Council approve Valley Power to perform the top end overhaul on Engine #3 at a repair cost of less than \$30,000.

City Manager Lollis introduced the item indicating it had been removed from Consent Calendar at the request of Council Member Shelton. A brief discussion ensued as to the gas used and produced by the engines.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve Valley Power to perform the top end overhaul on Engine #3 at a repair cost of less than \$30,000.

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

Documentation: M.O. 17-041613
Disposition: Approved.

2. PURCHASE OF POLICE AMMUNITION

Recommendation: That the City Council approve the Police Department's purchase of the required ammunition in the amount of \$8,467.88.

City Manager Lollis introduced the item. Council Member Shelton inquired about the price of the ammunition.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the Police Department's purchase of the required ammunition in the amount of \$8,467.88. The motion carried unanimously.

Documentation: M.O. 16-041613
Disposition: Approved.

5. A RESOLUTION APPROVING THE APPLICATION FOR STATE OFF-HIGHWAY VEHICLE GRANT FUNDS

Recommendation: That the City Council adopt a Resolution approving the application for State Off-Highway Vehicle Grant Funds.

City Manager Lollis introduced the item. A brief discussion ensued as to the loss of funding for

the Off-Highway Vehicle Park.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council adopt a Resolution approving the application for State Off-Highway Vehicle Grant Funds. Motion carried unanimously.

Documentation: Resolution 24-2013

Disposition: Approved.

6. AGREEMENT TO ALLOW USE OF PORTERVILLE POLICE RANGE FACILITY
BY STAFF OF THE CALIFORNIA HIGHWAY PATROL

Recommendation: That the City Council:

1. Approve the Agreement with the California Highway Patrol for the period of July 1, 2013, through June 30, 2015; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

City Manager Lollis introduced the item. A brief discussion ensued as to where participating CHP officers would store their gear at the range facility.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve the Agreement with the California Highway Patrol for the period of July 1, 2013, through June 30, 2015; and authorize the Chief of Police to execute the agreement on behalf of the City of Porterville. The motion carried unanimously.

Documentation: M.O. 18-041613

Disposition: Approved.

7. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN – UNREPRESENTED
MANAGEMENT

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan for all unrepresented management employees.

City Manager Lollis introduced the item. In response to Council Member Shelton's inquiry, staff confirmed that there was no associated salary increase and that the amendment required executive management staff to contribute one additional percent towards their retirement.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council approve the draft resolution amending the Employee Pay and Benefit Plan for all unrepresented management employees. Motion carried unanimously.

Documentation: Resolution 25-2013

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Shelton reported his attendance at the following community events: Spring Fishing Derby; Tea Party rally; Porterville Celebrates Reading; and a carnival at Belleview School.

The Council recessed for five minutes at 9:19 p.m. and reconvened in Closed Session.

CLOSED SESSION

It was reported that no reportable action took place during Closed Session.

ADJOURNMENT

The Council adjourned at 9:50 p.m. to the meeting of May 7, 2013.

Patrice Hildreth, Chief Deputy City Clerk

SEAL

Virginia R. Gurrola, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CA 93257
AND
1155 KELVIN ROAD
EL SOBRANTE, CA 94803
MAY 7, 2013, 5:30 P.M.**

Called to Order at 5:32 p.m.

Roll Call: Council Member Ward, Council Member Shelton (arrived during Closed Session),
Council Member Hamilton (via teleconference), Vice Mayor McCracken, Mayor Gurrola

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 93257; AND
1155 KELVIN ROAD, EL SOBRANTE, CA 94803**

Roll Call: Agency Member Ward, Agency Member Shelton (arrived during Closed Session),
Agency Member Hamilton (via teleconference), Vice Chair McCracken, Chair Gurrola

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1-** Government Code Section 54956.9(d)(1) – 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.
 - 2 -** Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

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 54956.8 – Conference with Real Property Negotiators/Property: 280 North Fourth Street. Agency Negotiators: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville, Porterville Senior Council, and Tulare/Kings Counties Area Agency on Aging. Under Negotiation: Terms and Price.
 - 2 -** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.

- 3- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Dinuba et al. v. County of Tulare et al., Tulare County Superior Court Case No. 11-243161.
- 4- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation (Not Yet Served): Amy Duran v. City of Porterville et al., United States District Court, Eastern District, Case No. 1:13-CV-00370-AWI-BAM.
- 5- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Conner et al. v. City of Porterville et al., Tulare County Superior Court, Case No. 10-239413.
- 6- Government Code Section 54956.95 – Liability Claims: Claimant: Josephine Luisa Acevedo. Agency claimed against: City of Porterville.
- 7- Government Code Section 54956.95 – Liability Claims: Claimant: Juan Martinez; Cosme Martinez; Marco Antonio Martinez; Jose Carmen Martinez; Reina Abundia Martinez; Carlos Alfonso Martinez; Gabriel Guadalupe Martinez; Jesus Adan Martinez; Alexis Kristina Martinez; and Adenis Joanna Martinez. Agency claimed against: City of Porterville.
- 8- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case concerning facts not yet known to potential plaintiff.
- 9- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that the following reportable action had taken place:

- B-6 Government Code Section 54956.95 – Liability Claims: Claimant: Josephine Luisa Acevedo. Agency claimed against: City of Porterville.

COUNCIL ACTION: On a motion by Vice Mayor McCracken, seconded by Council Member Ward, the Council rejected the claim filed by Josephine Luisa Acevedo, referred the matter to the City’s claims adjustor; and directed the City Clerk to give the Claimant proper notice. The motion carried unanimously.

Documentation: M.O. 01-050713

Disposition: Approved.

- B-7 Government Code Section 54956.95 – Liability Claims: Claimant: Juan Martinez; Cosme Martinez; Marco Antonio Martinez; Jose Carmen Martinez; Reina Abundia Martinez; Carlos Alfonso Martinez; Gabriel Guadalupe Martinez; Jesus Adan Martinez; Alexis Kristina Martinez; and Adenis Joanna Martinez. Agency claimed against: City of Porterville.

COUNCIL ACTION: On a motion by Council Member Ward, seconded by Vice Mayor McCracken, the Council rejected the claim filed by Juan Martinez et al, referred the matter to the City’s claims adjustor; and directed the City Clerk to give the Claimant proper notice.

AYES: Ward, McCracken, Hamilton, Gurrola

NOES: None

ABSTAIN: Shelton
ABSENT: None

Documentation: M.O. 02-050713
Disposition: Approved.

Pledge of Allegiance Led by Council Member Greg Shelton
Invocation – the Mayor participated

PROCLAMATIONS

Water Awareness Month

PRESENTATIONS

California Cadet Corps
Employee of the Month – Josie Castaneda

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) – May 1, 2013
Council Member Hamilton reported that previous action regarding the Municipal Services Review had been reversed; and spoke of discussion about AB853.
2. Consolidated Waste Management Authority (CWMA) – April 18, 2013
No report due to absence of Porterville representatives at the meeting.
3. Tulare County Economic Development Corporation – April 24, 2013 and April 30, 2013
Mayor Gurrola acknowledged staff and members of the Council for their attendance at meetings. She then reported on discussion regarding Enterprise Zone workshops, legislative updates, and review of the 2013-2018 Economic Development Strategy; and spoke of a low turnout at the Leadership Forum.
4. Victims' Memorial Quilt Unveiling Ceremony – April 23, 2013
Vice Mayor McCracken spoke of the annual event that consists of the unveiling of a memorial quilt for victims of crime; and encouraged attendance at future unveilings.

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 – April 17, 2013: No report.
 2. Youth Commission – April 22, 2013: Commissioners Fuentes, Martinez, Perez, Campos, Lusk, and Holloway gave a presentation regarding high school drop out rates.
 3. Parks and Leisure Services Commission – May 2, 2013 (Rescheduled to May 9, 2013): No report.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the Council postpone the Staff Informational Items until after the Scheduled Matters, so as to allow the Oral Communications to

begin. With no objection, the motion carried by unanimous consent.

Documentation: M.O. 22-050713
Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, requested that Item No. 15 be pulled to address an inconsistency between the two letters.
- Ellen Nichols, Porterville, spoke with regard to Item No. 23, requesting that some trees be left standing to screen the solar cells.
- Gary Hunt, introduced himself as the new Station Commander at the Porterville Sheriff Substation, and offered his assistance.

CONSENT CALENDAR

Items 1, 2, 3, 9 and 15 were removed for further discussion. Council Member Shelton noted his abstention on Items 4, 8, and 16 due to conflicts of interest. Council Member Ward noted his abstention on Items 1, 8, and 14 due to conflicts of interest.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve Items 4 through 8, 10 through 14, and 16. The motion carried unanimously, with the aforementioned abstentions.

4. ACCEPTANCE OF PROJECT – WEST STREET CALEMA REPAIR

Recommendation: That the City Council:

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

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve staff's recommendation.

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

Documentation: M.O. 03-050713
Disposition: Approved.

5. ACCEPTANCE OF PROJECT – NEWCOMB STREET AND BEVERLY STREET SHOULDER STABILIZATION

Recommendation: That the City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and

3. Authorize the immediate release of final payment, provided no stop notices have been filed.

Documentation: M.O. 04-050713
Disposition: Approved.

6. ACCEPTANCE OF FINAL SUBDIVISION MAP – SUMMIT HERITAGE VILLAS (GARY SMEE)

Recommendation: That the City Council:

1. Approve the final subdivision map of Summit Heritage Villas;
2. Accept all offers of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Documentation: M.O. 05-050713
Disposition: Approved.

7. ACCEPTANCE OF IRREVOCABLE OFFER TO CONVEY REAL PROPERTY FOR PUBLIC STREET RIGHTS OF WAY RELATED TO PARCEL MAP NO. 5037, JAYE STREET AND VANDALIA AVENUE – TOLLADAY FAMILY TRUST, CZEM PARTNERS, LLC AND JLH PROPERTIES, LLC

Documentation: Resolution 26-2013
Disposition: Approved.

8. FINAL BALLOT RESULTS - AREA 458 SEWER UTILITY DISTRICT

Recommendation: That the City Council accept the voting results of Area 458 Sewer Utility District and adopt the resolution approving the Formation of Sewer Utility District No. 458.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve staff's recommendation.

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

Documentation: Resolution 27-2013
Disposition: Approved.

10. APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT WITH COUNTY OF TULARE

Recommendation: That the City Council:

1. Enter into an Agreement with the County of Tulare for FY 2013/2014 to provide service to County residents within the Service Area Boundary; and

2. Authorize the Mayor to execute the Agreement on behalf of the City.

Documentation: M.O. 06-050713

Disposition: Approved.

11. INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 07-050713

Disposition: Approved.

12. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 08-050713

Disposition: Approved.

13. APPROVAL FOR COMMUNITY CIVIC EVENT – TULARE COUNTY JR. LIVESTOCK SHOW AND COMMUNITY FAIR – PORTERVILLE FAIR – MAY 15, 2013

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Tulare County Jr. Livestock Show and Community Fair, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit A and Exhibit B.

Documentation: M.O. 09-050713

Disposition: Approved.

14. EMERGENCY REQUEST FOR AUTHORIZATION TO REPLACE THE LABORATORY BIOLOGICAL OXYGEN DEMAND (BOD) REFRIGERATED INCUBATOR

Recommendation: That the City Council authorize:

1. The purchase of a replacement BOD refrigerated incubator not to exceed \$6,000; and
2. Payment for said equipment upon satisfactory delivery.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve staff's recommendation.

AYES: Shelton, Hamilton, McCracken, Gurrola

NOES: None

ABSTAIN: Ward

ABSENT: None

Documentation: M.O. 10-050713
Disposition: Approved.

16. REVIEW OF LOCAL EMERGENCY STATUS

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.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve staff's recommendation.

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

Documentation: M.O. 11-050713
Disposition: Approved.

PUBLIC HEARINGS

17. VACATION OF EASEMENTS FOR TEMPORARY TURN AROUND AND TEMPORARY DRAINAGE RESERVOIR RELATED TO SUMMIT HERITAGE VILLAS SUBDIVISION (NICHOLSON & SMEE)

Recommendation: That the City Council:

1. Conduct a Public Hearing;
2. Adopt the Resolution of Vacation for the easements described in the legal description; and
3. Authorize the City Clerk to record the Resolution of Vacation.

City Manager Lollis introduced the item. Public Works Director Rodriguez presented the staff report.

The Public Hearing was opened at 7:19 p.m, and closed at 7:20 p.m. when no one came forward.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council adopt the Resolution of Vacation for the easements described in the legal description; and authorize the City Clerk to record the Resolution of Vacation. The motion carried unanimously.

Documentation: Resolution 28-2013
Disposition: Approved.

18. REQUEST TO ESTABLISH A CONDITIONAL USE PERMIT (PRC 2013-022-C) TO ALLOW FOR THE SALE OF ALCOHOL WITHIN AN EXISTING RESTAURANT

BUILDING WITH A SEPARATE BAR AREA (OAK PIT STEAKHOUSE) UNDER A
TYPE 47 ALCOHOL LICENSE (BONA FIDE PUBLIC EATING PLACE) LOCATED
AT 615 N. MAIN STREET.

Recommendation: That the Council approve Conditional Use Permit PRC 2013-022-C to allow for on-sale alcohol sales in conjunction with a restaurant use under a Type 47 license for a bona fide eating place, subject to conditions of approval.

City Manager Lollis introduced the item and Community Development Manager Phillips presented the staff report.

The Public Hearing was opened at 7:25 p.m.

- One individual, whose name was inaudible, spoke in favor of approving the item.

The Public Hearing closed at 7:26 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the Council approve Conditional Use Permit PRC 2013-022-C to allow for on-sale alcohol sales in conjunction with a restaurant use under a Type 47 license for a bona fide eating place, subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution 29-2013

Disposition: Approved.

The Council recessed for 10 minutes at 7:30 p.m.

19. PROPOSED AMENDMENT TO 2010 CONSOLIDATED PLAN

Recommendation: That the City Council:

1. Conduct a public hearing to solicit comments on the proposed Amendment to the 2010 Consolidated Plan;
2. Approve the Amendment to the 2010 Consolidated Plan; and
3. Authorize the City Manager to execute all necessary documents.

City Manager Lollis introduced the item and Community Development Director Dunlap presented the staff report.

The Public Hearing was opened at 7:44 p.m. and closed at 7:45 p.m. when no one came forward to speak.

A brief discussion ensued regarding the members of the CDBG Advisory Committee, as well as the process and cost estimates for the replacement of the Santa Fe School Facility flooring.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Shelton that the Council approve the Amendment to the 2010 Consolidated

Plan, and authorize the City Manager to execute all necessary documents.
The motion carried unanimously.

Documentation: Resolution 30-2013
Disposition: Approved.

20. CDBG 2013/2014 ACTION PLAN

Recommendation: That the City Council:

1. Conduct a public hearing to solicit comments on the 2013/14 Action Plan;
2. Adopt the 2013/14 Action Plan resolution of approval reflecting the 5% reduction of Entitlement allocation.
3. Approve the Amendment to the 2010 Consolidated Plan; and
4. Authorize the City Manager to execute all necessary documents.

City Manager Lollis introduced the item and Community Development Director Dunlap presented the staff report.

The Public Hearing was opened at 8:01 p.m, and closed at 8:02 p.m. when no one came forward.

A discussion ensued regarding the possibility of building pocket parks with the CDBG funds.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the Council adopt the 2013/14 Action Plan resolution of approval reflecting the 5% reduction of Entitlement allocation; approve the Amendment to the 2010 Consolidated Plan; and authorize the City Manager to execute all necessary documents. Motion carried unanimously.

Documentation: Resolution 31-2013
Disposition: Approved.

SCHEDULED MATTERS

21. CONSIDERATION OF GENERAL PLAN CONSISTENCY AND REQUEST TO PROVIDE EXTRA-TERRITORIAL CITY SERVICES TO A PROPOSED SCHOOL AT THE NORTHEAST CORNER OF REDWOOD STREET AND THURMAN AVENUE, WEST OF THE CITY OF PORTERVILLE

Recommendation: That the City Council:

1. Determine that the proposed elementary school to be located on the northeast corner of Redwood Street and Thurman Avenue is consistent with the City's General Plan;
2. Approve the request of Burton Elementary School District to connect to City services contingent on submitting a consent to annexation, and a commitment to apply to annex upon eligibility;
3. Authorize Staff to submit an application to LAFCO to provide extra-territorial services for Burton Elementary School District; and
4. Require payment of all requisite service connection fees.

City Manager Lollis introduced the item and Community Development Manager Phillips presented the staff report. A discussion ensued regarding traffic circulation at Olive Avenue and Redwood Street when the new campus is constructed.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the Council determine that the proposed elementary school to be located on the northeast corner of Redwood Street and Thurman Avenue is consistent with the City's General Plan; approve the request of Burton Elementary School District to connect to City services contingent on submitting a consent to annexation, and a commitment to apply to annex upon eligibility; authorize staff to submit an application to LAFCO to provide extra-territorial services for Burton Elementary School District; and require payment of all requisite service connection fees. The motion carried unanimously.

Documentation: M.O. 12-050713
Disposition: Approved.

22. CONSIDERATION OF TEMPORARY/INTERIM USE AT 952 WEST NORTH GRAND AVENUE

Recommendation: Provide direction to staff on whether to move forward considering the application as an interim use, or require that the applicant develop permanent improvements and request a Conditional Use Permit to accommodate the use.

Council Member Shelton noted a perceived conflict of interest, recused himself from the discussion, and exited the Council Chambers.

City Manager Lollis introduced the item and Community Development Manager Phillips presented the staff report.

The Council recessed for five minutes at 8:47 p.m.

A discussion ensued as to potential hazardous waste associated with a lawnmower repair business at the subject site, the regular of hazardous waste, the status of the applicable business licenses, and the entrances to the site.

- Steve Penn, applicant, addressed the Council and spoke in regards to the entrances to the subject site.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Mayor Gurrola that the Council direct staff to bring back a Temporary Use Permit for consideration.

AYES: Hamilton, Ward, Gurrola
NOES: McCracken
ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 13-050713

Disposition: Approved.

23. NORTH MAIN STREET PHOTOVOLTAIC ELECTRICAL GENERATION FACILITY (SOLAR FARM) – STREET TREE REMOVAL REQUEST

Recommendation: That the City Council:

1. Designate a ten (10) foot “Clear Zone” along N. Main Street between W. North Grand Avenue and W. Linda Vista Avenue;
2. Authorize staff to implement the AASHTO design policies specific to creation of a safe “Clear Zone”; and
3. Authorize staff to direct the developer of the N. Main Street Solar Farm to remove existing large trees within the designated “Clear Zone”.

City Manager Lollis introduced the item and Public Works Director Rodriguez presented the staff report. A discussion ensued as to proposed project and potential safety hazards associated with the trees at the subject site.

- Jim Winton, applicant’s representative, stated that all of the trees were in the City’s right of way, and noted that six of the trees would need to be removed in order to construct the curb and gutter.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the Council approve the removal of six trees; allow the removal of the other five trees at the developer’s discretion; and require the developer to replace all trees that are removed.

AYES: Shelton, Ward, Gurrola

NOES: Hamilton, McCracken

ABSTAIN: None

ABSENT: None

Documentation: M.O. 14-050713

Disposition: Approved.

24. FREEDOM FEST AND FIREWORKS SHOW

Recommendation: That the City Council:

1. Consider an appropriation of \$7,500 to the Freedom Fest account from the Council’s Special Purpose Reserve;
2. Authorize staff to operate a shuttle route to and from the Transit Center and Sports Complex from 4:00 p.m. to 10:00 p.m. on June 29, 2013; and
3. Authorize staff to operate a free parking lot shuttle to and from the Porterville Fairgrounds and Sports Complex during the event.

City Manager Lollis introduced the item and Parks & Leisure Services Director Moore presented the staff report.

A discussion ensued regarding the proposed \$1,500 for transit services for the event. City Transit Director Tree addressed the issue and provided clarification.

- Kevin Bonds, Tule River Indian Tribal Council Member, addressed the City Council and spoke in favor of continuing the event and partnership.

Council Member Shelton made the motion to appropriate \$15,000 to the Freedom Fest account from the Council's Special Purposes Reserve Fund. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council appropriate \$10,000 to the Freedom Fest account from the Council's Special Purposes Reserve; authorize staff to operate a shuttle to and from the Transit Center and Sports Complex from 4:00 p.m. to 10:00 p.m. on June 29, 2013; and authorize staff to operate a free parking lot shuttle to and from the Porterville Fairgrounds and Sports Complex during the event. The motion carried unanimously.

Documentation: M.O. 15-050713
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council postpone Items 25 and 26 until the meeting of May 21, 2013.

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

Documentation: M.O. 16-050713
Disposition: Postponed.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

1. AUTHORIZATION TO ADVERTISE FOR BIDS – WASTEWATER TREATMENT FACILITY INFLUENT PUMP REPLACEMENT PROJECT

Recommendation: That the City Council:

1. Approve Staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Direct the Finance Director to prepare a budget adjustment in the amount of \$387,000 to the Influent Pump Replacement project; and
4. Authorize the Public Works Director to execute an amendment to Carollo Engineer's design contract in an amount not to exceed \$25,000.

City Manager Lollis introduced the item and Public Works Director Rodriguez addressed the Council's questions.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council approve Staff's recommended Plans and Project Manual; authorize staff to advertise for bids on the project; direct the Finance Director to prepare a budget adjustment in the amount of \$387,000 to the Influent Pump Replacement project; and authorize the Public Works Director to execute an amendment to Carollo Engineer's design contract in an amount not to exceed \$25,000.

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

Documentation: M.O. 17-050713
Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – WELL NO. 32 PROJECT
(DRILLING PHASE)

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

City Manager Lollis introduced the item and Public Works Director Rodriguez addressed the Council's questions.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve staff's recommended Plans and Project Manual; and authorize staff to advertise for bids on the project. The motion carried unanimously.

Documentation: M.O. 18-050713
Disposition: Approved.

3. AUTHORIZATION TO NEGOTIATE A CONTRACT – CONSTRUCTION
MANAGEMENT AND INSPECTION SERVICES FOR THE CHASE PARK
IMPROVEMENTS PROJECT

Recommendation: That the City Council:
1. Authorize staff to negotiate a contract with Omni-Means at an anticipated fee not to exceed \$90,000 for construction management and inspection services for the Chase Park Improvements Project;
2. Authorize staff to negotiate a contract with the 2nd ranked firm if staff is unable to negotiate an acceptable contract with Omni-Means;
3. Authorize the Mayor to sign all contract documents;

4. Authorize progress payments that concur with construction progress up until proper closeout of the work and not to exceed 100% of the contract fee; and
5. Authorize a 10% contingency to cover unforeseen changes to the scope of work required.

City Manager Lollis introduced the item, and Public Works Director Rodriguez addressed the Council's questions.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the Council authorize staff to negotiate a contract with Omni-Means at an anticipated fee not to exceed \$90,000 for construction management and inspection services for the Chase Park Improvements Project; authorize staff to negotiate a contract with Omni-Means; authorize staff to negotiate an acceptable contract with the 2nd ranked firm if staff is unable to negotiate an acceptable contract with Omni-Means; authorize the Mayor to sign all contract documents; authorize progress payments that concur with construction progress up until proper closeout of the work and not to exceed 100% of the contract fee; and authorize a 10% contingency to cover unforeseen changes to the scope of work required. The motion carried unanimously.

Documentation: M.O. 19-050713

Disposition: Approved.

9. AUTHORIZE STAFF TO OPERATE SHUTTLE SERVICE TO THE PORTERVILLE FAIR

Recommendation: That the City Council authorize staff to operate one (1) shuttle bus to the Porterville Fairgrounds.

City Manager Lollis introduced the item and City Transit Director Tree addressed the Council's questions and announced corrections to the Staff Report. A brief discussion ensued as to the demand for the shuttle service.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the Council authorize staff to operate one (1) shuttle bus to the Porterville Fairgrounds.

AYES: Hamilton, McCracken, Gurrola

NOES: Shelton, Ward

ABSTAIN: None

ABSENT: None

Documentation: M.O. 20-050713

Disposition: Approved.

15. RESPONSE TO GRAND JURY REPORT – HOLDING CELLS

Recommendation: That the Council:

1. Consider the draft “Response to the Grand Jury” letter regarding the 2012-2013 Report on Holding Cells; and
2. Authorize the Mayor to sign the Response letter.

City Manager Lollis introduced the item. A brief discussion ensued as to the City’s responses.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the Council consider the draft “Response to the Grand Jury” letter regarding the 2012-2013 Report on Holding Cells; and authorize the mayor to sign the Response letter. The motion carried unanimously.

Documentation: M.O. 21-050713

Disposition: Approved.

REPORTS (Continued)

- II. Staff Informational Items:
1. Street Performance Measure – 3rd Quarter Report
 2. Code Enforcement Update
 3. Attendance Records for Commissions and Committees
 4. Report on Charitable Car Washes
 5. Report on Recent CalPERS Board Action
 6. Library Borrower – Update

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Hamilton – requested that the Council send a congratulatory letter to twins David and Kathryn Ivancovich, who were selected to represent Monache High School as delegates to Boys State and Girls State 2013; announced that Porterville High Graduate Alex Gonzalez was named Kern County Teacher of the Year, and Porterville High Graduate Warren Gubler was appointed Mayor of Visalia.

The Council recessed for five minutes at 10:21 p.m. and reconvened in Closed Session.

CLOSED SESSION

It was reported that no reportable action took place.

ADJOURNMENT

The Council adjourned at 10:55 p.m. to the meeting of May 21, 2013.

SEAL

Patrice Hildreth, Chief Deputy City Clerk

Virginia Gurrola, Mayor

**ADJOURNED CITY COUNCIL MEETING MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JULY 30, 2013, 5:00 P.M.**

Call to Order at 5:00 p.m.

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

ORAL COMMUNICATIONS

None

Council Member Shelton noted a conflict of interest, recused himself, and did not attend the closed session.

CITY COUNCIL CLOSED SESSION:

- A. Closed Session Pursuant to:
1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 243-081-016, 243-260-030, 262-080-018, 260-185-001 and 260-185-002 Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Patricio and Crescencio Mena; Reynaldo and Maria Mena; Armando Estrella; and Gladys Patton respectively. Under Negotiation: Terms and Price.

REPORT ON ANY REPORTABLE COUNCIL ACTION TAKEN IN CLOSED SESSION

It was reported that no reportable action took place during Closed Session.

ADJOURNMENT

The meeting adjourned at 6:00 p.m. to the meeting of August 6, 2013.

SEAL

Patrice Hildreth, Chief Deputy City Clerk

Virginia R. Gurrola, Mayor

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – JAYE STREET AND MONTGOMERY AVENUE ROUNDABOUT PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Jaye Street and Montgomery Avenue Roundabout Project and are available for Council's review in the La Barca Room. The project consists of the construction of a roundabout at the intersection of Jaye Street and Montgomery Avenue south of State Route 190 and appurtenant items of work outside of the intersection necessary to properly align Jaye Street and Montgomery Avenue to the roundabout location.

The Engineer's Estimate of Probable Cost for construction is \$1,212,064. An additional \$121,206 (10%) is requested for the construction contingency. An additional \$100,000 (8.25%) is requested for construction management, quality control and inspection services for a total estimated construction cost of \$1,433,270.

Congestion Mitigation and Air Quality (CMAQ) funds will finance 88.53% of project eligible components and Measure R Funds/Local Transportation Funds will finance the 11.47% "local" match. The storm drain system associated with the roundabout is funded in the 13/14 Fiscal Year budget. Further research finds that the storm drain system qualifies as a participating item of work and will be funded by the CMAQ grant. Staff recommends that funds from the Water Replacement fund and Sewer Revolving fund be appropriated to finance the non-participating sewer and water portions of the project, which equates to \$29,863. The \$29,863 includes a 10% construction contingency and a proportional share of the overall construction management, quality control and inspection services.

The City has obtained Caltrans and FHWA authorization to bid the project by means of an E-76 approval process. Funding allocations are defined as part of this process and initially several components of the project were defined as non-participating. Recently, Caltrans has issued a bulletin that now designates a majority of these components to be federally funded. City Staff must process an Amendment Modification (AMOD) in order to allocate federal funds for those items of work that are now considered participating. The following table illustrates current funding allocations:

Dir BBZ Appropriated/Funded MP CM J

Item No. 2

Federally Approved Financing:

Total Cost of Work	Federal Participating Cost	Federal Fund Type	Local Match Funds	Other Funds Non-Particip.
*\$1,259,116.65	\$1,161,211.15	\$1,028,020.23	\$133,190.92	\$97,905.50
**\$100,000.00	\$91,500.00	\$81,004.95	\$10,495.05	\$8,500.00
***\$1,359,116.65	\$1,252,711.15	\$1,109,025.18	\$143,685.97	\$106,405.50

* Construction Funds

** Construction Engineering Funds

*** Total

City Proposed AMOD Financing:

Total Cost of Work	Federal Participating Cost	Federal Fund Type	Local Match Funds	Other Funds Non-Particip.
*\$1,333,275.35	\$1,305,412.35	\$1,155,681.55	\$149,730.80	\$27,863.00
**\$100,000.00	\$98,000.00	\$86,759.40	\$11,240.60	\$2,000.00
***\$1,433,275.35	\$1,403,412.35	\$1,242,440.95	\$160,971.40	\$29,863.00

* Construction Funds

** Construction Engineering Funds

*** Total

Caltrans Local Assistance is currently reviewing the City-submitted AMOD request. The AMOD request is seeking an additional \$133,415.77 in federal CMAQ funds and a reduction of \$59,257.07 to the City's match, which reflects an adjustment of the federally participating versus the local non-participating items of work. The AMOD is an estimate only and will be adjusted to reflect the lowest responsible bid.

Staff anticipates the approval of the AMOD; however, should it not be approved, unallocated local transportation funds will finance the additional monies being requested.

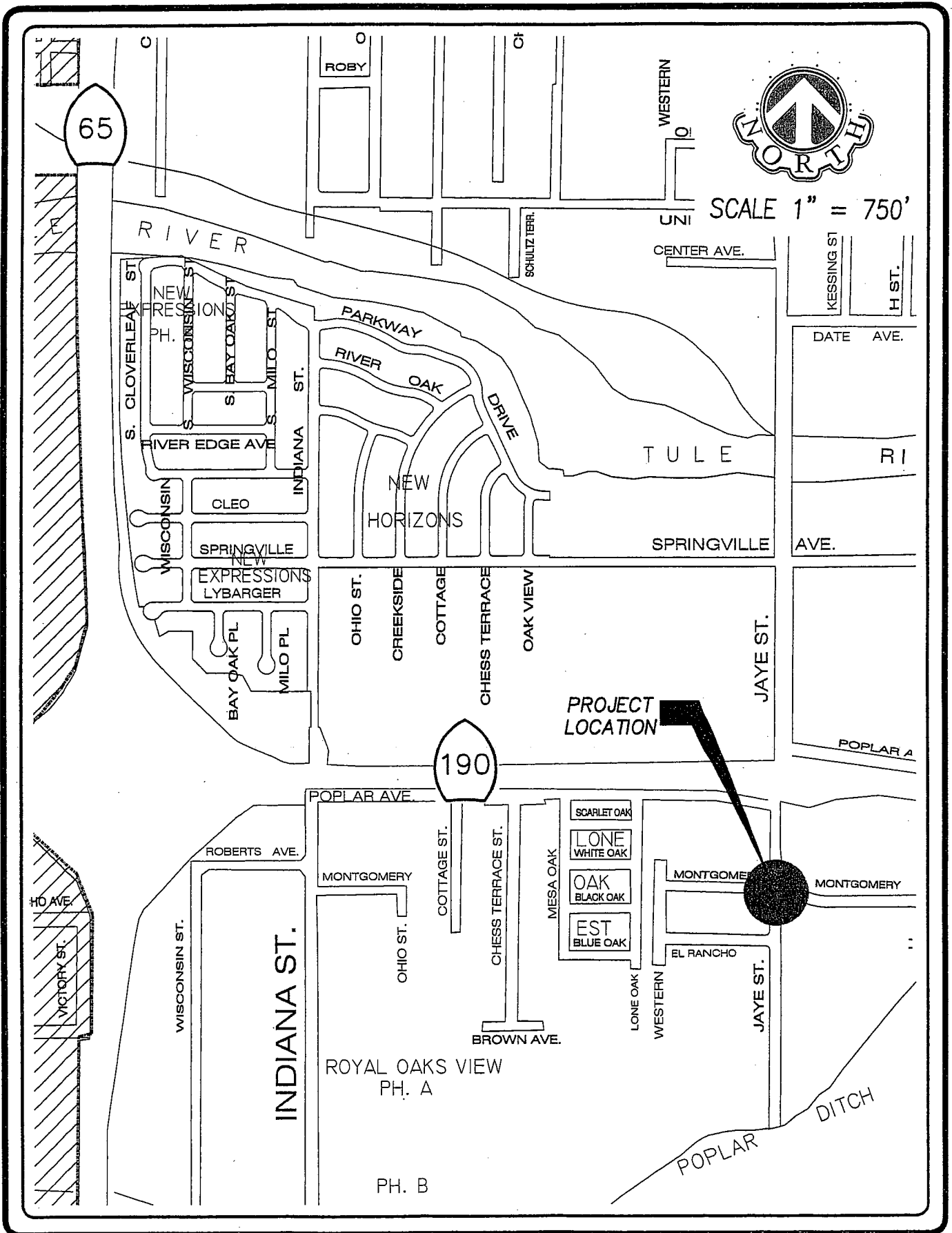
RECOMMENDATION: That City Council:

1. Authorize staff to de-obligate \$71,000 for storm drain Improvements currently allocated in the FY 13/14 Annual Budget;
2. Authorize staff to appropriate \$9,192 from the Water Replacement Fund and \$20,671 from Sewer Revolving Fund for non-participating items of work;
3. Authorize the appropriation of \$133,415.77 in unallocated local transportation funds if the AMOD is not

4. Approve Staff's recommended Plans and Project Manual; and
5. Authorize Staff to advertise for bids on the project.

ATTACHMENTS: Locator Map
Engineer's Estimate

P:\pubworks\General\Council\Authorization To Advertise for Bids - Jaye Street & Montgomery Avenue Roundabout Project - 2013-08-06.doc



PROJECT LOCATION MAP

**ENGINEERS OPINION OF PROBABLE COST
JAYE STREET/MONTGOMERY AVENUE
ROUNDAABOUT IMPROVEMENT PROJECT**

Item	Description	Qty	Unit	Unit Price	Total
DEMOLITION IMPROVEMENTS					
1	Remove Existing Curb & Gutter	1,047	Ln. Ft.	\$ 7.00	\$ 7,329.00
2	Remove Existing Curb	1,359	Ln. Ft.	\$ 6.00	\$ 8,154.00
3	Remove Existing Concrete (Sidewalk and Driveways)	475	Sq. Ft.	\$ 3.00	\$ 1,425.00
4	Sawcut Existing Concrete	178	Ln. Ft.	\$ 3.00	\$ 534.00
5	Remove & Salvage Existing River Rock Median Paving	3,449	Sq. Ft.	\$ 3.00	\$ 10,347.00
6	Remove Existing Tree	18	Ea.	\$ 1,200.00	\$ 21,600.00
7	Remove Existing Shrubs	3	Ea.	\$ 250.00	\$ 750.00
8	Remove and Store Existing Boulders	14	Ea.	\$ 100.00	\$ 1,400.00
9	Remove Existing AC Surfacing	15,544	Sq. Ft.	\$ 1.00	\$ 15,544.00
10	Remove Existing AC Surfacing & Base	5,203	Sq. Ft.	\$ 1.50	\$ 7,804.50
11	Sawcut Existing AC	1,382	Ln. Ft.	\$ 3.00	\$ 4,146.00
12	Remove Existing Wall	405	Sq. Ft.	\$ 10.00	\$ 4,050.00
13	Remove Bollards	1	Ea.	\$ 150.00	\$ 150.00
14	Remove Existing Sign	19	Ea.	\$ 100.00	\$ 1,900.00
15	Abandon Existing Test Wells	8	Ea.	\$ 250.00	\$ 2,000.00
SUBTOTAL DEMOLITION IMPROVEMENTS					\$ 87,133.50
SURFACE IMPROVEMENTS					
1	Traffic Handling & Control	1	L.S.	\$ 30,000.00	\$ 30,000.00
2	Mobilization/Demobilization	1	L.S.	\$ 100,000.00	\$ 100,000.00
3	Temporary Lighting System	1	L.S.	\$ 30,000.00	\$ 30,000.00
4	Clearing & Grubbing	1	L.S.	\$ 5,000.00	\$ 5,000.00
5	Roadway Excavation	3,662	Cu.Yd.	\$ 15.00	\$ 54,930.00
6	Barrier Type Curb & Gutter	2,906	Ln. Ft.	\$ 16.00	\$ 46,496.00
7	Rolled Type to Barrier Type Curb & Gutter Transition	20	Ln. Ft.	\$ 18.00	\$ 360.00
8	Monolithic Curb	176	Ln. Ft.	\$ 30.00	\$ 5,280.00
9	Barrier Type Curb	2,650	Ln. Ft.	\$ 16.00	\$ 42,400.00
10	Mountable Curb	284	Ln. Ft.	\$ 22.00	\$ 6,248.00
11	Concrete Sidewalk - 4" Thick	3,714	Sq. Ft.	\$ 4.00	\$ 14,856.00
12	Miscellaneous Concrete Flatwork - 6" Thick	7,461	Sq. Ft.	\$ 6.00	\$ 44,766.00
13	Concrete Curb Ramps	745	Sq. Ft.	\$ 8.00	\$ 5,960.00
14	Detectable Warning Surface	417	Sq. Ft.	\$ 30.00	\$ 12,510.00
15	Stamped Colored Concrete-4" Thick	3,547	Sq. Ft.	\$ 7.00	\$ 24,829.00
16	Stamped Colored Concrete-6" Thick	1,861	Sq. Ft.	\$ 10.00	\$ 18,610.00
17	Relocate Exist Mailbox	8	Ea.	\$ 150.00	\$ 1,200.00
18	Concrete Driveway Approach	678	Sq. Ft.	\$ 6.00	\$ 4,068.00
19	Adjust SSMH to Finish Grade	1	Ea.	\$ 800.00	\$ 800.00
20	Type A Asphalt Concrete - Roadway	3,300	Tons	\$ 85.00	\$ 280,500.00
21	CLASS 2 AB - Roadway	2,075	C.Y.	\$ 30.00	\$ 62,250.00
22	Temporary Pavement (4" Full Depth Type A AC)	82	Tons	\$ 85.00	\$ 6,970.00
23	Relocate Exist Fire Hydrant	1	Ea.	\$ 1,500.00	\$ 1,500.00
24	Adjust Exist Water Valve Frame and Cover to Finish Grade	13	Ea.	\$ 400.00	\$ 5,200.00
25	0.1" Mill & AC Overlay	4,467	Sq. Ft.	\$ 2.00	\$ 8,934.00
26	Restore Existing Monument with Type M-1	2	Ea.	\$ 1,000.00	\$ 2,000.00
27	Restore Exist Monument with Type M-2C	5	Ea.	\$ 750.00	\$ 3,750.00
28	Restore Exist Monument with Type M-2B	1	Ea.	\$ 500.00	\$ 500.00
29	Set Type M-2C Monument	6	Ea.	\$ 750.00	\$ 4,500.00
30	Set Type M-1 Monument	11	Ea.	\$ 1,000.00	\$ 11,000.00
31	Install Bus Shelter	2	Ea.	\$ 2,500.00	\$ 5,000.00
SUBTOTAL SURFACE IMPROVEMENTS					\$ 840,417.00

ENGINEERS OPINION OF PROBABLE COST
JAYE STREET/MONTGOMERY AVENUE
ROUNDAABOUT IMPROVEMENT PROJECT

Item	Description	Qty	Unit	Unit Price	Total
DRAINAGE IMPROVEMENTS					
1	15" RCP Storm Drain	275	Ln. Ft.	\$ 50.00	\$ 13,750.00
2	18" RCP Storm Drain	32	Ln. Ft.	\$ 54.00	\$ 1,728.00
3	24" RCP Storm Drain	5	Ln. Ft.	\$ 60.00	\$ 300.00
4	48" Storm Drain Manhole (City Std S-1)	6	Ea.	\$ 3,000.00	\$ 18,000.00
5	Catch Basin (City Std D-2)	6	Ea.	\$ 2,500.00	\$ 15,000.00
6	Remove Existing 18" Storm Drain	54	Ln. Ft.	\$ 50.00	\$ 2,700.00
7	Remove Existing Catch Basin	3	Ea.	\$ 1,000.00	\$ 3,000.00
8	Adjust Existing SDMH to Finish Grade	1	Ea.	\$ 800.00	\$ 800.00
9	Tie Proposed Storm Drain into Exist SDMH	1	Ea.	\$ 750.00	\$ 750.00
10	Catch Basin (City Std D-4.1)	1	Ea.	\$ 1,700.00	\$ 1,700.00
11	3" PVC Storm Drain	63	Ln. Ft.	\$ 5.00	\$ 315.00
SUBTOTAL DRAINAGE IMPROVEMENTS					\$ 58,043.00
WATER IMPROVEMENTS					
1	3" PVC Service Main	100	Ln. Ft.	\$ 8.00	\$ 800.00
2	6" PVC Fire Service	134	Ln. Ft.	\$ 20.00	\$ 2,680.00
3	2" Irrigation Service	1	Ea.	\$ 700.00	\$ 700.00
4	2 1/2" Domestic Service	1	Ea.	\$ 700.00	\$ 700.00
SUBTOTAL WATER IMPROVEMENTS					\$ 4,880.00
SANITARY SEWER IMPROVEMENTS					
1	4" PVC Sanitary Sewer	175	Ln. Ft.	\$ 50.00	\$ 8,750.00
2	6" PVC Sanitary Sewer	100	Ln. Ft.	\$ 60.00	\$ 6,000.00
3	48" Sanitary Sewer Manhole (City STD S-1)	1	Ea.	\$ 3,000.00	\$ 3,000.00
SUBTOTAL SEWER IMPROVEMENTS					\$ 17,750.00
ELECTRICAL IMPROVEMENTS					
1	Concrete Handhole (10.5"x17"x12") - Per SCE Plan	13	Ea.	\$ 300.00	\$ 3,900.00
2	Concrete Handhole (13"x24"x24") - Per SCE Plan	1	Ea.	\$ 450.00	\$ 450.00
3	Concrete Handhole (17"x30"x24") - Per SCE Plan	1	Ea.	\$ 550.00	\$ 550.00
4	Remove & Salvage Exist Street Light (By Others)	4	Ea.	\$ -	\$ -
5	Install Dual Mast Arm Street Light (By Others)	6	Ea.	\$ -	\$ -
6	Install Single Mast Arm Street Light (By Others)	9	Ea.	\$ -	\$ -
7	Remove Pull Box	7	Ea.	\$ 100.00	\$ 700.00
8	1 1/2" Electrical Conduit - Per SCE Plan	507	Ln. Ft.	\$ 10.00	\$ 5,070.00
9	2" Electrical Conduit - Per SCE Plan	2,441	Ln. Ft.	\$ 10.00	\$ 24,410.00
SUBTOTAL ELECTRICAL IMPROVEMENTS					\$ 35,080.00
STRIPING & SIGNAGE					
1	Detail 22	156	Ln. Ft.	\$ 0.52	\$ 81.00
2	Detail 27B	2,046	Ln. Ft.	\$ 0.26	\$ 532.00
3	Detail 29	401	Ln. Ft.	\$ 1.04	\$ 416.00
4	Detail 32	602	Ln. Ft.	\$ 1.04	\$ 625.00
5	Detail 38	99	Ln. Ft.	\$ 0.52	\$ 51.00
6	Detail 9	564	Ln. Ft.	\$ 0.31	\$ 174.00
7	Detail 24	566	Ln. Ft.	\$ 0.26	\$ 147.00
8	Detail 37B	122	Ln. Ft.	\$ 0.62	\$ 75.00
9	Detail 38A	676	Ln. Ft.	\$ 0.52	\$ 351.00
10	Detail 40	37	Ln. Ft.	\$ 0.40	\$ 14.00
11	Paint Pavement Marking (2 coat)	464	Sq. Ft.	\$ 3.50	\$ 1,624.00
12	Pavement Marker (Retroreflective)	147	Ea.	\$ 18.40	\$ 2,706.00
13	Roadside Sign - One Post	29	Ea.	\$ 350.00	\$ 10,150.00
14	Roadside Sign	14	Ea.	\$ 225.00	\$ 3,150.00
15	Object Markers	4	Ea.	\$ 175.00	\$ 700.00
SUBTOTAL STRIPING & SIGNAGE					\$ 20,796.00
EROSION CONTROL					
1	Prepare SWPPP	1	L.S.	\$ 4,000.00	\$ 4,000.00
2	SWPPP Implementation	1	L.S.	\$ 10,000.00	\$ 10,000.00
SUBTOTAL EROSION CONTROL					\$ 14,000.00

**ENGINEERS OPINION OF PROBABLE COST
JAYE STREET/MONTGOMERY AVENUE
ROUNDBOUT IMPROVEMENT PROJECT**

Item	Description	Qty	Unit	Unit Price	Total
LANDSCAPE & IRRIGATION					
1	Landscape & Irrigation Improvements	1	L.S.	\$ 112,541	\$ 112,541
2	3" PVC Mainline	113	Ln. Ft.	\$ 15.00	\$ 1,695.00
3	1-1/2" Water Meter	1	Ea.	\$ 3,500.00	\$ 3,500.00
4	1-1/2" Backflow Preventer	1	Ea.	\$ 2,800.00	\$ 2,800.00
5	Backflow Preventer Enclosure	1	Ea.	\$ 2,200.00	\$ 2,200.00
6	Backflow Preventer Blanket	1	Ea.	\$ 155.00	\$ 155.00
7	3" Gate Valve	1	Ea.	\$ 520.00	\$ 520.00
8	6" Galvanized Steel Sleeve	209	Ln. Ft.	\$ 27.00	\$ 5,643.00
9	6" SCH 40 PVC Sleeve	112	Ln. Ft.	\$ 20.00	\$ 2,240.00
10	2" SCH 40 PVC Electrical Sleeve	267	Ln. Ft.	\$ 10.00	\$ 2,670.00
SUBTOTAL LANDSCAPE AND IRRIGATION					\$ 133,964
CONSTRUCTION IMPROVEMENTS SUMMARY					
	SUBTOTAL DEMOLITION IMPROVEMENTS			\$	87,133.50
	SUBTOTAL SURFACE IMPROVEMENTS			\$	840,417.00
	SUBTOTAL DRAINAGE IMPROVEMENTS			\$	58,043.00
	SUBTOTAL WATER IMPROVEMENTS			\$	4,880.00
	SUBTOTAL SEWER IMPROVEMENTS			\$	17,750.00
	SUBTOTAL ELECTRICAL IMPROVEMENTS			\$	35,080.00
	SUBTOTAL STRIPING & SIGNAGE			\$	20,796.00
	SUBTOTAL EROSION CONTROL			\$	14,000.00
	SUBTOTAL LANDSCAPE & IRRIGATION			\$	133,964.07

SUB TOTAL CONSTRUCTION COST	\$ 1,212,064
CONTINGENCY 10%	\$ 121,206

TOTAL ESTIMATED CONSTRUCTION COST \$ 1,333,270

NOTES:

- Highlighted bid items indicate new items since prior approved plans.
- The pavement section used in this opinion of cost assumes 0.50' AC / 0.70'AB.
- This opinion of cost is based upon information available at this time and this office assumes no liability for changes on quantities or prices due to unforeseen conditions or changes required by governing agencies.
- This opinion of cost does not include any engineering design, construction administration, soils engineering, compaction tests or construction staking.
- This opinion of cost does not include any land/easement acquisition.
- This opinion of cost does not include any cost for the set-up or improvements for an assessment district.
- All cut material will be suitable for engineered fills.
- Costs for relocation of existing overhead and underground utilities is assumed to be paid by the City.
- Cost for drainage facilities do not include any retention/detention facilities or off-site facilities.
- Asphalt Concrete Tonnage is calculated utilizing a unit weight of 165 lbs/ft³, per City's request.

Michael J. Winton

May 28, 2013

Prepared By:
Michael J. Winton, Omni-Means Ltd.

Date

Michael K. Reed

6/20/2013

Reviewed By:
Michael K. Reed, City Engineer

Date

Baldomero Rodriguez

6/29/13

Reviewed By:
Baldomero S. Rodriguez, Public Works Director

Date

John Lollis

07/31/13

Reviewed By:
John Lollis, City Manager

Date

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – REHABILITATION OF RUNWAY 25-7

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and specifications for the Rehabilitation of Runway 25-7 have been developed by the City's Airport Consultant, Tartaglia Engineering. The plans and specifications are available for Council's review in the La Barca Room.

The purpose of this report is to seek Council's authorization to advertise for bids. However, for the purpose of full disclosure, the advertisement process began on July 25, 2013, when Tartaglia Engineering informed the City that the FAA grant would be forfeited if advertisement for construction bids did not begin by July 26, 2013. The 3rd and final advertisement notice is scheduled for August 9, 2013. The City Council can direct that the final advertisement notice alert contractors that the project will not be pursued if that is Council's direction. The Public Works Department apologizes for the breach in standard protocol but felt it necessary to act so as not to jeopardize the grant.

The Runway Rehabilitation project includes the removal of a 50' wide x 1,200' long swath of asphalt concrete along Runway 25-7 located immediately south of the main runway. Runway 25-7 is approximately 4,200' in total length but the current grant has a \$1 million limit. Tartaglia Engineering estimates that only 1,200' of runway can be reconstructed at this time. The project also includes the construction of a 15,000 square foot concrete heliport and significant storm drain improvements. The runway in question has been abandoned for many years. Rehabilitating the runway opens up this corridor for aviation related commercial development. Public Works, in conjunction with our airport consultant, will actively monitor and pursue FAA grant opportunities to complete full construction of Runway 25-7.

The Engineer's Estimate of Probable Cost for the Base Bid is \$953,010. Included in this estimate is the construction of approximately \$73,000 of off-site storm drain improvements. The Engineering Division recognized an opportunity to expand the airport runway storm drain system to include these off-site improvements to prevent or retard storm runoff from reaching the OHV Park. Tartaglia Engineering was directed to include these improvements in the basic airport runway design. The off-site storm

Dir BSR Appropriated/Funded MB CM 1

Item No. 3

drain improvement costs will be borne by Storm Drain Developer fees as approved in the 2013/2014 Annual Budget.

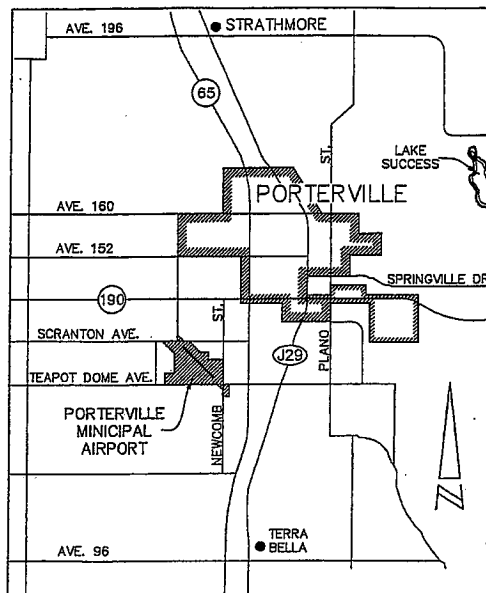
The cost estimate on the contract items of work covered by the FAA grant is \$880,010. A 10% construction contingency (\$88,000) and \$20,000 construction administration fee is requested for a final construction estimate of \$988,010.

Construction management, inspection and material testing will be handled by Tartaglia Engineering under their existing airport consulting contract. The FAA grant will fund 90% (\$889,210) and the remaining 10% (\$98,800) will come from the Airport Development Fund as approved in the 2013/2014 Annual Budget.

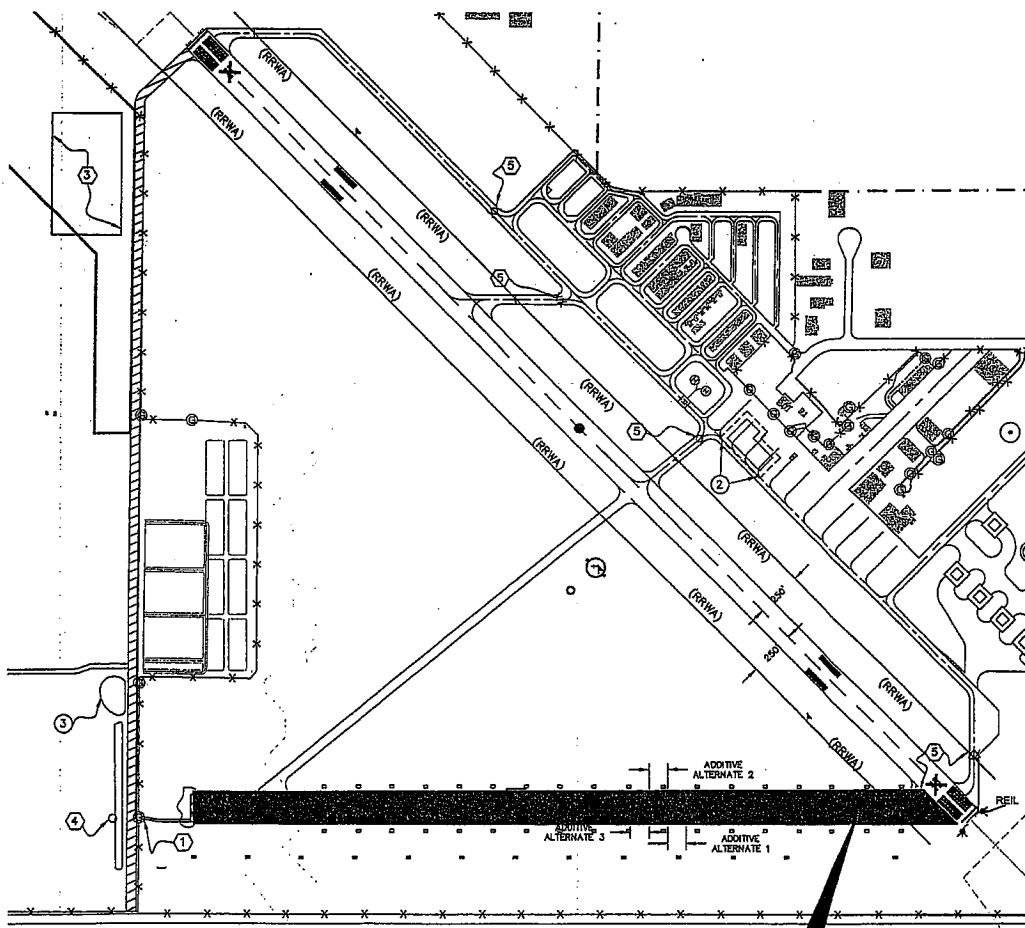
RECOMMENDATION: That the City Council:

- 1 Approve the proposed plans and project manual; and
- 2 Affirm staff's decision to begin advertisement on July 25, 2013.

ATTACHMENTS: Locator Map
Engineer's Estimate of Probable Cost



VICINITY MAP



SUBJECT LOCATION

Porterville Municipal Airport
Rehabilitate former runway as Commercial Taxiway
ENGINEERS OPINION OF PROBABLE COST
July 28, 2013

Base Bid - To station 14+00					
Bid Item	Description	Estimated Quantity	Unit	Unit Price	Total
1	Mobilization	1.0	LS	\$50,000.00	\$50,000.00
2	Airfield Safety and Security	1.0	LS	\$20,000.00	\$20,000.00
3	Sawcut	1,100.0	LF	\$1.70	\$1,870.00
4	Recycle Existing Material	1,830.0	CY	\$10.00	\$18,300.00
5	Clear and Grub	450.0	SY	\$2.00	\$900.00
6	Excavation	2,150.0	CY	\$4.50	\$9,675.00
7	Embankment	610.0	CY	\$8.00	\$4,880.00
8	Subgrade Preparation	7,440.0	SY	\$14.00	\$104,160.00
9	Unsuitable Subgrade Allowance	1.0	T&M	\$40,000.00	\$40,000.00
10	Compacted Shoulder Grading and Backing	4,900.0	SY	\$3.00	\$14,700.00
11	Graded Shoulder	7,330.0	SY	\$2.00	\$14,660.00
12	Aggregate Base	4,710.0	TON	\$35.00	\$164,850.00
13	Asphalt Pavement	1,350.0	TON	\$108.00	\$145,800.00
14	Pavement Marking	1,250.0	SF	\$2.00	\$2,500.00
15	Hydro Mulch Erosion Control	4.3	ACRE	\$2,800.00	\$12,040.00
16	Storm Water Pollution Prevention	1.0	LS	\$10,000.00	\$10,000.00
17	Storm Water Sampling Allowance	1.0	T&M	\$5,000.00	\$5,000.00
18	Portland Cement Concrete Flatwork	15,000.0	SF	\$14.00	\$210,000.00
19	Encase Existing Electrical Conduit	150.0	LF	\$10.00	\$1,500.00
20	Remove Existing Stockpiles Off-Site	1.0	LS	\$5,000.00	\$5,000.00
21	Convert Edge Light to Junction Box	1.0	LS	\$5,000.00	\$5,000.00
22	Remove Concrete Footing	52.0	EA	\$200.00	\$10,400.00
23	Remove Asphalt Section At Apron	1,600.0	SF	\$3.00	\$4,800.00
24	Asphalt Pavement Patch Repair	1,600.0	SF	\$15.00	\$24,000.00
25	Install Dry Well	2.0	EA	\$14,000.00	\$28,000.00
26	P. Clear and Grub	1,300.0	SY	\$2.00	\$2,600.00
27	P. Excavation	2,750.0	CY	\$4.50	\$12,375.00
28	P. Embankment	520.0	CY	\$6.00	\$3,120.00
29	P. Storm Drain: 24" RCP, Class III	80.0	LF	\$80.00	\$6,400.00
30	P. Storm Drain Flared Outlet	1.0	EA	\$1,500.00	\$1,500.00
31	P. Cast-In-Place Headwall	1.0	LS	\$4,000.00	\$4,000.00
32	P. Perimeter Fence	460.0	LF	\$26.00	\$11,960.00
33	P. Vehicle Access Gate, Manual Swing	1.0	LS	\$1,500.00	\$1,500.00
34	P. Outlet Grading	40.0	CY	\$8.00	\$320.00
35	P. Modification to Catch Basin	1.0	LS	\$1,200.00	\$1,200.00
Base Bid Estimated Construction Cost					\$953,010.00

Porterville Municipal Airport
Rehabilitate former runway as Commercial Taxiway
ENGINEERS OPINION OF PROBABLE COST
July 28, 2013

Bid Item	Description	Estimated Quantity	Unit	Unit Price	Total
Additive Alternate A: Station 14+00 to Station 15+00					
A1	Mobilization	1.0	LS	\$2,400.00	\$2,400.00
A2	Airfield Safety and Security	1.0	LS	\$2,000.00	\$2,000.00
A3	Sawcut	0.0	LF	\$1.70	\$0.00
A4	Recycle Existing Material	140.0	CY	\$10.00	\$1,400.00
A5	Clear and Grub	0.0	SY	\$2.00	\$0.00
A6	Excavation	50.0	CY	\$4.50	\$225.00
A7	Embankment	50.0	CY	\$8.00	\$400.00
A8	Subgrade Preparation	560.0	SY	\$14.00	\$7,840.00
A9	Unsuitable Subgrade Allowance	1.0	T&M	\$2,000.00	\$2,000.00
A10	Compacted Shoulder Grading and Backing	450.0	SY	\$3.00	\$1,350.00
A11	Graded Shoulder	670.0	SY	\$2.00	\$1,340.00
A12	Aggregate Base	390.0	TON	\$35.00	\$13,650.00
A13	Asphalt Pavement	130.0	TON	\$108.00	\$14,040.00
A14	Pavement Marking	50.0	SF	\$2.00	\$100.00
A15	Hydro-Mulch Erosion Control	0.2	ACRE	\$2,800.00	\$560.00
A16	Storm Water Pollution Prevention	1.0	LS	\$1,000.00	\$1,000.00
A17	Storm Water Sampling Allowance	1.0	T&M	\$500.00	\$500.00
Additive Alternate A Estimated Construction Cost					\$48,805.00

Additive Alternate B: Station 15+00 to Station 16+00					
B1	Mobilization	1.0	LS	\$2,400.00	\$2,400.00
B2	Airfield Safety and Security	1.0	LS	\$2,000.00	\$2,000.00
B3	Sawcut	0.0	LF	\$1.70	\$0.00
B4	Recycle Existing Material	140.0	CY	\$10.00	\$1,400.00
B5	Clear and Grub	0.0	SY	\$2.00	\$0.00
B6	Excavation	50.0	CY	\$4.50	\$225.00
B7	Embankment	50.0	CY	\$8.00	\$400.00
B8	Subgrade Preparation	560.0	SY	\$14.00	\$7,840.00
B9	Unsuitable Subgrade Allowance	1.0	T&M	\$2,000.00	\$2,000.00
B10	Compacted Shoulder Grading and Backing	450.0	SY	\$3.00	\$1,350.00
B11	Graded Shoulder	670.0	SY	\$2.00	\$1,340.00
B12	Aggregate Base	390.0	TON	\$35.00	\$13,650.00
B13	Asphalt Pavement	130.0	TON	\$108.00	\$14,040.00
B14	Pavement Marking	50.0	SF	\$2.00	\$100.00
B15	Hydro-Mulch Erosion Control	0.2	ACRE	\$2,800.00	\$560.00
B16	Storm Water Pollution Prevention	1.0	LS	\$1,000.00	\$1,000.00
B17	Storm Water Sampling Allowance	1.0	T&M	\$500.00	\$500.00
Additive Alternate B Estimated Construction Cost					\$48,805.00

Porterville Municipal Airport
Rehabilitate former runway as Commercial Taxiway
ENGINEERS OPINION OF PROBABLE COST
July 28, 2013

Bid Item	Description	Estimated Quantity	Unit	Unit Price	Total
Additive Alternate C: Station 16+00 to Station 17+00					
C1	Mobilization	1.0	LS	\$2,400.00	\$2,400.00
C2	Airfield Safety and Security	1.0	LS	\$2,000.00	\$2,000.00
C3	Sawcut	0.0	LF	\$1.70	\$0.00
C4	Recycle Existing Material	140.0	CY	\$10.00	\$1,400.00
C5	Clear and Grub	0.0	SY	\$2.00	\$0.00
C6	Excavation	50.0	CY	\$4.50	\$225.00
7C	Embankment	50.0	CY	\$8.00	\$400.00
C8	Subgrade Preparation	560.0	SY	\$14.00	\$7,840.00
C9	Unsuitable Subgrade Allowance	1.0	T&M	\$2,000.00	\$2,000.00
C10	Compacted Shoulder Grading and Backing	450.0	SY	\$3.00	\$1,350.00
C11	Graded Shoulder	670.0	SY	\$2.00	\$1,340.00
C12	Aggregate Base	390.0	TON	\$35.00	\$13,650.00
C13	Asphalt Pavement	130.0	TON	\$108.00	\$14,040.00
C14	Pavement Marking	50.0	SF	\$2.00	\$100.00
C15	Hydro-Mulch Erosion Control	0.2	ACRE	\$2,800.00	\$560.00
C16	Storm Water Pollution Prevention	1.0	LS	\$1,000.00	\$1,000.00
C17	Storm Water Sampling Allowance	1.0	T&M	\$500.00	\$500.00
Additive Alternate C Estimated Construction Cost					\$48,805.00

ESTIMATE SUMMARY

Base Bid	\$953,010.00
Base Bid Plus Additive Alternate A	\$1,001,815.00
Base Bid Plus Additive Alternate A & B	\$1,050,620.00
Base Bid Plus Additive Alternate A, B, & C	\$1,099,425.00
TOTAL ESTIMATED CONSTRUCTION COST	\$1,099,425.00

Notes:

- This opinion of cost is based upon information available at this time. This office assumes no liability for changes on quantities or prices due to unforeseen conditions, circumstances, or changes required by governing agencies.
- This opinion of cost does not include any permits, engineering design, construction administration, geotechnical engineering, construction materials testing, construction staking or layout, or construction observation.

Prepared By: John A. Smith, P.E.

Date

Reviewed By: Michael K. Reed, City Engineer

Date

Reviewed By: Baldomero S. Rodriguez, Public Works Director

Date

Reviewed By: John Lollis, City Manager

Date

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: REJECT ALL BIDS – MAIN STREET BUS TURNOUT AND AUTHORIZATION TO ADVERTISE FOR BIDS – MAIN STREET AND PLANO STREET BUS TURNOUTS

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 3, 2013, staff received four (4) bids for the Main Street Bus Turnout. Unfortunately, three of the bids were not in compliance with the specification requirements for this federally funded project and must be deemed non-responsive. The lowest responsive bid for the project is 38.5% above the Engineer's Estimate. Staff is recommending that Council reject all bids for the Main Street Bus Turnout.

The bids are as follows:

	<u>Contractor</u>	<u>Amount</u>
1.	Valley Oak Contractors* Porterville, CA	\$38,075.00
2.	V&G Builders* Fresno, CA	\$48,569.00
3.	R.C. General Engineering* Visalia, CA	\$52,060.00
4.	Davis & Roberts Construction Clovis, CA	\$53,818.50

* Non-responsive bid

Staff recently completed plans and specifications for the Plano Street Bus Turnout in front of the Vallarta Shopping Center. Taking into consideration efficiency, construction cost savings and economy of scale, staff felt it prudent to combine the Main Street Bus Turnout with the Plano Street Bus Turnout. The Main Street Bus Turnout project will improve transit accessibility to a portion of Route 4 to Porterville College along S. Main Street. The Plano Street Bus Turnout project will improve transit accessibility to a portion of Routes 3 and 9 to Vallarta Shopping Center along S. Plano Street.

Dir B82 Appropriated/Funded MB CM J

Item No. 4

The Main Street bus turnout is north of College Avenue on the east side of S. Main Street. The Plano Street bus turnout is south of Olive Avenue on the west side of S. Plano Street. The bus turnout projects include removal of existing concrete improvements and installation of new concrete improvements allowing 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 new sidewalk.

Installation of sidewalk between the eastbound Main Street/State Route 190 off ramp and Porterville College is also a part of the Main Street Bus Turnout project. There is approximately 80 lineal feet of missing sidewalk in the vicinity of the off-ramp that has been missing for years. The number of pedestrians in the area necessitates completion of the walking path from the downtown area to Porterville College.

The Engineer's Estimate of Probable Cost for both turnout projects is \$95,894.00. An additional \$9,589.40 is required for the construction contingency (10%). It is anticipated that an additional \$9,589.40 (10%) is required for construction management, quality control and inspection services for a total estimated project cost of \$115,072.80.

The Federal Transportation Authority is the funding source for this project, inclusive of a twenty-five percent (25%) Local Transportation Fund match. The project and funding sources were approved by adoption of the 2013/2014 Annual Budget. City-owned curb, gutter and sidewalk account and State Transportation Program funds will fund the small segment of sidewalk on S. Main Street described above. This funding source was approved in the 2013/2014 Annual Budget.

RECOMMENDATION: That City Council:

1. Reject all bids for the Main Street Bus Turnout;
2. Authorize staff to combine the Main Street Bus Turnout and Plano Street Bus Turnout into one project;
3. Approve the combined Plans and Project Manual; and
4. Authorize staff to advertise for bids on the project.

ATTACHMENTS: Engineer's Estimate
Locator Maps

Main Street & Plano Street Bus Turn Outs
City of Porterville, Engineer's Estimate

7/24/13

Estimate - Part A - Main Street Bus Turn Out

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
1	Mobilization and Demobilization	1	LS	\$ 4,000.00	\$ 4,000.00
2	Traffic Control	1	LS	\$ 3,500.00	\$ 3,500.00
3	Construction Surveying	1	LS	\$ 2,000.00	\$ 2,000.00
4	Clearing and Grubbing (including but not limited to concrete, dirt, asphalt, tree removal, landscaping removal, irrigation line removal and replacement)	1	LS	\$ 5,000.00	\$ 5,000.00
5	Modified Curb and V-Gutter	950	SF	\$ 15.00	\$ 14,250.00
6	Tie into existing concrete Curb	2	EA	\$ 500.00	\$ 1,000.00
7	Construct Bus Shelter Concrete Pad	59	SF	\$ 15.00	\$ 885.00
8	Construct Sidewalk	655	SF	\$ 8.00	\$ 5,240.00
9	Assemble & Install City Provided Bus Shelter	1	EA	\$ 1,500.00	\$ 1,500.00
10	Install 2' paveout with 5" Asphalt Concrete Pavement Patch, including 6" Class 2 Aggregate Base and sub-grade preparation.	100	LF	\$ 50.00	\$ 5,000.00
City Portion Concrete					
11	Construct Sidewalk	363	SF	\$ 10.00	\$ 3,630.00

Main St Bus Turnout Subtotal	\$ 42,375.00
10% Construction Engineering	\$ 4,237.50
10% Contingency	\$ 4,237.50
Total	\$ 50,850.00

City Portion Concrete Subtotal	\$ 3,630.00
10% Construction Engineering	\$ 363.00
10% Contingency	\$ 363.00
Total	\$ 4,356.00

Estimate - Part B - Plano Street Bus Turn Out

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
1	Mobilization and Demobilization	1	LS	\$ 3,000.00	\$ 3,000.00
2	Traffic Control	1	LS	\$ 3,000.00	\$ 3,000.00
3	Construction Surveying	1	LS	\$ 2,000.00	\$ 2,000.00
4	Clearing and Grubbing (including but not limited to concrete, dirt, asphalt, tree removal, landscaping removal, irrigation line removal and replacement)	1	LS	\$ 5,000.00	\$ 5,000.00
5	Modified Curb and V-Gutter	955	SF	\$ 15.00	\$ 14,325.00
6	Tie into existing concrete Curb	2	EA	\$ 500.00	\$ 1,000.00
7	Construct Bus Shelter Concrete Pad	104	SF	\$ 10.00	\$ 1,040.00
8	Construct Sidewalk including 1' heel between Retaining Wall and existing Curb	578	SF	\$ 8.00	\$ 4,624.00
9	Assemble & Install City Provided Bus Shelter	1	EA	\$ 1,500.00	\$ 1,500.00
10	Install 2' paveout with 5" Asphalt Concrete Pavement Patch, including 6" Class 2 Aggregate Base and sub-grade preparation.	100	LF	\$ 50.00	\$ 5,000.00
11	Construct CMU Retaining Wall per Detail and Plans	114	LF	\$ 50.00	\$ 5,700.00
12	Install Handrail per Detail and Plans	24	LF	\$ 50.00	\$ 1,200.00
13	Relocate Monument Sign per Detail and Plans	1	LS	\$ 2,500.00	\$ 2,500.00

Plano St Bus Turnout Subtotal	\$ 49,889.00
10% Construction Engineering	\$ 4,988.90
10% Contingency	\$ 4,988.90
Total	\$ 59,866.80

TOTAL PROBABLE COST OF PROJECT \$115,072.80

Project Manager

Date

City Engineer

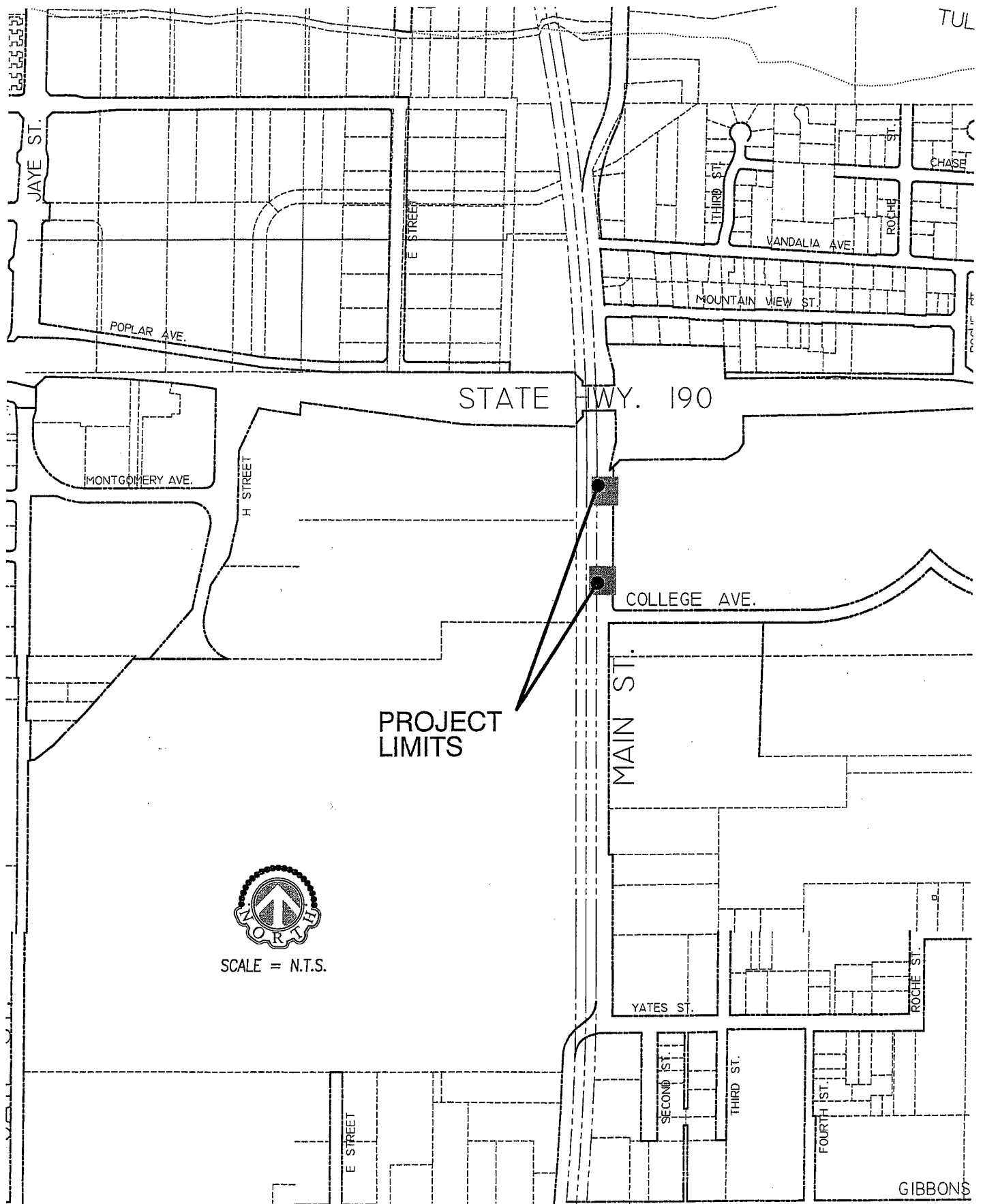
Date

Public Works Director

Date

City Manager

Date



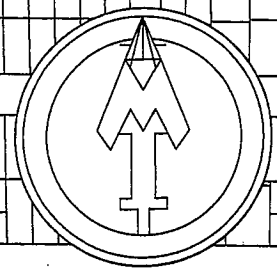
CITY OF PORTERVILLE

ENGINEERING DIVISION

291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(559) 782-7462

MAIN STREET BUS TURNOUT PROJECT NEAR PORTERVILLE COLLEGE

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



NORTH

PROJECT LOCATION

OLIVE AVE.

EASTRIDGE CIR.

PLANO ST.

CITY OF PORTERVILLE

ENGINEERING DIVISION

291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(559) 782-7462

Plano Bus Turnout Locator Map

OWNER	
APN	
AREA	
ACRES	
SCALE	NO SCALE
DATE	
DRAWN BY	MT
CHECKED BY	

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: AWARD OF CONTRACT – OLIVE AVENUE REHABILITATION PROJECT –
MAIN STREET TO PLANO STREET

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 18, 2013, staff received three (3) bids for the Olive Avenue Rehabilitation Project, Main Street to Plano Street. The project consists of the rehabilitation of Olive Avenue between Main Street and Plano Street including cold in-place recycling of three (3) inches of existing asphalt concrete, application of a thin asphalt overlay, striping, markings and related work including installation of underground utilities to parcels not already served.

The Estimate of Probable Cost for construction is \$477,400. The low bid is 5.2% over the Estimate. An additional \$50,360.00 is required for construction contingency (10%). It is anticipated that an additional \$25,180.00 (5%) is required for construction management, quality control and inspection services for a total estimated project cost of \$579,140.00.

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 (recycled asphalt compaction testing, asphalt concrete overlay compaction testing, asphalt concrete aggregate sieve analysis, sand equivalent testing, oil content confirmation, and field confirmation of recycled asphalt mix design, etc.).

Funding for the project was approved in the 2013/2014 Annual Budget. Special Gas Tax, Proposition 1B and appropriate utility accounts as re-appropriated by City Council at the June 18, 2013 meeting are the funding sources.

The bids are as follows:

	<u>Contractor</u>	<u>Amount</u>
1.	Bowman Asphalt Bakersfield, CA	\$503,600.00
2.	Seal Rite Paving & Grading Clovis, CA	\$552,025.00
3.	Lee's Paving Visalia, CA	\$640,165.90

Dir BSA Appropriated/Funded MLB CM J

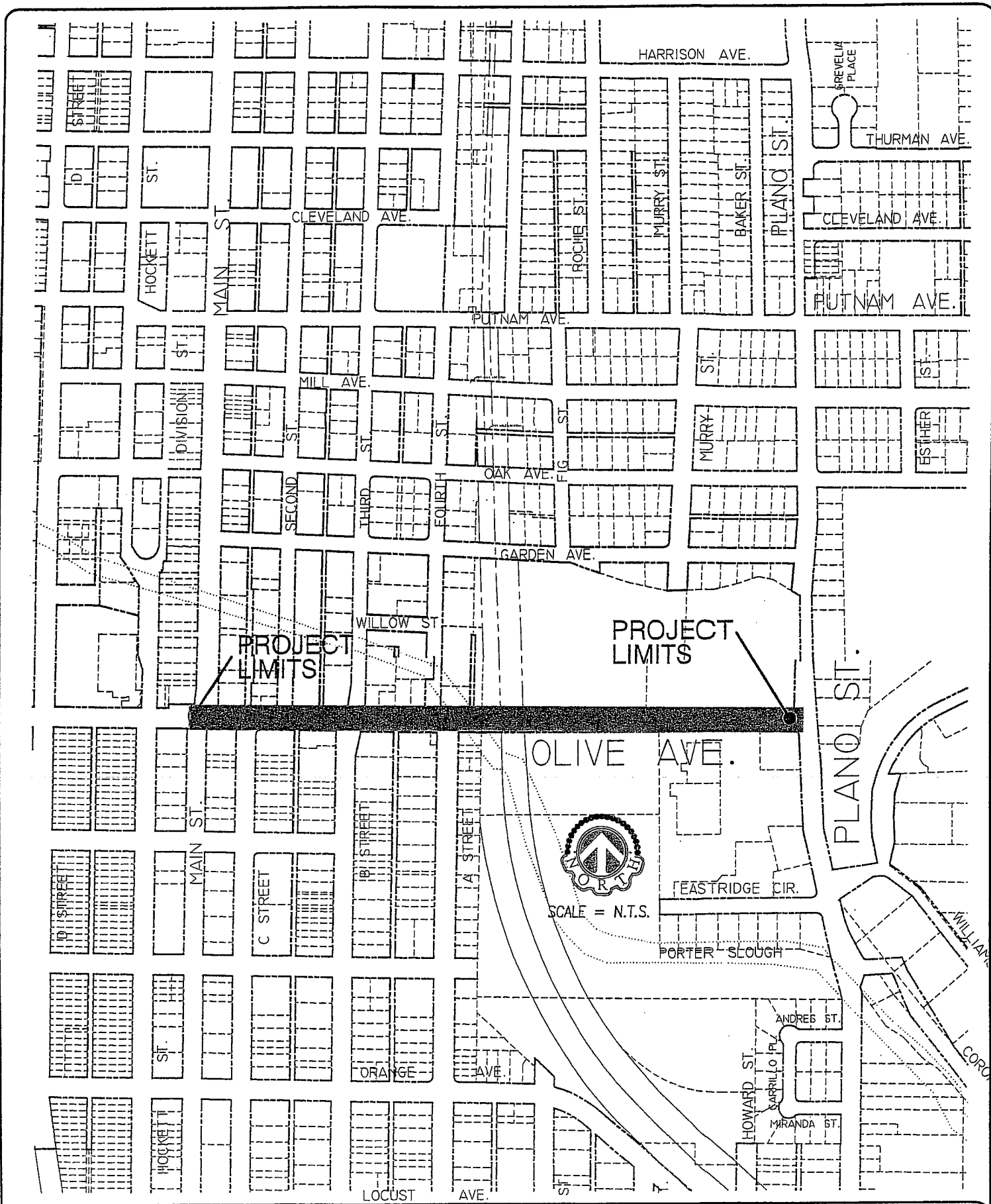
Item No. 5

Staff has reviewed the low bid and found it acceptable

RECOMMENDATION: That City Council:

1. Award the Olive Avenue Rehabilitation Project to Bowman Asphalt in the amount of \$503,600.00; and
2. Authorize a 10% contingency to cover unforeseen construction costs and 5% for construction management, quality control and inspection.

ATTACHMENT: Locator Map



CITY OF PORTERVILLE
ENGINEERING DIVISION

291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(559) 382-3462

OLIVE AVENUE COLD-IN-PLACE RECYCLING PROJECT

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

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: AWARD CONTRACTS – SIX (6) COMPRESSED NATURAL GAS TRUCKS

SOURCE: Finance Department - Purchasing Division

COMMENT: Staff solicited bids for one (1) PM10 (Particulate Matter of 10 microns or less) street sweeper, one (1) dump truck, and four (4) refuse collection trucks. In response to solicitation, one (1) bid was received for the street sweeper, three (3) bids were received for the dump truck, and four (4) bids were received for the refuse collection trucks, one of which was non-responsive to the specifications. The responsive bids are as follows:

<u>Bidder – One PM10 Street Sweeper</u>	<u>Amount</u>
GCS Environmental Equip. Services Sacramento, CA	\$282,547.02

<u>Bidder – One Dump Truck</u>	<u>Amount</u>
EM Tharp: Crysteel body Porterville, CA	\$180,183.36
Fresno Truck Center: PB Loader body Fresno, CA	\$180,528.22
EM Tharp: Scelzi body Porterville, CA	\$181,870.84

<u>Bidder – Four Refuse Collection Trucks</u>	<u>Amount</u>
EM Tharp: Amrep FL/Bridgeport SL Porterville, CA	\$1,097,004.32
EM Tharp: New-Way FL/Heil SL Porterville, CA	\$1,114,816.29
EM Tharp: McNeilus FL/McNeilus SL Porterville, CA	\$1,157,128.51

Staff reviewed the bids and found the low bidders to be responsive to the specifications. The purchase of the six CNG powered trucks is authorized by a Federal Congestion Mitigation & Air Quality (CMAQ) grant administered by Caltrans in the amount \$1.56 million that covers 100% of the purchase cost. Under normal circumstances, the City's local share would be 11.47% of the \$1.56 million grant or \$178,932. Specific to this project, TCAG made Toll Credits available to supplant the City's local share.

Dir BSC Appropriated/Funded MB CM J

Item No. 6

RECOMMENDATION: That Council award the contracts for:

1. One (1) new CNG PM10 Street Sweeper in the amount of \$282,547.02 to GCS Environmental Equipment Services;
2. One (1) CNG Dump Truck in the amount of \$180,183.36 to EM Tharp;
3. Four (4) CNG Refuse Collection Trucks in the amount of \$1,097,004.32 to EM Tharp; and
4. Authorize payment upon satisfactory delivery of the equipment.

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: PRE-PURCHASE OF PRE-SELECTED SLUDGE DEWATERING EQUIPMENT AND ELECTRIC BLOWERS

SOURCE: Public Works Department - Engineering Division

COMMENT: On June 4, 2013, Council approved the pre-selection of a screw press dewatering machine and three electric blowers. Both pieces of equipment followed the normal bid process and the selection was made based on a 20 year life cycle analysis. Under the pre-selection process, the equipment is pre-selected but the actual equipment purchase is made by the General Contractor once the installation contract is awarded.

In our discussions with the equipment manufacturers, it was revealed that both pieces of equipment have a 6 to 8 week "shop drawing" turn-around period followed by an 18 to 20 week fabrication period. The 6 to 8 week shop drawing period and the 18 to 20 week fabrication period begin once the general contractor has been selected. The General Contractor is not expected to be on board until December 3, 2013.

In an effort to significantly reduce the construction timeline, staff recommends that the City Council allow for the pre-purchase of the screw press and electric blowers. The City will prepare documents committing the equipment manufacturer to the prices quoted in their proposal, to an acceptable delivery schedule and will commit the manufacturer to honor all guarantees and warranties. The purchase price of the Huber Screw Press is \$390,000 and \$772,599 for the three Piller Electric Blowers.

RECOMMENDATION: That the City Council:

1. Direct the Finance Director to issue a Purchase Order in the amount of \$390,000 to Huber Technologies (screw press) and issue a Purchase Order in the amount of \$772,599 to Piller TSC (three electric blowers);
2. Direct the Public Works Director to prepare or have prepared a "Commitment" document that commits the equipment manufacturer to the prices quoted in their proposal, to an acceptable delivery schedule and a commitment to honor all equipment guarantees and warranties.

Dir BZ Appropriated/Funded MB CM 8

Item No. 10

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: AWARD OF CONTRACT – ISLAND ANNEXATION SEWER PROJECT
(AREA 455A)

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 11, 2013, staff received four (4) bids for the Island Annexation Sewer Project - Area 455A. The proposed project will be the second 2006 island annexation area to receive new sewer infrastructure. Area 455A is generally bounded by W. North Grand Avenue to the north, Mulberry Avenue to the south, Beverly Street to the west and State Route 65 to the east. In total there are five (5) areas slated for new sewer infrastructure with the first, Area 458A & 458B currently under construction. For the benefit and convenience of the public, each area will be constructed sequentially.

The proposed project includes 10,035 lineal feet (1.9 miles) of 8" and 6" diameter sewer mains, 29 sewer manholes and 216 sewer laterals. Construction sequencing will be essential throughout the project and specified as such, so as to maintain access and minimize the inconvenience within the neighborhoods affected by this project.

The Engineer's Estimate of Probable Cost for construction is \$1,052,181. The low bid for the project is 4.1% above the Engineer's estimate. An additional \$109,532.57 is necessary for construction contingency (10%). It is anticipated that an additional \$54,766.28 is required for construction management, quality control and inspection services (5%) for a total estimated project cost of \$1,259,624.53.

Refinancing of the Sewer Revenue Bonds, better known to staff as Certificate of Participation (COP) funds, is the mechanism for funding this project and subsequent project areas. The stated funding source was approved in the 2013/2014 Annual Budget. It should be noted that the five (5) areas slated for new sewer infrastructure may develop as a Sewer Utility District if that is the desire of the affected area residents.

The bids are as follows:

	<u>Contractor</u>	<u>Amount</u>
1.	Todd Companies Visalia, CA	\$1,095,325.68

Dir BK Appropriated/Funded MB CM J

Item No. 7

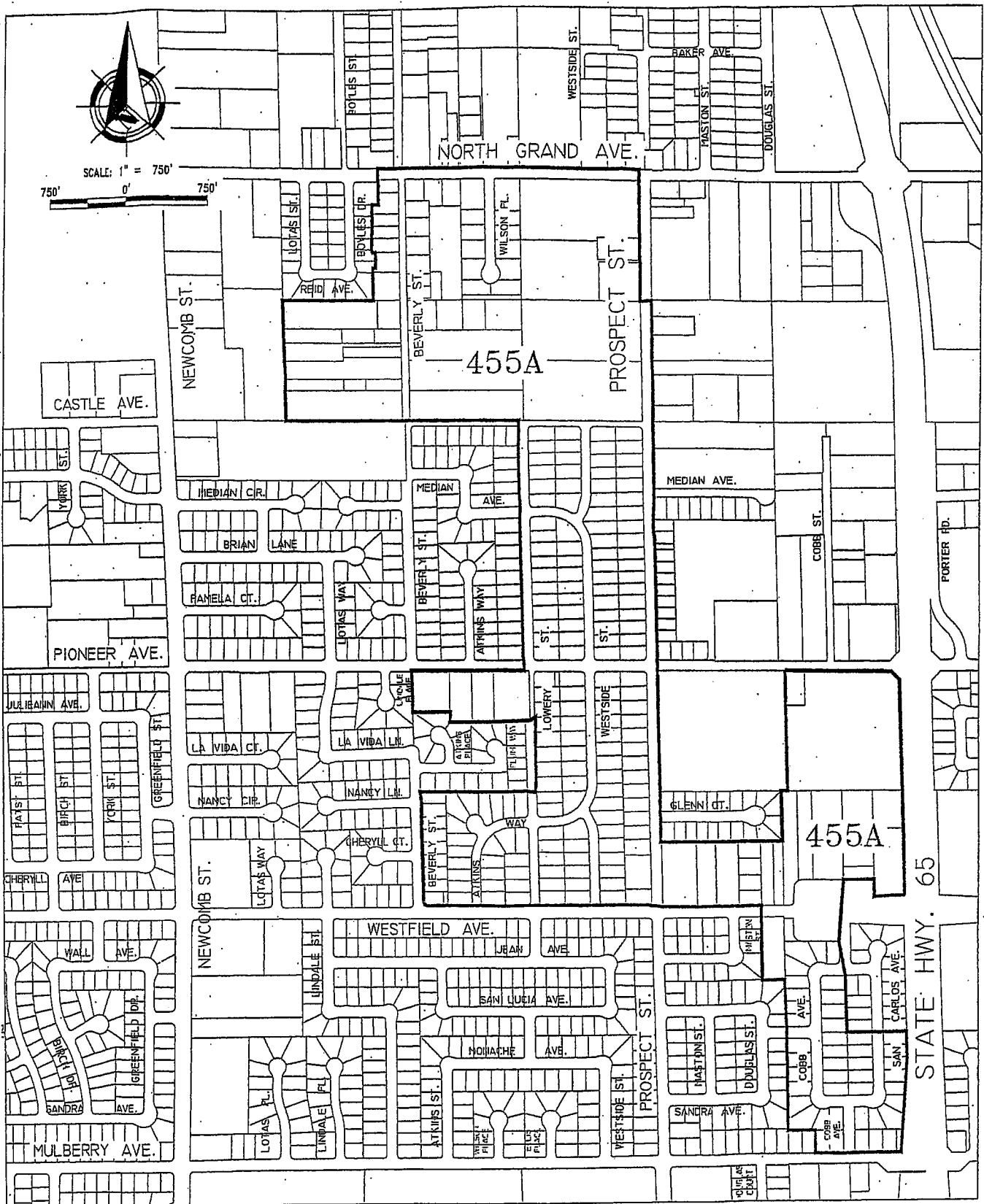
- | | | |
|----|---|----------------|
| 2. | Dawson-Mauldin Construction
Huntington Beach, CA | \$1,221,418.00 |
| 3. | HPS Mechanical
Bakersfield, CA | \$1,417,875.00 |
| 4. | Lee's Paving, Inc.
Visalia, CA | \$2,469,694.25 |


Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Island Annexation Sewer Project, Area 455A, to Todd Companies, in the amount of \$1,095,325.68;
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.

ATTACHMENT: Locator Map



 PROJECT BOUNDARIES

ISLAND ANNEX. 455A

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: AWARD OF CONTRACT – W. NORTH GRAND AVENUE
RECONSTRUCTION PROJECT – PROSPECT STREET TO STATE
ROUTE 65

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 17, 2013, staff received four (4) bids for the W. North Grand Avenue Reconstruction Project, Prospect Street to SR 65. The project reconstructs W. North Grand Avenue to collector standards between SR 65 and Prospect Street. The project includes new paving, sewer and water services to parcels not already served, curb, gutter, sidewalks (developed parcels within City limits), drive approaches, storm drain and appurtenances.

The Estimate of Probable Cost for construction is \$647,328.00. The low bid is 7.5% under the estimate. An additional \$59,858.60 is necessary for construction contingency (10%). It is anticipated that an additional \$29,929.30 (5%) is required for construction management, quality control, and inspection services for a total estimated projected cost of \$688,373.90.

Funding was approved in the 2013/2014 Annual Budget. Local Transportation Funds and Storm Drain Developer Fees as appropriated by Council at the June 4, 2013 meeting are the funding sources.

The bids are as follows:

	<u>Contractor</u>	<u>Amount</u>
1.	Seal Rite Paving & Grading Clovis, CA	\$598,586.00
2.	Dawson-Mauldin Construction Huntington Beach, CA	\$669,243.00
3.	Central Valley Asphalt Lindsay, CA	\$847,868.83
4.	Lee's Paving Visalia, CA	\$892,179.00

Staff has reviewed the low bid and found it acceptable.

Dir DB Appropriated/Funded MB CM J

Item No. 8

RECOMMENDATION: That City Council:

1. Award the W. North Grand Avenue Reconstruction Project to Seal Rite Paving & Grading in the amount of \$598,586.00;
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.

ATTACHMENT: Locator Map

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NEWCOMB ST.

DILLON CT.

LINDA VISTA AVE.

LINDA VISTA AVE.



SCALE = N.T.S.

KIMBERLY
CHELSEA
JUSTIN CT.
CHRIS
WAY CT.

AGNES AVE.

BOYLES ST.

WESTSIDE ST.

BAKER AVE.

MASON ST.

DOUGLAS ST.

STATE HWY. 95

NORTH GRAND AVE.

PROSPECT ST.

PROJECT LIMITS

PROJECT LIMITS

CASTLE AVE.

MEDIAN CIR.

BRIAN

LANE

RAMELA CT.

LOTAS WAY

BEVERLY ST.

MEDIAN AVE.

ATKINS WAY

LOWERY ST.

WESTSIDE ST.

MEDIAN AVE.

COBB ST.

PIONEER AVE.

PORTER RD.

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(559) 782-7462

NORTH GRAND AVENUE
RECONSTRUCTION
PROJECT

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

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: REQUEST FOR AUTHORIZATION TO REPAIR PNEUMATIC WHEEL ROLLER

SOURCE: PUBLIC WORKS - FIELD SERVICES DIVISION

COMMENT: Vehicle #6352 is a Dynapac pneumatic wheel roller and a key piece of equipment in the asphalt overlay program which had a rear wheel hydraulic drive motor failure. The failure has rendered the roller unusable and we are currently renting another at a cost of \$1400 per week.

The nearest Dynapac dealer is Papé Machinery in Fowler. A new hydraulic drive motor is required. Work on the hydraulic cooler is also needed and the total repair cost should not exceed \$17,000. Funds for the repair are available in the Equipment Replacement Fund.

RECOMMENDATION: That Council authorize the repair to be completed by Papé Machinery at a cost not to exceed \$17,000.

P:\pubworks\General\Council\Request for Authorization to Repair Pnuematic Roller - 2013-08-06.doc

Diff 261 Appropriated/Funded MP CM J

Item No. 9

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: PRE-PURCHASE OF PRE-SELECTED SLUDGE DEWATERING EQUIPMENT AND ELECTRIC BLOWERS

SOURCE: Public Works Department - Engineering Division

COMMENT: On June 4, 2013, Council approved the pre-selection of a screw press dewatering machine and three electric blowers. Both pieces of equipment followed the normal bid process and the selection was made based on a 20 year life cycle analysis. Under the pre-selection process, the equipment is pre-selected but the actual equipment purchase is made by the General Contractor once the installation contract is awarded.

In our discussions with the equipment manufacturers, it was revealed that both pieces of equipment have a 6 to 8 week "shop drawing" turn-around period followed by an 18 to 20 week fabrication period. The 6 to 8 week shop drawing period and the 18 to 20 week fabrication period begin once the general contractor has been selected. The General Contractor is not expected to be on board until December 3, 2013.

In an effort to significantly reduce the construction timeline, staff recommends that the City Council allow for the pre-purchase of the screw press and electric blowers. The City will prepare documents committing the equipment manufacturer to the prices quoted in their proposal, to an acceptable delivery schedule and will commit the manufacturer to honor all guarantees and warranties. The purchase price of the Huber Screw Press is \$390,000 and \$772,599 for the three Piller Electric Blowers.

RECOMMENDATION: That the City Council:

1. Direct the Finance Director to issue a Purchase Order in the amount of \$390,000 to Huber Technologies (screw press) and issue a Purchase Order in the amount of \$772,599 to Piller TSC (three electric blowers);
2. Direct the Public Works Director to prepare or have prepared a "Commitment" document that commits the equipment manufacturer to the prices quoted in their proposal, to an acceptable delivery schedule and a commitment to honor all equipment guarantees and warranties.

Dir 382 Appropriated/Funded MB CM 8

Item No. 10

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: REQUEST TO PURCHASE SOLAR-POWERED BUS STOP LIGHTING

SOURCE: Public Works Department - Transit

COMMENT: Staff is requesting authorization to purchase solar-powered bus stop lighting modules for each of its 160 bus stops. Staff believes the solar-powered bus stop lighting modules will provide an economical energy efficient illumination that will increase the safety and security of its transit passengers.

The solar-powered bus stop lighting modules will be installed at the top of each of the bus stop poles, and lighting will be activated "dusk to dawn" by the internal power management system.

If authorized, staff would utilize the InterCity Transit's Intergovernmental Cooperative Purchasing Agreement, which allows for other local governmental agencies to procure the same products and services, without going out to bid.

The cost to purchase 160 solar-powered bus stop lighting modules would be \$171,864 (includes tax and shipping). Installation of the solar-powered bus stop lighting will be accomplished by transit personnel. This project will be a part of the transit bus stop amenities project and funded in full by Transit's Prop 1B grant.

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

RECOMMENDATION: That the City Council:

1. Authorize Staff to enter into the InterCity Cooperative Purchasing Agreement for the purchase of solar-powered bus stop lighting modules from UrbanSolar; and
2. Authorize payment upon satisfactory delivery of the solar equipment.

ATTACHMENTS: 1) InterCity Cooperative Purchasing Agreement
2) UrbanSolar Quote

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Item No. 11



INTERCITY TRANSIT
INTERGOVERNMENTAL COOPERATIVE
PURCHASING AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this ____ day of _____, 2013 by and between Intercity Transit, a Washington municipal corporation, and Porterville Transit hereinafter called the "Public Agency", pursuant to Chapter 39.34 RCW and to other provisions of law, specifically RCW 39.34.080.

FOR AND IN CONSIDERATION OF the covenants, terms and conditions set forth herein, the parties hereto agree as follows:

1. Intercity Transit has a contract with Urban Solar Corporation dated November 24, 2010, project #1011, for the purchase of bus shelter solar lighting systems and installation components.
2. This contract allows Intercity Transit to authorize other public agencies to purchase directly from the vendor under the following Cooperative Purchasing clause: The Washington State Interlocal Cooperation Act RCW 39.34 provides that other governmental agencies may purchase goods and services based on this Contract in accordance with the terms and prices indicated herein if all parties are agreeable. Each public agency shall formulate a separate contract with the Contractor, incorporating the terms and conditions of this Contract with Intercity Transit. Intercity Transit shall incur no liability in connection with such contracts or purchases by other public agencies thereunder. It will be the Contractor's responsibility to inform such public agencies of this Contract. Contractor shall invoice such public agencies as separate entities.
3. Agreement Coordinators:

Intercity Transit	Porterville Transit
Jeff Peterson	Richard I. Tree
Phone: 360-705-5878	Phone: 559-782-7448
Email: jpeterson@intercitytransit.com	Email: rtree@ci.porterville.ca.us
4. The method of financing or payment of purchases pursuant to this Agreement shall be through budgeted funds or other available funds of the Public Agency. Any goods or services procured by the Public Agency under this Agreement shall remain the exclusive property of or under control of said Public Agency.
5. This Agreement shall remain in force until canceled by either party in writing. However, all provisions in this Agreement relating to the responsibilities or liabilities of the parties or to any duty to defend, indemnify and hold harmless shall survive cancellation or termination.

6. Each party reserves the right to contract independently for the acquisition of goods or services or disposal of any property without notice to the other party and shall not bind or otherwise obligate the other party to participate in the activity. Intercity Transit and the Public Agency each reserve the right to exclude the other from any particular purchasing contract, with or without notice.
7. As between the parties to this Agreement, each party shall be liable and responsible for the consequence of any negligent or wrongful act or failure to act on the part of itself and its employees. Neither party assumes responsibility to the other party for the consequences of any act or omission of any person, firm or corporation not a party to this Agreement. The Public Agency agrees to defend, indemnify and hold harmless Intercity Transit, its officers, agents or employees from any claims, costs and/or demands arising out of or related to this Agreement or to any purchase made under this Agreement whether such a claim or demand is by the vendor or by any other person or entity, public or private and whether or not it involves negligence or wrongful act by the Public Agency.
8. Intercity Transit will contract for the purchase of goods and services according to the laws and regulations governing purchases by and on behalf of Intercity Transit. The Public Agency is solely responsible for compliance with any additional or varying laws and regulations governing purchases by or on behalf of the Public Agency.
9. This Agreement may be amended, modified or supplemented only by a written instrument signed by each of the parties hereto. This agreement may be cancelled or terminated by either party in writing at any time.
10. This Agreement shall be construed in accordance with the laws of the State of Washington. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement or any provision thereof, shall be instituted and maintained only in Thurston County.
11. No fees are associated with this agreement between Intercity Transit and Porterville Transit.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the date first hereinabove written.

INTERCITY TRANSIT
526 Pattison SE
Olympia, WA 98507-0659

PORTERVILLE TRANSIT
291 N Main St
Porterville, CA 93257

By: Ann Freeman-Manzanares
Its: General Manager

By: Richard I. Tree
Its: Transit Manager

Approved as to form: Intercity Transit Legal Counsel

PV-Stop Proposal



Urban Solar Corporation

4211 Commerce Circle

Victoria, BC Canada V8Z 6N6

Phone: 778-430-5516 Fax: 778-430-5517

Quotation: USC-PORT-7242013
 To: **Richard Tree**
 Company: City of Porterville
 Tel: 559-782-7448
 Email: rtree@ci.porterville.ca.us

Prepared by: Urban Solar Corp.
 Date: July 24, 2013
 Valid for: 30 days
 F.O.B.: Porterville, CA
 Email: harper@urbansolarcorp.com

Notes: Site location: Porterville, CA.

Pricing: USD. Pricing good for quantities up to 250 systems per order.

Part #	Description	Qty	Unit Price	Total Price
Components				
1	PV-Stop	160	\$ 990.00	\$ 158,400.00
	Automatic			
	See ralcolor.com for powder coat selection.			
	Specifications per overview brochure.			
	Pricing, per Intercity/Trimet agreement #10-11.			
	Notes: Installation & Operation manual incl.			
	Design and Engineering - included		incl	incl
	Shipping & handling - included	1	incl	incl
	Terms: Net 30			

Accepted: _____ Date: _____ Total : \$ 158,400.00

Customer (Print name):

PO number/reference:

SUBJECT: APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT

SOURCE: Police Department

COMMENT: On November 2, 2010, City Council approved the purchase of a Cell Phone Data Extraction Device for the Porterville Police Department's Investigations Division. That device has been used extensively to extract different types of data from cell phones that were seized by personnel in conjunction with their investigations into criminal activity. This extracted data has helped investigators obtain filings and convictions in numerous cases, including property cases, drug cases, and violent crimes against persons cases.

Since purchasing the device, the Department has received numerous updates to the system which were necessary as cell phone manufacturers changed both hardware and software components of their products. These updates were critical in being able to access the data in recently released cell phone products. The department has now been informed that updates to the current system will no longer be available due to the fact the rapidly changing cell phone market has evolved to the point that the current system's physical hardware cannot support the newest changes. While our current system will continue to work with older cell phones (until all support for this device ends in July 2014), it is not be able to access the newer cell phones.

Based on this development, the provider of our system, Cellebrite, has informed agencies that they have developed a newer device that will be able to access the latest cell phones as well as the older cell phones. Like the older system, it will have the capability of being updated as the cell phone market changes. Because this equipment has been a powerful tool in the department's investigations, it is recommended that it be replaced. Cellebrite is conscientious of the added costs of the newer systems and are offering a substantial rebate for returning older systems. It is the department's intent to return the old system to help offset the cost of the new system.

The Police Department requests Council approval to purchase the updated Cellebrite system (as listed in the attached quote) for \$8,083.99. Cellebrite is the sole source for this compatible system. Funds are available for this project in the Asset Forfeiture and the Equipment Replacement Fund.

D.D. 

C.M. 

Appropriated/Funded. 

Item No. 12

RECOMMENDATION: That the City Council:

- 1) Authorize the purchase of the Cellebrite System; and
- 2) Authorize payment upon satisfactory delivery of the equipment.

Attachment: Quote from Cellebrite

Cellebrite USA, Inc.
266 Harristown Rd.
Ste. 105
Glen Rock, NJ 07452

Tel: 201-848-8552
Fax: 201-848-9982
Tax ID#: 22-3770059

Quote

Quote Number:

Q-17541-G

Quote Date:

7/23/2013

Quote to:

Porterville Police Department
350 North D Street

Porterville, CA 93257

Contact: Ronald Moore

Phone #: 559-782-7416

Quote Ship to:

Porterville Police Department
350 North D Street

Porterville, CA 93257

Customer ID		Good Thru	Payment Terms	Sales Rep	
PORTERVILLEPOLIC-350		8/31/2013	Net 30	Bryan Carroll	
Quantity	Item	Description		List Price	Ext. Price
1	UFED TOUCH TRADE - L2L	UFED TOUCH TRADE Logical to Logical		\$3,999.00	\$3,999.00
	FOREN-GLOVE	UFED Rubberized/Shockproof Housing			
	2ALL	All Cables & Power Charging Tips are included			
	ORGANIZER-UFED	Cable & Power Tips Organizer			
	FOREN-CASE	UFED Padded Carrying Case			
	FOREN-MICROSIMADAPTR	UFED Micro SIM Adapter			
	FOREN-SIM	UFED SIM ID Cloning Cards			
	FOREN-MICROSIM	UFED MICRO SIM ID Cloning Cards			
	8PS1000ma	Power Supply 12v 1000ma			
	FOREN-CAR	Car Power Adaptor			
	FOREN-USB	USB Flash Drive			
	UFED-DATACONN	Data Connectivity Cable			
	C-PWRUPCABLE	Phone Power Up Cable			
	FOREN-BRUSH	UFED Cleaning Brush			
	FOREN-CARDREAD	Memory Card Reader			
	D-Trade Logical License NOTE	Trade in of UFED CLASSIC Logical Device does NOT renew nor extend the license of the UFED TOUCH Logical Device. Licenses still MUST be renewed.			
1	UFED-ULTADDON	UFED Ultimate Add-On		\$3,999.99	\$3,999.99
1	SHIPPING-Forensic	Shipping & Handling Forensic Charges		\$85.00	\$85.00
		serial number: 5603872			

Please include the following information on your PO for Cellebrite UFED purchase:

- Please include the ORIGINAL QUOTE NUMBER (For example - M777) on your PO
- CONTACT NAME & NUMBER of individual purchasing and bill to address
- E-MAIL ADDRESS of END USER for monthly software update as this is critical for future functionality

Terms and conditions:

- Payment terms: Net 30 ; 1.5% per month interest on late payment
- Shipping: FCA, Glen Rock, NJ, USA : Limited Warranty: Hardware: 12 Months; Software: 60 days; Touch Screen: 30 days
- 12 months software support included in initial purchase. The next support period purchased begins immediately at the end of the 12 months, i.e., no gaps in support period are allowed.
- Complete Terms and conditions of sale available upon request (or available at: <http://www.cellebrite.com/us/tc>)

Subtotal:	\$8,083.99
S&H Amount:	
Sales Tax:	\$0.00
Total:	\$8,083.99

SUBJECT: APPROVAL TO PURCHASE UNDERCOVER VEHICLES

SOURCE: Police Department

COMMENT: During the month of April 2012, the Porterville Police Department created a three-person unit assigned to the Investigations Division. The unit, designated as the Special Enforcement Team, or SET, is tasked with addressing the problems of auto theft within our community. SET works closely with the Tulare County Auto Theft Task Force (TRATT), on our vehicle theft investigations and assists them with their investigations. The first year of this program has been successful, but staff has identified one notable area for improvement.

SET was initially established as a uniformed position that utilized marked units. During numerous auto theft investigations in the past year, there has been the need to utilize unmarked vehicles for various aspects of an investigation, most commonly surveillances. While SET officers have "dress-down" gear available, when the need for an unmarked vehicle arises they have to rely on either the TRATT investigators' availability or our department's Special Investigations Unit detectives' availability to conduct the surveillances. Even when TRATT investigators or Special Investigations detectives are available, it is time consuming to make the request, give them time to respond, brief the incident(s), and set up the surveillances. At times, this hinders the investigation due to the fact that the requested assistance is either not available, or the time response is so long that the suspect(s) have left the area.

To mitigate the above issues, the Police Department is recommending the purchase of two unmarked vehicles, along with associated emergency equipment, in order for SET to have immediate access to undercover vehicles. This will allow SET officers to minimize their need to contact TRATT or the Special Investigations Unit when they need unmarked vehicles to further their investigations.

Due to the direct relation to auto theft, the Police Department submitted a request to the Tulare County Auto Theft Fund Board of Control and the Board has authorized the expenditure of \$80,000 which will cover the purchase of two undercover vehicles and the purchase/installation of associated emergency equipment.

D.D.



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Appropriated/Funded



Item No.

13

The Porterville Police Department requests approval to purchase two vehicles under the following criteria:

- Vehicles must be purchased from a local car lot;
- Vehicles must be 2011 or newer;
- Vehicles must have less than 20,000 miles;
- Vehicles must pass inspection from City Shop.

Upon purchase of the vehicles, emergency equipment would be purchased and installed from the Police Department's current vendors for such equipment.

RECOMMENDATION: That the City Council:

- 1) Accept \$80,000 from the Tulare County Auto Theft Fund;
- 2) Authorize a budget adjustment to the Police Equipment Replacement Fund in the amount of \$80,000;
- 3) Authorize Police Staff to identify and enter negotiations for the purchase of the two vehicles under the criteria set forth above;
- 4) Authorize the purchase/installation of emergency equipment on the vehicles; and
- 5) Authorize payment upon satisfactory delivery of the vehicles/equipment.

SUBJECT: REQUEST TO PURCHASE ANIMAL CONTROL VEHICLE

SOURCE: Police Department

COMMENT: In 2009, the City formed its first animal control unit by constructing a few kennels at the corporation yard and purchasing two used animal control trucks from other agencies. The first truck purchased was a 1998 Chevrolet 3500 utility truck and the second truck purchased was a 2001 Dodge 2500 utility truck. Both trucks remain in service today, but the mileage for each far exceed 200,000 miles and annual maintenance fees have grown to the point of exceeding the overall values of the trucks. During the last fiscal year, combined maintenance fees for the trucks exceeded \$13,000 and one is currently undergoing major repairs. Additionally, the City has expressed interest in purchasing the present animal shelter in Lindsay, which would continue to increase the mileages of the trucks at an accelerated rate.

Due to strong fiscal management and adherence to our vehicle depreciation plan, there are currently funds accumulated in the vehicle depreciation account to replace one of the trucks. In past years, a careful evaluation was made on each particular vehicle to determine actual need for replacement and to ensure that a vehicle is not replaced only because it was scheduled to be replaced. In light of budget uncertainties, this part of the vehicle replacement process is even more critical and has recently been completed.

With regard to the replacement of the animal control trucks, it has been determined that there is a need to replace at least one of the trucks immediately, and the truck in the best condition of the two existing trucks could be maintained as a backup for the primary truck. Although there may be increased maintenance costs with the remaining animal control truck, the Department believes the replacement of that truck can be deferred to a future budget year.

Department staff has conducted extensive research with regard to the purchase of a suitable replacement for one of the existing animal control trucks and has determined that the best available price is through Downtown Ford Sales in Sacramento, which holds the State Contract for such vehicles.

A quote was provided by Downtown Ford Sales for a 2013 Ford F-350 truck, fully equipped with a V-8 gasoline engine, air-cooled utility body with 8 live animal compartments, all necessary lighting equipment, and a police radio. The final delivery price quoted for the truck is \$53,408.63 (refer to attached quote).

D.D.  Appropriated/Funded  C.M.  Item No. 14

Based on the aforementioned information, the Department requests permission to immediately start the process to purchase the animal control vehicle.

RECOMMENDATION: That the City Council:

- 1) Authorize the City's Purchasing Agent to negotiate the purchase and outfitting of the specified animal control truck; and
- 2) Authorize payment when purchase process is completed.

Attachment: Quote from Downtown Ford Sales

QUOTE

DOWNTOWN FORD SALES
525 N16th Street, Sacramento, CA. 95811
916-442-6931 fax 916-491-3138

QUOTE

BF722

QUOTE

Customer

Name PORTERVILLE POLICE DEPT

Address _____

City _____ State _____ ZIP _____

Phone _____

Date 7/23/2013

PO _____

Rep BILL FELL

FOB _____

Qty	Description	Unit Price	TOTAL
1	F-250 REG CAB PICK UP 6.2L V-8	\$18,126.00	\$18,126.00
1	CHANGE TO F-350 SINGLE REAR WHEEL PICK UP	\$2,353.00	\$2,353.00
1	UPFITTER SWITCHES	\$188.00	\$188.00
1	TELESCOPING TRAILER MIRRORS	\$118.00	\$118.00
1	HD SERVICE SUSPENSION	\$118.00	\$118.00
1	REVERSE AID SENSOR	\$229.00	\$229.00
1	POWER GROUP, WINDOWS, LOCKS, MIRRORS	\$1,036.00	\$1,036.00
1	LIMITED SLIP REAR AXLE	\$366.00	\$366.00
1	TOW COMMAND BRAKE CONTROLLER	\$216.00	\$216.00
1	DAY TIME RUNNING LIGHTS	\$42.00	\$42.00
4	KEY FOB	\$176.00	\$704.00
1	DIAMOND ANIMAL CONTROL BODY	\$22,015.80	\$22,015.80
1	XTL2500 RADIO INSTALLED	\$2,835.00	\$2,835.00
1	<u>RECEIVER HITCH</u>	\$375.00	\$375.00
1	DOC FEE	\$80.00	\$80.00

Payment Details

- ☐ Cash
☒ Check
☐ Credit Card

Name _____

CC # _____

Expires NET 30

SubTotal \$48,801.80

Delivery \$450.00

Taxes \$4,148.08

CA TIRE TAX \$8.75

TOTAL \$53,408.63

Office Use Only

STATE OF CALIF CONTRACT #1-13-23-20A

SIGNATURE _____ DATE _____

SUBJECT: REQUEST TO PURCHASE THREE MARKED POLICE VEHICLES

SOURCE: Police Department

COMMENT: In the FY 2012/2013 budget cycle, the Police Department had four marked patrol vehicles that were scheduled for replacement.

Due to strong fiscal management and adherence to our vehicle depreciation plan, the monies for these vehicle replacements have already been accumulated in the vehicle depreciation account. In past years, a careful evaluation has been made of each particular vehicle to determine actual need for replacement and to ensure that a vehicle is not replaced solely because it is scheduled to be replaced. In light of budget uncertainties, this part of the vehicle replacement process is even more critical and has recently been completed on these four vehicles.

It has been determined that of the four vehicles scheduled for replacement, only three of them are in extreme need of replacement. Although there may be increased maintenance costs with the remaining marked vehicle, the Department believes the replacement of the vehicle can be deferred to later in the FY 2013/2014 budget year.

Department staff has conducted extensive research with regard to the purchase of a suitable replacement for the existing marked police vehicles, as Ford Crown Victoria sedans are no longer available as an option. The Dodge Charger has been identified as the only rear-wheel-drive vehicle suitable for our needs. It was determined that the City of Visalia contract for the purchase of Dodge Chargers was the best available price in the state and is the standard by which many much larger agencies are purchasing their fleet vehicles. This contract price is available to the City of Porterville as well. Contact was diligently made with the local Dodge Dealer, Porterville Chrysler Jeep, but they were unable to provide a competitive bid.

The contract is administered through McPeck's Dodge of Anaheim, which provided us a quote of \$42,046.29 per vehicle, or a total price of \$126,138.87 for all three vehicles. This price includes outfitting with all required safety equipment and radios. The vehicles are 2013 models, which the dealership currently has in stock, and are equipped with V-8 gasoline engines.

D.D. *CE*

Appropriated/Funded *MB*

C.M. *J*

Item No. 15

Based on the above information, Department staff believes it would be prudent to take advantage of the opportunity to purchase these vehicles immediately, prior to the stock of available 2013 models being depleted. If we do not act promptly, there is a high risk of both extremely extended delivery dates and substantial cost increases for 2014 models. The Department requests permission to start the vehicle purchase process as soon as possible.

RECOMMENDATION: That the City Council:

- 1) Authorize the City's Purchasing Agent to negotiate the purchase and outfitting of three marked police vehicles from McPeck's Dodge at contract price; and
- 2) Authorize payment when the purchase process is completed.

SUBJECT: APPROVAL TO PURCHASE UNMARKED VEHICLE

SOURCE: Police Department

COMMENT: Currently, the Police Department's Special Investigations Unit has a 2003 vehicle assigned to it that was purchased in January 2005. Initially, the estimated date of replacement was January 2012. As always, a careful evaluation was made of this particular vehicle to determine actual need for replacement and it was determined at that time to postpone replacement. In light of budget uncertainties, this part of the Police Department's vehicle replacement process is even more critical to ensure that a vehicle is not replaced only because it was scheduled to be replaced.

Recently, the above-listed vehicle was again evaluated and it has been determined that it now needs to be replaced. The vehicle has been driven in excess of 150,000 miles, more than any other vehicle in either the Patrol or Investigations Division. Due to strong fiscal management and strategic contributions to our vehicle depreciation plan, the monies for this vehicle replacement have already been accumulated in the Equipment Replacement Fund. The Police Department is requesting authorization to replace the existing vehicle at a cost of not more than \$40,000. It is the intention of the Porterville Police Department to purchase this vehicle under the following criteria:

- Vehicle must be purchased from a local car lot;
- Vehicle must be less 2011 or newer;
- Vehicle must have less than 20,000 miles;
- Vehicle must pass inspection from City Shop.

Upon purchase of the vehicle, emergency equipment will be purchased and installed from the Police Department's current vendors for such equipment.

RECOMMENDATION: That the City Council:

- 1) Authorize Police Staff to identify and enter negotiations for the purchase of this vehicle under the criteria set forth above;
- 2) Authorize the purchase/installation of emergency equipment on this vehicle; and
- 3) Authorize payment upon satisfactory delivery of the vehicle/equipment.

D.D. 

C.M. 

Appropriated/Funded 

Item No. 16

SUBJECT: REQUEST FOR APPROVAL TO PURCHASE MICROSOFT OFFICE 2013 AND WINDOWS 8 LICENSING

SOURCE: Finance Department

COMMENT: The Finance Department – Information Technology Division would like to request approval to purchase 190 licenses of Microsoft Office 2013 and 190 licenses of Windows 8. The Office build we currently use is 2003 which is ten years old and the desktop operating system XP is twelve years old. We maximized the life of Office 2003 by deploying a compatibility patch that allowed us to read and convert newer versions of Office (i.e. Office 2007 and 2010). We are beginning to experience compatibility issues with files generated from Office 2013. Microsoft Office 2003 and Windows XP have reached the end of their life cycle and support for these products will end after the first quarter of 2014.

We currently standardize on Microsoft Office and Windows workstations. Acquiring the Office Suite and Operating System will allow us to be compatible with the industry standard and have the support needed from Microsoft or one of their partners.

Staff requested and received the following quotes for 190 licenses of Microsoft Office 2013 and 190 licenses of Windows 8:

		Microsoft Office 2013		Windows 8
Dell	\$	46,781.10	\$	23,052.70
Softchoice		48,996.50		24,143.30
CDW-G		49,400.00		24,700.00

Funds for the Windows 8 licenses are available in the Technology Enhancements project funded by carryover funds approved in the 2013 /2014 Annual Budget. The cost of Microsoft Office 2013 licenses will be allocated and charged to the departments in their 2013/2014 operating budget.

RECOMMENDATION: That City Council approve the purchase of 190 Licenses of Office 2013 and 190 Licenses of Windows 8 from Dell at a cost of \$69,838.80 plus the applicable sales tax and shipping.

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CM J

Item No. 17

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: AUTHORIZATION TO "PIGGY-BACK" ON EXISTING CONTRACTS

SOURCE: Public Works Department – Field Services Division

COMMENT: The City of Lompoc solicited bids for automated refuse containers and in February 2012, awarded the contract to Rehrig-Pacific Company. The contract is in effect until February 2015, and subject to extension upon mutual agreement.

We are scheduled to purchase refuse containers, and the City of Lompoc's bid specifications meet our needs. Staff is requesting authorization to "piggy-back" onto the City of Lompoc's contract with Rehrig-Pacific for the purchase of refuse containers not to exceed \$110,000.

Funds for container purchases are available in the 2013/2014 Solid Waste Equipment Replacement budget.

At the May 21, 2013, meeting, Council authorized staff to purchase cold mix asphalt to finish overlaying the unpaved half of streets in Annexation Area 458. That purchase was made possible by "piggy-backing" on the existing Tulare County contract with Jaxson Enterprises that expired June 30, 2013.

After soliciting bids, Tulare County has awarded their FY13/14 Cold Mix contract to Jaxson Enterprises, and Staff is requesting authorization to "piggyback" onto the new contract for the purchase of cold mix for the 2013/2014 Asphalt Overlay Program.

Funds for asphalt purchase are available in the 2013/2014 Asphalt Overlay Program budget.

RECOMMENDATION: That the City Council:

1. Authorize the purchase of containers utilizing the existing contract between Rehrig-Pacific Company and the City of Lompoc; and
2. Authorize the purchase of cold mix asphalt utilizing the existing contract between Tulare County and Jaxson Enterprises.

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Item No. 18

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: NOTICE OF TERMINATION OF PIONEER WATER COMPANY AGREEMENT

SOURCE: Public Works Department – Field Services Division

COMMENT: In February of 2009, the City of Porterville and Pioneer Water Company (PWC) entered into a 5 year Agreement for the mutual benefit of both parties. The City obtained rights to PWC's flood release water from Success Dam in exchange for not utilizing our right to water from our PWC share ownership. PWC also agreed to abandon its pipeline along Henderson Avenue from Plano Street to Fourth Street, which was needed to facilitate a City construction project at that time. Also, the City provided a permanent spill location at the City's Muller field reservoir for PWC's systems excess water.

The Agreement was structured to continue in force for succeeding five-year periods unless one party notified the other of its intention not to renew, with at least six months written notice.

With the Success Dam elevation restrictions changing recently, and the potential for a reduction in available flood release waters, staff feels that negotiating a new agreement should be explored with PWC to find an agreement that is mutually beneficial. As such, it is staff's recommendation that we provide PWC with a written notice terminating the February 2009 agreement on February 14, 2014, and begin negotiating a new agreement.

RECOMMENDATION: That City Council:

1. Authorize the Mayor to sign a letter providing six months written notice to PWC of the City's intention not to renew the February 2009 agreement; and
2. Authorize the Public Works Director, or his designee, to negotiate a new agreement with PWC that is mutually beneficial to both parties and return it for Council's approval before February 2014.

ATTACHMENT: Letter to PWC Board

P:\pubworks\General\Council\Notice of Termination of Pioneer Water Company Agreement - 2013-08-06.doc

Dir BS Appropriated/Funded N/A CM J

Item No. 19



Office of the Mayor
291 N. Main Street
Porterville, CA 93257
Telephone: (559) 782-7466
Fax: (559) 791-7999

August 6, 2013

Pioneer Water Co.
c/o Lower Tule River Irrigation District
P.O Box 4388
Porterville, Ca 93258-4388

Dear Board of Directors:

On February 9, 2009, the City of Porterville and Pioneer Water Company (PWC) entered into a 5 year Agreement for the mutual benefit of both parties. The City obtained rights to PWC's flood release water from Success Dam in exchange for not utilizing our right to water from our PWC share ownership. PWC also agreed to abandon its pipeline along Henderson Ave. from Plano to Fourth St., which was needed to facilitate a City construction project at that time. Also, the City provided a permanent spill location at the City's Muller field reservoir for PWC's systems excess water.

The Agreement was structured to continue in force for succeeding five year periods unless one party notified the other of its intention not to renew, with at least six months written notice.

With the Success Dam elevation restrictions changing recently, and the potential for a reduction in available flood release waters, the City feels that negotiating a new agreement should be explored with PWC, to again, find an agreement that is mutually beneficial.

Please accept this letter as written notice of the City's intention not to renew the February 2009 agreement; however, it is the City's desire to begin negotiating a new agreement that both parties find to be mutually beneficial.

Sincerely,

Virginia R. Gurrola
Mayor

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: INTENT TO SET A PUBLIC HEARING TO CONSIDER THE FORMATION OF A SEWER UTILITY DISTRICT FOR AREA 455

SOURCE: Public Works Department - Engineering Division

COMMENT: Staff respectfully requests that the City Council set a Public Hearing for October 15, 2013. The Public Hearing is to allow for "protest hearing" from property owners who live or own property within Sewer Utility District Area 455. Proposition 218 guidelines require forty-five days marked notice of the Public Hearing. A ballot must be included in the notice for property owners to vote for or against formation of the sewer utility district.

A Resolution declaring the Council's intent to create a sewer utility district is attached for Council's action. Proposition 218 Guidelines specify that the Public Works Director must prepare and present an Engineer's Report to the City Council prior to the Public Hearing. The Engineer's Report must provide:

1. A description of the improvements;
2. A cost estimate of the improvements;
3. Maps and/or drawings describing the boundaries of the utility district;
4. Methodology used by the Engineer of Record to equitably spread the cost of the improvements throughout the utility district; and
5. An assessment roll listing all parcels in the district and the proposed assessment against each parcel in the district.

RECOMMENDATION: That the City Council:

1. Set a Public Hearing for October 15, 2013, pursuant to Proposition 218 Guidelines, for consideration to form Sewer Utility District 455;
2. Approve the Engineer's Report for Sewer Utility District Area 455; and
3. Authorize staff to notify all affected property owners of the Public Hearing, via regular 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.

Dir B&L Appropriated/Funded MB CM J

Item No. 20

ATTACHMENTS: Draft Resolution to Approve the Intent to Form a Sewer Utility District
Engineer's Report w/ Attachments (including locator map)
Draft Resolution to Accept the Engineer's Report

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RESOLUTION NO.: _____ - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING
THE INTENT TO FORM AN
ISLAND ANNEXATION AREA 455 SEWER UTILITY DISTRICT,
LEVYING THE ASSESSMENT, AND AUTHORIZING
THE CONSTRUCTION OF THE IMPROVEMENTS

WHEREAS, Island Annexation Area 455, was annexed into the City in November 2006; and

WHEREAS, the parcels in this area utilize individual septic tanks that are failing; and

WHEREAS, the City Council of the City of Porterville unanimously approved the design of the Island Annexation 455 Project contingent upon the establishment of the Island Annexation Area 455 Sewer Utility District; and

WHEREAS, in accordance with California Streets and Highways Code Section 10000 et seq. and other applicable laws, the property owners were provided with Notice of the Public Hearing and assessment ballot proceeding; and

WHEREAS, it is the intent of the City Council to hold a Public Hearing to receive comment from the public, accept and tabulate ballots; and

WHEREAS, the property owners within the proposed District will be given the opportunity to cast ballots at the end of the Public Hearing to be held on October 15, 2013, and approve the imposition of the assessment and the formation of the District;

NOW THEREFORE BE IT RESOLVED, that it is the intention of the City Council of the City of Porterville to:

- 1) Approve the formation of the Island Annexation Area 455 Sewer Utility District establishing an assessment to pay for the installation of new sewer mains and laterals. A diagram of the District setting forth the boundaries and parcels located within the District is attached hereto as Exhibit "B;"
- 2) Authorize the levying of the assessment as set forth in Exhibit "C;"
- 3) Authorize the City to permit property owners to pay the total one-time assessment on a bi-yearly basis through property taxes over a period of 30 years, with 3% interest. This cost shall be as set forth in Exhibit "C."

PASSED, APPROVED AND ADOPTED this 6th day of August, 2013.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By:_____
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE
ENGINEER'S REPORT FOR ISLAND ANNEXATION AREA 455
SEWER PROJECT

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution

No. _____ . **This assessment is authorized pursuant to the Municipal**

Improvement Act of 1913 (California Streets and Highways Code Section 10000 et seq.)

and California Constitution Article XIII D, Section 4. The report is in compliance with the requirements of California Streets and Highways Code Section 10204.

SECTION 2. General Description

The City Council has elected to finance the Island Annexation Area 455 Sewer Facility District (hereinafter referred to as "District") which includes the installation of approximately 6,179' of 8" sewer main, 3,856' of 6" sewer mains, 223 sewer laterals and 29 manholes.

The City Council has determined that the new sewer system will have a positive effect upon all parcels within the proposed boundaries of the "District". Proposed sewer laterals will be provided on both sides of the streets to all parcels located within the district. The installed sewer system will be maintained and operated by the City of Porterville.

SECTION 3. Plans and Specifications

The plans and specifications for the "District" were prepared by the City of Porterville's Public Works Department, Engineering Division and are in conformance with City Standards and Specifications. The sewer mains, laterals and manholes are shown on the plans approved by the City Council on May 21, 2013. The total length of 8" & 6" sewer mains to be maintained is 10,035 L.F. **The plans and specifications for the project are on file with the Public Works Department of the City and are hereby incorporated by reference.**

SECTION 4. Improvements

Improvements to be constructed include:

6,179 LF of 8" sewer main, 3,856 LF of 6" sewer main, 223 sewer laterals and 29 manholes and other sewer related appurtenances.

SECTION 5. Estimated Costs

The initial construction cost will be borne by the City through a loan from re-financed Certificate of Participation Bond Sewer funds. Payment on the loan will be made by a "one-time" assessment on the properties within the district receiving sewer facilities and paid annually over thirty (30) years by agreement between the City of Porterville and the Property Owner. A "District" map will be filed for record purposes upon voter approval of the "District" and installation of the improvements. The assessments are appropriate and will be used to pay the loan for construction and construction management of the Island Annexation Area 455 Sewer Project. District assessments will begin in the 2013-2014 Fiscal Year and will end in the 2043/2044 Fiscal Year. Assessments are based on the cost of construction and includes all or a portion of a 10% Construction Contingency and a Construction Management fee component. The "Actual Cost of Construction" is shown in Exhibit "C" attached herein.

SECTION 6. Assessment Legal Description & Boundary Map

A legal description and copy of the proposed assessment Boundary Map titled "Island Annexation Area 455 Sewer Facility District", referenced as Exhibit "A" and Exhibit "B" respectively is attached herein for review.

SECTION 7. Assessment

The initial cost of constructing improvements will be borne by the City of Porterville. The improvements are established for the benefit of all properties within the proposed Island Annexation Area 455 Sewer Facility District. The maintenance of the improvements (sewer mains and manholes) shall be performed by the City in perpetuity. The City Council of Porterville has determined that in order to pay for the construction of the 8" and 6" sewer main and related appurtenances, those properties in Exhibit 'A', should form a sewer facility district and that said district pay a semi-annual fee incorporated into the County's tax roll to cover the cost of construction and construction management of the Island Annexation Area 455 Sewer Project.

The determination of benefits takes into consideration the following facts:

1. The purpose of the improvements is to provide a reliable, consistent and safe method of sewer disposal.
2. A safe and reliable sewer system benefits all properties within the "District".
3. The parcels (lots) not adjacent to the newly installed 8" and 6" sewer mains shall have the opportunity to connect to a sewer lateral located at or near the Public Right of Way and extend private sewer laterals to those parcels (lots) in question.

Exhibit "C", attached herein provides the following information:

Column 1 - Identifies the Property Number of the parcel located within the "District".

Column 2 - Identifies the street address of the parcel within the "District".

Column 3 - Identifies the Property Owner of the parcel within the "District" based on latest Tulare County Tax Roll.

Column 4 – Identifies the parcel within the “District” by County Assessor Number.

Column 5 – Identifies the parcel within the “District” by square footage.

Column 6 – Identifies the parcel within the “District” based on acreage.

Column 7 – Identifies the acreage fee per acre for each lot within the “District” based on actual construction cost. This cost includes a 10% “Construction Contingency”

Column 8 – Identifies the Zoning for each parcel within the “District”.

Column 9 – Identifies the width of each parcel within the “District”

Column 10 – Identifies the number of residential units per lot.

Column 11 – Identifies “Acreage” fee per lot based on the construction cost (Col. 6 x Col. 7) with the 10% construction contingency included.

Column 12 – Identifies Sewer Lateral cost per lot within the “District” based on actual construction cost plus a 10% construction contingency.

Column 13 – Identifies Plumbing Permit fee per lot within the “District”. This fee will not be assessed and must be paid by the property owner prior to connecting to the City sewer system.

Column 14 – Identifies Construction Management cost per lot within the “District” based on 5% of the construction cost.

Column 15 – Identifies the Total Connection Fee per lot within the “District”

NOTE: Column 15 identifies the actual assessment per parcel (lot) based on construction and construction management costs and is the sum of Columns 11, 12 & 14. This fee (cost) is the amount to be assessed each parcel over the life of the Island Annexation Area 455 Sewer Facility District loan.

The "Assessed Cost" per "typical" parcel is calculated as follows:

Column 11 = Construction bid + 10% contingency / Total Acreage within "District" x

Individual Parcel Size = $(\$963,325.68 + \$96,332.57) / 90.672 \text{ Ac.} \times 0.35 \text{ Ac.} = \$4,090.35$

Column 12 = Cost of sewer lateral per parcel = $\$480.00 + 48 = \528

Column 14 = Construction Management Cost = $(\$1,095,325.68 \times 5\%) / 257 \text{ Serviceable Lots} =$
\$213.10 per lot. Use \$210/lot

Column 15 = Total Assessment per Parcel (Lot) = Col 11 + Col. 12 + Col. 14 = **\$4,828.35**

Semi-Annual Payment Calculated As Follows:

$$A = P(i/12) [(1+i/12)^n / (1+i/12)^n - 1]$$

Where:

A = Semi-Annual Assessment (payment) per Residential Unit

P = Per Residential Unit Cost for Construction, Construction Management & Sewer Lateral Cost
= **\$4,828.35**

i = Interest (3%) compounded semi-annually = $.03/2 = .015$

n = Number of payments over 30 years = 60

Per Residential Unit Assessment Calculated as follows:

$$A = \$4,828.35 \times .015 \times [(1.015)^{60} / (1.0025)^{60} - 1] = \$122.61$$

Baldomero Rodriguez, P.E.
Public Works Director
City of Porterville
Engineer of Record

EXHIBIT "A"
City of Porterville
Annexation No. 455, Area A
Description for Annexation

That portion of Section 22 and Section 15, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Commencing at the North 1/4 Corner of Section 22, Township 21 South, Range 27 East; thence, easterly along the North line of Section 22, a distance of 30 feet, more or less, to the East right of way line of Prospect Street (60' wide); thence, southerly along the East right of way line of Prospect Street a distance of 357.50 feet, more or less, to an angle point on the existing City Limits Line, the intersection of the East right of way line of Prospect Street and the North line of West View Place subdivision, recorded in Volume 39 of Maps, at Page 58, Tulare County Records, the TRUE POINT OF BEGINNING;

A1 Thence, southerly, along the East right of way line of Prospect Street (60' wide) and the existing City Limits Line, a distance of 971 feet, more or less, to the South right of way line of Pioneer Avenue (50' wide), a point on the existing City Limits Line;

A2 Thence, continuing southerly, along the East right of way line of Prospect Street (60' wide) and the existing City Limits Line, a distance of 900.41 feet, more or less, to a point on the South line of Tract No. 657, recorded in Volume 34 of Maps, at Page 71, Tulare County Records, an angle point in the existing City Limits Line;

A3 Thence, easterly, leaving the East right of way line of Prospect Street along the South line of said Tract No. 657 and the existing City Limits Line, a distance of 626.34 feet, more or less, to the Southeast corner of said Tract, an angle point in the existing City Limits Line;

A4 Thence, northerly, along the East line of said Tract No. 657 and the existing City Limits Line, a distance of 265.60 feet, more or less, to the Southwest corner of Lot 170 of Pioneer Land Company's First Subdivision, recorded in Volume 3 of Maps, at Page 34, Tulare County Records, an angle point in the existing City Limits Line;

A5 Thence, easterly, along the South line of Lot 170 of said subdivision and along the existing City Limits Line, a distance of 31.20 feet, more or less, to an angle point in the existing City Limits Line;

A6 Thence, northerly, leaving the South line of Lot 170 of said subdivision, along the existing City Limits Line, a distance of 633.78 feet, more or less, to an angle point in the existing City Limits Line, a point on the South right of way line of Pioneer Avenue (50' wide);

A7 Thence, easterly, along the South right of way line of Pioneer Avenue and the existing City Limits Line, a distance of 586 feet, more or less, to the West right of way line of California State Highway 65 as per map filed in the County of Tulare dated November 12, 1957, Volume No. 2 of Highway Maps, an angle point in the existing City Limits Line;

A8 Thence, southerly, along the existing City Limits Line, a distance of 5.00 feet, more or less, to an angle point in the existing City Limits Line;

A9 Thence, southeasterly, along the existing City Limits Line, a distance of 62.90 feet, more or less, to an angle point in the California State Highway 65 right of way line, an angle point in the existing City Limits Line;

A10 Thence, southerly, along the West right of way line of California State Highway 65 and the existing City Limits Line, a distance of 1133.17 feet, more or less, to the point of intersection of the North right of way line of Westfield Avenue and the West right of way line of California State Highway 65, an angle point in the existing City Limits Line;

A11 Thence, southwesterly, along the West right of way line of California State Highway 65 and the existing City Limits Line, a distance of 8.2 feet, more or less, to an angle point in the existing City Limits Line;

A12 Thence, westerly, along the North right of way line of Westfield Avenue and the existing City Limits Line, a distance of 53.81 feet, more or less, to an angle point in the existing City Limits Line;

A13 Thence, continuing westerly, along the North right of way line of Westfield Avenue and the existing City Limits Line, a distance of 302.79 feet, more or less, to the northerly prolongation of the West right of way line of Cobb Street, an angle point in the existing City Limits Line;

A14 Thence, southerly, along the existing City Limits Line and the said northerly prolongation and along the West right of way line of Cobb Street, a distance of 400 feet, more or less, to the North line of Lot 11 of Tract No. 239, per map recorded in Volume 21 of Maps, Page 79, Tulare County Records, an angle point in the existing City Limits Line;

A15 Thence, easterly, along said North line and the existing City Limits Line, a distance of 30 feet, more or less, to the Northeast corner of said lot, an angle point in the existing City Limits Line;

A16 Thence, southerly, along the East line of Lots 11, 12, 13, & 14 and the existing City Limits Line, a distance of 296.39 feet, more or less, to the Northwest corner of Lot 40 of said Tract, an angle point in the existing City Limits Line;

A17 Thence, easterly, along the North line of said Lot 40, the easterly prolongation thereof and the North line of Lot 39 of said Tract and the existing City Limits Line, a distance of 320.23 feet, more or less, to the West right of way line of California State Highway 65, an angle point in the existing City Limits Line;

A18 Thence, southerly, along the West right of way line of California State Highway 65 and the existing City Limits Line, a distance of 141.61 feet, more or less, to a point on the West right of way line of State Highway 65, an angle point in the existing City Limits Line;

A19 Thence, continuing southerly, along the West right of way line of California State Highway 65 and the existing City Limits Line, a distance of 489.60 feet, more or less, to the North right of way line of Mulberry Avenue (55' wide), an angle point in the existing City Limits Line;

A20 Thence, westerly, along the North right of way line of Mulberry Avenue (55' wide) and the existing City Limits Line, a distance of 462 feet, more or less, to the Southeast corner of Lot 24 of Tract No. 239 as recorded in Volume 21 of Maps, Page 79, Tulare County Records, an angle point in the existing City Limits Line;

A21 Thence, northerly, along the East line of said Lot 24 and existing City Limits Line, a distance of 121 feet, more or less, to the Northeast corner of said Lot 24, an angle point in the existing City Limits Line;

A22 Thence, westerly, along the North line of Lot 24 and Lot 23 of said Tract No. 239 and existing City Limits Line, a distance of 153 feet, more or less, to the Northwest corner of said Lot 23, an angle point in the existing City Limits Line;

A23 Thence, northerly, along the West line of said Tract No. 239, the East line of Lot 160 of Pioneer Land Company's First Subdivision as recorded in Volume 3 of Maps, Page 34, Tulare County Records, and the existing City Limits Line, a distance of 792 feet, more or less, to a point being 362.23 feet, more or less, South of the Northeast corner of said Lot 160, an angle point in the existing City Limits Line;

A24 Thence, westerly, along the North line of Monache Estates No. 3 subdivision, recorded in Volume 28 of Maps page 13, Tulare County Records, and the existing City Limits Line, a distance of 120 feet, more or less, to the Southeast corner of Sir Charles Estates, Volume 30 of Maps page 10, Tulare County Records, an angle point in the existing City Limits Line;

A25 Thence, northerly, along the East line of said Sir Charles Estates and the existing City Limits Line, a distance of 396 feet, more or less, to the North right of way line of Westfield Avenue (60' wide), an angle point in the existing City Limits Line;

A26 Thence, westerly, along the North right of way line of Westfield Avenue and the existing City Limits Line, a distance of 507 feet, more or less, to the East right of way line of Prospect Street, a point on the existing City Limits Line;

A27 Thence, continuing westerly, along the existing City Limits Line, a distance of 60 feet, more or less, to the intersection of the West right of way line of Prospect Street and the North right of way line of Westfield Avenue, a point on the existing City Limits Line;

A28 Thence, continuing westerly, along North right of way line of Westfield Avenue and the existing City Limits Line, a distance of 1100 feet, more or less, to the Southeast corner of Lot 82 of Tract No. 307 as recorded in Volume 22 of Maps, page 64, Tulare County Records, an angle point in the existing City Limits Line;

A29 Thence, northerly, along the East line of said Lot 82 and the existing City Limits Line, a distance of 73.36 feet, more or less, to the Northeast corner of said Lot 82, an angle point in the existing City Limits Line;

A30 Thence, westerly, along the North line of said Lot 82 and the existing City Limit Line, a distance of 25.00 feet, more or less, to the Northwest corner of said Lot 82, an angle point in the existing City Limits Line;

A31 Thence, southerly, along the West line of said Lot 82 and the existing City Limits Line, a distance of 72.72 feet, more or less, to the Southwest corner of said Lot 82, the North right of way line of Westfield Avenue, an angle point in the existing City Limits Line;

A32 Thence, westerly, along the North right of way line of Westfield Avenue and the existing City Limits Line, a distance of 106 feet, more or less, to the southerly prolongation of the East right of way line of Beverly Street, an angle point in the existing City Limits Line;

A33 Thence, northerly, along the East right of way line of Beverly Street and along the existing City Limits Line, a distance of 599 feet, more or less, to the Northwest corner of Lot 90 of Tract No. 307 as recorded in Volume 22 of Maps, page 64, Tulare County Records, an angle point in the existing City Limits Line;

A34 Thence, easterly, along the North line of said Tract No. 307 and along the existing City Limits Line, a distance of 589.86 feet, more or less, to the Northeast corner of Lot 69 of said Tract No. 307, a point on the West right of way line of Lowery Street, a point on the existing City Limits Line;

A35 Thence, continuing easterly, along the existing City Limits Line, a distance of 50 feet, more or less, to the Southwest corner of Lot 40 of Tract No. 321, as recorded in Volume 22 of Maps, at Page 85, Tulare County Records, said point being on the East right of way line of Lowery Street, an angle point in the existing City Limits Line;

A36 Thence, northerly, along the East right of way line of Lowery Street and the existing City Limits Line, a distance of 364.29, more or less, to the intersection of the easterly prolongation of the North line of the La Vida Park subdivision, recorded in Volume 36, Page 15, Tulare County Records and the East right of way line of Lowery Street, an angle point in the existing City Limits Line;

A37 Thence, westerly, along the said easterly prolongation and the North line of said La Vida Park subdivision and the existing City Limits Line, a distance of 466.84 feet, more or less, to the Northwest corner of Lot 20 of said subdivision, an angle point in the existing City Limits Line;

A38 Thence, northerly, along the East line of Lot 21 of said La Vida Park subdivision and the existing City Limits Line, a distance of 54.79 feet, more or less, to the Northeast corner of said Lot 21, an angle point in the existing City Limits Line;

A39 Thence, westerly, along the North line of said Lot 21 and the existing City Limits Line, a distance of 205.36 feet, more or less, to the Northwest corner of said Lot 21, an angle point in the existing City Limits Line;

A40 Thence, northerly, along the East line of Lot 166 of Pioneer Land Company's First Subdivision recorded in Volume 3 of Maps, page 34, Tulare County Records and the existing City Limits Line, a distance of 216.97 feet, more or less, to the South right of way line of Pioneer Avenue, an angle point in the existing City Limits Line;

A41 Thence, easterly, along the South right of way line of Pioneer Avenue and the existing City Limits Line, a distance of 617 feet, more or less, to the Northeast corner of Lot 167 of said Pioneer Land Company's First Subdivision and an angle point in the existing City Limits Line;

A42 Thence, northerly, along the existing City Limits Line, a distance of 50 feet, more or less, to the Southeast corner of Lot 184 of said Pioneer Land Company's First Subdivision, said corner also being on the North right of way line of Pioneer Avenue (50' wide) and a point on the existing City Limits Line;

A43 Thence, continuing northerly, along the East line of said Lot 184 and the existing City Limits Line, a distance of 1273 feet, more or less, to the Northeast corner of said Lot 184, an angle point in the existing City Limits Line;

A44 Thence, westerly, along the North line of said Lot 184 and the existing City Limits Line, a distance of 651.68 feet, more or less, to the Northwest corner of said Lot 184, which is also the Southeast corner of Lot 7 of Pioneer Land Company's Second Subdivision recorded in Volume 3 of Maps, page 23, Tulare County Records, a point on the existing City Limits Line;

A45 Thence, continuing westerly, along the South line of said Lot 7 and the existing City Limits Line, a distance of 652 feet, more or less, to the Southwest corner of said Lot 7, an angle point in the existing City Limits Line;

A46 Thence, northerly, along the West line of said Lot 7 and the existing City Limits Line, a distance of 636.38 feet, more or less, to the Southwest corner of North Grand Estates subdivision recorded in Book 37 of Maps, at page 55, Tulare County Records, an angle point in the existing City Limits Line;

A47 Thence, easterly, along the South line of said North Grand Estates subdivision and the existing City Limits Line, a distance of 490.50 feet, more or less, to the Southeast corner of said subdivision, an angle point in the existing City Limits Line;

A48 Thence, northerly, along the East line of said subdivision and the existing City Limits Line, a distance of 170.92 feet, more or less, to a point on the East line of said subdivision, an angle point in the existing City Limits Line;

A49 Thence, easterly, along the East line of said subdivision and the existing City Limits Line, a distance of 14.14 feet, more or less, to a point on the East line of said subdivision, an angle point in the existing City Limits Line;

A50 Thence, northerly, along the East line of said subdivision and the existing City Limits Line, a distance of 85.00 feet, more or less, to a point on the East line of said subdivision, an angle point in the existing City Limits Line;

A51 Thence, westerly, along the East line of said subdivision and the existing City Limits Line, a distance of 15.00 feet, more or less, to a point on the East line of said subdivision, an angle point in the existing City Limits Line;

A52 Thence, northerly, along the East line of said subdivision and the existing City Limits Line, a distance of 255.00 feet, more or less, to a point on the East line of said subdivision, an angle point in the existing City Limits Line;

A53 Thence, easterly, along the East line of said subdivision and the existing City Limits Line, a distance of 35.00 feet, more or less, to a point on the East line of said subdivision, an angle point in the existing City Limits Line;

A54 Thence, northerly, along the East line of said subdivision and a northerly prolongation of the East line of the said subdivision and the existing City Limits Line, a distance of 195.01, more or less, to the North right of way line of North Grand Avenue (60' wide), an angle point in the existing City Limits Line;

A55 Thence, easterly, departing the existing City Limits Line, along said North right of way line of North Grand Avenue, a distance of 1412 feet, more or less, to the northerly prolongation of the West right of way line of Prospect Street (60' wide), an angle point in the existing City Limits Line;

A56 Thence, southerly, along the existing City Limits Line and said northerly prolongation and the West right of way line of Prospect Street, a distance of 705 feet, more or less, to the westerly prolongation of the South line of the North half of Lot 4 of said Pioneer Land Company's Second Subdivision, an angle point in the existing City Limits Line;

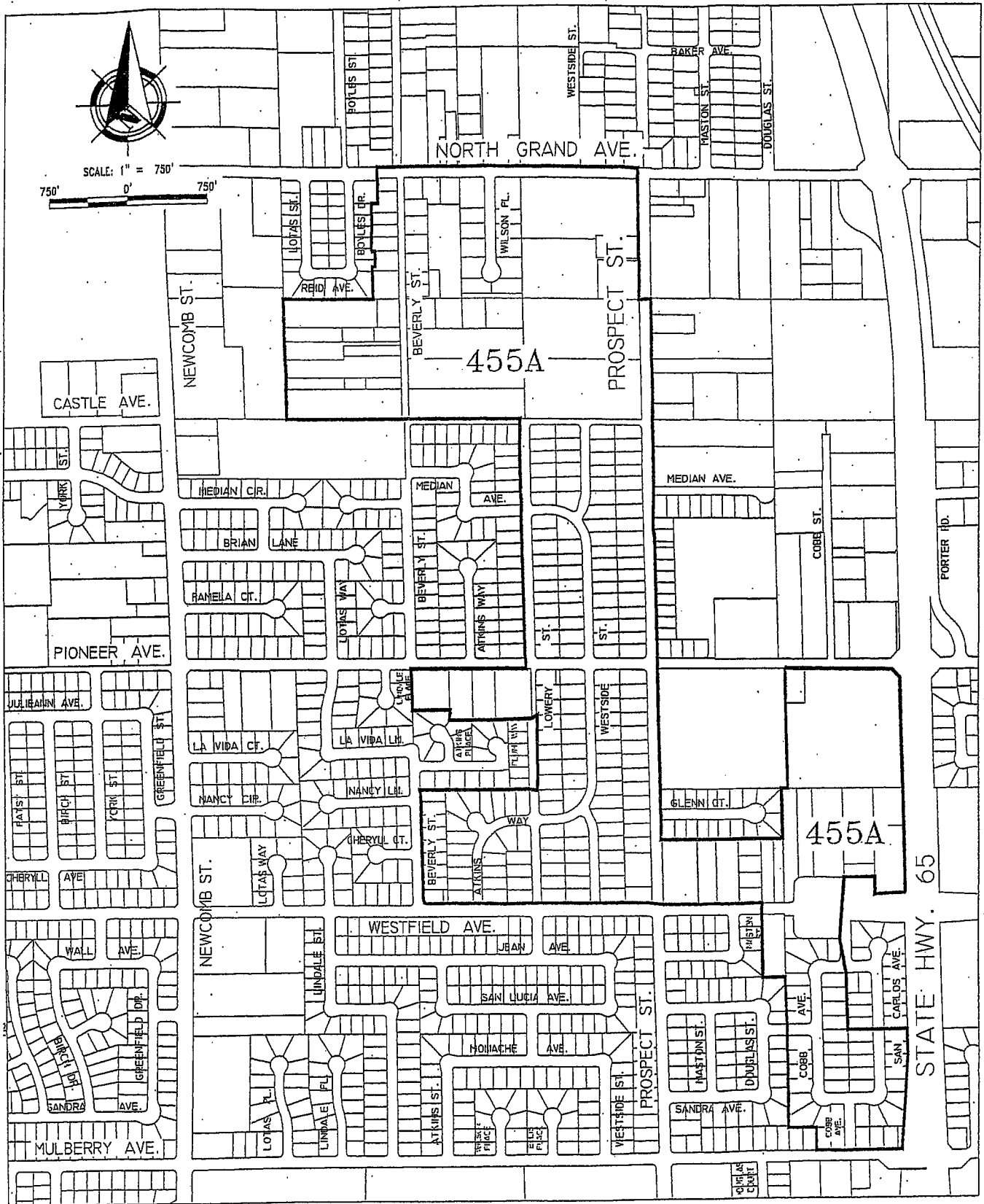
A57 Thence, easterly, along said westerly prolongation and the South line of the North half of Lot 4 and the existing City Limits Line, a distance of 60 feet, more or less, to the East right of way line of Prospect Street (60' wide), a point on the existing City Limits Line;

A58 Thence, southerly, departing the existing City Limits Line along said East right of way line of Prospect Street, a distance of 1002 feet, more or less, to a point on the existing City Limits Line, the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM that area of existing City Limits described as follows:

The East 25 feet of Lot 47 of Tract No. 321, in the County of Tulare, State of California, as per Map recorded in Book 22, Page 85 of Maps, in the Office of the County Recorder of said County. Also being that area annexed by Annexation Area No. 317, City of Porterville, CA, Sec. 22, T.21S, R.27E., M.D.B.&M., Parcel No. 1.

ACREAGE = 144 ± ACRES



□ PROJECT BOUNDARIES

ISLAND ANNEX. 455A

4-22-13
Exhibit 'C'

Michael Nicholas 3202 Caspar Ct Chicago CA 60632

Property No.	Property Address	Owner	Assessor Parcel No.	Lot Area (SF)	Lot Area (AC)	Average Fee/Acre	Zoning	Lot Front Footage	Units per Lot	Average Fee	Sewer Lateral Cost	Construction Management Cost	Total Connection Fees
1	1211 N ATKINS WAY	WEBB LEE & LOMA M	2432300025	8154.0506	0.1872	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
2	1212 N ATKINS WAY	CONTRERAS AUGUSTIN LARA	2432300040	10335.8832	0.2373	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
3	1213 N ATKINS WAY	NUNEZ RAIL M	2432300066	13872.7033	0.3185	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
4	1214 N ATKINS WAY	BELL WILLIAM LOUIS & GLORIA ANN	2432300014	21347.1289	0.4901	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
5	1215 N ATKINS WAY	AULT PATRICIA D & DELMAR L	2460800032	93477.5046	2.1477	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
6	1216 N ATKINS WAY	CERDA RALPH E & SANDRA P	2460800034	33356.4848	0.7687	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
7	1217 N ATKINS WAY	ALVAREZ ALVARO G & MARIA J (TRS)	2460800046	13275.7196	0.3046	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
8	1218 N ATKINS WAY	BACHMAN SIEGFRED R & MARGARETE (TR)	246021012	8259.7283	0.1886	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
9	1219 N ATKINS WAY	MATTOO CHRISTINE (TR) (REVOC TR)	246021012	8441.0070	0.1938	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
10	1220 N ATKINS WAY	ESTRADA RICARDO	246021011	8471.2391	0.1946	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
11	1221 N ATKINS WAY	MENDOZA MAXIMILIANO & CRISTINA	246021011	8316.5109	0.1908	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
12	1222 N ATKINS WAY	BACA ALVARO & MELIA R	246021011	9195.5864	0.2111	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
13	1223 N ATKINS WAY	RODRIGUEZ MANUEL R	246021009	8801.2269	0.2020	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
14	1224 N ATKINS WAY	RENSSTORE MICHAEL E	246021008	10255.4827	0.2353	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
15	1225 N ATKINS WAY	CORTES EMILIO	246021001	9515.3244	0.2184	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
16	1226 N ATKINS WAY	MARTIN S HELENE (TR)	246021007	9829.8228	0.2211	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
17	1227 N ATKINS WAY	DOYLE WALTER JR & SARAH L	246021006	13974.3226	0.3116	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
18	1228 N ATKINS WAY	ROBLES EFRAN	246021005	10761.8379	0.2471	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
19	1229 N ATKINS WAY	KOSKI SUSAN IRENE	246021004	11250.8464	0.2583	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
20	1230 N ATKINS WAY	STEVE METTLER TRUST THE	246021003	10286.7910	0.2362	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
21	1231 N ATKINS WAY	TURNER JACK STEVEN & LINDA L	246021002	11413.9390	0.2620	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
22	1232 N ATKINS WAY	HOOD ROBERT	246021002	8480.0933	0.1949	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
23	1233 N ATKINS WAY	KENESH AURORA	246021001	9568.5016	0.2201	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
24	1234 N ATKINS WAY	NEVELS CHARLES W & NANCY LEA	246021001	9234.3206	0.2120	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
25	1235 N ATKINS WAY	MC LAUGHLIN RALPH N & NANCY A	246021001	12217.8207	0.2805	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
26	1236 N ATKINS WAY	BOGLE MURRAY G & PAMELA M	246021018	8914.4311	0.2037	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
27	1237 N ATKINS WAY	SANCHEZ ANGIE M	246021021	8958.3554	0.2048	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
28	1238 N ATKINS WAY	VALENZUELA JIMIE R	246021022	10943.1384	0.2495	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
29	1239 N ATKINS WAY	BELL WILLIAM LOUIS & GLORIA ANN	2432300012	12671.590	0.2911	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
30	1240 N ATKINS WAY	PUJALTE JESUS & MARIA	2432300013	12671.590	0.2911	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
31	1241 N ATKINS WAY	AYALA ANTONIO	2432300013	17770.5508	0.4080	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
32	1242 N ATKINS WAY	MALDONADO ELEAZAR D & MARIAL (TRS)	243230003	31557.0527	0.7245	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
33	1243 N ATKINS WAY	NUNEZ RAIL M	243230004	10876.7498	0.2481	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
34	1244 N ATKINS WAY	CIXENLORES ROBIN	243230008	10876.7498	0.2481	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
35	1245 N ATKINS WAY	SIMINARIO KRISTINA MARIE	243230010	25719.2757	0.5904	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
36	1246 N ATKINS WAY	BELTRAN JOSE C	243230007	19313.8652	0.4434	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
37	1247 N ATKINS WAY	DENNIS TIMOTHY B & KELLY D	243230011	22507.7249	0.5167	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
38	1248 N ATKINS WAY	BELTRAN CECILIA	243230005	20886.5669	0.4797	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
39	1249 N ATKINS WAY	RAUSCH DONNA M	243230008	30917.1569	0.7098	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
40	1250 N ATKINS WAY	ZARAGOZA JUAN C	243230005	76526.3670	1.7568	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
41	1251 N ATKINS WAY	NUNEZ RAIL MARTINEZ	243230014	9148.9587	0.2101	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
42	1252 N ATKINS WAY	MADRID DORA LINDA	243230014	9148.9587	0.2101	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
43	1253 N ATKINS WAY	RATHER ROSE M (SUCC TR)	243230019	8397.3505	0.1925	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
44	1254 N ATKINS WAY	ROPER SHEILA KAY	243230027	22102.9128	0.5074	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
45	1255 N ATKINS WAY	KITRELL DALE	243230016	8355.5753	0.1918	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
46	1256 N ATKINS WAY	CERDA ALFREDO E & ALICIA	243230026	13487.6045	0.3096	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
47	1257 N ATKINS WAY	HOLBROOK NOVA BLONDELL	243230017	12850.1606	0.2945	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
48	1258 N ATKINS WAY	LANDUCCI FRED M & ALLISON M (TRS)	243230001	12850.1606	0.2945	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
49	1259 N ATKINS WAY	BACA RAMON	243230021	10857.8955	0.2521	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
50	1260 N ATKINS WAY	MARTINEZ PAUL N	243230009	9857.4262	0.2271	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
51	1261 N ATKINS WAY	PERGUSON AIDA R	243230002	12750.7545	0.2938	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
52	1262 N ATKINS WAY	VALENZUELA JIMIE R	243230013	8355.5753	0.1918	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
53	1263 N ATKINS WAY	VALENZUELA JIMIE R	243230013	8355.5753	0.1918	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
54	1264 N ATKINS WAY	SANCHEZ VICENTE N & LORA (E)	243230007	14374.0982	0.3300	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
55	1265 N ATKINS WAY	DOMINGUEZ KEITH & MARITESS	243230006	7882.7893	0.1764	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
56	1266 N ATKINS WAY	GARCIA JOSE & SARA	246094003	6915.7893	0.2047	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
57	1267 N ATKINS WAY	FOSTER CALVIN & VICKIE	246094002	9038.9991	0.2075	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
58	1268 N ATKINS WAY	AYALA RAFAEL	246094001	7871.3005	0.1761	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
59	1269 N ATKINS WAY	CERBALLOS RAIL	246094001	8941.6044	0.2053	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
60	1270 N ATKINS WAY	CEBALLOS ABEL & ROBERTINA	246094001	9360.4461	0.2149	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
61	1271 N ATKINS WAY	MORGAN PHYLIS S	246094007	15677.0824	0.3599	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
62	1272 N ATKINS WAY	WITT RICHARD H (TR)	246094008	11174.6402	0.2565	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
63	1273 N ATKINS WAY	POWELL MICHAEL RAY & SANDRA ANN	246094009	10173.8265	0.2338	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75
64	1274 N ATKINS WAY	LA CROSSE PATRICK J	246094010	10134.3187	0.2327	\$11,686.72	RS-2	77	1	\$2,177.52	\$528.00	\$210.00	\$2,925.75

Property No.	Property Address	Owner	Assessor's Parcel No.	Lot Area (SF)	Lot Area (AC)	Acreage Fee/Acre	Zoning	Lot Front Feet	Units per Lot	Acreage Fee	Sewer Lateral Cost	Construction Management Cost	Total Connection Fees
69	1068 N COBB ST	GRAY STEVEN BENJAMIN & SHERRI MICHE	246092008	9130.5105	0.2096	\$11,686.72	RS-2	66	1	\$2,448.54	\$528.00	\$210.00	\$3,187.54
70	1074 N COBB ST	CEBALLOS ABEL C	246092008	8817.9533	0.2024	\$11,686.72	RS-2	66	1	\$2,365.39	\$528.00	\$210.00	\$3,103.39
71	1078 N COBB ST	DUNCAN BRENDA G	246092008	10484.3754	0.2407	\$11,686.72	RS-2	76	1	\$2,817.89	\$528.00	\$210.00	\$3,555.99
72	1086 N COBB ST	TANIMOTO GEORGE T & ELLEN S	246092007	9245.4278	0.2145	\$11,686.72	RS-2	69	1	\$2,406.60	\$528.00	\$210.00	\$3,244.60
73	1088 N COBB ST	BARRIOS ANTONIO G	246092007	8921.5981	0.2068	\$11,686.72	RS-2	67	1	\$2,463.40	\$528.00	\$210.00	\$3,401.40
74	1094 N COBB ST	CAYO ALVARO VILLA	246092006	9203.0572	0.2165	\$11,686.72	RS-2	72	1	\$2,530.17	\$528.00	\$210.00	\$3,268.17
75	1104 N COBB ST	MATA MIGUEL GARCIA	246092006	9202.1503	0.2113	\$11,686.72	RS-2	72	1	\$2,468.00	\$528.00	\$210.00	\$3,206.00
76	1108 N COBB ST	LOPEZ BESSY	246092004	10228.5556	0.2348	\$11,686.72	RS-2	75	1	\$2,744.04	\$528.00	\$210.00	\$3,482.04
77	1118 N COBB ST	ARIAS SALVADOR & ARIELIATRS (REV L	246092003	10314.0668	0.2366	\$11,686.72	RS-2	75	1	\$2,767.42	\$528.00	\$210.00	\$3,505.42
78	1128 N COBB ST	MARTINEZ MANUELA	246092003	8974.2358	0.2060	\$11,686.72	RS-2	67	1	\$2,470.37	\$528.00	\$210.00	\$3,208.37
79	1138 N COBB ST	CRANDELL THOMAS L & DOROTHY K	246092002	10200.8905	0.2342	\$11,686.72	RS-2	74	1	\$2,732.84	\$528.00	\$210.00	\$3,470.84
80	1138 N COBB ST	HAWLEY HENRY S & BETTY S	246092001	8770.5304	0.2013	\$11,686.72	RS-2	68	1	\$2,392.54	\$528.00	\$210.00	\$3,110.54
81	1138 N COBB ST	GARIBAY HENRY S & BETTY S	246092001	10904.9616	0.2503	\$11,686.72	RS-2	78	1	\$2,839.04	\$528.00	\$210.00	\$3,577.04
82	1148 N COBB ST	MC KINNEY RAYMOND K & JESSIE M	246092007	16373.7904	0.3759	\$11,686.72	RS-2	121	1	\$2,744.04	\$528.00	\$210.00	\$3,482.04
83	1158 N COBB ST	VELASQUEZ GUILLERMINA R	246092006	8375.9827	0.1923	\$11,686.72	RS-2	67	1	\$2,435.51	\$528.00	\$210.00	\$3,173.51
84	1158 N COBB ST	COON SCOT & ANDREA	246092009	9075.5024	0.2084	\$11,686.72	RS-2	67	1	\$2,435.51	\$528.00	\$210.00	\$3,173.51
85	1208 N LOWERY ST	PATTON GARY L & KATHY M	246028010	9328.9834	0.2142	\$11,686.72	RS-2	67	1	\$2,470.37	\$528.00	\$210.00	\$3,208.37
86	1218 N LOWERY ST	MORON JUAN A	246028006	9208.6017	0.2114	\$11,686.72	RS-2	67	1	\$2,470.37	\$528.00	\$210.00	\$3,208.37
87	1218 N LOWERY ST	CHAMIZO GREGORIO G & MARIA C	246028005	9208.6017	0.2114	\$11,686.72	RS-2	67	1	\$2,470.37	\$528.00	\$210.00	\$3,208.37
88	1227 N LOWERY ST	JOHNSON MARY E	246028004	9252.0110	0.2124	\$11,686.72	RS-2	67	1	\$2,470.37	\$528.00	\$210.00	\$3,208.37
89	1237 N LOWERY ST	MENDEZ FRANK & ANNA	246028011	8638.8228	0.1983	\$11,686.72	RS-2	64	1	\$2,317.48	\$528.00	\$210.00	\$3,055.48
90	1238 N LOWERY ST	RODRIGUEZ DIANA	246028012	10228.8118	0.2348	\$11,686.72	RS-2	74	1	\$2,744.04	\$528.00	\$210.00	\$3,482.04
91	1238 N LOWERY ST	BURKE ROBERTA	246028001	10161.4874	0.2333	\$11,686.72	RS-2	74	1	\$2,744.04	\$528.00	\$210.00	\$3,482.04
92	1250 N LOWERY ST	SMITH JOY JEAN	246021001	10714.3636	0.2460	\$11,686.72	RS-2	78	1	\$2,874.93	\$528.00	\$210.00	\$3,612.93
93	1259 N LOWERY ST	PEARSON MELVIN L & LINDA D	246012011	10728.2949	0.2462	\$11,686.72	RS-2	78	1	\$2,874.93	\$528.00	\$210.00	\$3,612.93
94	1259 N LOWERY ST	GRAYBELL STEVEN JOHN & DIANE MAHER	246012012	10652.7495	0.2447	\$11,686.72	RS-2	76	1	\$2,833.83	\$528.00	\$210.00	\$3,591.83
95	1308 N LOWERY ST	HERMOSILLO JOSE P & VIKTORIA	246012015	10658.6597	0.2447	\$11,686.72	RS-2	76	1	\$2,833.83	\$528.00	\$210.00	\$3,591.83
96	1342 N LOWERY ST	PRAMOVIC ROMEO M & MARY E	246012016	10658.6597	0.2447	\$11,686.72	RS-2	76	1	\$2,833.83	\$528.00	\$210.00	\$3,591.83
97	1342 N LOWERY ST	ALLARD LARRY B & BARBARA A (TRS)	246012017	9121.5084	0.2094	\$11,686.72	RS-2	66	1	\$2,470.37	\$528.00	\$210.00	\$3,208.37
98	1342 N LOWERY ST	GIBSON MILLER SCOTT & MARY L (C)	246150003	8276.6318	0.1900	\$11,686.72	RS-2	61	1	\$2,220.48	\$528.00	\$210.00	\$2,958.48
99	1342 N LOWERY ST	OLSON THEODORE JAMES JR & ASTRIED B	246143001	10598.0219	0.2433	\$11,686.72	RS-2	75	1	\$2,833.83	\$528.00	\$210.00	\$3,591.83
100	1342 N LOWERY ST	BURGIN JEREMY	246143003	9818.2887	0.2254	\$11,686.72	RS-2	71	1	\$2,603.90	\$528.00	\$210.00	\$3,341.90
101	1342 N LOWERY ST	SCHOTT DAVID & CYNTHIA S	246141010	10103.5617	0.2343	\$11,686.72	RS-2	71	1	\$2,603.90	\$528.00	\$210.00	\$3,341.90
102	1342 N LOWERY ST	KRUM ROBERT P & CAROLYN B (TRS)	246141011	9171.8718	0.2108	\$11,686.72	RS-2	65	1	\$2,461.22	\$528.00	\$210.00	\$3,189.22
103	1342 N LOWERY ST	CORTIZ EMILIO A & QUIRINA R	246141012	10698.5886	0.2456	\$11,686.72	RS-2	75	1	\$2,870.26	\$528.00	\$210.00	\$3,608.26
104	1342 N LOWERY ST	ESQUEVEL L	246093009	8998.2855	0.2066	\$11,686.72	RS-2	75	1	\$2,414.48	\$528.00	\$210.00	\$3,200.48
105	1342 N LOWERY ST	ORTEGA MANUEL & LILLY	246093010	9005.3819	0.2068	\$11,686.72	RS-2	75	1	\$2,414.48	\$528.00	\$210.00	\$3,200.48
106	1342 N LOWERY ST	BENVIDEZ RAMON & MARGARET L	243230038	23411.7175	0.5375	\$11,686.72	RS-2	126	1	\$6,281.61	\$1,584.00	\$210.00	\$8,075.61
107	1342 N LOWERY ST	AYALA VASMIN TAPIA	243230035	22511.8340	0.5168	\$11,686.72	RS-2	127	1	\$6,039.70	\$1,584.00	\$210.00	\$7,833.70
108	1342 N LOWERY ST	KITRELL JOSHUA D & ELFRIDE	243230007	14448.6902	0.3317	\$11,686.72	RS-2	100	1	\$3,876.49	\$0.00	\$210.00	\$4,086.49
109	1342 N LOWERY ST	SHEDDEN ELDEEN M	243230020	13480.5652	0.3095	\$11,686.72	RS-2	98	1	\$3,677.04	\$0.00	\$210.00	\$3,887.04
110	1342 N LOWERY ST	AVERY NORMA	246090031	20054.4836	0.4604	\$11,686.72	RS-2	105	1	\$5,360.57	\$1,584.00	\$210.00	\$7,154.57
111	1342 N LOWERY ST	DONALDSON ELIDA M	246013002	10242.4836	0.2351	\$11,686.72	RS-2	115	1	\$2,747.55	\$1,584.00	\$210.00	\$4,541.55
112	1342 N LOWERY ST	BOST ANTHONY LEON	246151009	10298.0047	0.2364	\$11,686.72	RS-2	115	1	\$2,762.74	\$1,584.00	\$210.00	\$4,556.74
113	1342 N LOWERY ST	PEREZ EUSTAQIO JR & AMPARO	246013001	10660.7538	0.2435	\$11,686.72	RS-2	116	1	\$2,817.89	\$1,584.00	\$210.00	\$4,609.89
114	1342 N LOWERY ST	LANDEROS LENNARD & ROSEMARY M	246012001	9018.7548	0.2070	\$11,686.72	RS-2	115	1	\$2,419.15	\$1,584.00	\$210.00	\$4,213.15
115	1342 N LOWERY ST	MARTIN DEBRA ANN & LARRY	246011009	33287.5243	0.7637	\$11,686.72	RS-2	124	1	\$8,925.15	\$1,584.00	\$210.00	\$10,719.15
116	1342 N LOWERY ST	BUNCH CLAUDE C & NORMA J (TRS)	246011008	32839.7293	0.7539	\$11,686.72	RS-2	123	1	\$8,810.82	\$1,584.00	\$210.00	\$10,604.82
117	1342 N LOWERY ST	HONKA THOMAS M & NANCY (TRS)	246011010	44744.2011	1.0272	\$11,686.72	RS-2	205	1	\$17,287.13	\$0.00	\$210.00	\$17,497.13
118	1342 N LOWERY ST	SALET ALIA (TR)	246024007	64361.3054	1.4775	\$11,686.72	RS-2	339	1	\$39,416.01	\$528.00	\$210.00	\$40,152.01
119	1342 N LOWERY ST	TUCKER KATHLEEN	246024008	23819.6349	0.5490	\$11,686.72	RS-2	133	1	\$26,685.3	\$528.00	\$210.00	\$27,441.3
120	1342 N LOWERY ST	MAGANA FRANCISCO & ELENA BARBA DE	246024014	9590.1559	0.2202	\$11,686.72	RS-2	72	1	\$2,673.42	\$528.00	\$210.00	\$3,411.42
121	1342 N LOWERY ST	MAGANA FRANCISCO & ELENA BARBA DE	246024013	9885.7977	0.2265	\$11,686.72	RS-2	74	1	\$2,673.42	\$528.00	\$210.00	\$3,411.42
122	1342 N LOWERY ST	RATUFFE ANGELA & CHARLES	246013009	9704.1152	0.2226	\$11,686.72	RS-2	72	1	\$2,603.90	\$528.00	\$210.00	\$3,341.90
123	1342 N LOWERY ST	CHANCELLOR GEORGE F & MARY M	246013008	9330.7116	0.2122	\$11,686.72	RS-2	72	1	\$2,555.10	\$528.00	\$210.00	\$3,323.10
124	1342 N LOWERY ST	SIERRA MICHAEL DAVID	246013007	9533.2739	0.2199	\$11,686.72	RS-2	74	1	\$2,635.38	\$528.00	\$210.00	\$3,373.38
125	1342 N LOWERY ST	WEAVER GARY A & PAULA S	246013006	9824.4313	0.2255	\$11,686.72	RS-2	74	1	\$2,635.38	\$528.00	\$210.00	\$3,373.38
126	1342 N LOWERY ST	MARTINEZ RAIL	246013005	9578.1035	0.2199	\$11,686.72	RS-2	72	1	\$2,569.91	\$528.00	\$210.00	\$3,307.91
127	1342 N LOWERY ST	PIZANO GLORIA	246013005	9578.1035	0.2199	\$11,686.72	RS-2	72	1	\$2,569.91	\$528.00	\$210.00	\$3,307.91

Property No.	Property Address	Owner	Assessor Parcel No.	Lot Area (SF)	Lot Area (AC)	Acreage Fee/Acre	Zoning	Lot Front Footage	Units per Lot	Acreage Fee	Sewer Lateral Cost	Construction Management Cost	Total Connection Fees
138	1381 N PROSPECT ST	TORRES PEDRO BECERRA	246013004	9903.9980	0.2274	\$11,686.72	RS-2	74	1	\$2,657.85	\$128.00	\$210.00	\$3,395.65
139	1375 N PROSPECT ST	BANK OF NEW YORK MELLON THE FIA (TR	246013003	8999.6993	0.2096	\$11,686.72	RS-2	74	1	\$2,657.85	\$128.00	\$210.00	\$3,423.61
140	1417 N PROSPECT ST	NOORALI ABDUL S & YASMIN (TRS)	246151008	8595.0037	0.1972	\$11,686.72	RS-2	64	1	\$2,304.82	\$0.00	\$210.00	\$2,514.82
141	1428 N PROSPECT ST	PICHARD JOSE	246151007	9510.5947	0.2206	\$11,686.72	RS-2	70	1	\$2,576.09	\$0.00	\$210.00	\$2,786.09
142	1451 N PROSPECT ST	SAILORS JEANNE FREDA	246151005	10275.9111	0.2369	\$11,686.72	RS-2	75	1	\$2,756.60	\$128.00	\$210.00	\$3,494.60
143	1461 N PROSPECT ST	HERNANDEZ HERACIO & OBIDULIA	246151004	8915.1733	0.1995	\$11,686.72	RS-2	63	1	\$2,354.32	\$128.00	\$210.00	\$2,692.32
144	1489 N PROSPECT ST	JACKSON TERESA E	246151003	8652.0026	0.1984	\$11,686.72	RS-2	63	1	\$2,354.32	\$128.00	\$210.00	\$2,692.32
145	1481 N PROSPECT ST	WINTON SUSAN M	246151001	8485.4903	0.1948	\$11,686.72	RS-2	63	1	\$2,294.10	\$128.00	\$210.00	\$2,632.10
146	1481 N PROSPECT ST	HERRERA HECTOR & ROSEMARY	246151001	10252.4900	0.2356	\$11,686.72	RS-2	63	1	\$2,276.37	\$0.00	\$210.00	\$2,486.37
147	1503 N PROSPECT ST	PROPERTY OWNER	246142017	9519.2331	0.2185	\$11,686.72	RS-2	75	1	\$2,553.35	\$128.00	\$210.00	\$3,291.35
148	1523 N PROSPECT ST	WEST KENNETH E & SHANAL	246142016	10328.7270	0.2371	\$11,686.72	RS-2	75	1	\$2,770.92	\$128.00	\$210.00	\$3,508.92
149	1523 N PROSPECT ST	ERWIN DONNIE L & HARRIE E	246142015	10291.1015	0.2363	\$11,686.72	RS-2	75	1	\$2,761.57	\$128.00	\$210.00	\$3,499.57
150	1547 N PROSPECT ST	CASTLE PATRICIA JANE (TR)	246142014	10332.2731	0.2393	\$11,686.72	RS-2	75	1	\$2,691.45	\$128.00	\$210.00	\$3,429.45
151	1559 N PROSPECT ST	CALLISON LOUIS H II	246142012	8206.8309	0.1884	\$11,686.72	RS-2	61	1	\$2,201.78	\$128.00	\$210.00	\$2,539.78
152	1569 N PROSPECT ST	SCHIEFER DALE W & PHYLLIS J	246142012	9255.7166	0.2148	\$11,686.72	RS-2	69	1	\$2,596.79	\$128.00	\$210.00	\$3,334.79
153	1571 N PROSPECT ST	SORIA LAURA	246142010	9598.8547	0.2204	\$11,686.72	RS-2	69	1	\$2,510.31	\$128.00	\$210.00	\$3,313.79
154	1587 N PROSPECT ST	VILLELA LETICIA L	246142010	8567.6763	0.1968	\$11,686.72	RS-2	61	1	\$2,173.31	\$0.00	\$210.00	\$2,383.31
155	1601 N PROSPECT ST	WALLACE HARLANE G (TR)	246142010	9998.8547	0.2304	\$11,686.72	RS-2	70	1	\$2,575.75	\$128.00	\$210.00	\$3,313.75
156	1701 N PROSPECT ST	SEQUIN LEONARD M & VIRGINIA	243233002	28737.3835	0.6638	\$11,686.72	RS-2	206	1	\$12,254.69	\$0.00	\$210.00	\$12,464.69
157	1038 N SAN CARLOS ST	CHAMBERS CHARLES E & ELOISE A	246052011	8741.9161	0.2007	\$11,686.72	RS-2	56	1	\$2,345.52	\$128.00	\$210.00	\$2,683.52
158	1038 N SAN CARLOS ST	SEYMOUR TAMARA N & JON	246052011	8193.6823	0.1881	\$11,686.72	RS-2	46	1	\$2,198.27	\$128.00	\$210.00	\$2,526.27
159	1042 N SAN CARLOS ST	SALAZAR LEONOR	246052011	8193.6823	0.1881	\$11,686.72	RS-2	46	1	\$2,198.27	\$128.00	\$210.00	\$2,526.27
160	1046 N SAN CARLOS ST	MEZA J RUDOLFO HERNANDEZ	246052011	7905.5861	0.1820	\$11,686.72	RS-2	46	1	\$2,126.98	\$128.00	\$210.00	\$2,364.98
161	1056 N SAN CARLOS ST	WILLIAMSON CLIVE R & LAURA C (C)	246052011	8907.5974	0.2049	\$11,686.72	RS-2	66	1	\$2,394.61	\$128.00	\$210.00	\$2,751.61
162	1064 N SAN CARLOS ST	KING DOUGLAS E	246052011	8196.4354	0.1882	\$11,686.72	RS-2	46	1	\$2,159.34	\$128.00	\$210.00	\$2,387.34
163	1064 N SAN CARLOS ST	VAUGHN WANDA MAE	246052011	8196.4354	0.1882	\$11,686.72	RS-2	46	1	\$2,159.34	\$128.00	\$210.00	\$2,387.34
164	1064 N SAN CARLOS ST	INGHAM HARRY H (TR)	246052011	8196.4354	0.1882	\$11,686.72	RS-2	46	1	\$2,159.34	\$128.00	\$210.00	\$2,387.34
165	1064 N SAN CARLOS ST	OLEA JOSE OCHOA JR	246052011	8196.4354	0.1882	\$11,686.72	RS-2	46	1	\$2,159.34	\$128.00	\$210.00	\$2,387.34
166	1064 N SAN CARLOS ST	CUNNINGHAM GARY M	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
167	1064 N SAN CARLOS ST	REYES PEDRO & LETICIA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
168	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
169	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
170	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
171	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
172	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
173	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
174	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
175	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
176	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
177	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
178	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
179	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
180	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
181	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
182	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
183	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
184	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
185	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
186	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
187	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
188	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
189	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
190	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
191	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
192	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
193	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
194	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
195	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
196	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
197	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
198	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
199	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
200	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
201	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
202	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
203	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
204	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
205	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39
206	1064 N SAN CARLOS ST	CERDA RAFAEL E & SANDRA	246052011	8887.0793	0.2036	\$11,686.72	RS-2	66	1	\$2,437.39	\$128.00	\$210.00	\$3,191.39

Property No.	Property Address	Owner	Assessor Parcel No.	Lot Area (SF)	Lot Area (AC)	Acreage Fee/Acre	Zoning	Lot Front Footage	Units per Lot	Acreage Fee	Sewer Lateral Cost	Construction Management Cost	Total Connection Fees
207	1340 N WESTSIDE ST	BRESENO MARTHA DIAZ	246013010	9564.2314	0.2186	\$11,686.72	RS-2	71	1	\$2,668.40	\$528.00	\$210.00	\$3,304.40
208	1343 N WESTSIDE ST	JACKSON OSCAR & MARTHA	246013009	10722.6681	0.2462	\$11,686.72	RS-2	76	1	\$2,677.27	\$528.00	\$210.00	\$3,615.27
209	1348 N WESTSIDE ST	VELAZQUEZ SONIA	246013011	10156.3233	0.2304	\$11,686.72	RS-2	74	1	\$2,673.02	\$528.00	\$210.00	\$3,431.02
210	1351 N WESTSIDE ST	CONTRETRAS JESSIE E & REBEKA M (TRS)	246013008	10156.3233	0.2304	\$11,686.72	RS-2	76	1	\$2,673.02	\$528.00	\$210.00	\$3,431.02
211	1352 N WESTSIDE ST	CORREA PATRICIA & ROSA C	246013009	9632.5565	0.2188	\$11,686.72	RS-2	70	1	\$2,657.05	\$528.00	\$210.00	\$3,395.05
212	1359 N WESTSIDE ST	YARAS MONTOJO DELIA	246013007	10569.0401	0.2433	\$11,686.72	RS-2	78	1	\$2,843.38	\$528.00	\$210.00	\$3,581.38
213	1367 N WESTSIDE ST	VARGAS RAUL & MARIA I	246013013	9665.5463	0.2289	\$11,686.72	RS-2	74	1	\$2,675.09	\$528.00	\$210.00	\$3,413.09
214	1367 N WESTSIDE ST	CORNEAS MARTIN & ISABEL	246013006	10676.2272	0.2461	\$11,686.72	RS-2	78	1	\$2,654.42	\$528.00	\$210.00	\$3,612.42
215	1368 N WESTSIDE ST	ANDRADE JOSE A	246013014	9810.6847	0.2183	\$11,686.72	RS-2	70	1	\$2,551.21	\$528.00	\$210.00	\$3,289.21
216	1376 N WESTSIDE ST	LOPEZ RUBEN	246013005	10632.0094	0.2441	\$11,686.72	RS-2	78	1	\$2,652.73	\$528.00	\$210.00	\$3,580.73
217	1376 N WESTSIDE ST	SHURTS GERALD D & LANOVA K	246013015	10013.0089	0.2299	\$11,686.72	RS-2	74	1	\$2,666.78	\$528.00	\$210.00	\$3,424.78
218	1385 N WESTSIDE ST	GARCIA TRACEE LEE	246013004	10783.1891	0.2476	\$11,686.72	RS-2	78	1	\$2,693.63	\$528.00	\$210.00	\$3,631.63
219	1386 N WESTSIDE ST	CEBALLOS ANTONIO & ELVIRA	246013016	9668.0357	0.2219	\$11,686.72	RS-2	70	1	\$2,563.28	\$528.00	\$210.00	\$3,331.28
220	1418 N WESTSIDE ST	LEYBA RANDY A & ANTONETTE	246151011	8518.6681	0.1958	\$11,686.72	RS-2	64	1	\$2,285.52	\$528.00	\$210.00	\$3,023.52
221	1427 N WESTSIDE ST	PAGUIA RICHARD T & MARIA J	246152015	10548.6691	0.2422	\$11,686.72	RS-2	75	1	\$2,630.62	\$528.00	\$210.00	\$3,368.62
222	1430 N WESTSIDE ST	GUTIERREZ MARIO ALCANTAR	246151012	9508.6268	0.2183	\$11,686.72	RS-2	70	1	\$2,551.21	\$528.00	\$210.00	\$3,289.21
223	1437 N WESTSIDE ST	PANNU FARMINDER S & KULWIND K	246152014	9261.4473	0.2126	\$11,686.72	RS-2	66	1	\$2,484.60	\$528.00	\$210.00	\$3,222.60
224	1442 N WESTSIDE ST	BEGLEY ROBERT G	246151013	8324.4473	0.1911	\$11,686.72	RS-2	61	1	\$2,233.33	\$528.00	\$210.00	\$2,971.33
225	1447 N WESTSIDE ST	ANNESTAD HELGE GERALD & BARBARA GAI	246152013	10633.0959	0.2441	\$11,686.72	RS-2	75	1	\$2,652.73	\$528.00	\$210.00	\$3,580.73
226	1450 N WESTSIDE ST	RODRIGUEZ ANA M	246151014	10789.6787	0.2439	\$11,686.72	RS-2	75	1	\$2,733.52	\$528.00	\$210.00	\$3,471.52
227	1455 N WESTSIDE ST	BOGLE MURRAY G & PAMELA M	246152012	8222.5876	0.1897	\$11,686.72	RS-2	61	1	\$2,287.09	\$528.00	\$210.00	\$3,025.09
228	1460 N WESTSIDE ST	PIOTTER WILLIAM D & THERESA M	246151015	8476.0593	0.1946	\$11,686.72	RS-2	61	1	\$2,274.24	\$528.00	\$210.00	\$3,072.24
229	1463 N WESTSIDE ST	JOHNSON ARTHUR R & MARCELINA P (TRS)	246152011	8810.7812	0.2023	\$11,686.72	RS-2	61	1	\$2,364.22	\$528.00	\$210.00	\$3,102.22
230	1469 N WESTSIDE ST	YOUNG TED J & LORNA G	246151016	9844.5002	0.2263	\$11,686.72	RS-2	63	1	\$2,330.33	\$528.00	\$210.00	\$3,068.33
231	1475 N WESTSIDE ST	GOMEZ GARY	246152010	9753.4093	0.2249	\$11,686.72	RS-2	63	1	\$2,354.46	\$528.00	\$210.00	\$3,072.46
232	1480 N WESTSIDE ST	VALENZUELA ROSA A	246151017	8570.2711	0.1957	\$11,686.72	RS-2	61	1	\$2,302.38	\$528.00	\$210.00	\$3,032.38
233	1487 N WESTSIDE ST	VALENZUELA ROSE A & AIDA R	246151018	8438.3549	0.1937	\$11,686.72	RS-2	63	1	\$2,263.72	\$528.00	\$210.00	\$3,051.72
234	1494 N WESTSIDE ST	BEED MICHAEL JOY (TR)	246152005	11001.5269	0.2526	\$11,686.72	RS-2	75	1	\$2,952.07	\$528.00	\$210.00	\$3,690.07
235	1504 N WESTSIDE ST	BRASSFIELD KENNETH & SENADA	246142001	10574.5565	0.2428	\$11,686.72	RS-2	78	1	\$2,837.64	\$528.00	\$210.00	\$3,575.64
236	1517 N WESTSIDE ST	CUNA ROBERTO & IRMA	246142002	11371.5451	0.2611	\$11,686.72	RS-2	78	1	\$3,051.40	\$528.00	\$210.00	\$3,789.40
237	1522 N WESTSIDE ST	CONSOLIDATED PROPERTIES GROUP LLC	246143004	12252.9837	0.2813	\$11,686.72	RS-2	195	1	\$3,267.47	\$528.00	\$210.00	\$4,025.47
238	1526 N WESTSIDE ST	KOVARS JANICE L (TR) KOVARS FAM REV O	246142003	12304.8151	0.2828	\$11,686.72	RS-2	84	1	\$3,302.87	\$528.00	\$210.00	\$4,040.87
239	1536 N WESTSIDE ST	PHILLIPS CRYSTAL MARIE	246142004	10479.2576	0.2406	\$11,686.72	RS-2	76	1	\$2,811.82	\$528.00	\$210.00	\$3,549.82
240	1548 N WESTSIDE ST	MILLER FRANCIS P	246142005	9904.7147	0.2274	\$11,686.72	RS-2	75	1	\$2,667.66	\$528.00	\$210.00	\$3,395.66
241	1549 N WESTSIDE ST	WILLIAMS TEDDY L & SYLVIA	246141005	10924.5397	0.2508	\$11,686.72	RS-2	78	1	\$2,931.03	\$528.00	\$210.00	\$3,669.03
242	1560 N WESTSIDE ST	MARTELL RONALD T & TANIA A (TRS)	246142006	8129.4860	0.1868	\$11,686.72	RS-2	61	1	\$2,180.74	\$528.00	\$210.00	\$2,918.74
243	1561 N WESTSIDE ST	LANFORD BRUCE J & ARLENE L'YNN	246141004	10368.1203	0.2390	\$11,686.72	RS-2	75	1	\$2,761.44	\$528.00	\$210.00	\$3,519.44
244	1570 N WESTSIDE ST	WELLS FARGO BANK NATIONAL ASSOC (TR)	246142007	9555.7360	0.2194	\$11,686.72	RS-2	70	1	\$2,564.07	\$528.00	\$210.00	\$3,302.07
245	1573 N WESTSIDE ST	BECERRA TIMOTHY & ERNESTINA G	246141003	9048.2818	0.2077	\$11,686.72	RS-2	65	1	\$2,427.33	\$528.00	\$210.00	\$3,165.33
246	1576 N WESTSIDE ST	CORNEILUS LARRY & BARBARA	246142008	9216.1658	0.2116	\$11,686.72	RS-2	69	1	\$2,472.91	\$528.00	\$210.00	\$3,210.91
247	1579 N WESTSIDE ST	CLOWER BRADFORD R & MARIA E	246141002	9093.5888	0.2088	\$11,686.72	RS-2	65	1	\$2,440.18	\$528.00	\$210.00	\$3,178.18
248	1588 N WESTSIDE ST	WHITLEY ROBERT	246142009	10132.7812	0.2328	\$11,686.72	RS-2	60	1	\$2,718.33	\$528.00	\$210.00	\$3,456.33
249	1591 N WESTSIDE ST	OSTEEN CURTIS & GEORGIE	246141001	9768.8687	0.2243	\$11,686.72	RS-2	51	1	\$2,621.33	\$528.00	\$210.00	\$3,359.33
250	1712 N WILSON PL	FERNANDEZ ROSIE EULALIA	243230028	12575.1789	0.2887	\$11,686.72	RS-2	49	1	\$3,373.96	\$528.00	\$210.00	\$4,111.96
251	1713 N WILSON PL	FARIAS LEOBARD	243230032	12658.5490	0.2908	\$11,686.72	RS-2	52	1	\$3,398.50	\$528.00	\$210.00	\$4,136.50
252	1720 N WILSON PL	BETANCOURT DAVID	243230034	13594.0754	0.3144	\$11,686.72	RS-2	122	1	\$3,674.30	\$528.00	\$210.00	\$4,412.30
253	1726 N WILSON PL	HERRERA LEO JR & MARY E	243230031	13952.4931	0.3180	\$11,686.72	RS-2	120	1	\$3,716.38	\$528.00	\$210.00	\$4,454.38
254	1737 N WILSON PL	LUA DAVID	243230033	13474.1639	0.3078	\$11,686.72	RS-2	100	1	\$3,597.17	\$528.00	\$210.00	\$4,352.17
255	1737 N WILSON PL	DICKERSON CAROL ELAINE (GSR TR)	243230030	10650.3991	0.2417	\$11,686.72	RS-2	100	1	\$2,824.68	\$528.00	\$210.00	\$3,582.68
256	1737 N WILSON PL	VERDUZCO RUBEN S & GUADALUPE	243230039	3949542.0820	90.6721	\$11,686.72	RS-2	77	1	\$1,059,688.44	\$0.00	\$53,970.00	\$1,277,908.44

RESOLUTION NO.: _____ - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ACCEPTING
THE ENGINEER'S REPORT FOR
ISLAND ANNEXATION AREA 455 SEWER PROJECT

WHEREAS, Island Annexation Area 455, was annexed into the City in November 2006; and

WHEREAS, the parcels in this area utilize individual septic tanks that are failing; and

WHEREAS, an Engineer's Report has been prepared by direction of the City Council of the City of Porterville; and

WHEREAS, the report states that the new sewer system will have a positive effect upon all parcels within the proposed boundary, and provide a reliable, consistent and safe method of sewage disposal; and

WHEREAS, the report states construction costs will initially be provided by a loan from re-financed Certificate of Participation Bond Sewer funds, and establishes repayment of the loan by property owners through a Sewer Utility District; and

WHEREAS, legal descriptions of properties and the proposed assessment Boundary Map is referenced in the report;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Porterville accepts the Engineer's Report for the Island Annexation Area 455 sewer project.

PASSED, APPROVED AND ADOPTED this 6th day of August, 2013.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: INTENT TO SET A PUBLIC HEARING FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT – PROSPECT STREET TO STATE ROUTE 65

SOURCE: Public Works Department - Engineering Division

COMMENT: The W. North Grand Avenue Reconstruction Project (Prospect Street to SR 65) includes the construction of curbs, gutters, sidewalks and/or drive approaches in front of undeveloped properties and/or developed properties that lack these public improvements. Section 20-40.1 of the Municipal Code stipulates that these improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code allows the City to recover the cost of the concrete improvements when the owner pulls a building permit(s) from the City and said permit(s) has a valuation of \$18,421.00 or more within a two (2) year period.

Section 20-40.8 of the Municipal Code requires that each property owner affected by the project be notified of this Public Hearing. The notification clearly describes the City's intent to seek reimbursement for the concrete improvements constructed by the City. This section also requires that City Council hold at least one additional Public Hearing prior to the establishment of a fee. Once the fee is established, the City shall record a general notice of "reimbursement fee" with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

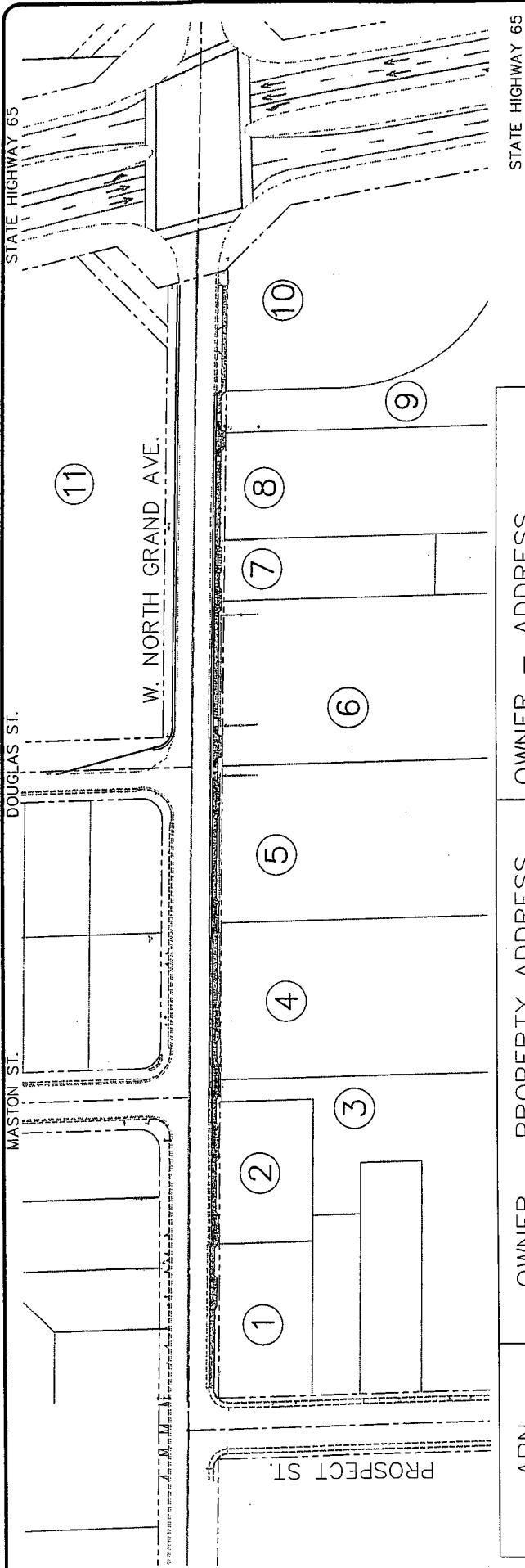
RECOMMENDATION: That the City Council:

1. Set a Public Hearing for September 3, 2013, to discuss the proposed construction of concrete improvements for the subject project; and
2. Authorize staff to publish the public notice and notify all affected property owners of the Public Hearing.

ATTACHMENTS: W. North Grand Avenue Reimbursement Map
Owner's List for Reimbursement and Amounts

Dir. BS Appropriated/Funded MB CM J

Item No. 21



APN	OWNER - PROPERTY ADDRESS	OWNER - ADDRESS
① 243-210-040	PEDRO & MARIA FRIAS - 1782 N. PROSPECT ST.	1782 N. PROSPECT ST.
② 243-210-041	SONG YANG - 1165 W. NORTH GRAND AVE.	1165 W. NORTH GRAND AVE.
③ 243-210-028	LORETTA B. FRIDLUND TRUST - 1752 N. PROSPECT ST.	1752 N. PROSPECT ST.
④ 243-210-049	DENISE FUGATE - 1139 W. NORTH GRAND AVE.	30772 SUCCESS VALLEY DRIVE
⑤ 243-210-074	BENNY & JEAN WEBB - 1107 W. NORTH GRAND AVE.	724 W. MORTON AVE.
⑥ 243-210-075	BENNY & JEAN WEBB - 1097 W. NORTH GRAND AVE.	724 W. MORTON AVE.
⑦ 243-210-032	ROSE VELASQUEZ - 1067 W. NORTH GRAND AVE.	1067 W. NORTH GRAND AVE.
⑧ 243-210-061	BENNY & JEAN WEBB - 1053 W. NORTH GRAND AVE.	724 W. MORTON AVE.
⑨ 243-210-071	BENNY & JEAN WEBB - 1035 W. NORTH GRAND AVE.	724 W. MORTON AVE.
⑩ 243-210-063	SUBURBAN PROPANE - 1031 W. NORTH GRAND AVE.	P.O. BOX 206 WHIPPANY NJ 07981
⑪ 243-190-018	KENNETH BOOKOUT - VACANT	P.O. BOX 71145 BAKERSFIELD CA 93387

EXHIBIT "A"

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(559) 782-7462

NORTH GRAND AVENUE RECONSTRUCTION
BETWEEN PROSPECT ST. AND HIGHWAY 65
CONCRETE REIMBURSEMENT MAP

DRAWN BY	DC
CHECKED BY	ND
SCALE	1"=150'
DATE	7-25-13

SHEET
1 OF 1

Exhibit "B"

Totals (Subject to Change Based on Final

CITY COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: RETIREMENT OF POLICE SERVICE DOG "DIAGO"

SOURCE: Police Department

COMMENT: Police Canine Diago was born on October 23, 2004. He was placed into service with the Porterville Police Department in August of 2006. In September of 2012 Diago was diagnosed with liver disease and was permanently placed on a special diet and prescription medication in an effort to help alleviate the issue. Since this time, Diago's health has continued to suffer and he has displayed symptoms that his condition is worsening. These symptoms include his becoming fatigued easily, falling during training, and an overall lack of energy and drive. In addition to these symptoms, Diago has lost approximately ten pounds since September 2012.

On July 8, 2013, Diago was re-evaluated by the treating veterinarian, Dr. Charles Albers. After examining Diago, Dr. Albers has concluded that Diago's health condition will not improve due to the ongoing liver disease and it is his recommendation that Diago be retired from police work.

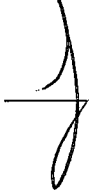
Diago is being retired from service with the Porterville Police Department and his former handler, Sergeant Chris Contreras, has requested to purchase the dog at the fair market value. Due to his deteriorating health and because he will no longer be able to act in the capacity of a police service dog, the fair market value of "Diago" is one dollar (\$1.00).

RECOMMENDATION: That the City Council:

- 1) Approve the sale of "Diago" to Chris Contreras for one dollar (\$1.00); and
- 2) Authorize the Mayor to execute the agreement and document to sell "Diago" to Chris Contreras.

D.D. 

C.M. 

Appropriated/Funded 

Item No. 22

AGREEMENT TO PURCHASE CITY PROPERTY

This agreement to Purchase City Property (hereinafter referred to as "AGREEMENT") is made and entered into by and between Chris Contreras (hereinafter referred to as "CONTRERAS") and the CITY OF PORTERVILLE (hereinafter referred to as "CITY") and the Porterville Police Department (hereinafter referred to as "PPD") and (hereinafter collectively referred to as "PARTIES").

RECITALS

WHEREAS, CONTRERAS is currently a Police Sergeant with the PPD.

WHEREAS, CONTRERAS is the former handler of "Diago," a nine-year-old Belgian Malinois.

WHEREAS, CONTRERAS has offered to purchase "Diago" from the CITY and the PPD at the time "Diago" ceases to work as a police service dog for the CITY.

WHEREAS, CONTRERAS understands that "Diago" is a trained police dog and assumes any liability arising out of, connected with, or resulting from the actions of "Diago" from and after the date of this agreement.

WHEREAS, the PARTIES desire to enter into this AGREEMENT.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the PARTIES hereby agree as follows:

1. CONTRERAS shall purchase "Diago" from the CITY for the sum of one dollar (\$1.00) and ownership shall pass to CONTRERAS as of the DATE OF THIS AGREEMENT.
2. CONTRERAS shall assume all risk of loss and expenses related to the care and maintenance of "Diago" as of the DATE OF THIS AGREEMENT.
3. CONTRERAS shall assume all liability arising out of, connected with, or resulting from the actions of "Diago" as of the DATE OF THIS AGREEMENT.

Executed at Porterville, California, this ____ day of August, 2013.

Chris Contreras, POLICE SERGEANT

Virginia Gurrola, MAYOR

SUBJECT: AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES,
DELINQUENT DEVELOPMENT FEE PAYMENT PLAN
AGREEMENTS AND MISCELLANEOUS LOAN AGREEMENTS
TO THE PROPERTY TAX ROLLS

SOURCE: Finance Department

COMMENT: Staff has prepared a draft Resolution for City Council consideration, which will authorize the County Auditor to place on the property tax rolls for the fiscal year 2013-2014, uncollected weed abatement charges, delinquent development fee payment plan agreements and unpaid loan agreements for the installation of curb, gutter and sidewalk, sewer lateral and fees and water connection fees and services.

City Code Sections 12.3.4 through 12.3.12 provides for weed abatement balances to be rolled to property taxes for collection. The Development Fee Payment Plan Agreements provide that the unpaid balance of principal may be collected in the manner real property taxes are collected. The loan agreements for the installation of curb, gutter, sidewalk, sewer lateral and fees, and water connection fees and services provide that the unpaid principal and interest will be added to the property tax bill and will be collected in the manner real property taxes are collected.

RECOMMENDATION: That the City Council adopt the attached resolution authorizing the County Auditor to place these items on the property tax rolls for collection.

ATTACHMENT: Draft Resolution

D.D. MB Appropriated/Funded MB C.M. J

Item No. 23

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE ORDERING THE PLACEMENT OF SPECIAL ASSESSMENT
LIENS ON THE TULARE COUNTY TAX ROLLS FOR FISCAL YEAR 2013-2014

WHEREAS, the City of Porterville City Charter Section 12.3.4, Nuisance and Authority to Abate, sets forth the procedure for all weed, nuisance and hazard abatements in the City of Porterville, with Porterville City Code Section 12.3.12, Collection on Tax Roll, thereafter setting forth the procedure for placement of delinquent assessments on the Tulare County Tax Rolls; and

WHEREAS, the Development Fee Payment Plan Agreements provide that the unpaid balance of principal shall become a lien on said real property and may be collected in the manner real property taxes are collected by the City of Porterville; and

WHEREAS, the Agreements for Curb, Gutter, and Sidewalk, Sewer Fees and Lateral, Water Meter Fees and Service provide that a lien shall be placed on said real property at the time of said agreement; and the unpaid balance of said principal and interest will be added to the tax bill for said real property and will be collected in the manner real property taxes are collected by the City of Porterville; and

WHEREAS, the Porterville City Council, having duly received and considered evidence and documentation concerning the delinquent accounts proposed to be placed on the Fiscal Year 2013/2014 County Tax Rolls concerning the necessity for the placement of the contemplated tax liens;

NOW, THEREFORE, be it resolved by the City Council of the City of Porterville that the public interest and convenience require the submittal of the following liens, attached hereto as Exhibit "A", to the Tulare County Auditor for placement on the property tax rolls for collection.

PASSED, APPROVED and ADOPTED this 6th day of August 2013.

Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE
WEED/HAZARD ABATEMENT
FY2013-2014 Tax Roll

<u>Assessee</u>		<u>Parcel Number Address</u>	<u>Amount Per Parcel</u>	<u>Assessment Amount</u>
Jeffrey Schwin Estate account #01-000836	1	245-150-054 152 N Newcomb St	\$ 904.18	\$ 904.00
Raul Carranza account #01-000790	2	251-281-014 75 & 79 N Dameron St	3,347.01	3,347.00
William J and P Delk account #01-000736	3	252-292-007 41 N Olive Terrace	4,341.69	4,342.00
WC & Jewel D Walls account #01-000792	4	253-011-006 495 N Division St	2,082.72	2,083.00
Pamela Givens account #01-000745	5	253-041-019 22 E Laurel Ave	1,064.84	1,065.00
Everhome Mortgage Co account #01-000809	6	253-152-015 242 E Mill Ave	1,709.34	1,709.00
Della Mae O'Dell account #01-000613	7	254-073-044 810 E Putnam Ave	1,405.74	1,406.00
USA HUD account #01-000737	8	259-200-083 1887 W Union Ln	2,102.50	2,102.00
Jesus R & Mary Lou Lopez account #01-000478	9	260-184-013 200 S G St	1,024.28	1,024.00
Kandra Paulette Ellsworth account #01-000791	10	261-030-039 N side Vandalia / W Plano	1,135.76	1,136.00
Ramon Avalos account #01-000810	11	262-043-001 88 S Leggett St	3,556.15	3,556.00
Total amount of assessments			\$	<u><u>22,674.00</u></u>
Total number of assessments				<u><u>11</u></u>

Note: FY2012-2013 A/R balances

CITY OF PORTERVILLE
DEVELOPMENT FEE PAYMENT PLAN AGREEMENTS
FY2013-2014 Tax Roll

<u>Assessee</u>	<u>Parcel Number Address</u>	<u>Amount Per Parcel</u>	<u>Assessment Amount</u>
Robert & Darlene Long account #01-000172	251-210-039 1164 W Olive Ave	\$ 3,436.70	\$ 3,437.00
Total amount of assessments			\$ <u>3,437.00</u>
Total number of assessments			<u>1</u>

Note: FY2012-2013 A/R balances

CITY OF PORTERVILLE
MISCELLANEOUS AGREEMENTS
FY2013-2014 Tax Roll

<u>Assessee</u>	<u>Parcel Number Address</u>	<u>Amount Per Parcel</u>	<u>Assessment Amount</u>
Rene De Luna WATER001	251-232-003 261 N Maston St	\$ 3,314.87	\$ 3,315.00
Carmen Bravo SEWER008	251-301-019 107 N Beverly St	4,014.67	4,015.00
Armondo Gutierrez CGS004	253-121-012 299 N Larson St	3,423.07	3,423.00
Leonard Rael WATER005	254-050-026 162 N Conner St	1,533.75	1,534.00
Javier A Gudino SEWER006	260-103-003 290 S Cottage St	8,621.88	8,622.00
Miguel Martinez WATER003	260-103-011 211 S Chess Terrace	3,547.40	3,547.00
Robert Sprague WATER008	260-104-003 234 S Chess Terrace		
Belen & Joe F Lambarena SEWER010	261-080-038 65 E Date	5,255.69	5,256.00
Total amount of assessments		\$	<u><u>29,712.00</u></u>
Total number of assessments			<u><u>7</u></u>

Note: Payoff amount at 6/30/13.

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: PRELIMINARY INTERIM FINANCIAL STATUS REPORTS

SOURCE: Finance Department

COMMENT: The City Charter requires financial status reports to be provided to City Council on a monthly basis. Council Minute Order #10-011607 approved the recommended change in submittal of the Interim Financial Status Reports and established the requirement and parameters for the presentation of the reports.

In accordance with Council Minute Order #10-011607, the interim financial status reports for the 4th fiscal quarter ended June 30, 2013, are submitted. The reports presented are preliminary as accruals of both revenues and expenditures are still being processed.

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

ATTACHMENTS: Preliminary interim financial reports

D.D. MB Appropriated/Funded MB C.M. J

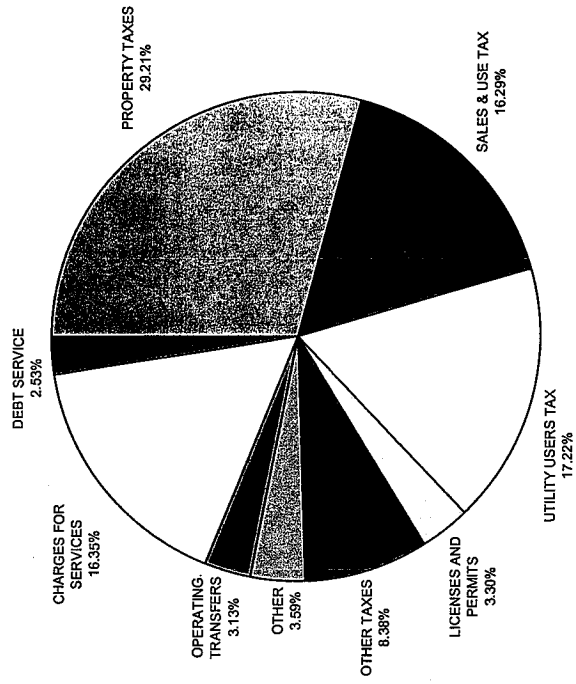
Item No. 24

CITY OF PORTERVILLE

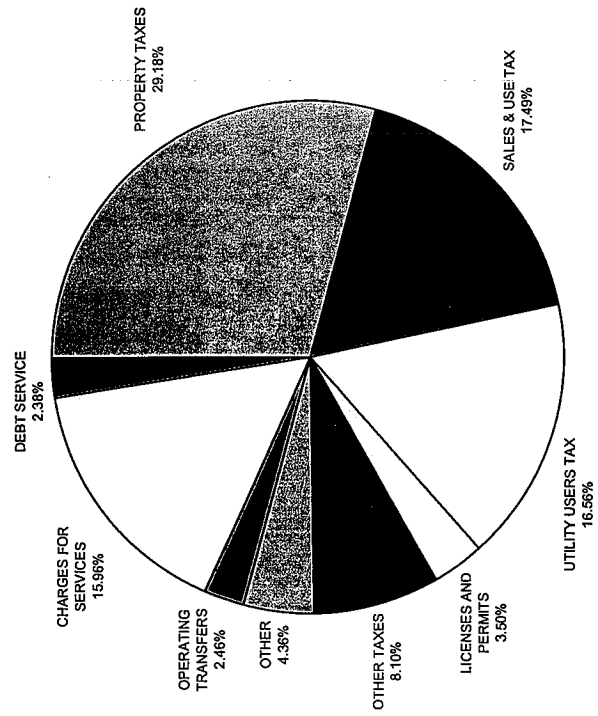
**REVENUE STATUS REPORT - GENERAL FUND
FOR THE YEAR ENDED
JUNE 30, 2013 AND JUNE 30, 2012
PRELIMINARY**

REVENUE SOURCE	2012-2013 ESTIMATED REVENUE	2012-2013 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2011-2012 ESTIMATED REVENUE	2011-2012 YEAR-TO-DATE REVENUE	% OF ESTIMATE
PROPERTY TAXES	\$ 6,691,568	\$ 6,498,812	97.12%	\$ 6,737,435	\$ 6,629,968	98.40%
OTHER TAXES:						
SALES AND USE TAX	3,771,619	3,738,115	99.11%	3,432,288	3,527,622	102.78%
UTILITY USERS TAX	3,950,000	3,687,256	93.35%	3,950,000	3,908,443	98.95%
TRANSIENT OCCUPANCY TAX	310,000	268,012	86.46%	285,000	309,577	108.62%
PROPERTY TRANSFER TAX	45,000	51,055	113.46%	45,000	53,445	118.77%
FRANCHISE TAX	1,471,134	1,442,305	98.04%	1,461,134	1,482,657	101.47%
SALES TAX - PUBLIC SAFETY	130,000	157,096	120.84%	130,000	169,652	130.50%
LICENSES AND PERMITS:						
BUSINESS LICENSES	406,200	418,681	103.07%	421,000	444,154	105.50%
CONSTRUCTION PERMITS	339,505	360,887	106.30%	380,000	305,223	80.32%
REVENUE FROM AGENCIES-TAXES:						
MOTOR VEHICLE IN-LIEU TAX		28,249		385,000	27,107	7.04%
OTHER TAXES	30,000	13,819	46.06%	30,000	29,844	99.48%
REVENUE FROM AGENCIES-GRANTS	68,872	486,670	706.63%	296,222	403,301	136.15%
USE OF MONEY AND PROPERTY	225,078	308,715	137.16%	219,393	270,624	123.35%
FINES AND FORFEITURES	53,000	67,470	127.30%	63,000	72,009	114.30%
CHARGES FOR SERVICES:						
PLANNING AND ENGINEERING	78,523	172,104	219.18%	80,000	81,372	101.72%
POLICE	316,000	239,440	75.77%	264,000	297,936	112.85%
FIRE	55,000	31,777	57.78%	23,000	58,107	252.64%
LIBRARY	40,000	36,980	92.45%	38,000	41,662	109.64%
RECREATIONAL	1,650,258	1,583,732	95.97%	1,543,006	1,630,728	105.69%
INTERDEPARTMENTAL	1,600,000	1,480,685	92.54%	1,600,000	1,593,420	99.59%
OTHER	8,018	10,114	126.14%	9,000	8,528	94.75%
OTHER REVENUES	70,300	107,812	153.36%	72,000	69,034	95.88%
SUBTOTALS	\$ 21,310,075	\$ 21,189,788	99.44%	\$ 21,464,478	\$ 21,414,412	99.77%
OPERATING TRANSFERS	629,982	548,444	87.06%	619,212	711,222	114.86%
DEBT SERVICE TRANSFERS	572,300	530,965	92.78%	612,400	575,112	93.91%
TOTALS	\$ 22,512,357	\$ 22,269,197	98.92%	\$ 22,696,090	\$ 22,700,747	100.02%

**CITY OF PORTERVILLE
GENERAL FUND REVENUES
Year Ended June 30, 2012
PRELIMINARY**



**CITY OF PORTERVILLE
GENERAL FUND REVENUES
Year Ended June 30, 2013
PRELIMINARY**

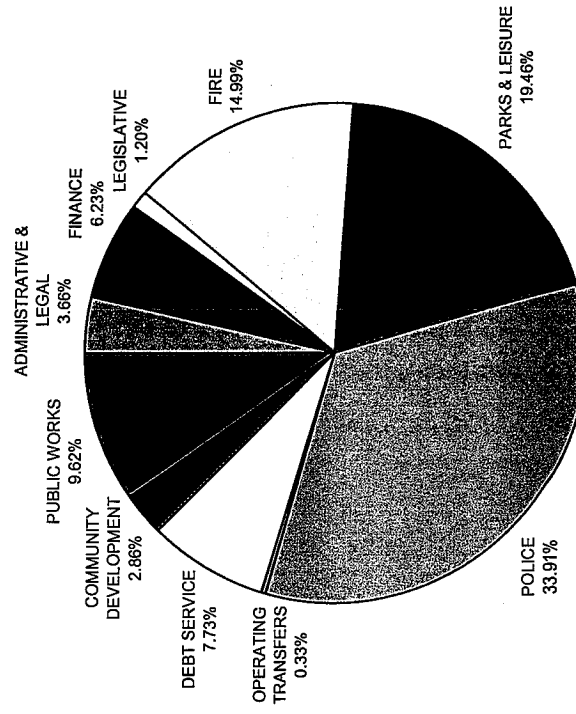


CITY OF PORTERVILLE

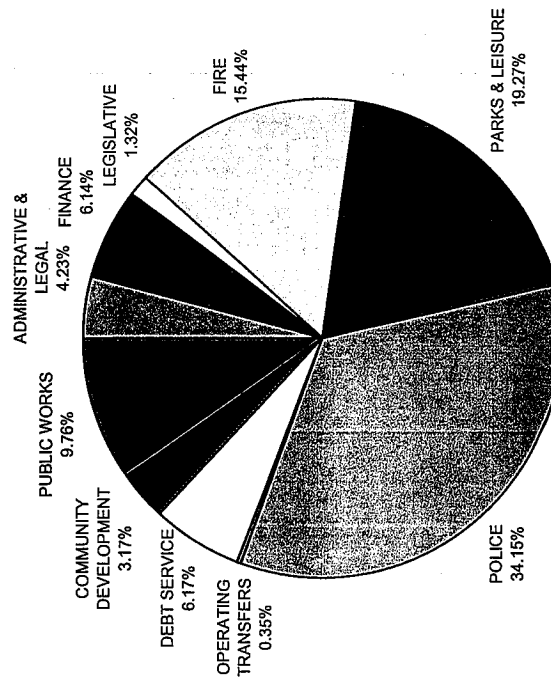
EXPENDITURE STATUS REPORT - GENERAL FUND
FOR THE YEAR ENDED
JUNE 30, 2013 AND JUNE 30, 2012
PRELIMINARY

	2012-2013 AMENDED APPROP	2012-2013 YEAR-TO-DATE EXPEND	% OF APPROP	2011-2012 AMENDED APPROP	2011-2012 YEAR-TO-DATE EXPEND	% OF APPROP
LEGISLATIVE:						
CITY COUNCIL	\$ 92,720	\$ 95,750	103.3%	\$ 108,894	\$ 109,640	100.7%
COMMUNITY PROMOTION	205,012	201,028	98.1%	166,205	173,620	104.5%
ADMINISTRATIVE & LEGAL:						
CITY MANAGER	248,877	238,080	95.7%	250,955	242,505	96.6%
CITY CLERK	166,715	188,213	112.9%	168,085	147,513	87.8%
HUMAN RESOURCES	234,333	292,225	124.7%	235,916	255,596	108.3%
CITY ATTORNEY	240,000	236,467	98.5%	180,000	219,115	121.7%
FINANCE:						
FINANCE & ACCOUNTING	746,234	719,166	96.4%	744,420	726,975	97.7%
INFORMATION SERVICES	394,977	332,086	84.1%	404,003	371,946	92.1%
ADMINISTRATIVE SERVICES	415,760	332,504	80.0%	419,324	372,816	88.9%
POLICE PROTECTION	8,604,113	7,701,901	89.5%	8,531,742	8,011,820	93.9%
FIRE PROTECTION	3,745,606	3,483,256	93.0%	3,750,082	3,541,750	94.4%
COMMUNITY DEVELOPMENT:						
PLANNING & ZONING	516,294	446,441	86.5%	523,424	438,982	83.9%
ECONOMIC DEVELOPMENT	294,233	268,899	91.4%	288,703	237,225	82.2%
PUBLIC WORKS:						
ENGINEERING & BUILDING	1,010,254	824,206	81.6%	1,014,432	946,941	93.3%
STREET MAINTENANCE	407,039	391,552	96.2%	405,021	415,833	102.7%
SIGNALS, SIGNING & STRIPING	356,117	379,306	106.5%	356,428	303,072	85.0%
STREET LIGHTING	479,161	481,545	100.5%	479,358	484,474	101.1%
STORM DRAINS	88,125	78,952	89.6%	90,265	74,963	83.0%
PARKING LOTS	47,079	45,847	97.4%	47,176	48,254	102.3%
PARKS & LEISURE:						
PARK MAINTENANCE & OPERATION	1,755,736	1,528,054	87.0%	1,768,439	1,766,072	99.9%
STREET TREES & PARKWAYS	194,999	177,040	90.8%	217,049	178,150	82.1%
COMMUNITY CENTERS	232,169	205,145	88.4%	246,752	230,591	93.5%
LEISURE SERVICES	216,183	197,474	91.3%	222,030	216,740	97.6%
LEISURE SERVICES - SPECIAL PROG	1,510,704	1,449,562	96.0%	1,422,950	1,396,112	98.1%
SWIMMING POOL	165,211	137,510	83.2%	165,901	162,381	97.9%
LIBRARY OPERATIONS	679,076	630,371	92.8%	613,843	611,335	99.6%
SPECIAL PROJECTS	20,272	20,272	100.0%	17,119	35,370	206.6%
SUB TOTALS	23,066,999	21,082,851	91.4%	22,838,516	21,719,792	95.1%
OPERATING TRANSFERS	79,000	79,000	100.0%	79,000	79,000	100.0%
DEBT SERVICE	1,828,329	1,391,473	76.1%	1,830,754	1,826,579	99.8%
	\$ 24,974,328	\$ 22,553,324	90.3%	\$ 24,748,270	\$ 23,625,371	95.5%

CITY OF PORTERVILLE
GENERAL FUND EXPENDITURES
 Year Ended June 30, 2012
PRELIMINARY



CITY OF PORTERVILLE
GENERAL FUND EXPENDITURES
 Year Ended June 30, 2013
PRELIMINARY

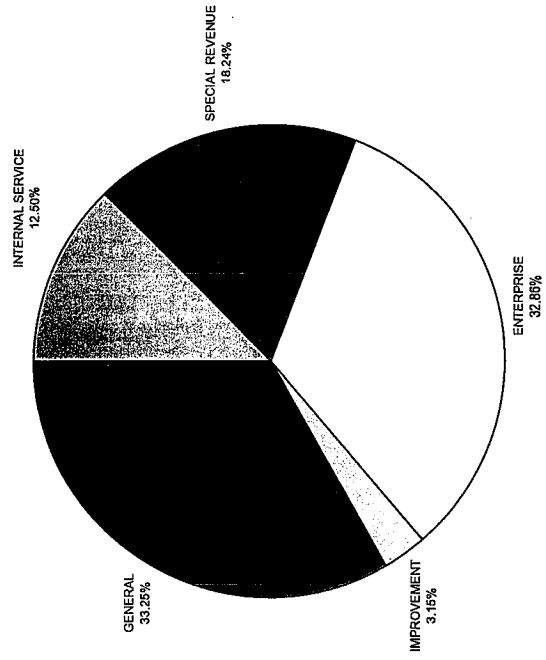


CITY OF PORTERVILLE

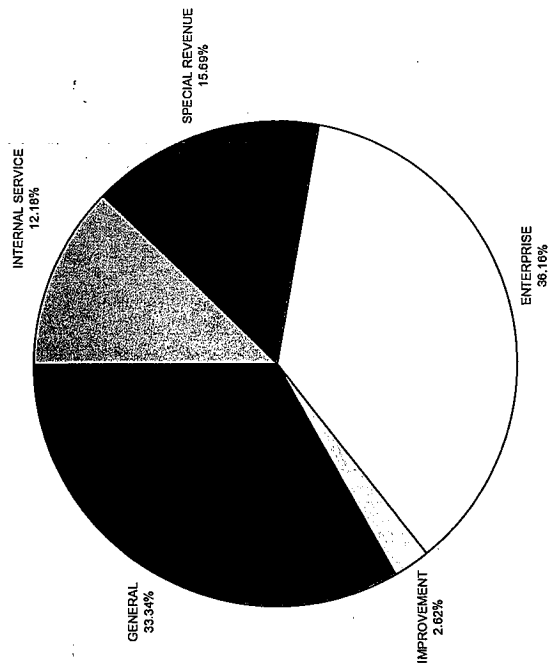
REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE YEAR ENDED
JUNE 30, 2013 AND JUNE 30, 2012
PRELIMINARY

REVENUE SOURCE	2012-2013		% OF ESTIMATE	2011-2012		% OF ESTIMATE
	ESTIMATED REVENUE	YEAR-TO-DATE REVENUE		ESTIMATED REVENUE	YEAR-TO-DATE REVENUE	
MEASURE H SALES TAX	\$ 2,919,298	\$ 2,756,965	94.4%	\$ 2,665,000	\$ 2,854,547	107.1%
SPECIAL GAS TAX	3,184,160	1,772,239	55.7%	2,622,867	2,791,009	106.4%
LOCAL TRANSPORTATION FUNDS (LTF)	4,195,232	2,872,570	68.5%	4,522,437	3,293,226	72.8%
TRAFFIC SAFETY FUND	150,500	140,617	93.4%	125,500	215,961	172.1%
ZALUD ESTATE	7,000	8,316	118.8%	7,200	8,310	115.4%
COMMUNITY DEVELOPMENT BLOCK GRANT	1,845,059	1,096,559	59.4%	1,271,026	1,642,086	129.2%
TRANSIT	6,691,898	4,074,004	60.9%	2,732,088	2,428,014	88.9%
SPECIAL SAFETY GRANTS	378,610	354,537	93.6%	451,350	325,736	72.2%
SEWER OPERATING	6,622,454	6,800,531	102.7%	6,636,454	6,660,190	100.4%
REFUSE REMOVAL	5,550,000	5,626,090	101.4%	5,443,000	5,553,744	102.0%
AIRPORT OPERATIONS	1,386,136	1,226,982	88.5%	1,702,936	1,512,496	88.8%
GOLF COURSE	242,500	223,177	92.0%	262,500	235,266	89.6%
WATER OPERATING	4,845,000	5,023,534	103.7%	4,836,621	4,766,336	98.5%
RISK MANAGEMENT	4,703,666	4,857,062	103.3%	4,384,916	5,229,785	119.3%
EQUIPMENT MAINTENANCE	2,681,250	2,883,321	107.5%	2,460,000	2,819,880	114.6%
LANDSCAPE MAINTENANCE DISTRICT	260,000	262,268	100.9%	260,000	256,917	98.8%
WATER REPLACEMENT	406,991	432,549	106.3%	426,699	424,553	99.5%
SOLID WASTE RESERVE	1,620,718	478,254	29.5%	1,330,430	820,056	61.6%
SEWER REVOLVING	245,511	215,540	87.8%	259,511	225,286	86.8%
TRANSPORTATION DEVELOPMENT	108,000	537,747	497.9%	145,000	122,590	84.5%
PARK DEVELOPMENT	20,000	29,620	148.1%	50,000	20,636	41.3%
TREATMENT PLANT RESERVE	622,328	536,595	86.2%	621,480	562,216	90.5%
STORM DRAIN DEVELOPMENT	85,000	143,429	168.7%	95,000	183,941	193.6%
BUILDING CONSTRUCTION	10,000	7,125	71.3%	20,000	43,216	216.1%
TOTALS	\$ 48,781,311	\$ 42,359,629	86.8%	\$ 43,332,015	\$ 42,995,997	99.2%

CITY OF PORTERVILLE
REVENUE BY FUND TYPE
Year Ended June 30, 2012
PRELIMINARY



CITY OF PORTERVILLE
REVENUE BY FUND TYPE
Year Ended June 30, 2013
PRELIMINARY

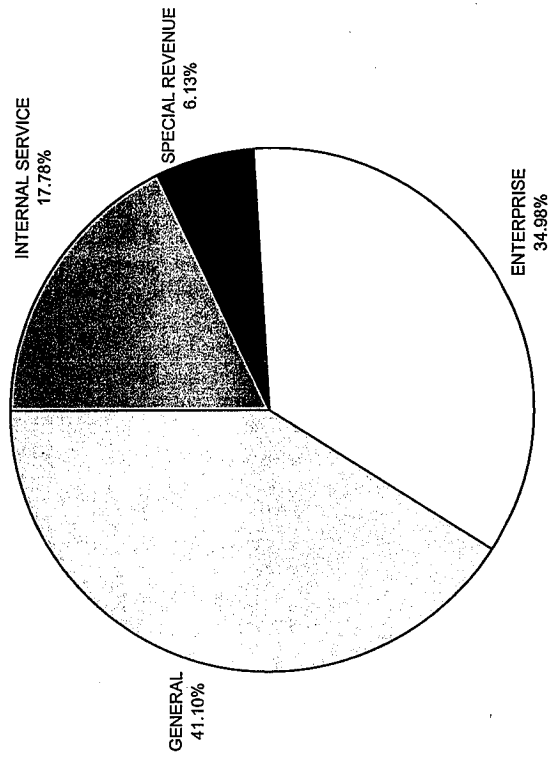


CITY OF PORTERVILLE

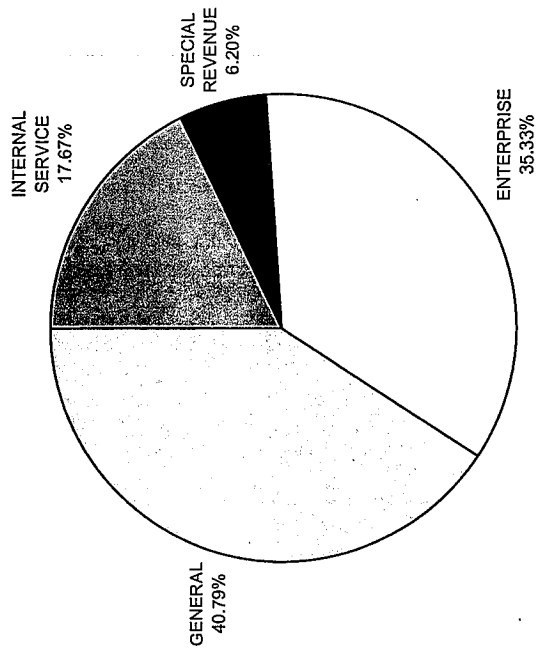
EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE YEAR ENDED
JUNE 30, 2013 AND JUNE 30, 2012
PRELIMINARY

	2012-2013 AMENDED APPROP	2012-2013 YEAR-TO-DATE EXPEND	% OF APPROP	2011-2012 AMENDED APPROP	2011-2012 YEAR-TO-DATE EXPEND	% OF ACTUAL
MEASURE H SALES TAX	\$ 2,772,476	\$ 2,551,501	92.0%	\$ 2,614,439	\$ 2,525,827	96.6%
ZALUD ESTATE	29,435	23,527	79.9%	27,135	27,909	102.9%
COMMUNITY DEVELOPMENT BLOCK GRANT	502,461	146,081	29.1%	513,868	174,944	34.0%
TRANSIT	4,178,019	2,461,882	58.9%	2,688,780	1,720,922	64.0%
SPECIAL SAFETY GRANTS	403,680	359,805	89.1%	479,881	387,691	80.8%
SEWER OPERATING	5,951,222	5,208,257	87.5%	5,890,132	5,728,697	97.3%
REFUSE REMOVAL	5,335,522	5,127,550	96.1%	5,355,396	5,071,695	94.7%
AIRPORT	1,316,618	1,099,546	83.5%	1,561,396	1,347,830	86.3%
GOLF COURSE	353,849	342,508	96.8%	359,981	404,284	112.3%
WATER OPERATING	4,280,371	3,997,588	93.4%	4,495,070	4,182,687	93.1%
RISK MANAGEMENT	5,917,818	6,266,834	105.9%	4,924,986	6,677,702	135.6%
EQUIPMENT MAINTENANCE	2,631,898	2,864,949	108.9%	2,435,088	2,717,256	111.6%
LANDSCAPE MAINTENANCE DISTRICT	223,811	147,945	66.1%	205,969	153,154	74.4%
TOTALS	\$ 33,897,180	\$ 30,597,972	90.3%	\$ 31,552,121	\$ 31,120,597	98.6%

CITY OF PORTERVILLE
EXPENDITURES BY FUND TYPE
Year Ended June 30, 2012
PRELIMINARY



CITY OF PORTERVILLE
EXPENDITURES BY FUND TYPE
Year Ended June 30, 2013
PRELIMINARY



CITY OF PORTERVILLE
 INTERIM PERFORMANCE REPORT - MEASURE H
 For the Year Ended June 30, 2013 and June 30, 2012
 PRELIMINARY

	FY 2012-13	FY 2011-12
REVENUES		
Sales Tax - Measure H	\$ 2,718,311	2,786,763
Interest	36,145	67,784
Police Services	2,509	-
TOTAL REVENUES	<u>2,756,965</u>	<u>2,854,547</u>
EXPENDITURES		
Police Department	1,312,810	1,276,530
Fire Department	859,491	872,790
Library & Literacy	379,201	376,507
TOTAL EXPENDITURES	<u>2,551,501</u>	<u>2,525,827</u>
CAPITAL PROJECTS		
Public Safety Station	262,797	113,520
REVENUE OVER/(UNDER) EXPENDITURES	\$ <u>(57,334)</u>	\$ <u>215,200</u>

CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Year Ended June 30, 2013 and June 30, 2012
PRELIMINARY

FUND	REVENUES	EXPENSES	6/30/2013		6/30/2012	
			NET PROFIT (LOSS)		NET PROFIT (LOSS)	
Zalud Estate	\$ 8,316	\$ (23,527)	\$	(15,211)	\$	(19,599)
Sewer Operating	6,800,531	(5,208,257)		1,592,274		931,494
Solid Waste	5,626,090	(5,127,550)		498,540		482,049
Airport	1,226,982	(1,099,546)		127,436		164,667
Golf	223,177	(342,508)		(119,331)		(169,019)
Water Operating	5,023,534	(3,997,588)		1,025,945		583,649

NOTE: The Transit Fund is not included as it does not contain any retained earnings

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Finance Department

COMMENT: This report reflects the investment portfolio of the City of Porterville as of June 30, 2013, and is in compliance with California Government Code Section 27000, etc., Section 53600, etc., and the City of Porterville's Statement of Investment Policy. Investments are selected based on the statutory objectives of safety, liquidity and yield.

Items identified in the summary include the portfolio composition, weighted average rate of earnings, weighted average days to maturity, and the percentage of liquid holdings.

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

ATTACHMENT: Quarterly Portfolio Summary

D.D. MP Appropriated/Funded MB C.M. J

Item No. 25

**CITY OF PORTERVILLE
PORTFOLIO SUMMARY AS OF JUNE 30, 2013**

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1006	LOCAL AGENCY INVESTMENT FUND \$	17,920,405	\$ 17,925,301	0.240%	DAILY	DAILY	1
1007	CSJVRMA INVESTMENT FUND	6,313,981	6,430,465	1.230%	DAILY	DAILY	30
866	TULARE COUNTY INVESTMENT POOL	8,479,725	8,479,725	1.240%	DAILY	DAILY	30
	PROSPECT-HENDERSON PARTNERS, L	2,620,221	2,620,221	2.850%	12/29/2009	10/27/2020	2,676
	TULARE COUNTY JUNIOR LIVESTOCK SHOW AND COMMUNITY FAIR	1,649,076	1,649,076	3.000%	9/30/2010	7/15/2021	2,937
3136FPEW3	FEDERAL NATL MTG ASSN	1,000,000	1,016,230	1.500%	9/16/2010	12/16/2014	534
313379XM6	FEDERAL HOME LOAN BANKS	1,000,000	985,010	1.100%	7/10/2012	7/10/2017	1,471
313382FP3	FEDERAL HOME LOAN BANKS	1,000,000	974,990	1.000%	3/20/2013	3/20/2018	1,724
3136G1PH6	FEDERAL NATL MTG ASSN	1,000,000	995,300	1.000%	6/27/2013	12/27/2016	1,276
3134G46D5	FEDERAL HOME LN MTG CORP	1,000,000	971,660	1.200%	6/12/2013	6/12/2018	1,808
313388G21	FEDERAL HOME LOAN BANKS	1,000,000	976,920	1.200%	6/20/2013	6/20/2018	1,816
3134G47G7	FEDERAL HOME LN MTG CORP	2,000,000	1,961,200	1.400%	6/26/2013	6/26/2018	1,822
36962G5B6	GENERAL ELECTRIC CAP CORP	1,000,000	1,004,410	0.910%	1/27/2012	4/7/2014	281
36962G5Q3	GENERAL ELECTRIC CAP CORP	1,000,000	1,006,250	1.026%	1/30/2012	1/30/2015	579
36962G5D2	GENERAL ELECTRIC CAP CORP	1,000,000	1,012,680	1.145%	4/27/2012	5/9/2016	1,044
4812VUL2	JP MORGAN CHASE BANK NA	1,000,000	985,380	0.366%	4/27/2012	4/27/2017	1,397
4042K1U68	HSBC USA INC	1,000,000	973,460	2.200%	7/5/2012	7/5/2017	1,466
89233P6S0	TOYOTA MOTORS CRD CORP	1,000,000	971,030	1.250%	3/13/2013	10/5/2017	1,558
00206RBM3	AT&T INC	1,004,830	972,190	1.400%	1/22/2013	12/1/2017	1,615
94974BFG0	WELLS FARGO CO	1,006,910	975,330	1.500%	1/22/2013	1/16/2018	1,661
36185AM47	CERTIFICATE OF DEPOSIT	97,000	99,067	3.450%	4/3/2009	4/3/2014	277
02587DKB3	CERTIFICATE OF DEPOSIT	240,000	244,423	1.750%	12/22/2011	12/22/2015	905
9819961J0	CERTIFICATE OF DEPOSIT	200,000	199,614	2.000%	9/14/2011	9/14/2016	1,172
36160WH51	CERTIFICATE OF DEPOSIT	240,000	244,908	2.100%	12/16/2011	12/16/2016	1,265
33764JRP2	CERTIFICATE OF DEPOSIT	240,000	237,886	1.100%	1/25/2013	1/25/2017	1,305
17284A2U1	CERTIFICATE OF DEPOSIT	240,000	242,201	1.500%	7/18/2012	7/18/2017	1,479
795450PA7	CERTIFICATE OF DEPOSIT	240,000	241,963	1.700%	8/22/2012	8/22/2017	1,514
06740KFX0	CERTIFICATE OF DEPOSIT	247,000	249,724	1.900%	1/19/2012	1/19/2017	1,299
856284C77	CERTIFICATE OF DEPOSIT	247,000	252,434	2.050%	1/27/2012	1/27/2017	1,307
05568PZ26	CERTIFICATE OF DEPOSIT	248,000	249,183	1.000%	9/21/2012	9/21/2015	813
38143A2U8	CERTIFICATE OF DEPOSIT	250,000	247,458	1.050%	12/27/2012	12/27/2016	1,276
1168	CERTIFICATE OF DEPOSIT	99,000	99,000	2.000%	7/25/2010	1/25/2014	209
1192	CERTIFICATE OF DEPOSIT	99,000	99,000	1.490%	9/18/2012	9/18/2017	1,541
1195	CERTIFICATE OF DEPOSIT	99,000	99,000	1.350%	11/5/2012	11/5/2017	1,589
1198	CERTIFICATE OF DEPOSIT	99,000	99,000	1.250%	1/9/2013	1/9/2018	1,654
1200	CERTIFICATE OF DEPOSIT	99,000	99,000	1.580%	2/26/2013	2/26/2018	1,702
1204	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	4/9/2013	4/9/2018	1,744
1208	CERTIFICATE OF DEPOSIT	122,408	122,408	1.100%	5/9/2013	5/9/2018	1,774
1209	CERTIFICATE OF DEPOSIT	99,000	99,000	1.050%	5/16/2013	5/16/2018	1,781
1214	CERTIFICATE OF DEPOSIT	99,000	99,000	5.100%	7/16/2008	7/16/2013	16
1217	CERTIFICATE OF DEPOSIT	99,000	99,000	5.000%	8/18/2008	8/18/2013	49
1218	CERTIFICATE OF DEPOSIT	99,000	99,000	1.500%	8/26/2008	8/26/2013	57
1219	CERTIFICATE OF DEPOSIT	100,000	100,000	5.250%	9/15/2008	9/15/2013	77
1222	CERTIFICATE OF DEPOSIT	99,000	99,000	5.000%	7/25/2008	7/25/2013	25
1224	CERTIFICATE OF DEPOSIT	99,000	99,000	5.020%	10/14/2008	10/14/2013	106
1225	CERTIFICATE OF DEPOSIT	99,000	99,000	1.000%	10/16/2008	10/16/2013	108
1227	CERTIFICATE OF DEPOSIT	100,000	100,000	5.170%	10/30/2008	9/30/2013	92
1228	CERTIFICATE OF DEPOSIT	99,000	99,000	5.150%	10/30/2008	10/30/2013	122
1229	CERTIFICATE OF DEPOSIT	123,631	123,631	5.122%	11/17/2008	11/17/2013	140
1230	CERTIFICATE OF DEPOSIT	99,000	99,000	4.890%	12/11/2008	12/11/2013	164
1236	CERTIFICATE OF DEPOSIT	99,000	99,000	3.600%	8/14/2009	8/14/2014	410
1237	CERTIFICATE OF DEPOSIT	148,000	148,000	3.300%	8/14/2009	8/14/2013	45
1239	CERTIFICATE OF DEPOSIT	250,000	250,000	3.110%	10/2/2009	10/2/2013	94
1241	CERTIFICATE OF DEPOSIT	250,000	250,000	3.250%	11/5/2009	11/5/2013	128
1242	CERTIFICATE OF DEPOSIT	250,000	250,000	3.050%	11/24/2009	11/25/2013	148
1243	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	6/19/2012	6/19/2016	1,085
1244	CERTIFICATE OF DEPOSIT	100,000	100,000	3.400%	1/13/2010	1/13/2015	562
1246	CERTIFICATE OF DEPOSIT	100,000	100,000	3.250%	4/16/2010	4/16/2015	655
1248	CERTIFICATE OF DEPOSIT	100,002	100,002	1.260%	5/8/2012	5/8/2015	677
1249	CERTIFICATE OF DEPOSIT	100,000	100,000	3.460%	6/3/2010	4/3/2015	642

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1250	CERTIFICATE OF DEPOSIT	98,885	98,885	3.460%	6/9/2010	4/9/2015	648
1251	CERTIFICATE OF DEPOSIT	99,000	99,000	2.270%	6/29/2010	6/29/2013	0
1252	CERTIFICATE OF DEPOSIT	100,000	100,000	2.970%	7/2/2010	10/2/2013	94
1253	CERTIFICATE OF DEPOSIT	247,000	247,000	3.190%	8/2/2010	8/2/2015	763
1254	CERTIFICATE OF DEPOSIT	100,000	100,000	2.960%	9/3/2010	9/3/2014	430
1256	CERTIFICATE OF DEPOSIT	250,000	250,000	1.880%	6/9/2011	6/19/2014	354
1257	CERTIFICATE OF DEPOSIT	100,000	100,000	1.240%	10/27/2011	10/27/2013	119
1258	CERTIFICATE OF DEPOSIT	150,000	150,000	1.650%	1/12/2012	1/12/2016	926
1259	CERTIFICATE OF DEPOSIT	249,000	249,000	1.800%	2/2/2012	2/2/2017	1,313
1260	CERTIFICATE OF DEPOSIT	250,000	250,000	1.840%	4/4/2012	4/4/2017	1,374
1261	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	7/13/2012	1/13/2016	927
1262	CERTIFICATE OF DEPOSIT	250,000	250,000	1.440%	9/5/2012	9/5/2017	1,528
1262	CERTIFICATE OF DEPOSIT	250,000	250,000	1.540%	12/12/2012	12/12/2017	1,626
1263	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	2/1/2013	3/1/2017	1,340
1264	CERTIFICATE OF DEPOSIT	150,000	150,000	1.250%	2/14/2013	2/14/2018	1,690
1264	CERTIFICATE OF DEPOSIT	100,000	100,000	1.300%	1/28/2013	1/28/2018	1,673
1265	CERTIFICATE OF DEPOSIT	100,000	100,000	1.300%	1/30/2013	1/30/2018	1,675
1266	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	5/8/2013	5/8/2018	1,773
1277	CERTIFICATE OF DEPOSIT	250,000	250,000	1.600%	6/25/2013	6/25/2018	1,821
1278	CERTIFICATE OF DEPOSIT	250,000	250,000	1.000%	4/29/2013	4/29/2016	1,034
1279	CERTIFICATE OF DEPOSIT	250,000	250,000	1.300%	4/24/2013	4/24/2018	1,759
1280	CERTIFICATE OF DEPOSIT	250,000	250,000	1.300%	5/21/2013	5/21/2018	1,786
1281	CERTIFICATE OF DEPOSIT	250,000	250,000	1.390%	5/14/2013	5/14/2018	1,779
1282	CERTIFICATE OF DEPOSIT	250,000	250,000	1.300%	6/21/2013	6/21/2018	1,817
1283	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	5/9/2013	5/9/2018	1,774
1284	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	4/22/2013	4/22/2018	1,757
1285	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	4/29/2013	4/29/2018	1,764
TOTALS		\$ 64,707,074	\$ 64,618,614				

WEIGHTED AVERAGE RATE OF EARNINGS					% OF LIQUID PORTFOLIO HOLDINGS	WEIGHTED AVERAGE DAYS TO MATURITY
ONE YEAR HISTORY				CURRENT		
6/30/2012	9/30/2012	12/31/2012	3/31/2013	6/30/2013		
1.582%	1.569%	1.415%	1.419%	1.215%	50.557%	724

Comments:

Portfolio holdings as of June 30, 2013, are in compliance with the current Investment Policy. With 50.557% of the portfolio being held in liquid instruments, the cash needs of the City will be met. The next portfolio report will be calculated for the third calendar quarter ending September 30, 2013, and will be presented during the November 5, 2013 Council meeting.

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – KIWANIS CLUB OF
PORTERVILLE - AMERICAN CROWN CIRCUS, INC - AUGUST 8 - 12, 2013

SOURCE: Finance Department

COMMENT: Kiwanis Club of Porterville and American Crown Circus, Inc. are requesting approval to hold a circus from Thursday, August 8 through Monday, August 12, 2013, at the ball field area of the Heritage Center, behind Vallarta Market.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Kiwanis Club of Porterville and American Crown Circus, Inc., subject to the stated requirements contained in the Application, Agreement, Exhibit A and Exhibit B.

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit A, Maps, Exhibit B, Outside Amplifier Permit, Insurance Certificate and Business License Application.

D.D. MB Appropriated/Funded MB C.M. J Item No. 26

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

_____	_____	Bus Lic Spvr	_____
_____	_____	Pub Works Dir	_____
_____	_____	Comm Dev Dir	_____
_____	_____	Field Svcs Mgr	_____
_____	_____	Fire Chief	_____
_____	_____	Parks Dir	_____
_____	_____	Police Chief	_____
_____	_____	Deputy City Mgr	_____

Att^{no} MARIA - ANITA
Business License

CITY OF PORTERVILLE

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

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted **NO LESS THAN 30 days PRIOR** to the date of the event in order to obtain City Council approval.

City Code requirements:

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

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. **When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured.** The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. **This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council's approval.**

RO - Authorized Representative Initials

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

RO - Authorized Representative Initials

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information 559-733-6932; or visit their website: www.tularehhsa.org.

RO - Authorized Representative Initials

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

RO - Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

American Crown Circus, Inc.	<u>[Signature]</u>	<u>7/31/13</u>
(Name of Organization)	(Signature)	(Date)

CITY OF PORTERVILLE

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

Name of event: American Crown Circus

Sponsoring organization: ~~American Crown Circus, Inc.~~ KIWANIS CLUB OF PORTERVILLE

Event date: August 8, 9, 10, 11 & 12, 2013 Hours: 5:00 pm to 9:00 pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed			
<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
<u>Sidewalks</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
<u>Parking lots and spaces</u>	<u>Location</u>	<u>Activity</u>	
200	Vacant Lot across from the Old Fairgrounds on E Olive Ave., behind La Vallarta Market.	Acrobatic circus	

REQUIREMENTS FOR COMMUNITY CIVIC EVENT
CITY OF PORTERVILLE
KIWANIS CLUB OF PORTERVILLE
AMERICAN CROWN CIRCUS, INC.
AUGUST 8-12, 2013

Finance Director:
M. Bemis

Public Works Director:
B. Rodriguez

No comment.

Community Development Director:
B. Dunlap

The proposed site is the ball field area of the Heritage Center, which is publicly owned. The vacant lot across from the new courthouse - previously the fairgrounds - is owned by a private individual. No use of that property would be allowed through the proposed CCE without written authorization by that property owner. Without the approval, no access from Olive Avenue would be available since the access points are under private ownership. This also means that access to the site for parking would likely flow through Eastridge Circle, and an uncontrolled intersection at Plano Street and Eastridge Circle. This should be looked at more closely.
Comply with the City's noise standards, provide temporary on-site striped parking at one space for every 50 square feet of assembly area (not including center ring or staging).

Field Services Manager:
B. Styles

No comment.

Fire Chief:
G. Irish

Will require a fire and life safety inspection for compliance with Title 19 and California Fire Code, 2010, prior to opening.

Parks and Leisure Services Director:
D. Moore

Lot to be left in same condition as upon arrival.

Police Captain:
D. Haynes

Please see Proposed Conditions/Requirements in Exhibit B.

Administrative Services Director:
P. Hildreth

Please see Exhibit A, page 2.

EXHIBIT A, Page 1

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Kiwanis Club of Porterville
Event: American Crown Circus
Event Chairman: Leo Osorio, Treasurer
Location: Vacant Lot on East Olive Avenue
Date of Event: August 8-12, 2013
Time of Event: 5:00 PM to 9:00 PM

RISK MANAGEMENT: Conditions of Approval

That the American Crown Circus, Inc., provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville and Successor Agency for the Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

- A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an "admitted" insurer in the State of California.

CITY OF PORTERVILLE

Temporary Business License Application

Proposed Conditions/Requirements for American Crown Circus August 8-12, 2013:

- No possession, sales or consumption of alcohol on the premises.
- Must provide a minimum of two (2) licensed/uniformed security officers to provide interior/exterior security during hours of the event.
- Must provide exterior lighting sufficient to illuminate areas subject to pedestrian/vehicular traffic related to the event during hours of darkness.

Dan Haynes, Captain
Porterville Police Department
(559) 782-7565

Exhibit B

CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)



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

- 1 Name and home address of the applicant: American Crown Circus
4088 Pleasant Rd., Las Vegas, NV 89018
- 2 Address where amplification equipment is to be used: Vacant Lot across from the Old Fairgrounds on E Olive Ave., behind La Vallarta Market
- 3 Names and addresses of all persons who will use or operate the amplification equipment: _____
Roberto Osorio 4088 Pleasant Rd., Las Vegas, NV 89018
- 4 Type of event for which amplification equipment will be used: _____
Acrobatic circus.
- 5 Dates and hours of operation of amplification equipment: _____
August 8, 9, 10, 11 & 12, 2013 5:00 pm to 9:00 PM
- 6 A general description of the sound amplifying equipment to be used: _____
PC, amplifier and 4 speakers. Music will be inside a fully enclosed tent to minimize noise.

Section 18-9

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

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

[Signature]
Signature of Applicant

7-5-13
Date

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

[Signature]
City of Porterville, Chief of Police/Designee

7-16-13
Date

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	Allied Specialty Insurance 85 N.E. Loop 410 Suite 600 San Antonio, TX 78216	CONTACT NAME:	
		PHONE (A/C, No, Ext):	FAX (A/C, No):
INSURED	American Crown Circus, Inc. 4088 Pleasant Road Las Vegas NV 89108	E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A :	T.H.E. Insurance Company
		INSURER B :	
		INSURER C :	
		INSURER D :	
		INSURER E :	
		INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE		ADDL INSR	SUBR VVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY				CPP0102289-02	01/27/13	01/27/14	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/>	COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 50,000
	<input type="checkbox"/>	CLAIMS-MADE	<input checked="" type="checkbox"/>	OCCUR				MED EXP (Any one person)	\$
	<input type="checkbox"/>							PERSONAL & ADV INJURY	\$ 1,000,000
	<input type="checkbox"/>							GENERAL AGGREGATE	\$ 3,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:							PRODUCTS - COMP/OP AGG	\$ 1,000,000
	<input type="checkbox"/>	POLICY	<input type="checkbox"/>	PRO-JECT				<input type="checkbox"/>	LOC
	AUTOMOBILE LIABILITY							COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/>	ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/>	ALL OWNED AUTOS	<input type="checkbox"/>	SCHEDULED AUTOS				BODILY INJURY (Per accident)	\$
	<input type="checkbox"/>	HIRED AUTOS	<input type="checkbox"/>	NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/>		<input type="checkbox"/>						\$
	<input type="checkbox"/>		<input type="checkbox"/>						\$
	<input type="checkbox"/>	UMBRELLA LIAB	<input type="checkbox"/>	OCCUR				EACH OCCURRENCE	\$
	<input type="checkbox"/>	EXCESS LIAB	<input type="checkbox"/>	CLAIMS-MADE				AGGREGATE	\$
	<input type="checkbox"/>	DED	<input type="checkbox"/>	RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		Y/N <input type="checkbox"/> N/A					WC STATU-TORY LIMITS	OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)							E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - EA EMPLOYEE	\$
								E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

ADDITIONAL INSURED WITH RESPECTS TO THE OPERATIONS OF THE NAMED INSURED ONLY:
CITY OF PORTERVILLE, SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY.

LOCATION: HERTIGATE FIELD, PORTERVILLE, CA
FOR THE DATES: 8/08/13 THROUGH 8/13/13

CERTIFICATE HOLDER

CITY OF PORTERVILLE
SUCCESSOR AGENCY TO THE PORTERVILLE
REDEVELOPMENT AGENCY
291 N. MAIN ST.
PORTERVILLE, CA 93257

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

THORIZED REPRESENTATIVE
Richard W. A. Lingle

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ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
CITY OF PORTERVILLE, SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY.
LOCATION OF SPOT: HERTIGATE FIELD, PORTERVILLE, CA FOR THE PERIOD 8/08/13 TO 8/13/13, BUT ONLY AS RESPECTS TO THE OPERATIONS OF THE NAMED INSURED.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. In the performance of your ongoing operations; or

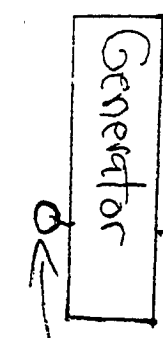
B. In connection with your premises owned by or rented to you.

American Circus Layout

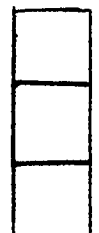
There may be usual change depending on location.
There will still be all the exits and walkways.

There is 20 ft fire lane around the circus tent.

Scale: 2 in. = 25 ft

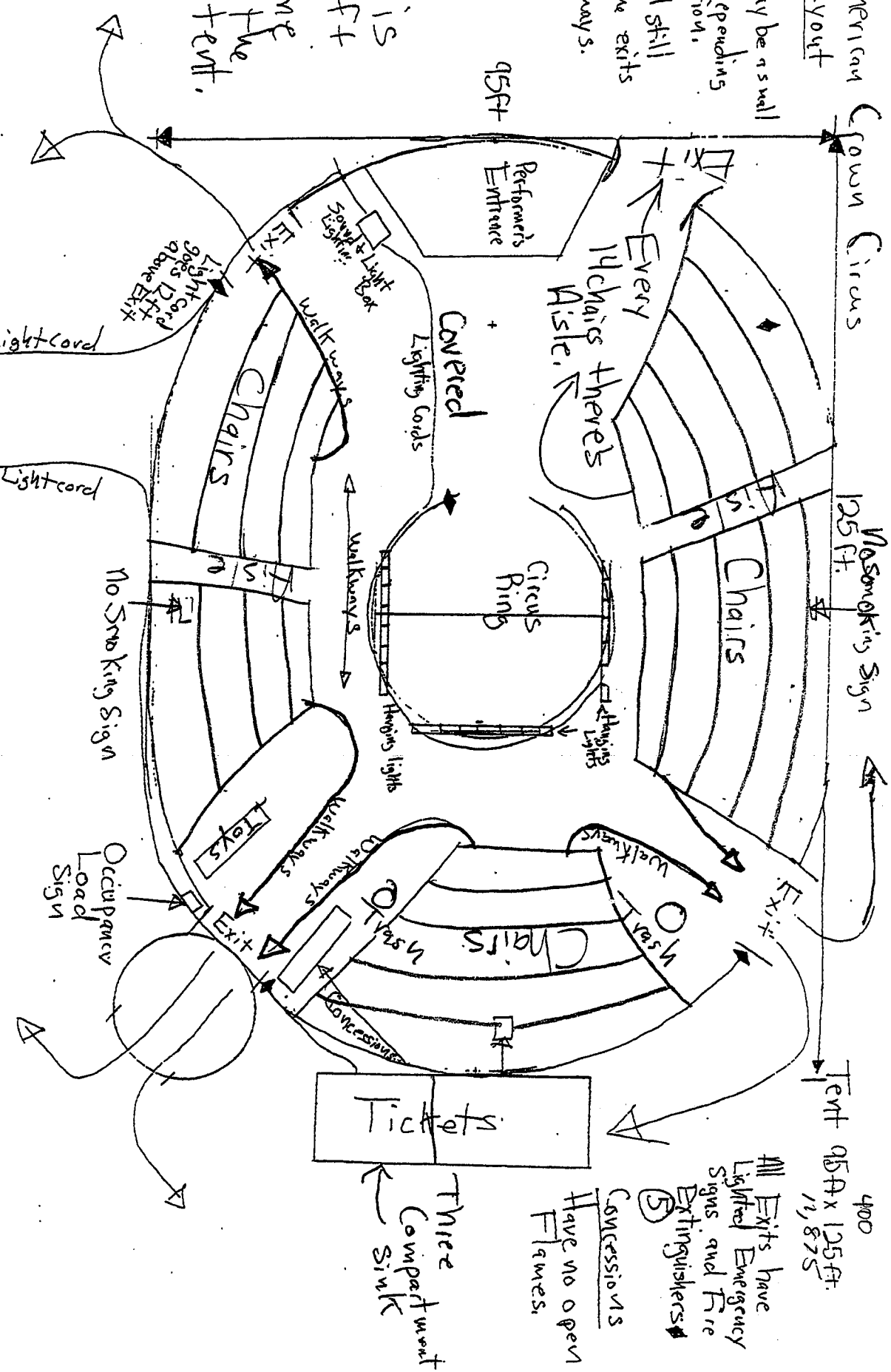


Ground Rod



Restrooms

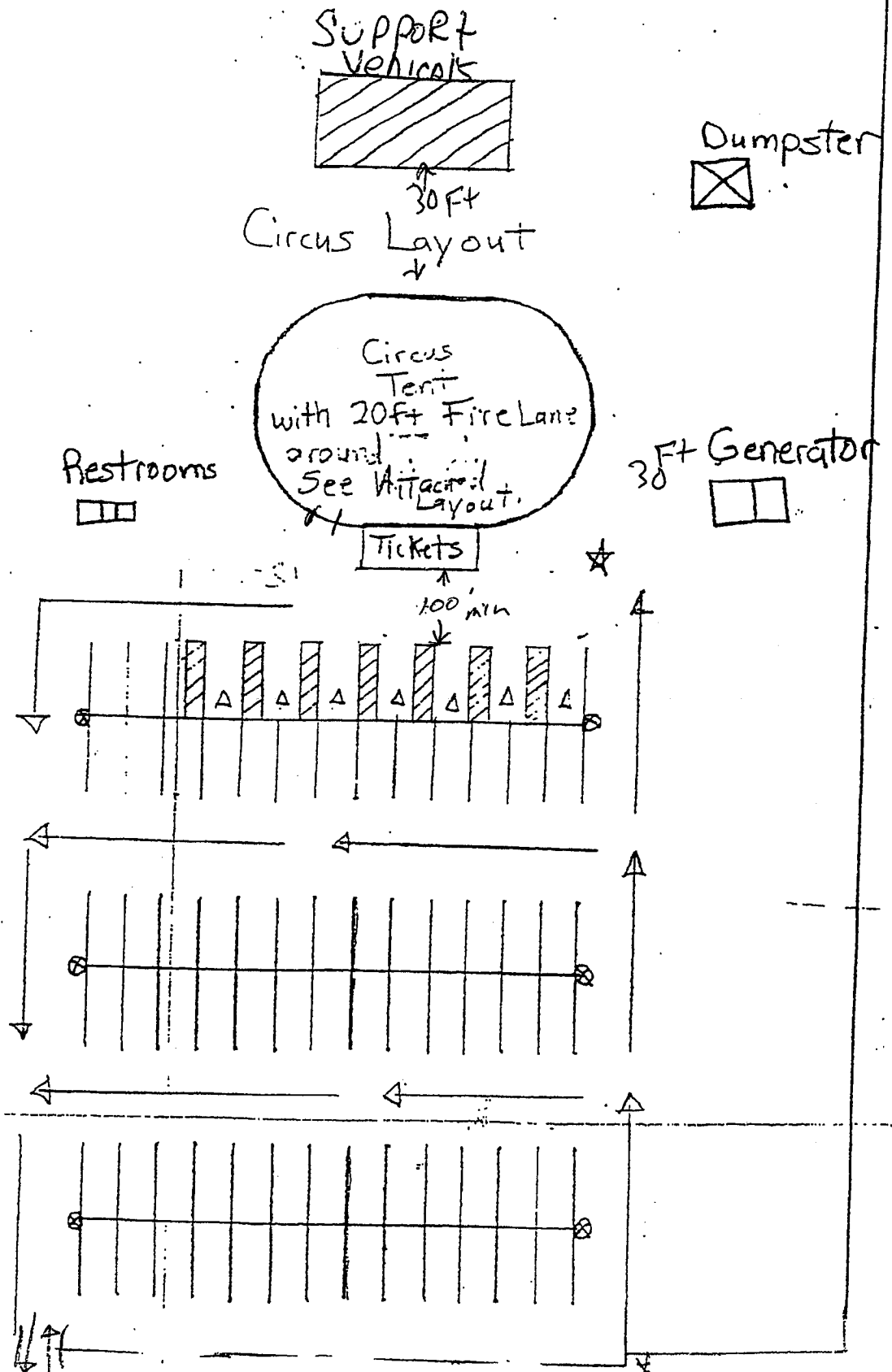
All electrical wiring is covered by electrical covering boxes.



400
Tent 95 ft x 125 ft.
11,875
5 Exits have Lighted Emergency Signs and Fire Extinguishers
Concessions Have no open flames.

Three compartment sink

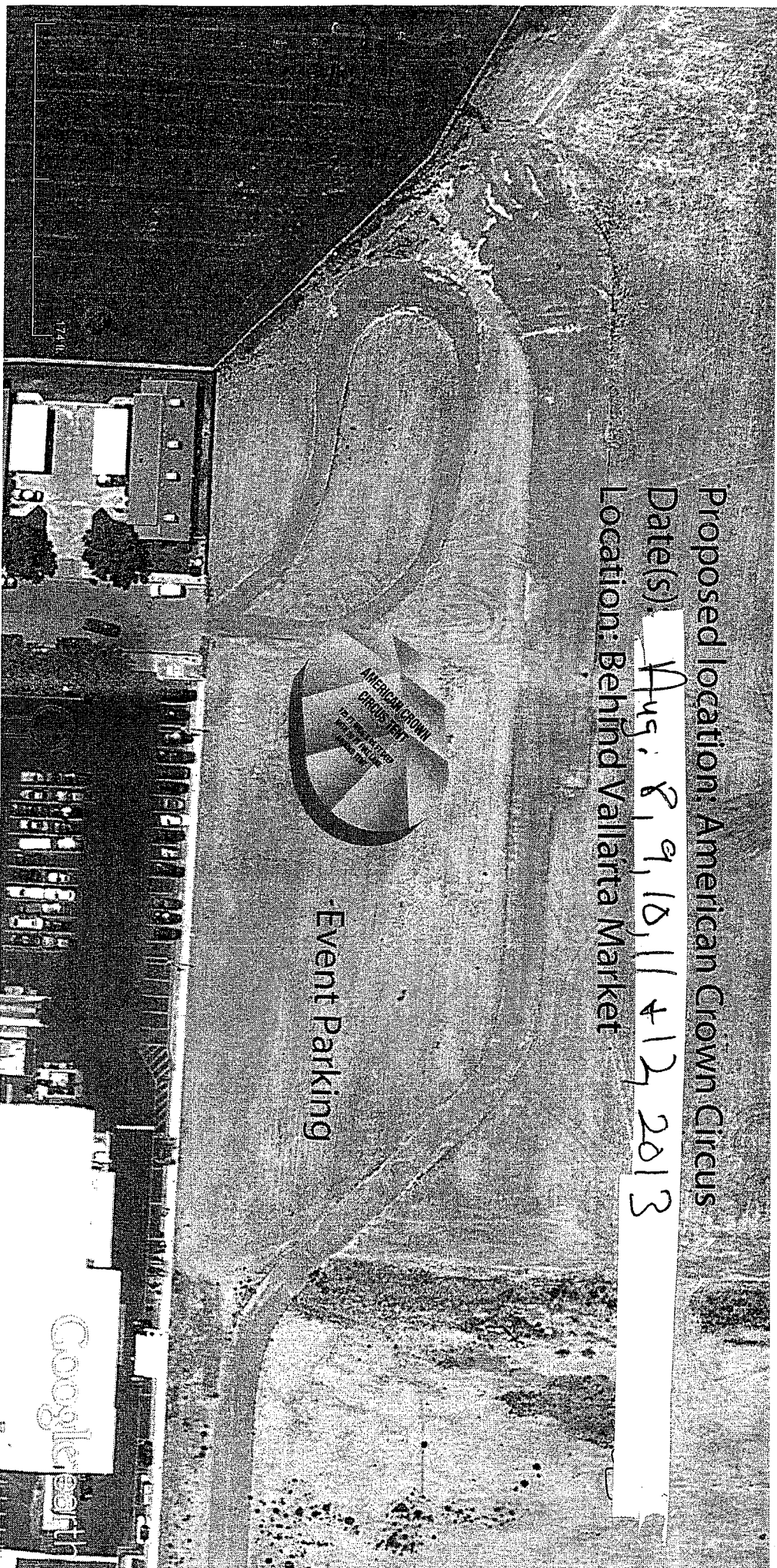
Parking Layout



Proposed location: American Crown Circus

Date(s): Aug. 8, 9, 10, 11 & 12, 2013

Location: Behind Vallarta Market





CITY OF PORTERVILLE

291 N. MAIN ST., PORTERVILLE, CA. 93257

(559) 782-7457

Attn: Frank

Application for City Business License

Total (10) Pages Faxed

DUE	PAST DUE
For XXXXX Beginning	
Period XXXXX Ending	
Temporary License For:	
Day(s) From Aug. 8, 2013 Thru Aug. 12, 2013	

FEE MUST ACCOMPANY APPLICATION

Allow 10 to 21 days for necessary inspections and approvals. Licensee is responsible for compliance with all ordinances of the City of Porterville i.e. Fire, Health, Building and Zoning Codes

☐ RENEWAL ☒ NEW ☐ OWNERSHIP CHANGE ☐ ADDRESS CHANGE ☐ NAME CHANGE

LICENSE NO. 97200768

TAX NO. 88-0344571

CA. LIC. 2069116

BUSINESS
NAME

American Crown Circus, Inc.

MAILING
ADDRESS

4088 Pleasant Rd.
Las Vegas, NV 89108

BUSINESS
ADDRESS

Vacant Lot across from the Old Fairgrounds on E Olive Ave., behind La Vallarta Market.

BUSINESS PHONE NO. 702 493-2894

PLEASE INDICATE OWNERSHIP STATUS: ☐ INDIVIDUAL ☐ PARTNERSHIP ☒ CORPORATION ☐ NON-PROFIT

List owners, partners, or officers Title SS# Residence Address City Zip Residence Phone
Francisco Osorio President 464-15-6649 4088 Pleasant Rd., Las Vegas, NV 89018 702 592-7812

Leo Osorio Treasurer 464-15-5919 4088 Pleasant Rd., Las Vegas, NV 89018 702 493-2894

DESCRIPTION OF BUSINESS (give details)

Acrobatic Circus that includes jugglers, clowns, acrobats & magicians. No exotic animals or rides.

☐ Amusement Devices on Premises? ☒ Yes ☐ No Number _____ ☐ Coin Operated Machines ☒ Yes ☐ No Number _____ Provide separate list (name, address, phone if owned and operated by vending company).

Do you store hazardous or flammable materials?

☐ Yes ☒ No

If so, list type and quantity:

In case of emergency notify: Phone

1. Roberto Osorio 702 241-6927

IMPORTANT READ AND SIGN BELOW -- RETURN WITH FEE. VALIDATED LICENSE WILL BE MAILED TO YOU

5 ~~3~~ CIRCUS
\$200 PER DAY
NO. OF DAYS AT \$200 PER DAY = \$ 800.00 CK # 3916

ADDITIONAL INFORMATION
SEE ATTACHMENT

need \$200.00 more
plus \$100.00 Applic. fee
\$300.00

FEES DUE: \$

REFUNDS for overpayment must be requested in writing within six months of payment date.

PAST DUE - Cumulative penalty of 25% per month will be added to fee

I certify the above information is correct. (make any corrections as needed.)

Signed by: L. Osorio Office/Title Treasurer Application Date 7/05/13

ALL BUSINESS SIGNS WITHIN THE CITY LIMITS MUST BE APPROVED BY THE PLANNING DEPARTMENT.

NOTE: Additional City permits may be necessary before the owner can commence business.

Approved	Date	FOR OFFICE USE ONLY	Approved	Date	Approved	Date
1. Licensing	<u>MB</u>	3. Building	<u>[Signature]</u>	5. Police		
2. Accounting		4. Fire		6. Planning		

REQUIREMENTS/CONDITIONS

AMOUNT PAID	DATE ISSUED	BY	SIC#	SCHEDULE	DT BUSINESS DISCONTINUED	LICENSE NUMBER
						9810

Notify City if you change your business address, name, ownership, nature of business, or if you are no longer doing business in Porterville.

PLEASE RETURN ALL COPIES

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

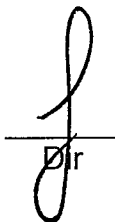
COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination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

Since its last review on July 16, 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.

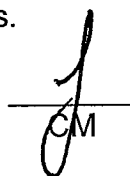
At its meeting on October 16, 2012, the Council awarded a contract in the amount of \$95,391.71 to Greg Bartlett Construction (Porterville), beginning CEMA repairs to Plano Street (south of Thurman Avenue), El Granito Street (near Zalud Park), E. Grand Avenue (at Henrahan Street), and W. Grand Avenue (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 March 5, 2013, the Council awarded a contract in the amount of \$29,997.25, also to Greg Bartlett Construction (Porterville), for CEMA repairs of West Street and related storm drain improvements between Scranton and Tea Pot Dome Avenues. At its meeting on May 7, 2013, the Council accepted the completion of these identified CEMA repairs, including \$19,392.25 in final construction costs.

At its meeting on April 2, 2013, the Council awarded a contract in the amount of \$138,350 to Intermountain Slurry Seal, Inc. (Reno, Nevada), for the CEMA repair of Henderson Avenue between Patsy and Balmoral Streets.


Dir


App/Fund


CM

Item No. 27

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

CITY COUNCIL AGENDA: AUGUST 6, 2013

PUBLIC HEARING

SUBJECT: MODIFICATION TO CONDITIONAL USE PERMIT 1-79 TO AMEND THE SPECIFIC PLAN FOR WENDY'S RESTAURANT AT 860 WEST HENDERSON AVENUE AND ALLOW COMPLETE DEMOLITION OF THE CURRENT BUILDING AND CONSTRUCTION OF A NEW WENDY'S RESTAURANT AND DRIVE THROUGH

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION


COMMENT: The applicant is requesting a Conditional Use Permit to modify an existing Specific Plan approved by the City of Porterville's former Planning Commission. The modifications to the Specific Plan would entail demolition and reconstruction of the existing Wendy's restaurant and drive through facility located at 860 West Henderson Avenue. This site is immediately adjacent but a separate property from the Porterville Town Center development. The proposed reconstruction plan would alter the existing site plan and include relocation of the building footprint, architectural and materials design modifications, revised landscaping, and new and replacement lighting and signage. The existing building is within the Planned Development (PD) Zone.

The City's former Planning Commission approved the existing Specific Plan with Conditional Use Permit 1-79 in 1979, prior to the development of the adjacent Town Center commercial development. Since the proposed project is considered a major amendment per Section 207.09 (b) (6) of the Development Ordinance, it must be considered in a public hearing before the City Council. Some aspects of the submitted plans need to be refined and will require additional staff review to ensure compliance with local, State and Federal Codes.

Staff supports the applicant's desire to update their business in conformance with the standards of the Porterville Development Ordinance.

RECOMMENDATION: That the City Council adopt draft resolution approving Conditional Use Permit (2013-029) subject to conditions of approval.

ATTACHMENTS: Complete Staff Report

DDY  Appropriated/Funded N/A

CM 

Item No. 28

CITY COUNCIL AGENDA: AUGUST 6, 2013

PUBLIC HEARING

SUBJECT: MODIFICATION TO CONDITIONAL USE PERMIT 1-79 TO AMEND THE SPECIFIC PLAN FOR WENDY'S RESTAURANT AT 860 WEST HENDERSON AVENUE AND ALLOW COMPLETE DEMOLITION OF THE CURRENT BUILDING AND CONSTRUCTION OF A WENDY'S RESTAURANT AND DRIVE THROUGH

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

APPLICANT/AGENT:

Craig Horn
JEM Corp
312 West Cromwell
Fresno, CA 93729

Robert Vermeltfoort
Vermeltfoort Architects Inc.
8525 North Cedar Avenue, Suite 106
Fresno, CA 93720

PROJECT DESCRIPTION: The applicant is requesting modification to Conditional Use Permit 1-79 (2013-029) for a comprehensive redevelopment of an existing restaurant and drive through facility (Wendy's). The proposed plan calls for relocation of the existing building footprint, architectural and materials design modifications, revised landscaping, increase in building square footage by 727 sq ft, and related site improvements on the existing \pm 0.77 acre site located at 860 West Henderson Avenue.

SIZE OF PROJECT SITE: The existing restaurant is 2,450 square feet; the proposed restaurant would be 3,177 square feet. The project property is 35,828 square feet (\pm 0.77 of an acre).

GENERAL PLAN CLASSIFICATION: Commercial, Mixed Use

ZONING CLASSIFICATION: PD (Planned Development)

SURROUNDING ZONING AND LAND USES:

North: PD (Porterville Town Center)

West: PD (Porterville Town Center)

South: PD (Henderson Avenue and Porterville Plaza)

East: RM-2 (North Indiana Street and church)

ENVIRONMENTAL REVIEW:

Date Environmental Document Distributed	Date Notice Published in Porterville Recorder	Date Notice Mailed to Property Owners within 300 feet of property.
Item deemed Categorically exempt. Notice of Exemption mailed upon Council decision.	July 26, 2013	July 26, 2013

ANALYSIS: Conditional Use Permit 1-79 was reviewed and approved by the City's former Planning Commission at their regularly scheduled meeting of February 26, 1979. At that time, the Commission held a public hearing to consider a planned development permit and signage review for the development of a new Wendy's restaurant on the subject property. It should be noted that, at that time, the Wendy's restaurant was developed prior to the adjacent Town Center commercial development.

The project proposes to modify CUP 1-79, a Specific Plan allowing the redevelopment of Wendy's in the PD (CMX) zone. The proposed action, demolition and reconstruction of a fast-food restaurant, is considered a major amendment per Section 207.09(b)(6) of the Development Ordinance, and must, therefore, be considered in a public hearing before the City Council.

The Project Review Committee (PRC) reviewed the proposed project at its meeting on June 19, 2013. The Committee recommended several modifications to the proposed site plan, architecture, and Planning Commission conditions of approval. Suggested conditions were aimed at bringing the proposed plan into conformance with required Municipal, Building, Development and Public Safety-related codes and are intended to protect the public health safety and welfare. These proposed conditions of approval would supersede and replace those associated with the original approval set forth in Resolution 1043. Suggested conditions are incorporated in the attached Draft Resolution.

A few design considerations brought forward by members of the PRC may be deferred to staff review to ensure timely construction of the proposed site improvements. These include lighting and signage approvals. For example, the street sign is proposed to stay exactly as is but with new sign faces that include the new corporate logo. Because the new sign faces have not yet been designed, the final approval would be made by the Zoning Administrator. Additional signage would be considered based on Specific Plan and Development Ordinance standard requirements. The original specific plan limited signage to 82.95 square feet in area. However, this was based on the Sign ordinance provisions in place in 1979. The current Development Code provisions would be applicable to the project.

The attached conditions of approval also include requirements for shielding of relocated lighting (as articulated in both the original Resolution 1043 and reiterated/expanded to add maintenance requirements) and as compliant with lighting requirements set forth in Development Ordinance Section 300.07.

It should be noted that proposed architectural features, such as the brick building face and metal roofing differ in character with surrounding commercial development, but adds architectural interest to a somewhat basic building design. The proposed plan benefits the community in that the proposed site improvements address the need for a comprehensive update to the building, which is in need of upgrade. Staff contacted the property management company for Porterville Town Center in order to invite their comments on the project in general and on the

proposed replacement of street-side turf. Mike Stone of Porterville Investments was unavailable for comment each time staff called and no other staff person was able to answer the City's request for comment. Staff left messages with Mr. Stone on both dates of June 26, 2013, and June 29, 2013, and no response has been received as of the writing of this report.

The replacement of the street-facing landscape turf buffer with a combination of trees, shrubs and ground cover is unlike the adjacent commercial development and could break up the continuity of landscaping for this block of commercial development. The Development Ordinance requires installation of drought tolerant landscape and irrigation materials in new developments with a landscaping area greater than 2,500 square feet. Staff will review the submitted landscape and irrigation plans for compliance with the standards and staff is recommending that the Zoning Administrator approve the landscape and irrigation design. Additionally, the conditions of approval require maintenance of the ground cover, whether live material or mulch. Council may also elect to revise this condition to require retention of the turf.

General Plan Compliance

The current project site land use designation is Commercial, Mixed Use. This designation provides for a transition from high density commercial to residential use designated areas. The following General Plan Policies relate to the proposed project:

LU-G-4 Promote transitions between types and intensities of land use using high-quality urban design and greenway buffers.

ED-G-2 Retain, improve, and promote existing businesses in Porterville and foster local start-up businesses.

Summary: The intent of these policies is to encourage quality design while improving and retaining existing businesses in Porterville.

Development Code Compliance

The project site land use designation is zoned PD (Planned Development). The following Development Code regulations apply to the proposed project:

- Section 203 CMX (Commercial Mixed Use) zoning standards apply with respect to typical building envelope and general zoning requirements. Conditions of approval to ensure compliance were suggested by the PRC and are incorporated in the attached draft resolution.
- Section (§) 207 (all) and specifically:

§ 207.06 Required findings:

(d) The proposed development will ...be compatible with the existing and planned land use character of the surrounding area;

(f) The proposed development provides a more efficient use of the land and superior architecture and site design...

§ 207.07 Conditions. In approving a PD Plan...the City Council may impose reasonable conditions deemed necessary to:

(a) Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted.

(c) Achieve the findings listed in Section 207.06.

- Section 300 General Site Regulations:

§300.07 (e)(4) The unshielded outdoor illumination of any building or landscaping is prohibited...

SUMMARY: Modifications to the Specific Plan associated with the Planned Development shall ensure that the plan continues to be compatible with the character of the surrounding area.

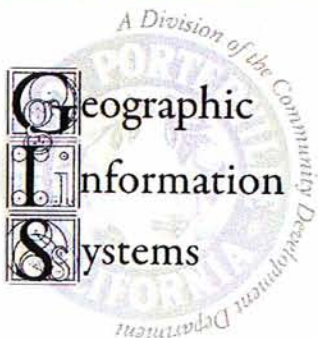
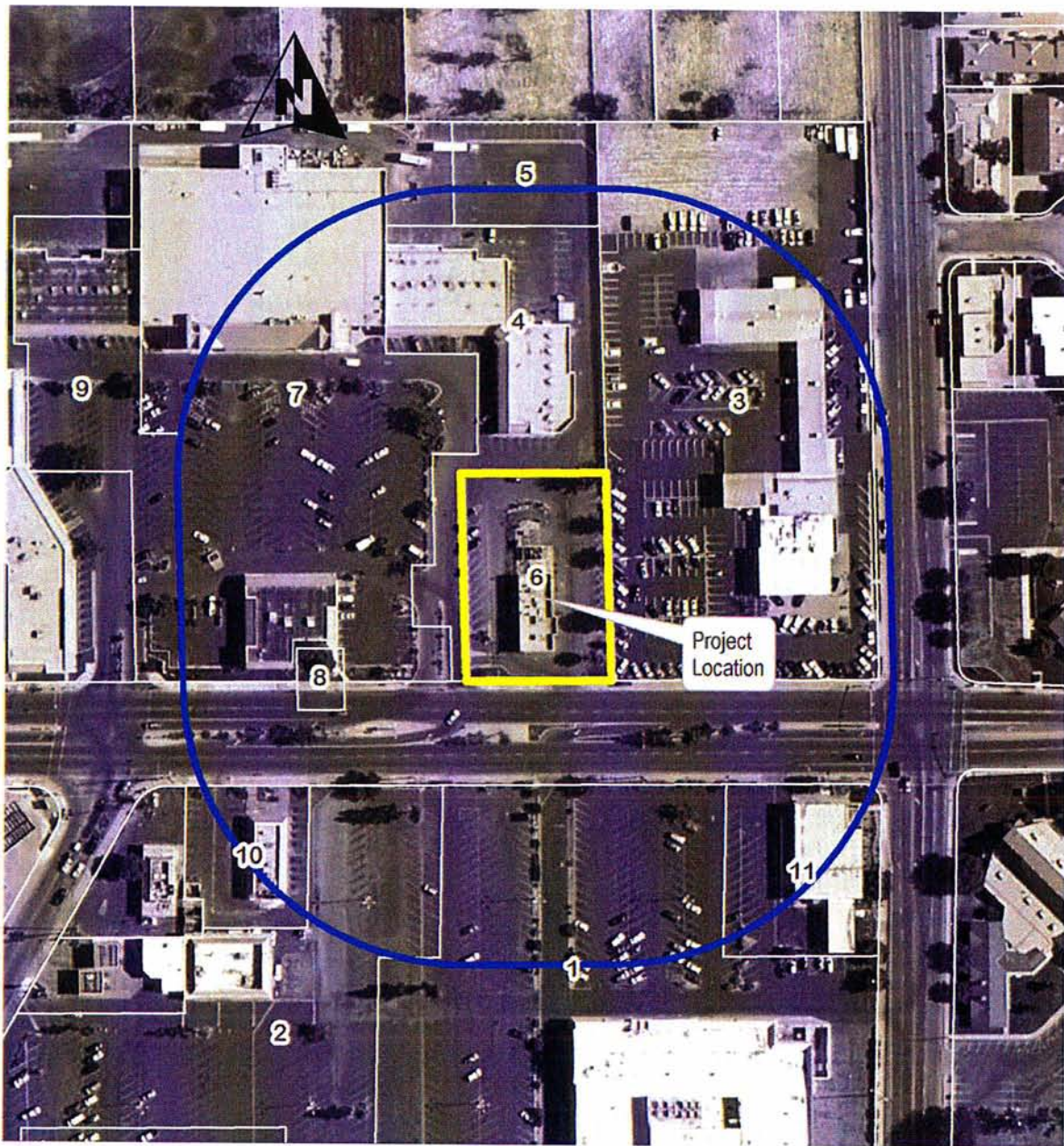
ENVIRONMENTAL REVIEW: This project is exempt from the review requirements of the California Environmental Quality Act Categorical Exemption provisions in Article 19, Section 15301, *Existing Facilities*. Upon approval of the project, Staff will prepare and submit the required Notice of Exemption.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit (2013-029) subject to conditions of approval.

ATTACHMENTS:

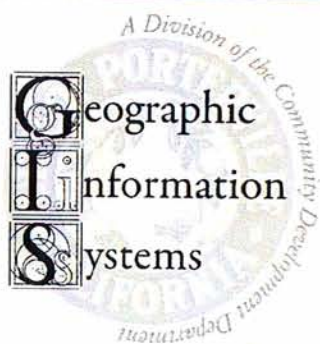
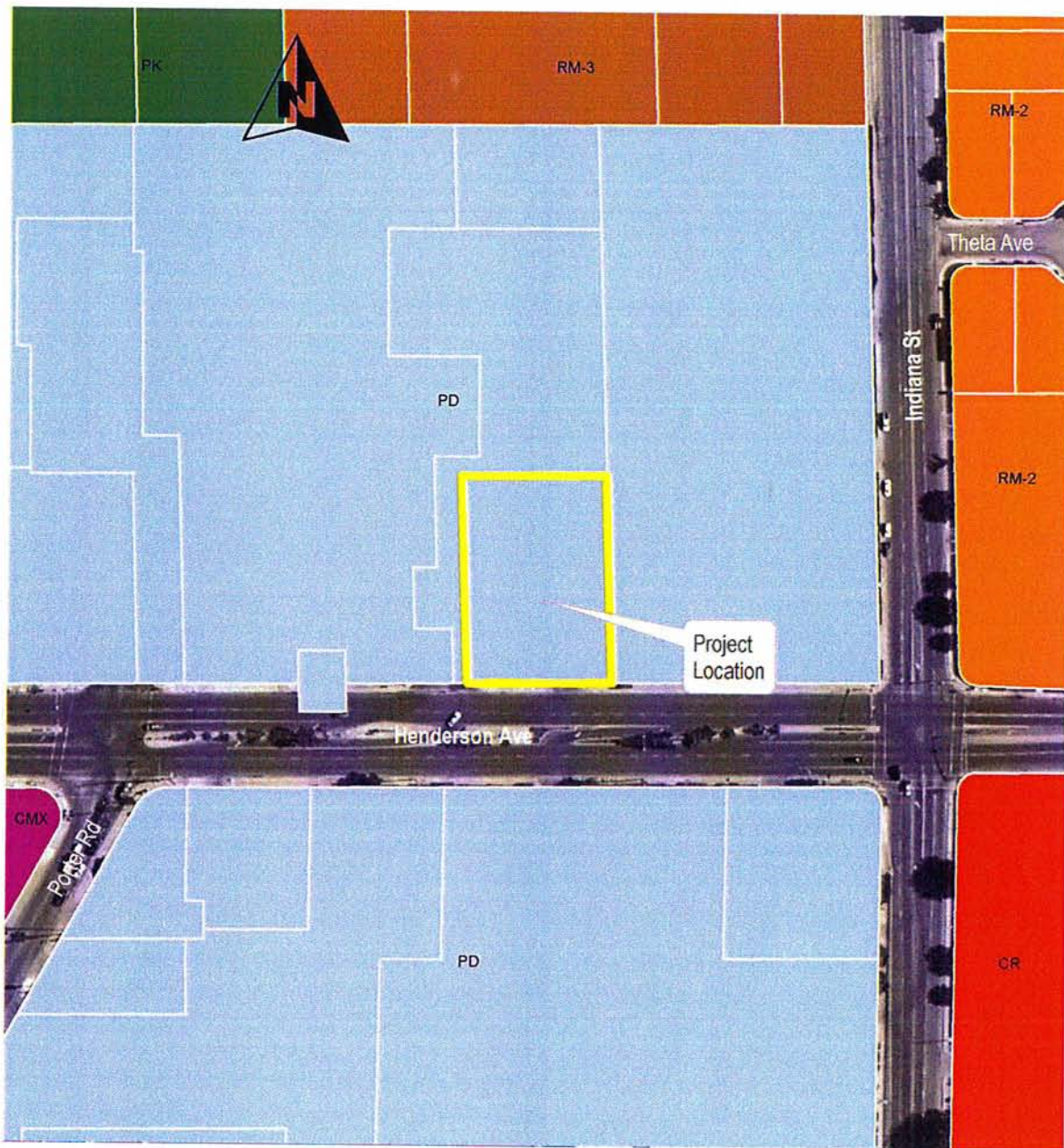
1. 300' Radius/Locator Map
2. Zoning Map
3. Site Plan (Existing, Demolition, and Proposed)
4. Floor Plan (Proposed)
5. Proposed Elevations
6. Resolution 1043 (applicable to existing Planned Development/Conditional Use Permit)
7. Draft Resolution (applicable to modified P.D./CUP)

P:\com\mids\Planning\Projects\PRC\2013\2013-029 Wendy's @ Pvi Town Center\Locator-GP-Zoning.mxd



PRC 2013-029 - Wendy's
300' Buffer Map
1" = 150 ft.

ATTACHMENT 1

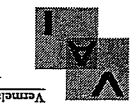


PRC 2013-029 - Wendy's
Zoning Map
1" = 150 ft.

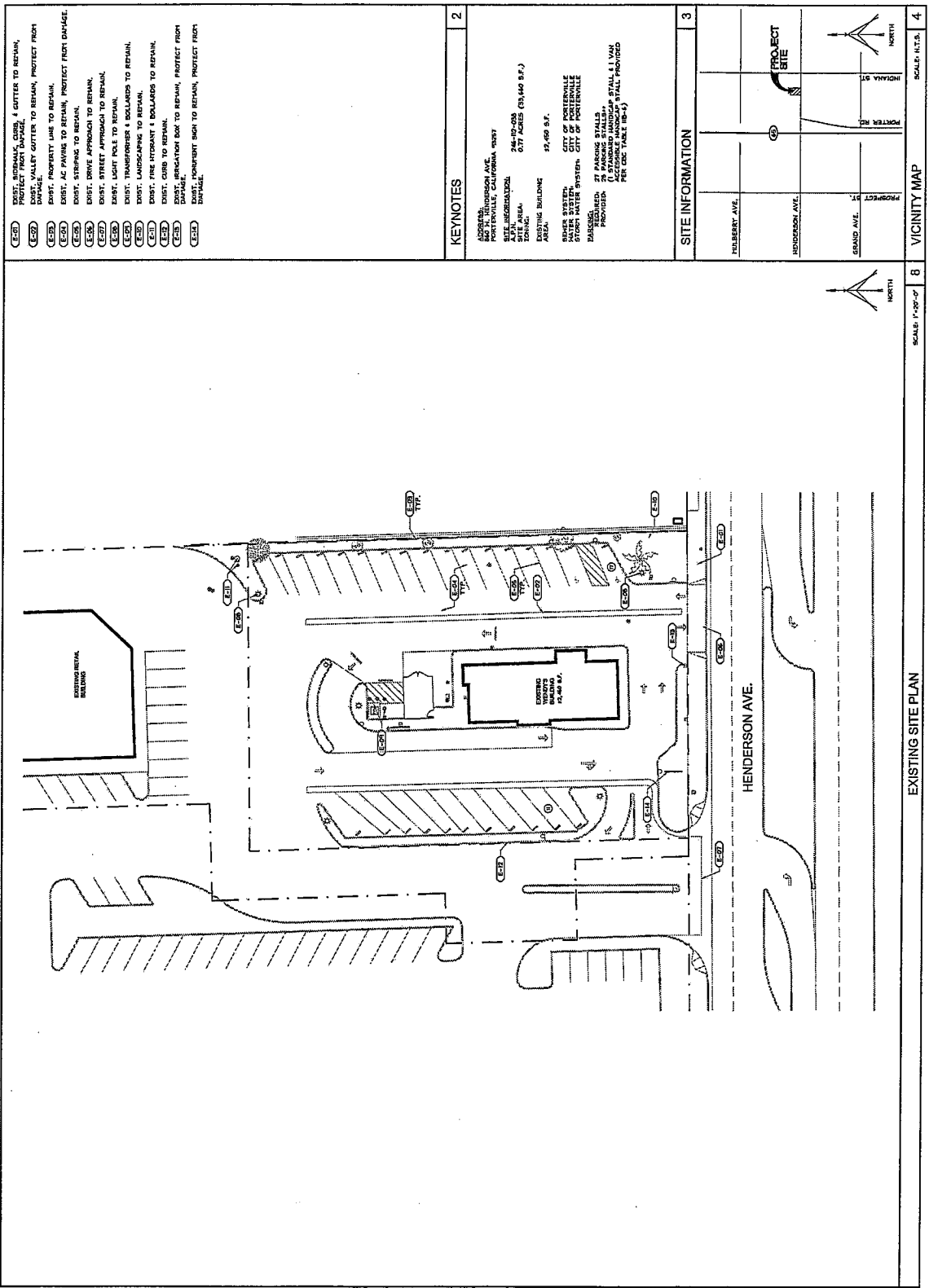
DATE	REVISION

VERMELDHOFF ARCHITECTS, INC.
 8525 North Cedar Avenue
 Suite 106
 Fresno, California 93720
 Office: 559.432.6744
 Fax: 559.432.6745
 © COPYRIGHT 2013

NEW DRIVE-THRU
 RESTAURANT
 860 W. HENDERSON AVE.
 PORTERVILLE, CALIFORNIA 93257
 EXISTING SITE PLAN



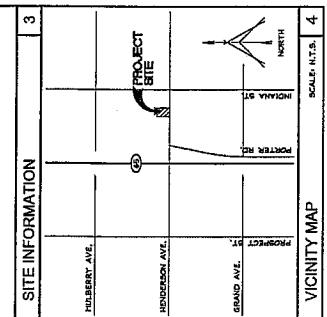
PROJECT NO. 13079
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 SHEET: 1



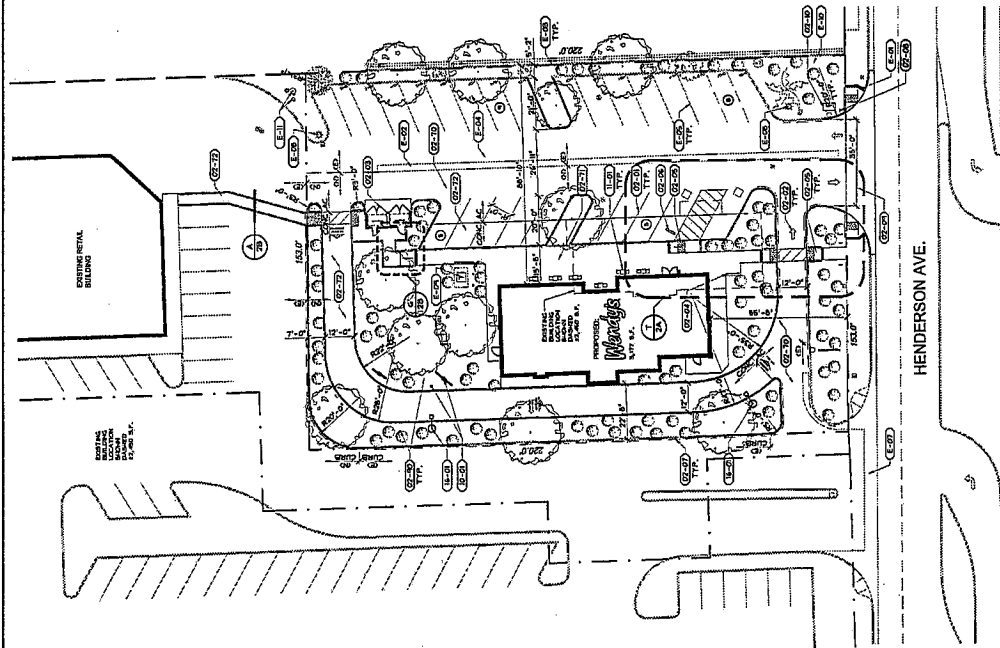
- (E-31) EXIST. SIGNALS, CURB, & GUTTER TO REMAIN, PROTECT FROM DAMAGE.
- (E-32) EXIST. VALLEY GUTTER TO REMAIN, PROTECT FROM DAMAGE.
- (E-33) EXIST. PROPERTY LINE TO REMAIN.
- (E-34) EXIST. AC PAVING TO REMAIN, PROTECT FROM DAMAGE.
- (E-35) EXIST. STRIPS TO REMAIN.
- (E-36) EXIST. DRIVE APPROACH TO REMAIN.
- (E-37) EXIST. STREET APPROACH TO REMAIN.
- (E-38) EXIST. LIGHT POLE TO REMAIN.
- (E-39) EXIST. LANDSCAPING TO REMAIN.
- (E-40) EXIST. TRANSFORMER & BOLLARDS TO REMAIN.
- (E-41) EXIST. FINE HYDRANT & BOLLARDS TO REMAIN.
- (E-42) EXIST. CURB TO REMAIN.
- (E-43) EXIST. GENERATOR DOG TO REMAIN, PROTECT FROM DAMAGE.
- (E-44) EXIST. FURNITURE SIGN TO REMAIN, PROTECT FROM DAMAGE.

KEYNOTES

ADDRESS: 860 W. HENDERSON AVE
 PORTERVILLE, CALIFORNIA 93257
 SITE INFORMATION:
 156,400 SQ. FT.
 3.57 ACRES (83,440 S.F.)
 ZONING: RM-1
 12,460 S.F.
 27 PARKING STALLS
 1 STANDARD HANDICAP STALL & 1 VAN ACCESSIBLE STALL PROVIDED
 PER CDC TABLE 108-4



SCALE: 1"=20'-0"



PROPOSED SITE PLAN

SCALE: 1"=50'-0"

GENERAL SITE NOTES

1. NO USE OF LAND, BUILDING OR STRUCTURE OTHER THAN THAT SPECIFICALLY APPROVED ADJACENT TO THIS SITE PLAN SHALL BE PERMITTED.
2. ALL UTILITIES SHALL BE SHOWN BY LANDSCAPE OR OTHER MEANS AS THEY ARE APPROVED.
3. TREES SHALL BE MAINTAINED IN GOOD HEALTH. HOWEVER, TREES THAT ARE DEAD, DISEASED, OR OTHERWISE UNDESIRABLE SHALL BE REMOVED OR REPLACED WITH A NEW TREE OF THE SAME SPECIES AND SIZE. THE REPLACEMENT TREE SHALL BE PLANTED WITHIN SIX MONTHS OF THE REMOVAL OF THE ORIGINAL TREE.
4. LANDSCAPE SHALL BE MAINTAINED IN GOOD HEALTH. HOWEVER, TREES THAT ARE DEAD, DISEASED, OR OTHERWISE UNDESIRABLE SHALL BE REMOVED OR REPLACED WITH A NEW TREE OF THE SAME SPECIES AND SIZE. THE REPLACEMENT TREE SHALL BE PLANTED WITHIN SIX MONTHS OF THE REMOVAL OF THE ORIGINAL TREE.
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SITE INFORMATION

PROPERTY: 800 W. HENDERSON AVE., PORTERVILLE, CALIFORNIA 93257
 ZONING: 24C-02-038
 AREA: 0.17 ACRES (39,440 S.F.)
 PREPARED BY: WENDY'S
 DATE: 1/17/13
 SCALE: 1"=50'-0"

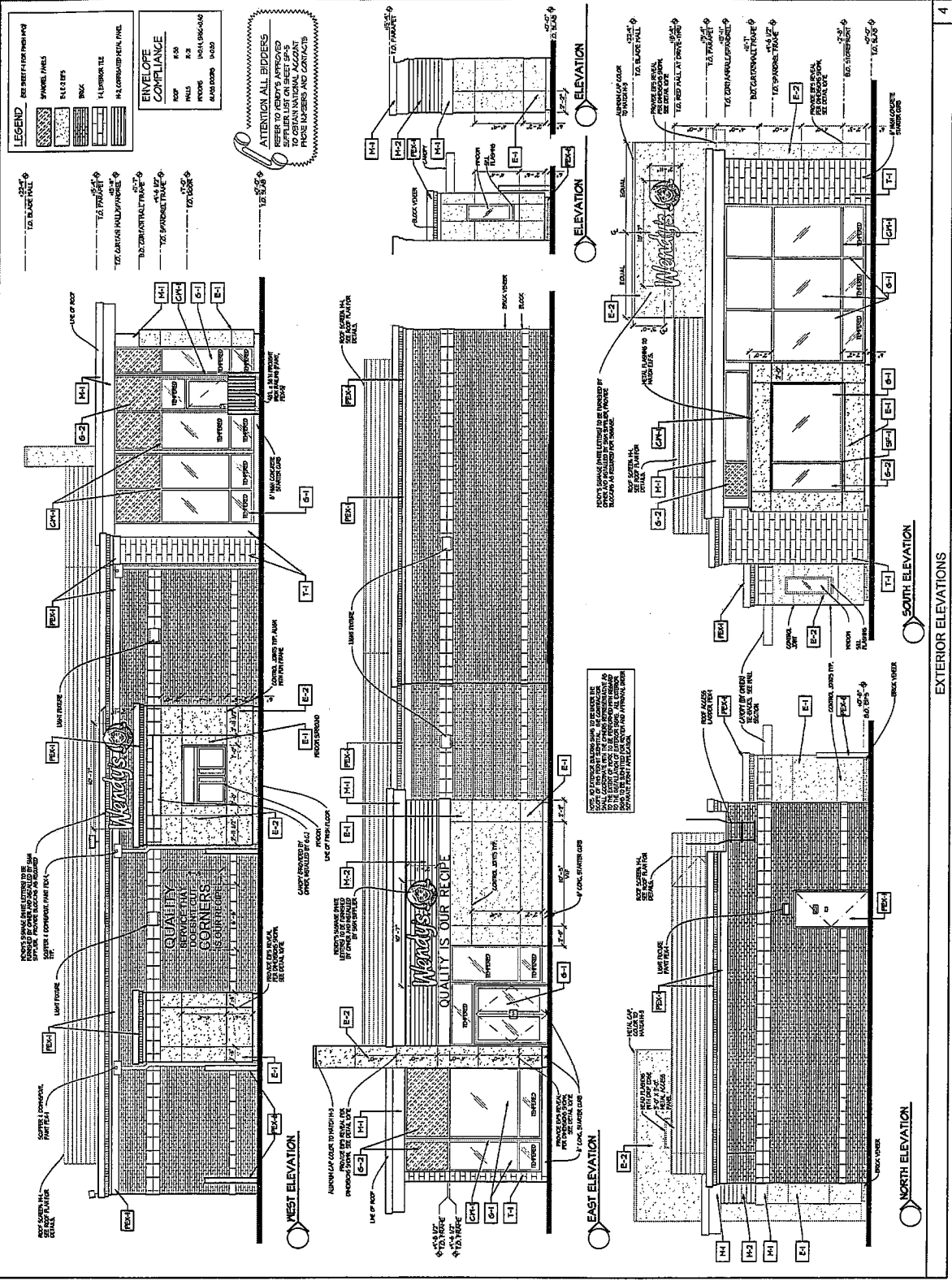
PROPOSED SITE PLAN

PROJECT NO.: 13009
 DRAWN BY: JN
 SHEET: 1B

NEW DRIVE-THRU RESTAURANT
 800 W. HENDERSON AVE., PORTERVILLE, CALIFORNIA 93257
 1/17/13
 13009
 JN
 1B

Wendy's
 8525 North Cold Avenue
 Fresno, California 93720
 Office: 559.432.6744
 Fax: 559.432.6744

VERMILION ARCHITECTURE, INC.
 8525 North Cold Avenue
 Fresno, California 93720
 Office: 559.432.6744
 Fax: 559.432.6744



RESOLUTION NO. 1043

CONDITIONAL USE PERMIT NO. 1-79 (P-D-C)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVING THE GENERAL AND SPECIFIC PLANS FOR CONSTRUCTION OF A FAST FOOD RESTAURANT (WENDY'S) AND SIGNING FOR THE PROPOSED USE IN A P-D(C) ZONE, LOCATED ON THE NORTH SIDE OF WEST HENDERSON AVENUE BETWEEN STATE HIGHWAY NO. 65 AND NORTH INDIANA STREET.

WHEREAS: The Porterville Planning Commission at their regularly scheduled meeting of February 26, 1979, held a Public Hearing to review the General and Specific Plans to construct a fast food restaurant in a P-D(C) Zone located on the north side of West Henderson Avenue between Highway No. 65 and North Indiana Street, and

WHEREAS: The Porterville Planning Commission received testimony from all interested parties relative to the proposed General and Specific Plans.

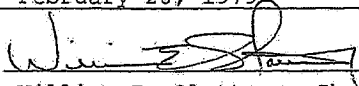
NOW, THEREFORE, BE IT RESOLVED: That the Porterville Planning Commission hereby recommends approval to the City Council of the General and Specific Development Plans for a fast food restaurant in a P-D(C) Zone located on the north side of West Henderson Avenue between State Highway No. 65 and North Indiana Street subject to the following conditions:

1. That Building Permit approval be held in abeyance until the recordation of Tentative Parcel Map No. 19-78 is completed and filed with the Tulare County Recorder's office.
2. That a loading zone 10 x 40 feet in size be provided per Article 17 of the Porterville Zoning Ordinance, location to be approved by the City Planner.
3. That the developer install and maintain at least 23 parking stalls sized, positioned and accompanied by minimum drives and aisles as required by Section 1600-1607 of the Zoning Ordinance.
4. That "Right Turn Only" signs be provided at the most westerly exit to discourage the use of the west bound turning pocket.
5. That a trash container enclosure area be installed, as shown upon the plot plans, and as per Engineering Standard No. T-2a or T-2b.
6. That all on-site utilities be placed underground.

7. That sidewalk be installed to full parkway width along the West Henderson Avenue frontage, ten (10) feet wide or parkway width if the parkway is wider than ten (10) feet.
8. That any relocation of existing public utility equipment, poles, vaults, etc., shall be at the expense of the applicants.
9. That any landscaped areas that abut public sidewalk be enclosed by a six (6) inch high barrier curb.
10. That the freestanding sign oriented on Henderson Avenue traffic not exceed a maximum height of thirty (30) feet from finished grade, nor project more than eighteen (18) inches over the right-of-way.
11. That roof-top protrusions of a mechanical nature, i.e. refrigeration units, vents, hearing units, etc. be screened from public view to the satisfaction of the City Planner.
12. That all on-site illumination proposed be directed downward and inward and not cast an offensive glare upon single family residences north of subject parcel.
13. That no outside loudspeakers or other such sound amplification equipment be positioned upon the exterior of the subject premises other than that utilized for the remote ordering facilities approved by the Planning Commission.
14. That unless noted otherwise, all development shall conform substantially to the plans approved by the Planning Commission and all construction, street improvements, landscaping and parking facilities shall be completed prior to the occupancy of the proposed structure.
15. That all improvements required shall be constructed in accordance with the City of Porterville Standard Plans and Specifications and in accordance with the recommendations of the City Engineer.
16. That all signing (with the exception of additionally excepted on site directional signing not exceeding four (4) feet), shall not exceed 82.95 square feet in accordance with the dictates of the Porterville Signing Ordinance. Further, no additional signing square footage allowance shall be given for the west elevation of the structure unless the access drive adjacent to the westerly property line is a dedicated right-of-way.

MOVED by Commissioner Sommerfeld, seconded by Commissioner Neufeld and passed unanimously by roll call vote.

DATED: February 26, 1979

ATTEST: 
William E. Slattery, Chairman
Porterville Planning Commission

FINDINGS

CONDITIONAL USE PERMIT NO. 1-79 (P-D-C)

1. That the proposed project is consistent with "Sphere of Influence" and the Urban Area and Urban Improvement Boundaries of the City of Porterville.
2. That the proposed zoning is consistent with the Porterville General Plan.
3. That the proposed project is consistent with applicable general and specific plans.
4. That the design or improvement of the proposed project is consistent with applicable general and specific plans.
5. That the site is physically suitable for the type of development.
6. That the site is physically suitable for the proposed density of development of the project.
7. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.
8. That the design of the project or the type of improvements are not likely to cause serious public health problems.
9. That the design of the project or the type of improvements will not conflict with easements or public rights of way acquired by the public at large within the proposed project.
10. That the proposed signing does not conform with the intent of the Porterville Signing Ordinance.
11. The potential for traffic movements to be complicated in the vicinity of this development may be increased.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF
CONDITIONAL USE PERMIT (2013-029) ALLOWING MODIFICATION
TO CONDITIONAL USE PERMIT 1-79 AND AMENDING THE SPECIFIC
PLAN FOR WENDY'S RESTAURANT AT 860 WEST HENDERSON AVENUE

WHEREAS: The existing planned development area commonly known as Porterville Town Center is subject to a specific plan approved by the Porterville Planning Commission at their regularly scheduled meeting of February 26, 1979, with Conditional Use Permit 1-79; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of August 6, 2013, conducted a public hearing to consider a modification to Conditional Use Permit 1-79 (2013-029), to allow for demolition and reconstruction of Wendy's restaurant and drive through located at 860 W. Henderson Avenue; and

WHEREAS: The proposed modification to Conditional Use Permit 1-79 is considered a major amendment per Section 207.09 (b) (6) of the City of Porterville Development Ordinance (Amendments of Approved Plans; Major Amendments) and therefore required consideration in a public hearing before the City Council; and

WHEREAS: The City Council of the City of Porterville held a public hearing on August 6, 2013 and received testimony from all interested parties related to the requested modification to an approved plan; and

WHEREAS: The City Council made the following findings:

1. The project proposes to modify CUP 1-79, a Specific Plan allowing the development of Wendy's in the PD (C) zone. The proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted. The modified Plan is consistent with Development Code required findings 207.06 (a) through (f) as conditioned.
2. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included herein to ensure adequate development standards are met. Further, all land owners within the City of Porterville are held to performance standards identified in Chapter 307 of the Development Ordinance. Specifically, Section 307.03 of the Ordinance states "Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive, or other hazard; noise, vibration, smoke, dust, odor, or form of air pollution; heat, cold, dampness, electrical or other disturbance; glare, refuse, or wastes; or other substances, conditions, or elements which would substantially adversely affect the surrounding area."

3. Pursuant to Categorical Exemption Class 15301 (Existing Facilities) of CEQA guidelines the project as proposed is categorically exempt. The activity meets the criteria of the Class 1 exemption as replacement of an existing facility.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (2013-029) as modification to CUP 1-79) subject to the following conditions:

1. At all times, the facility shall be operated and maintained to comply with applicable State and Federal laws, and the City of Porterville Development Ordinance.
2. Development shall conform substantially to the plans approved by the City Council (Exhibits A, B, and C) and all construction, street improvements, landscaping and parking facilities shall be completed prior to the occupancy of the proposed structure unless modified as required by the Zoning Administrator to meet Porterville Development Code requirements.
3. The proposed project is subject to the development standards of §203.03 for CMX with regard to building envelope (set backs) and general zoning requirements.
4. The building must provide articulated facades on all sides using measures as described in §203.03(d).
5. The project must provide pedestrian oriented design per §203.04 in all manners. Include ground floor windows for at least 50% of the Henderson Avenue (southern) frontage as shown. No wall may run for more than 20' without an opening.
6. Other required pedestrian oriented design elements are addressed in §203.04, including street furniture or seating must be implemented. This can be achieved on the large patio at the main entrance.
7. Pedestrian access must be provided, not just to the Henderson frontage, but also to the remainder of the Planned Development.
8. Design criteria listed in 203.04(c)(2) apply. (Integrated theme, four sided architecture, drive through facilities, pedestrian amenities, bike parking, lighting, etc).
9. The project lighting and signage plans reviewed by Council are conceptual. The applicant shall submit final plans with design specifications for all lighting and signage proposed for the site (new or replacement) for staff review. All on-site illumination proposed be directed downward and inward and not cast an offensive glare upon single family residences north of subject parcel.
10. The applicant shall maintain the security lighting on the exterior of the building and in the parking lot in a manner to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.

11. Signage- Signs require a separate permit and must comply with the conditions presented in the Specific Plan and the Development Code. Pedestrian oriented signage is required on the south frontage. Submittal shall also include representation of the new sign face(s) for the street pole sign.
12. The developer/applicant shall comply with Chapter 305 of the Porterville Development Ordinance and shall assure that all signs and advertising structures, including temporary signs, are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality. Signs must be maintained in good condition or replaced in kind. All signs must be permitted including but not limited to future modifications to proposed signage.
13. Materials installed shall comply with the samples presented to Council unless their substitution is pre-approved by the Community Development Director or his designee as a substantive replacement in kind.
14. A revised landscape plan shall be submitted.
 - Landscaping shall comply with staff review. All landscape areas which are located within or adjacent to parking or vehicular traffic areas shall be protected from vehicular traffic by the installation of concrete curbing.
 - Boundaries of landscaped areas, not adjacent to parking or vehicular traffic areas, shall be delineated either by concrete or redwood header board, as determined at the time of the review of the landscape plan.
 - Finger islands shall be installed in parking area at every eight (8) spaces at a minimum.
15. Utility boxes shall be painted to match building.
16. 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.
17. 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.
18. The developer/applicant shall comply with Appendix J, "Grading" 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.

19. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel, except where they exist and are in good condition in the opinion of the City Engineer (Ordinance No. 1306). Existing frontage improvements were evaluated and determined that they were noncompliant. An accessible path of travel across the driveway(s) serving the property must be provided by the removal and replacement of each driveway per the attached professional office/commercial standard driveway standard plan.
20. The developer/applicant shall comply with driveway vehicular sight distance requirements per Section 300.16 of the Development ordinance.
21. The developer/applicant shall construct and/or repair sidewalk so as to maintain the original width of 9.5 feet along the full frontage of the proposed project.
22. The developer/applicant shall construct drainage facilities as required to serve the property (Ordinance No. 1306), if the project includes reconstruction and/or rehabilitation of the exiting parking lot. Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.
23. The developer/applicant shall design the parking lot in conformance with Section 304 of the Development Ordinance, if the project includes reconstruction and/or rehabilitation of the exiting parking lot. Minimum cross slopes within the parking lot shall be 1.5% for asphalt concrete or 1% for concrete paving areas.
24. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:
 - Wastewater Discharge Permit Application, Part "A"; and

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, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

25. 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.
26. 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.

- 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.
- The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects.
- 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.
- 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).
- 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.

- 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.
- The District will provide a letter of rule compliance status to the local agency upon request.
- 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.

27. The developer/applicant shall install a refuse container enclosure which will accommodate solid waste and recyclable materials removal or collection according to City standards (Sec 13-15). Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct pick up and ADA compliant. 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.
28. The developer/applicant is hereby notified that Henderson Avenue was recently rehabilitated and now has a five (5) year utility cut moratorium that is in effect until December 2015. All wet and dry utility connections and extensions to the site shall be by method or methods approved by the City Engineer (i.e., boring, jacking, etc.). All patches associated with these connections shall be sealed immediately upon completion with a micro-surfacing product or similar material approved by the City Engineer.
29. The developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615. Fires service line(s) shall be equipped with a double detector check installed below grade per the attached standard plan.
30. The developer/applicant shall submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, including two (2) sets of energy calculations and structural calculations.
31. Plan submittals shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
32. Plan submittals shall comply with all current applicable Codes.
33. The developer/applicant shall make payment of the required plan check fees at the time of building permit plan submittal.
34. Soil and compaction reports may be required as determined by Code.
35. The developer/applicant shall obtain a demolition release from the San Joaquin Valley Unified Air Pollution Control District and shall submit said release with a

plan for demolition prior to, or concurrently with, the submittal of the new construction plans.

36. The developer/applicant shall provide soil compaction test(s) as required by the applicable building code sections.
37. The developer/applicant shall pay School Development fees and all other City fees at the time table determined by current City Ordinance.
38. The developer/applicant shall pay all fees according to the Municipal Code and State Law.
39. The developer/applicant shall obtain plan approval from the Tulare County Health Department and provide proof of said approval to the City of Porterville Building Department prior to the issuance of the building permit.
40. Restrooms, main entrance/s, and paths of travel from designated parking stalls shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
41. Plan submittals shall include the installation of bike racks if the occupant load is ten (10) or more. (Per California Green Code.)
42. Plan submittals shall include the installation of Clean Air parking stall(s) if ten (10) or more parking stalls are required for the project. (Per California Green Code.)
43. Compliance forms and worksheets are required to be included on all plan submittals. (Per California Green Code.)
44. All construction offices, storage containers, etc. planned and/or intended for temporary use during construction must receive approval from the Chief Building Official through a separate permit process prior to their installation and/or placement on the property and must be removed from the jobsite prior to final occupancy being requested and/or approved.
45. The developer/applicant shall submit a racking plan with supporting engineering calculations, if applicable to the project.
46. Tulare County Health Department must conduct their inspection and provide approval of the building construction prior to final occupancy being requested/granted by the City of Porterville.
47. The Building Official has designated the proposed construction to be an "A-2" Occupancy Classification.
48. Allow two (2) weeks review time for the initial plan check submittal and an additional two (2) weeks review time for each subsequent re-submittal.

49. NO DEFERRED ITEMS. Plans submitted with deferred items will automatically be rejected and are not guaranteed a complete plan review prior to said rejection.
50. A grease trap or grease interceptor is required.
51. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.
52. 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 is more than 20.
53. For automatic sprinkler systems, underground plans must be submitted with above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.
54. When any portion of the facility or building to be protected is more than 400 feet from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
55. Depending on the location of the existing fire hydrant(s), additional fire hydrants or facility improvements may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.
56. Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code Section 22500.1.
57. A Knox box will be required. A "Grand Master" key that opens all locked areas will also be required and placed inside the Knox Box. An application may be obtained from the Fire Department.
58. "Right Turn Only" signs shall be provided or reinstalled at the most westerly exit to discourage the use of the west bound turning pocket.
59. That all on-site utilities be placed underground.
60. Sidewalk shall be reconstructed, as needed, to specifications required by Staff, per standard Development and Building Codes.
61. Any relocation of existing public utility equipment, poles, vaults, etc., shall be at the expense of the applicants.
62. Landscaped areas that abut public sidewalk be enclosed by a six (6) inch high barrier curb.
63. All roof, ground and wall-mounted equipment including electrical, mechanical, plumbing and utility services shall be screened from public view in a manner that

is architecturally compatible with the proposed development in compliance with Development Code Section 300.10.

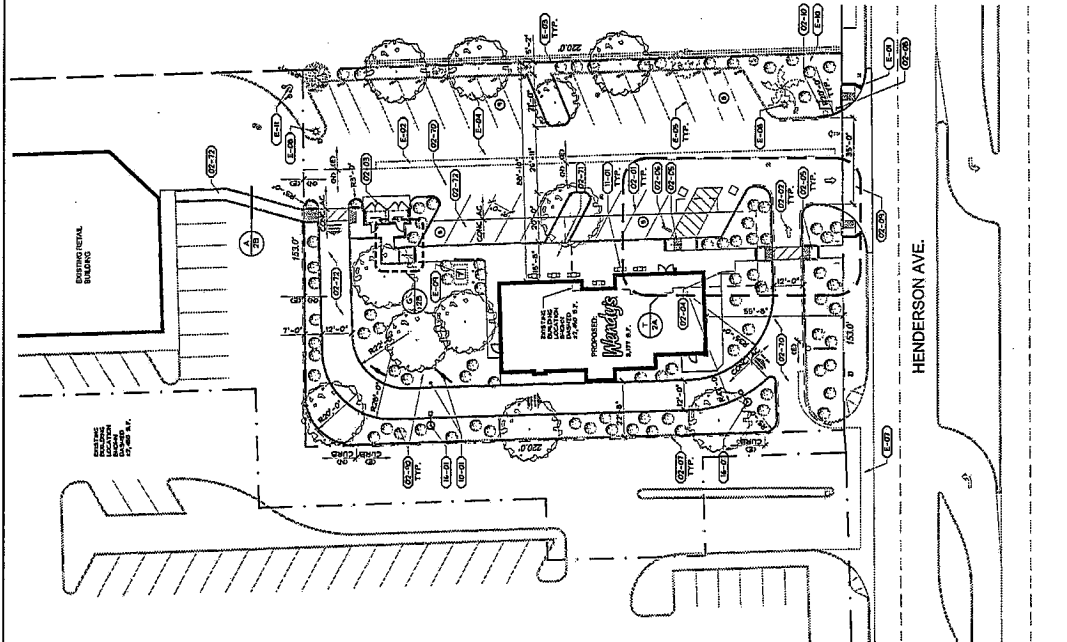
64. No outside loudspeakers or other such sound amplification equipment be positioned upon the exterior of the subject premises other than that utilized for the remote ordering facilities and which meet Noise Ordinance limitations.
65. That all improvements required shall be constructed in accordance with the City of Porterville Standard Plans and Specifications and in accordance with the recommendations of the City Engineer.
66. The conditional use permit shall be become null and void if not undertaken actively and continuously pursued within two (2) years.

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

By: _____
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



1. NO USE OF LAND, BUILDINGS OR STRUCTURES OTHER THAN THOSE SPECIFICALLY APPROVED PURSUANT TO THIS SITE PLAN SHALL BE PERMITTED.
2. THE BACK FLOW DEVICE SHALL BE SECURED BY LANDSCAPING ON THE PROPERTY LINE TO BE APPROVED.
3. THE PROPERTY LINE SHALL BE APPROVED.
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22. THE PROPERTY LINE SHALL BE APPROVED.

GENERAL SITE NOTES		SITE INFORMATION	
1	2	3	4
<p>1. NO USE OF LAND, BUILDINGS OR STRUCTURES OTHER THAN THOSE SPECIFICALLY APPROVED PURSUANT TO THIS SITE PLAN SHALL BE PERMITTED.</p> <p>2. THE BACK FLOW DEVICE SHALL BE SECURED BY LANDSCAPING ON THE PROPERTY LINE TO BE APPROVED.</p> <p>3. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>4. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>5. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>6. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>7. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>8. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>9. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>10. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>11. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>12. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>13. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>14. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>15. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>16. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>17. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>18. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>19. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>20. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>21. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>22. THE PROPERTY LINE SHALL BE APPROVED.</p>	<p>2. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>3. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>4. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>5. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>6. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>7. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>8. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>9. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>10. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>11. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>12. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>13. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>14. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>15. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>16. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>17. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>18. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>19. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>20. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>21. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>22. THE PROPERTY LINE SHALL BE APPROVED.</p>	<p>3. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>4. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>5. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>6. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>7. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>8. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>9. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>10. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>11. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>12. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>13. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>14. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>15. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>16. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>17. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>18. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>19. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>20. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>21. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>22. THE PROPERTY LINE SHALL BE APPROVED.</p>	<p>4. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>5. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>6. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>7. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>8. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>9. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>10. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>11. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>12. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>13. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>14. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>15. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>16. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>17. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>18. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>19. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>20. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>21. THE PROPERTY LINE SHALL BE APPROVED.</p> <p>22. THE PROPERTY LINE SHALL BE APPROVED.</p>

PROPOSED SITE PLAN

Wendy's

8525 North College Avenue
Suite 101
Fresno, California 93720

Office: 559.432.0744
Fax: 559.432.0745

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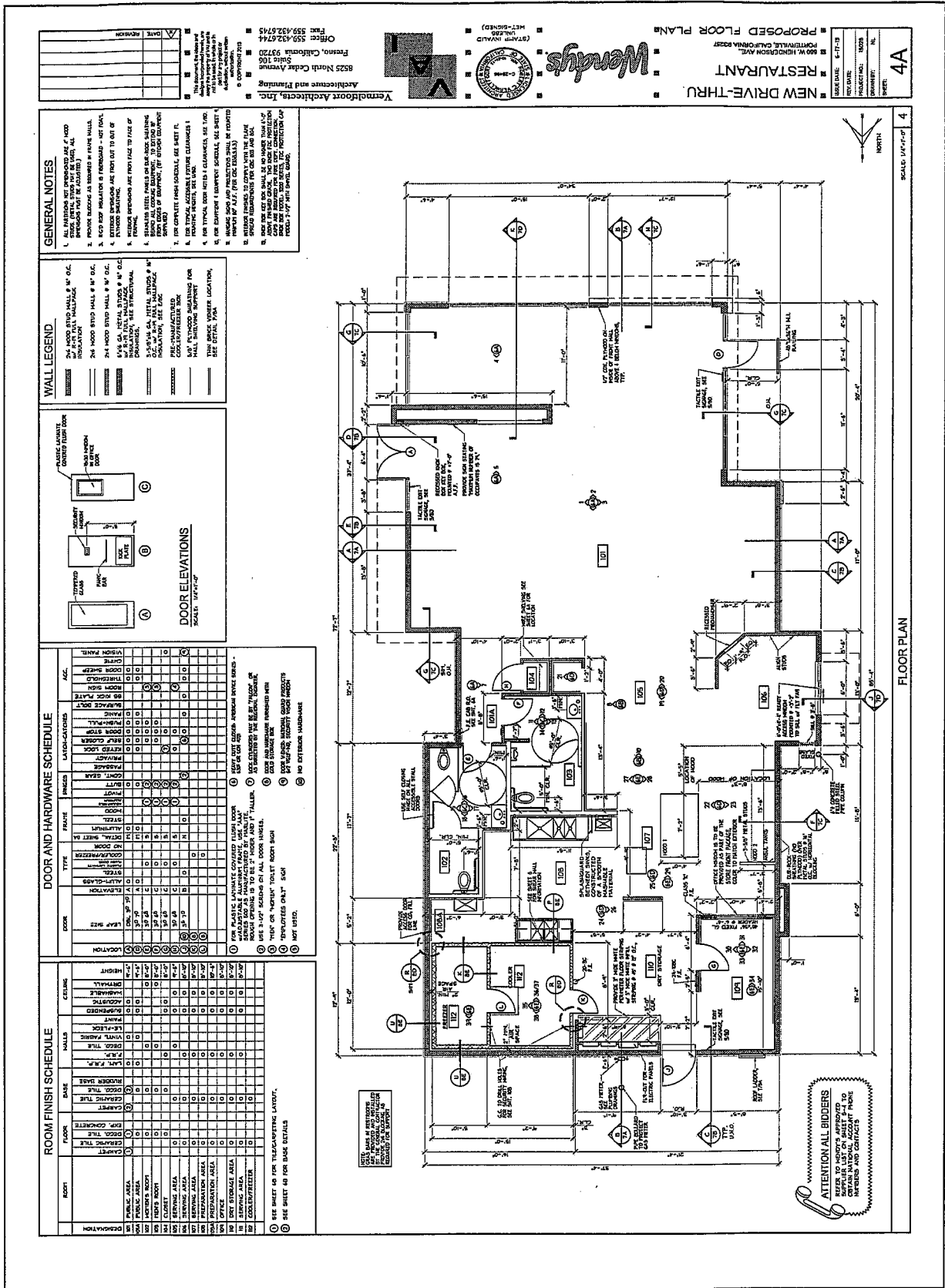
NEW DRIVE-THRU RESTAURANT

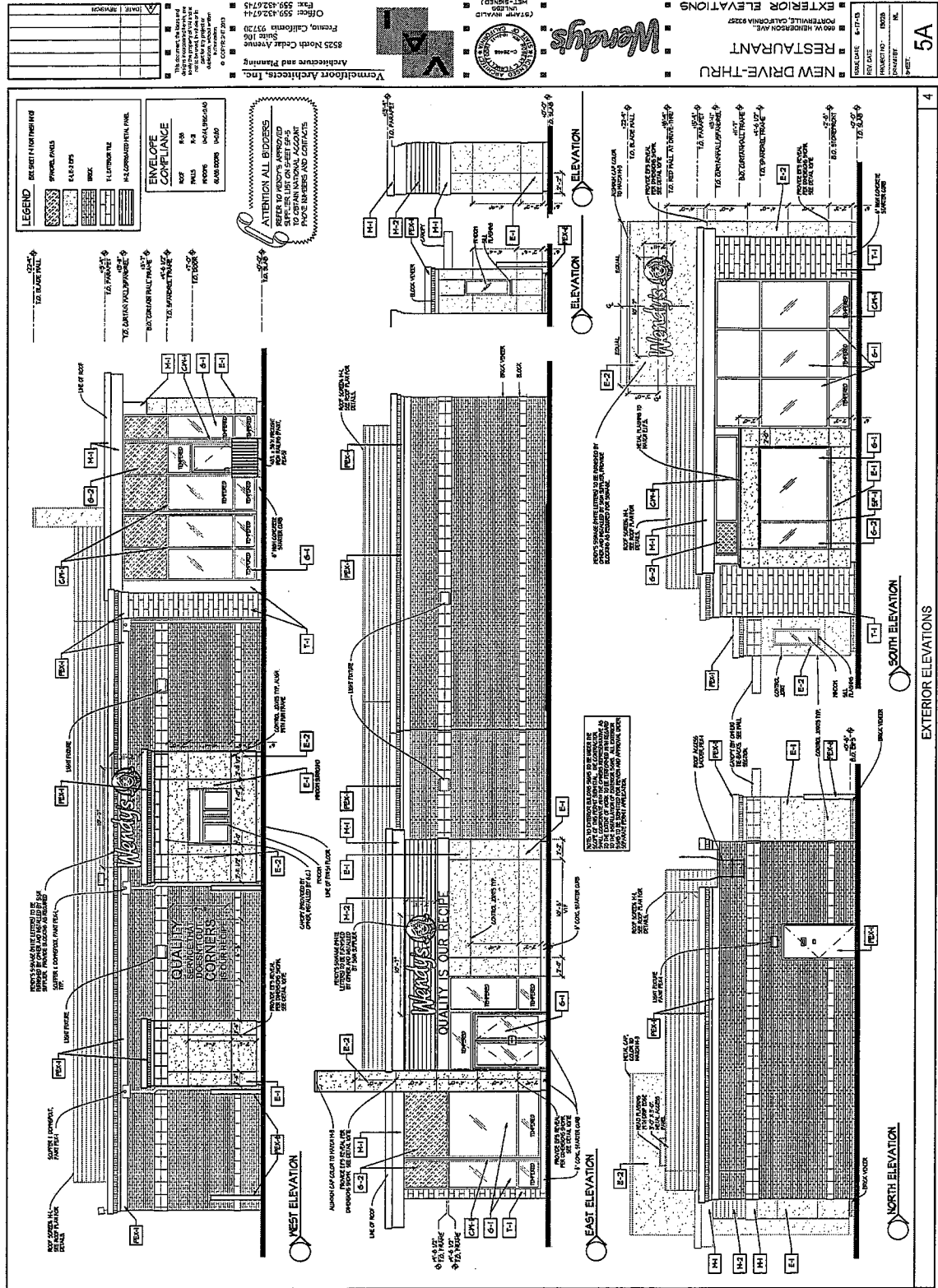
PORTERVILLE, CALIFORNIA 93227

PROPOSED SITE PLAN

1B

DATE: 6-11-03
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: N.T.S.





PUBLIC HEARING

SUBJECT: LANDSCAPE & LIGHTING DISTRICTS ANNUAL ASSESSMENTS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City has created sixty-four Landscape and Lighting Maintenance Districts (LLMDs) since 1989. The original District had seventeen annexed areas for new developments in addition to the original area. Since 1996 new Districts have been formed for each new development, representing Districts 2 through 46.

Annually, a process of evaluating maintenance needs and establishing an assessment for each LLMD must be followed. At the July 16, 2013 meeting, the City Council preliminarily approved the annual Engineer's Report, which indicates the proposed assessments for the 2013-2014 Fiscal Year. The assessments, once approved by the City Council, are placed upon the tax bill of property owners as a special assessment, and collected by the County of Tulare. The assessment process must be fully filed with the County by August 12, 2013 in order to be placed upon the tax rolls.

The Engineer's Report provides the financial detail on each district. In an effort to better facilitate the needs of the district, staff has been analyzing fund balances and deficits of each district as well as projected expenditures and reserves. Based on the analysis, staff was able to determine that not all districts will be assessed this fiscal year. These fund balances will be reviewed on a yearly basis to determine funding needs for maintenance, as well as determining assessment requirements. Staff also continues to look at more district consolidation possibilities like the recent Westwood Estates (D1), Westwood Estates Unit 4, Phase 5 (A5), and Westwood Estates Unit 5, Phase 2 (D12) consolidation that was passed at the April 16, 2013 City Council meeting.

MS Director

MB

Appropriated/Funded

J

City Manager

ITEM NO.: 29

RECOMMENDATIONS: That the City Council:

1. Conduct a public hearing on the 2013-2014 assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2013-2014 Fiscal Year.

ATTACHMENTS: Resolution
Engineer's Report

RESOLUTION NO.: _____ 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ORDERING THE CONTINUED MAINTENANCE OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICTS AND CONFIRMING THE ENGINEER'S REPORT AND ASSESSMENT FOR 2013-2014 FISCAL YEAR

WHEREAS, the City Council of the City of Porterville did on the 16th day of July, 2013 adopt its Resolution of Intention No. 45-2013 to order the therein described work in connection with the continuation of assessment procedures in Landscape and Lighting Maintenance Districts, which Resolution of Intention No. 45-2013 was duly and legally published in the time, form and manner as required by Law, shown by the Affidavit of Publication of said Resolution of Intention on file in the Office of the City Clerk; and

WHEREAS, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in the proceeding and concerning the necessity for the contemplated work and the benefits to be derived there from, and said City Council having now acquired jurisdiction to order the proposed work;

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

SECTION 1. IT IS HEREBY RESOLVED by the City Council of the City of Porterville that the public interest and convenience require the continuation of assessment procedures for the districts, and said City Council hereby orders that the work and assessment as set forth and described in said Resolution of Intention No. 45-2013 be done and made; and

SECTION 2. BE IT FURTHER RESOLVED that the report filed by the Engineer is hereby finally approved; and

SECTION 3. BE IT FURTHER RESOLVED that the assessments for fiscal year 2013-2014 and method of assessment in the Engineer's Report are hereby approved; and

SECTION 4. BE IT FINALLY RESOLVED that the assessments are in compliance with California Code, that they are without regard to property valuation, and in compliance with Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highway Code allowing the placement of the charge on the tax roll for collection.

APPROVED, PASSED AND ADOPTED this 6th day of August, 2013

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk

**CITY OF PORTERVILLE, CALIFORNIA
ENGINEER'S REPORT FOR
LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS
2013-2014 FISCAL YEAR**

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville, Resolution Number. The report is in compliance with the requirements of Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highways Code, State of California (Landscaping and Lighting Act of 1972).

SECTION 2. General Description

The City Council has heretofore elected to place the permanent landscape area along Westwood Street of Westwood Estates, Unit 1, 2, and 3 subdivisions, into Landscape and Lighting Maintenance District No. 1 and to annex the permanent landscape areas along the perimeter streets of the following developments:

1. Annexation No. 2 = Hillcrest Street right-of-way, fire access road, Jasmine Drive entries; west perimeter including the parcel on which the water tank is located, viewpoint look-out parcel at the northwest corner of Jasmine Ranch Subdivision, and the pedestrian access to each cul-de-sac from Hillcrest Street
2. Annexation No. 4 = LaVida Park Subdivision green belt, east on Plum Way Street and the entries east along Beverly Street
3. Annexation No. 5 = Westwood Estates #4 Subdivision, along the north and south entries adjacent to the block wall on Westwood Street and the median divider on White Chapel Lane including all trees in front yard planting strip
4. Annexation No. 14 = Wisconsin Manor I Subdivision located on the corner of Wisconsin Way and Mulberry Avenue
5. District No. 5 = Castle Woods Phase II Subdivision located at Median Avenue and Salisbury.
6. District No. 6 = Creekview Estates located between Porter Creek Avenue and the property line in Porter Slough.
7. District No. 12 = Westwood Estates, Unit 5, Phase 2, located on Henderson Avenue and Brandy Way
8. District No. 18 = Ohio North Subdivision located on Ohio Way Street
9. District No. 20 = West View Place Subdivision located on Median Avenue
10. District No. 24 = Orchard Ridge, Phase Eight Subdivision located on Mathew Street, Michael Street, Pamela Avenue and Santa Maria Avenue
11. District No. 31 = Williams Ranch, Phase 2 and 3 Subdivision on Westwood Street between Henderson and Westfield Avenues
12. District No. 35 = Meadow Breeze, Phase 1 Subdivision located on Pioneer Avenue and Salisbury Street

SECTION 3. Plans and Specifications

The plans and specifications for the landscaping have been prepared by the developers' engineers and have been approved as part of the improvement plans for the various developments. The plans and specifications for the landscaping are in conformance with the requirements of the City Council's conditions of approval of said Parcel Maps and Subdivisions.

Reference is hereby made to said subdivision maps, parcel maps and assessment diagrams for the exact location of the landscape areas. The plans and specifications by reference are hereby made a part of this report to the same extent as if said plans and specifications were attached hereto.

SECTION 4. Improvements

Landscaping improvements will include landscaping the entry ways, medians and areas behind subdivision block wall.

SECTION 5. Estimated Maintenance Costs

Maintenance is currently being performed by City staff and contract services. Accordingly, the City's record-keeping will be required to be sufficiently accurate to detail the expenses incurred on behalf of each individual annexation so that these costs may be recaptured through assessments.

The City Finance Department presently maintains records of expenditures for each annexation. Because of the restrictions placed upon municipal budgets through the passage of Proposition No. 218 and the lag between the time assessments are made and revenues are collected by the City, it is appropriate that assessments be made in advance of the anticipated expenditures to provide working capital for the maintenance effort. The fund balance for some districts would appear to justify a refund, however, it is clear that some of the costs for some of the districts have not been properly recognized. The staff is committed to identifying the discrepancies and rectifying during this fiscal year. Refunds have been included in the form of one time adjustments to the assessment reducing the amount actually assessed per lot.

The assessments include costs accumulated to date and estimated costs for the 2013-2014 fiscal year for Landscape and Lighting District No. 1, including Annexations 1 through 19 and District 2 through 46.

SECTION 6. Assessment Diagram

Copies of the assessment diagrams were attached to each individual Engineer's Reports and were labeled "Exhibit A". An Index Map is attached to this report identifying the location of the original district and each annexation.

SECTION 7. Assessment

The City Council, in forming Landscape and Lighting Maintenance District No. 1 and in annexing territories to the district, has maintained the philosophy that the sub divider or developer is responsible for the plantings, irrigation system and the maintenance of the improvements until they become well established. The assessments for maintenance thus only include anticipated costs incurred subsequent to the acceptance of the system by the City Council on behalf of the Maintenance District.

An exception to this philosophy is at Annexation No. 1, Airport Industrial Park, where the owners and the City will share costs for the plantings and irrigation system and the maintenance of improvements.

The maintenance of the landscaping is vital for the protection of both economic and humanistic values of the development. The City Council has heretofore determined that for the preservation of values incorporated within developments adjacent to landscaped areas, the landscaped areas should be included in a maintenance district to ensure satisfactory levels of maintenance. The establishment of the assessment for each development must be on a unit by unit basis which will preserve the integrity of each project. There should be a review of each annexation and District to determine if there are changed conditions that effect the assessment.

The determination of benefit for the lots within the districts takes into consideration the facts for the original districts and all annexations thereto.

Following are estimated maintenance costs and assessments for each District and Annexation.

Annexation No. 4 - La Vida Park
Fiscal Year 2013-2014
Maximum Assessment \$2,469.42

Estimated Accumulated Costs 2012-2013 \$ 1,644.16

Maintenance: 3,790 sq.ft. of landscaping area, 437 feet of wall
Project Management, 17
Fund Balance: \$ 1,879.38

1. Landscape	3,790	@ \$	0.190	=	\$ 720.10 /sf
2. Graffiti Maintenance	3,790	@ \$	0.090	=	\$ 341.10 /sf
3. Tree Maintenance	3,790	@ \$	0.150	=	\$ 568.50 /sf
4. Postage	3,790	@ \$	0.020	=	\$ 75.80 /sf
5. Utilities	3,790	@ \$	0.250	=	\$ 947.50 /sf
6. Printing	3,790	@ \$	0.020	=	\$ 75.80 /sf
7. Repair/Maintenance	3,790	@ \$	0.030	=	\$ 113.70 /sf
		\$	0.750	=	\$ 2,842.50

Maintenance	3,790 x \$	0.750	=	\$ 2,842.50
Administrative Fee	\$ 2,842.50 x \$0.10			\$ 284.25
County Fee	17 @ \$1.00			\$ 17.00
Reserves 15% of total cost of maintenance				\$ 426.38
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				\$ -
				<u>\$ 3,570.13</u> /17=\$210.00

Estimated Cost Per Year \$ 3,570.13 = \$ 210.01
17

Current Assessment \$ 2,469.42 = \$ 145.26
17

New Assessment \$ 2,469.42 = \$ 145.26
17

<p>Westwood Estates - Districts 1, 12 and Annexation 5</p> <p>2013-2014 Fiscal Year</p> <p>Maximum Assessment \$1,001.39</p>
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Estimated Accumulated Costs 2012-2013

\$ 17,721.34

Maintenance: lighting: 47,462 sq.ft. of landscaping area
 Project Management, 207 lots
 Fund Balance: \$ 29,247.80

				Formula
1. Landscape/Tree Maintenance	47,462	@	0.17 =	\$ 8,068.54 /sf
2. Graffiti Maintenance	47,462	@	0.02 =	\$ 949.24 /sf
3. Postage	47,462	@	0.005 =	\$ 237.31 /sf
4. Utilities	47,462	@	0.12 =	\$ 5,695.44 /sf
5. Printing	47,462	@	0.005 =	\$ 237.31 /sf
6. Repair/Maintenance	47,462	@	0.02 =	\$ 949.24 /sf
			\$ 0.34	\$ 16,137.08

Maintenance	47,462 sq.ft.	x	0.34	\$ 16,137.08
Administrative Fee	\$ 16,137.08	x	\$0.10	\$ 1,613.71
County Fee	207 lots	@	1.00/per lot	\$ 207.00
Reserves	15% of total cost of maintenance			\$ 2,420.56
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				\$ -
				<u>\$ 20,378.35 /207=\$98.44</u>

Estimated Cost Per Year \$ 20,378.35 = \$98.44
 207

New Assessment \$ 20,378.35 = \$ 98.44
 207

Annexation No. 14 - Wisconsin Manor 1 Subdivision

Fiscal Year 2013-2014

Maximum Assessment \$1,824.69

Estimated Accumulated Costs 2012-2013 \$ 1,464.22

Maintenance: 3,030 sq.ft. of landscaping area
 Project Management, 8 lots
 Fund Balance: \$ (1,911.28)

1. Landscape	3,030	@ \$	0.190	=	\$	575.70	/sf
2. Graffiti Maintenance	3,030	@ \$	0.090	=	\$	272.70	/sf
3. Tree Maintenance	3,030	@ \$	0.150	=	\$	454.50	/sf
4. Postage	3,030	@ \$	0.020	=	\$	60.60	/sf
5. Utilities	3,030	@ \$	0.250	=	\$	757.50	/sf
6. Printing	3,030	@ \$	0.020	=	\$	60.60	/sf
7. Repair/Maintenance	3,030	@ \$	0.030	=	\$	90.90	/sf
		\$	0.750	=	\$	2,272.50	

Maintenance	\$	3,030.00	x	\$	0.750	=	\$	2,272.50	
Administrative Fee	\$	3,030.00					\$0.10	\$	303.00
County Fee		8		@			\$1.00	\$	8.00
Reserves		15% of total cost of maintenance						\$	340.88
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit							\$	191.13	
							\$	3,115.50	/8=\$389.44

Estimated Cost Per Year $\frac{\$ 3,115.50}{8} = \389.44

Current Assessment $\frac{\$ 1,824.69}{8} = \$ 228.09$

New Assessment $\frac{\$ 1,824.69}{8} = \$ 228.09$

District No. 5 Castle Woods Phase 2 Subdivision

Fiscal Year 2013-2014

Maximum Assessment \$1.021.48

Approved CIP 2002 (Adjusted 2008)

Estimated Accumulated Costs 2012-2013 \$ 1,611.57

Maintenance: 1,715 sq.ft. of landscaping area
 Project Management: 25 lots
 Fund Balance: \$ (2,513.42)

1. Landscape	1,715	@ \$ 0.190 =	\$ 325.85 /sf
2. Graffiti Maintenance	1,715	@ \$ 0.090 =	\$ 154.35 /sf
3. Tree Maintenance	1,715	@ \$ 0.150 =	\$ 257.25 /sf
4. Postage	1,715	@ \$ 0.020 =	\$ 34.30 /sf
5. Utilities	1,715	@ \$ 0.250 =	\$ 428.75 /sf
6. Printing	1,715	@ \$ 0.020 =	\$ 34.30 /sf
7. Repair/Maintenance	1,715	@ \$ 0.030 =	\$ 51.45 /sf
		<u>\$ 0.750 =</u>	<u>\$ 1,286.25</u>

Maintenance	1,715	x 0.75 =	\$ 771.75
Administrative Fee	\$ 1,286.25	x 0.10 \$0.10	\$ 128.63
County Fee	25	x 1.00/per lot \$1.00	\$ 19.00
Reserves 15% of total cost of maintenance			\$ 192.94
Eliminate deficit fund balance over 10 years - 10% of fund deficit			\$ 236.09
			<u>\$ 1,348.40 /25=\$ 53.94</u>

Estimated Cost Per Year \$ 1,348.40 = \$ 53.94
25

Current Assessment \$ 1,004.41 = \$ 40.18
25

New Assessment \$ 1,004.41 = \$ 40.18
25

District 35 - Meadow Breeze Ph. 2
2013-2014 Fiscal Year
Maximum Assessment \$1,001.39

Estimated Accumulated Costs 2012-2013 \$ 754.69

Maintenance: lighting: 9 lumens @ 5,800 each
Project Management, 44 lots
Fund Balance: \$ 686.47

		Cost		Formula
1. Utilities	9	@ \$ 104.16 =	\$ 937.44	/sf
2. Printing	44	@ \$ 1.400 =	\$ 61.60	/sf
3. Postage	44	@ \$ 1.000 =	\$ 44.00	/sf
			<u>\$ 1,043.04</u>	<u>/sf</u>

Maintenance	\$ 1,043.04	x 1	=	\$ 1,043.04
Administrative Fee	\$ 1,137.44	x 0.10	=	\$ 113.74
County Fee	44 lots	@ 1.00/per lot	=	\$ 44.00
Reserves	15% of total cost of maintenance	=		\$ 156.46
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit			=	\$ -
				<u>\$ 1,357.24</u> /44= \$30.85 per lot

Estimated Cost Per Year \$ 1,357.24 = \$30.85
44

Current Assessment \$ 844.08 = \$19.18
44

New Assessment \$ 844.08 = \$19.18
44

This concludes the 2013-2014 Landscape and Lighting District Engineer's Report.
Baldomero Rodriguez, RCE 45304

Baldomero Rodriguez
Public Works Director



<p>District No. 6 Creekview Subdivision</p> <p>Fiscal Year 2013-2014</p> <p>Maximum Assessment \$4,869.30</p>

<i>Estimated Accumulated Costs 2012-2013</i>	\$	4,921.42
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Maintenance:	23,600 sq.ft. of landscaping area
Lighting:	5 each @ 5,800 lumens
Project Management:	19 lots
Fund Balance:	\$ (21,889.43)

1. Landscape	23,600	@ \$	0.190	=	\$	4,484.00	/sf
2. Graffiti Maintenance	23,600	@ \$	0.030	=	\$	708.00	/sf
3. Tree Maintenance	23,600	@ \$	0.120	=	\$	2,832.00	/sf
4. Postage	23,600	@ \$	0.005	=	\$	118.00	/sf
5. Utilities	23,600	@ \$	0.060	=	\$	1,416.00	/sf
6. Printing	23,600	@ \$	0.005	=	\$	118.00	/sf
7. Repair/Maintenance	23,600	@ \$	0.040	=	\$	944.00	/sf
		\$	0.450	=	\$	10,620.00	

Maintenance	23,600	x	0.45	=	\$	10,620.00	
Administrative Fee	\$ 10,620.00	x	0.10		\$0.10	\$	1,062.00
County Fee	19	x	1.00/per lot		\$1.00	\$	19.00
Reserves 15% of total cost of maintenance						\$	1,593.00
Eliminate deficit fund balance over 10 years - 10% of fund deficit						\$	2,115.31
						\$	15,409.31
						/19=\$	811.02

Estimated Cost Per Year	$\frac{\$ 15,409.31}{19} =$	\$ 811.02
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Current Assessment \$ 4,869.30 = \$ 256.28

19

New Assessment \$ 4,869.30 = \$ 256.28

District No. 18 - Ohio North Subdivision

Fiscal Year 2013-2014

Maximum Assessment \$190.26

Estimated Accumulated Costs 2012-2013 \$ 518.70

Maintenance: lighting 2 @ 5,800 lumens each

Project Management: 10 lots

Fund Balance: \$ (177.97)

1. Utilities	2 @ 5,800 lumens	@	\$104.16	=	each	\$	208.32
2. Postage	10	@	\$1.00	=		\$	10.00
3. Printing	1	@	\$60.00	=		\$	60.00
						\$	278.32

Maintenance	\$	278.32	x	1	=	\$	278.32
Administrative Fee	\$	278.32	x	0.10		\$	27.83
County Fee			10 x	1.00/per lot		\$	10.00
Reserves 15% of total cost of maintenance						\$	41.75
Eliminate deficit fund balance over 10 years - 10% of fund deficit						\$	17.07
						\$	374.97 /10=\$ 37.50

Estimated Cost Per Year	\$	<u>374.97</u>	=		\$	37.50
		10				

Current Assessment	\$	<u>190.26</u>	=		\$	19.02
		10				

New Assessment	\$	<u>190.26</u>	=		\$	19.02
		10				

District No. 20 - West View Place Subdivision

Fiscal Year 2013-2014

Maximum Assessment \$280.32

Estimated Accumulated Costs 2012-2013 \$ 208.71

Maintenance: lighting 3 @ 5,800 lumens each

1 @ 9,500 lumens each

Project Management: 10 lots

Fund Balance: \$ 248.63

1. Utilities	3 @ 5,800 lumens	@ \$ 104.160	=	each	\$	312.48
	1 @ 9,500 lumens	@ \$ 125.060		each	\$	125.06
2. Postage	\$ 437.54	@ \$ 0.024	=		\$	10.50
3. Printing	\$ 437.54	@ \$ 0.150	=		\$	65.63
					\$	513.67

Maintenance	\$ 441.92	x	1	=	\$	441.92
Administrative Fee	\$ 513.67	x	0.10		\$	51.37
County Fee		10 x	\$1.00/per lot		\$	10.00
Reserves 15% of total cost of maintenance					\$	77.05
Eliminate deficit fund balance over 10 years - 10% of fund deficit					\$	-
					\$	580.34 /10=\$ 58.03

Estimated Cost Per Year	\$	<u>580.34</u>	=		\$	58.03
		10				

Current Assessment	\$	<u>265.74</u>	=		\$	26.56
		10				

New Assessment	\$	<u>265.74</u>	=		\$	26.56
		10				

<p>District No. 24 - Orchard Ridge Phase 8</p> <p>Fiscal Year 2013-2014</p> <p>Maximum Assessment \$2,607.14</p>
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<i>Estimated Accumulated Costs 2012-2013</i>	\$	3,476.80
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Maintenance:	3,538 sq.ft. of landscaping area
Project Management:	44 lots
Fund Balance:	\$ (9,194.66)

1. Landscape	3,538	@ \$	0.190	=	\$	672.22	/sf
2. Graffiti Maintenance	3,538	@ \$	0.090	=	\$	318.42	/sf
3. Tree Maintenance	3,538	@ \$	0.150	=	\$	530.70	/sf
4. Postage	3,538	@ \$	0.020	=	\$	70.76	/sf
5. Utilities	3,538	@ \$	0.250	=	\$	884.50	/sf
6. Printing	3,538	@ \$	0.020	=	\$	70.76	/sf
7. Repair/Maintenance	3,538	@ \$	0.030	=	\$	106.14	/sf
			<u>\$</u>	<u>0.750</u>	<u>=</u>	<u>\$</u>	<u>2,653.50</u>

Maintenance	3,538	x	0.75	=	\$	1,592.10
Administrative Fee	\$ 2,653.50	x	0.10		\$0.10	\$ 265.35
County Fee	44	x	1.00/per lot		\$1.00	\$ 44.00
Reserves 15% of total cost of maintenance					\$	398.03
Eliminate deficit fund balance over 10 years - 10% of fund deficit					\$	919.46
					\$	3,218.94 /44=\$ 73.16

Estimated Cost Per Year \$ 3,218.94 = \$ 73.16
 44

Current Assessment $\frac{\$ 2,607.14}{44} =$ **\$ 59.26**

New Assessment \$ 2,607.14 = \$ **59.26**
44

District No. 31 Williams Ranch Phase 2 & 3 Subdivision

Approved CPI 2006 (Adjusted 2006)

Maximum Assessment \$2,303.51

<i>Estimated Accumulated Costs 2012-2013</i>	\$ 4,007.96
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Maintenance:	6,512 sq.ft. of landscaping area, 437 feet of wall
Lighting:	24 ea @ 5,800 lumens, 2 ea. @ 16,000 lumens
Project Management,	85
Fund Balance:	\$ (3,868.83)

1. Landscape	6,512	@ \$ 0.190	= \$ 1,237.28 /sf
2. Graffiti Maintenance	6,512	@ \$ 0.025	= \$ 162.80 /sf
3. Tree Maintenance	6,512	@ \$ 0.130	= \$ 846.56 /sf
4. Postage	6,512	@ \$ 0.010	= \$ 65.12 /sf
5. Utilities	6,512	@ \$ 0.080	= \$ 520.96 /sf
6. Printing	6,512	@ \$ 0.010	= \$ 65.12 /sf
7. Repair/Maintenance	6,512	@ \$ 0.040	= \$ 260.48 /sf
		<u>\$ 0.485</u>	<u>\$ 3,158.32</u>

Maintenance	6,512	x	\$ 0.485	=	\$ 3,158.32	
Administrative Fee	85 lots	x	\$ 0.10		\$ 85.00	
County Fee	85 lots	@	\$ 1.00		\$ 85.00	
Reserves 15% of total cost of maintenance					\$ 473.75	
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					\$ 353.35	
					<u>\$ 4,155.42</u>	/85=\$48.89

$$\text{Estimated Cost Per Year} \quad \frac{\$ 4,155.42}{85} = \$47.22$$

Current Assessment $\frac{\$ 2,303.85}{85} = \$ 27.10$

New Assessment $\frac{\$ 2,303.85}{85} = \$ 27.10$

Annexation No. 2 - Jasmine Ranch

Fiscal Year 2013-2014

Maximum Assessment \$8,000.00

Estimated Accumulated Costs 2012-2013 \$ 5,265.05

Maintenance: 22,100 sq.ft. of landscaping area

Project Management: 22 lots

Fund Balance: \$ 4,829.08

1. Landscape	22,100	@	\$ 0.190	=	\$ 4,199.00	/sf
2. Graffiti Maintenance	22,100	@	\$ 0.030	=	\$ 663.00	/sf
3. Tree Maintenance	22,100	@	\$ 0.160	=	\$ 3,536.00	/sf
4. Postage	22,100	@	\$ 0.005	=	\$ 110.50	/sf
5. Utilities	22,100	@	\$ 0.040	=	\$ 884.00	/sf
6. Printing	22,100	@	\$ 0.005	=	\$ 110.50	/sf
7. Repair/Maintenance	22,100	@	\$ 0.020	=	\$ 442.00	/sf
			\$ 0.450	=	\$ 9,945.00	

Maintenance	22,100	x	\$ 0.45	=	\$ 9,945.00
Administrative Fee	\$ 9,945.00	x	\$0.10		\$ 994.50
County Fee	22	x	\$1.00/per lot		\$ 22.00
Reserves 15% of total cost of maintenance					\$ 1,491.75
Eliminate deficit fund balance over 10 years - 10% of fund deficit					
					\$ 12,453.25

FORMULA FOR ASSESSMENT

A = Assessment per lot = $\frac{\text{Total Assessment} - F}{L}$

L = Number of lots

F = Assessment for remainder parcel

The 2013-2014 assessment will be spread based upon the above formula. There are 22 lots in Unit One. The 47.89 acre remainder parcel is included on the final subdivision map and will be assessed 20% of the total estimated cost for landscaping maintenance until it is developed at which time it will be combined with the other completed units and assessed fully.

Estimated Assessment $F = \$12,453.25 \times .20 = \$2,490.85$ for remainder
 $A = \$12,453.25 - \$2,490.85 = \$452.84$ per lot in Unit One

Current Assessment $F = \$8,000 \times .20 = \$1,600.00$ for remainder
 $A = \frac{\$8,000 - \$1,600}{22} = \$290.92$ per lot in Unit One

New Assessment $F = \$8,000 \times .20 = \$1,600.00$ for remainder
 $A = \frac{\$8,000 - \$1,600}{22} = \$290.92$ per lot in Unit One

CITY COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: ARTS COMMISSION ORDINANCE AMENDMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: An Ordinance of the City Council of the City of Porterville for the formation of an Arts Commission (Commission) was adopted on October 19, 2010. Following the ordinance's adoption, the Council appointed four (4) members to serve on the Commission and to initiate an effort to identify prospective commissioners for the Council's appointment to the Commission. Now that the initial one (1) year terms are up and Staff and the Commission have been reviewing the Ordinance regarding the appointment/re-appointment process, there are a few aspects of the Composition and Term of Office sections of the Ordinance that are ambiguous and are being proposed for amendment.

Section 5A-2 Composition identifies a maximum Commission size of up to 11 members with a requirement to have no less than three (3) and no more than seven (7) considered "open" seats that are appointed by the City Council at its discretion. Since the Council appoints all commissioners regardless, Staff and the Commission are proposing to simplify the criteria to eliminate the references to open seats and require all commissioners to be associated with at least one category of the arts and that the commission be varied in its composition. This should provide clarity and simplify the appointment process.

Section 5A-4 Term of Office/Removal reflects the length of the terms of the open seats as (3) three years and the terms of the open seats appointed by subcommittee as (1) one year terms. Staff is proposing to amend Section 5A-4 to reflect that all appointments shall be made by the Council for three (3) year terms with staggered terms, with the exception of the youth commissioner that would serve a one (1) year term. Attachment No. 1 identifies the proposed edits to Ordinance 1767.

It should be noted that all Commissioners are representing four areas of arts: a) theatrical/performing arts; b) visual/graphic; c) music; and d) youth.

RECOMMENDATION: That the City Council:

1. Approve the draft ordinance amending Ordinance 1767; and
2. Give first reading of the proposed ordinance and order it to print.

DD ~~BA~~ Appropriated/Funded NA CM 1

Item No. 30

ATTACHMENTS:

1. Draft Amendments to Ordinance No. 1767
2. Ordinance No. 1767
3. Amended Ordinance No. 1767

ORDINANCE NO. 1767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 5A OF THE PORTERVILLE MUNICIPAL CODE REGARDING THE FORMATION OF AN ARTS COMMISSION

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

Section 1. Code Amendment. Chapter 5A of the Porterville Municipal Code is hereby amended to read as follows:

CHAPTER 5A ARTICLE I

Section 5A-1 Established.

An Arts Commission is established in and for the City of Porterville. The Arts Commission shall serve in an advisory capacity to the City Council.

Section 5A-2 Composition.

The Arts Commission shall consist of up to 11 members. ~~No less than three (3) and no more than (7) seats shall be considered "open" seats to be appointed by the City Council at its complete discretion. The appointee for the remaining four (4) seats shall be recommended by the initially appointed members of the "open" seats via subcommittees representing four areas of art: 1) theatrical/performing arts; 2) visual/graphic; 3) music; 4) youth, with final approval by the City Council.~~ Commissioners shall be appointed by the City Council at its complete discretion. Members of the commission shall represent four areas of arts: 1) theatrical/performing arts; 2) visual/graphic; 3) music; (4) youth, with final approval by the City Council.

Section 5A-3 Compensation.

Members of the Arts Commission shall serve without compensation.

Section 5A-4 Term of Office/Removal.

~~The term of the "open" seats shall be three (3) years with terms staggered to prevent concurrent expiration of terms. The term of office shall be three (3) years with terms staggered to prevent concurrent expiration of terms with the exception of the youth representative.~~ No member may serve more than two (2) consecutive terms.

~~The term of the seats appointed via subcommittee recommendation shall be one (1) year. Those appointed via the subcommittees shall have no term limits. The term of the student/youth commissioner shall be one (1) year.~~

All Commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason.

Section 5A-5 Vacancies.

Vacancies, occurring otherwise than by expiration of the terms, shall be filled by appointment as in the first instance (by either direct appointment by the City Council or appointment by the Council via Subcommittee/Commission recommendation) as soon as possible; such appointee to serve for the unexpired term of the vacant office.

Section 5A-6 Meetings and Records.

The Arts Commission shall hold meetings regularly as determined by the Commission and shall designate the time and place thereof. The Meetings shall be held in compliance with the Brown Act and all applicable laws, and the meetings and records of attendance shall be public. The Commission shall keep a record of its proceedings. A record of attendance shall be kept regularly and reported to the "City Council at least one time per year. Members are expected to have 75% attendance based on the Commission's regular meeting schedule (e.g. 9 out of 12 meetings if held monthly, and 3 out of 4 if held quarterly). Members who fail to meet the attendance requirement automatically vacate their seat and the vacancies shall be filled per Section 5A-5.

Section 5A-7 Quorum.

A presence of a majority of the members of the established number of commissioners, as set via Resolution of the City Council, shall constitute a quorum for the transaction of business (i.e. at least 4, as many as 6).

Section 5A-8 General Powers and Duties of Commission.

The Arts Commission shall:

- A. Make recommendations to the City Council regarding development and promotion of practices and policies pertaining to the Arts, keeping in mind the adoption of policy is the prerogative of the City Council.
- B. Foster the development and enjoyment of visual, cultural, performing, and other arts in the City of Porterville.
- C. To work cooperatively with city entities and other advisory commissions to include an Arts element in as many areas of city planning and development as possible.
- D. Develop and submit a Workplan to the Council on an annual basis detailing the goals and objectives of the Arts Commission over the next year, five years and/or twenty years.

Section 2. 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 3. Effective Date. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 4. 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 6th day of August, 2013.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By

Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. 1767

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDING CHAPTER 5A, ARTICLE I, SECTIONS 5A-1 THROUGH 5A-8 TO
THE PORTERVILLE MUNICIPAL CODE REGARDING
THE FORMATION OF AN ARTS COMMISSION**

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

Section 1. Code Amendment. Chapter 5A, Article I, Sections 5A-1 through 5A-8 is hereby added to the Porterville Municipal Code, to read as follows:

**CHAPTER 5A
ARTICLE I**

Section 5A-1 Established.

An Arts Commission is established in and for the City of Porterville. The Arts Commission shall serve in an advisory capacity to the City Council.

Section 5A-2 Composition.

The Arts Commission shall consist of up to 11 members. No less than three (3) and no more than (7) seats shall be considered "open" seats to be appointed by the City Council at its complete discretion. The appointees for the remaining four (4) seats shall be recommended by the initially appointed members of the "open" seats, via subcommittees representing four areas of arts: 1) theatrical/ performing arts; 2) visual/graphic; 3) music; and 4) youth, with final approval by the City Council.

Section 5A-3 Compensation.

Members of the Arts Commission shall serve without compensation.

Section 5A-4 Term of Office/Removal.

The term of the "open" seats shall be three (3) years with terms staggered to prevent concurrent expiration of terms. No member appointed to an "open" seat may serve more than two (2) consecutive terms.

The term of the seats appointed via subcommittee recommendation shall be one (1) year. Those appointed via the subcommittees shall have no term limits.

All Commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason.

Section 5A-5 Vacancies.

Vacancies, occurring otherwise than by expiration of the terms, shall be filled by appointment as in the first instance (by either direct appointment by the City Council or appointment by the Council via Subcommittee/Commission recommendation) as soon as possible; such appointee to serve for the unexpired term of the vacant office.

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Section 5A-7 Quorum.

A presence of a majority of the members of the established number of commissioners, as set via Resolution of the City Council, shall constitute a quorum for the transaction of business (i.e. at least 4, as many as 6).

Section 5A-8 General Powers and Duties of Commission.

----- The Arts Commission shall: -----

- A. Make recommendations to the City Council regarding development and promotion of practices and policies pertaining to the Arts, keeping in mind the adoption of policy is the prerogative of the City Council.
- B. Foster the development and enjoyment of visual, cultural, performing, and other arts in the City of Porterville.
- C. To work cooperatively with city entities and other advisory commissions to include an Arts element in as many areas of city planning and development as possible.
- D. Develop and submit a Workplan to the Council on an annual basis detailing the goals and objectives of the Arts Commission over the next year, five years and/or twenty years.

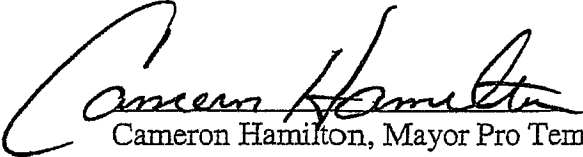
Section 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall

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

Section 4. 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 19th day of October, 2010.


Cameron Hamilton, Mayor Pro Tem

ATTEST:

John D. Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

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

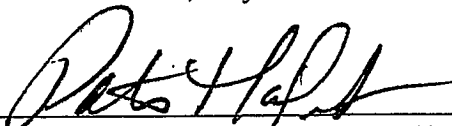
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1767, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 19th day of October, 2010, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective November 18, 2010, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

COUNCIL:	McCRACKEN	IRISH	MARTINEZ	WARD	HAMILTON
AYES:	X		X	X	X
NOES:					
ABSTAIN:					
ABSENT:		X			

JOHN D. LOLLIS, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. 1767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 5A OF THE PORTERVILLE MUNICIPAL CODE
REGARDING THE FORMATION OF AN ARTS COMMISSION

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

Section 1. Code Amendment. Chapter 5A of the Porterville Municipal Code is hereby amended to read as follows:

**CHAPTER 5A
ARTICLE I**

Section 5A-1 Established.

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Section 5A-2 Composition.

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The term of office shall be three (3) years with terms staggered to prevent concurrent expiration of terms with the exception of the youth representative. No member may serve more than two (2) consecutive terms. The term of the student/youth commissioner shall be one (1) year.

All Commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason.

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appointment by the Council via Subcommittee/Commission recommendation) as soon as possible; such appointee to serve for the unexpired term of the vacant office.

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Section 2. Severity. 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, for that end, the provisions hereof are severable.

Section 3. Effective Date. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 4. 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 6th day of August, 2013.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By

Patrice Hildreth, Chief Deputy City Clerk

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: LETTER OF MAP REVISION - "MONACHE" SPECIAL FLOOD HAZARD AREA (SFHA)

SOURCE: Public Works Department - Engineering Division

COMMENT: A Flood Insurance Study was first prepared for the City of Porterville in 1971 pursuant to the provisions of the National Flood Insurance Act of 1968. In 1975 the City applied for, and was granted, certification permitting the City to qualify for participation in the subsidized flood insurance program under the Flood Disaster Protection Act of 1973. As part of the measures necessary to meet the flood plain management requirements under this action, amendments were enacted in the Zoning Ordinance creating Floodplain Zones that restrict uses in certain flood hazard areas.

A new Flood Insurance Study was completed for the City of Porterville in January of 1983. As part of this study, a revised Flood Insurance Rate Map (FIRM) was prepared that identifies the areas within the City that are subject to flood hazard. The Federal Emergency Management Agency (FEMA) has adopted the 100-year flood for purposes of floodplain management measures. This is a flood that is defined as having a one percent chance of occurring in any given year. This new program provided an actuarial flood insurance with the private market rates based on "true risk." City Council adopted the new program on June 7, 1983, by enacting Ordinance No. 1285.

Effective October 1, 1986, FEMA changed some of the rules governing the National Flood Insurance Program (NFIP). To continue as a participant in the NFIP, the City Council adopted an updated program on March 15, 1988, by enacting Ordinance No. 1397. Within this ordinance was specific language for a Special Flood Hazard Area (SFHA), Zone A without a Base Flood Elevation (BFE) for an area in the vicinity of Monache High School, hereinafter specifically referenced as "Monache" SFHA. The specific language is as follows:

"New construction and substantial improvements of any structure in Zone AH or AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least two feet if no depth number is specified. For the purpose of this ordinance, new construction and substantial improvement of any structure in Zone A located within the following described boundaries shall have the lowest floor including basement, elevated to a depth of one foot above the highest adjacent grade."

Dir BSC Appropriated/Funded N/A CM 1

Item No. 31

North boundary - Westfield Avenue
South boundary - Henderson Avenue
East boundary - Prospect Street
West boundary - Newcomb Street

Effective October 1, 2006, FEMA again modified some of the rules governing the NFIP. To continue as a participant in the NFIP, the City Council adopted an updated program on May 3, 2011, by enacting Ordinance No. 1777. Adoption of the ordinance was predicated by a May 18, 2010, on-site Community Assistant Visit (CAV) by the Department of Water Resources, on behalf of FEMA. The purpose of the meeting was to evaluate how the City of Porterville administers its floodplain management program under the NFIP.

The CAV was followed with a June 22, 2010, letter to the Mayor of Porterville and the letter provided several findings. The findings pertinent to the "Monache" SFHA are as follows:

- It was determined that Ordinance 1397, Sections 7-138 thru 7-142 of the *Municipal Code, Flood Damage Prevention Code*, adopted on March 15, 1988, does not meet minimum NFIP as specified in "*Title 44, Code of Federal Regulations (CFR), Section 60.3.*" Title 44, Code of Federal Regulations and the NFIP are one and the same and as previously stated, Ordinance 1397 allowed for the structures in the "Monache" SFHA to be constructed 1 foot above the highest adjacent grade, which is contrary to Section 60.3 of the 44CFR.
- An updated floodplain ordinance was also requested and to be processed within 60 days of CAV report. The new ordinance created new language associated with the "Monache" SFHA by requiring new development or substantial improvements to comply with Section 60.3 of the 44CFR, which is typically 2 feet above the highest adjacent grade.
- The CAV also revealed that the "Monache" SFHA is now being served by a completely functional storm drain system, as of 2010, and recommends that the City provide FEMA with the proper information under the Section 65.3 of the 44CFR. Proper information includes a hydrological study and submission of a Letter of Map Revision application. The outcome could, if approved by FEMA, render this area "reasonably safe from flooding" and remove the current flood hazard area designation. Additionally, property owners would then be allowed to cancel flood insurance policies.

Funds were appropriated for the hydrological study during fiscal year 2010/2011 and staff commenced with the study as time permitted during the same fiscal year. Significant progress was accomplished during the latter part of last fiscal year and staff is now ready to submit the LOMR application and supporting documentation to FEMA.

Costs associated with the preparation of the LOMR package have exceeded \$50,000. The costs identified herein represent three years worth of engineering effort and include two different hydrology computer models with supporting studies. The first effort using modern up-to-date software familiar to staff was later discovered "not officially" approved by FEMA. This discovery necessitated a second effort using software acceptable to FEMA.

In total, one hundred thirty-seven (137) residential lots exist within the "Monache" SFHA and of those, sixty-four (64) property owners hired an engineer to classify their property as an area no longer prone to flooding by filing a Letter of Map Revision. The cost associated with this effort is unknown to staff because it was performed entirely by the private sector. A few property owners still within the "Monache" SFHA inform that their flood insurance premiums are as high as \$1,400 annually.

The FEMA application review fee is \$5,300. Staff attended a neighborhood meeting to discuss our progress with the study and to answer questions the neighborhood may have. The application fee was discussed and a few property owners were willing to pay their proportional share, while a majority felt it was the City's responsibility.

The area is unique in nature due to the specific language contained in Ordinance 1397 for the "Monache" SFHA and shown in *italics* in this report. The language in question is not allowed per Section 60.3 of the 44CFR. The storm drain system within this area of Porterville is now fully functional and requires that the floodplain administrator follow through with the LOMR application and supporting documentation.

In accordance with Section 65.3 of the 44CFR, and the City's new ordinance, Ordinance 1777, agencies that participate in the program are required to condition new developments to file LOMRs' or file LOMRs' on behalf of the community when storm drain systems become fully functional and the applicable SFHA is no longer relevant in the opinion of the floodplain administrator. The regulation was not part of the City's two (2) prior ordinances, Ordinance 1285 and Ordinance 1397, and was not known to the floodplain administrator at the time.

It is staff's opinion that the special language in the Floodplain Ordinance must remain due to the fact that the properties in the area have already

been constructed to an elevation lower than specified by FEMA. Whether the City or the area property owners pay the application fee, the City must show good faith and move forward with the application process. The hydrological study is being funded by the Storm Drain Developer Fee account and could also be the funding source for the LOMR application filing fee.

The City of Porterville has other SFHA designations that are much larger than the "Monache" SFHA. The Zones range from a Zone A, without a "Base Flood Elevation" (BFE), Zone A with a BFE, Zone AH with BFE, Zone AO (Depth 1') and Zone AE. Each zone has individual administrative policy requirements.

Zone A without a BFE is the most problematic because it requires a greater effort to determine the actual flood level (the area lacks technical study). Zone A and Zone AH with BFE provides specific guidelines for construction by establishing an elevation that finished floors must be constructed at or above. Zone AO (Depth 1') specifies that a finish floor shall be constructed at or above the ground elevation when FEMA mapped the area. Zone AE is the flood area along the Tule River and provides a BFE. This Zone is the most scrutinized because it is within a State classified Designated Floodway. Each individual SFHA described herein except the "Monache" SFHA, lack complete storm drain infrastructure and are classified by staff as **not** being candidates for studies such as the one currently completed.

RECOMMENDATION: That the City Council provide direction regarding the most appropriate funding source for the \$5,300 LOMR application filing fee.

ATTACHMENTS: Ordinance 1285
Ordinance 1397
Ordinance 1777
Department of Water Resources Community Assistance Report
Locator Map - Portion of FIRM Map, Panel 1633 of 2550

ORDINANCE NO. 1285

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE AMENDING CHAPTER SEVEN OF THE
MUNICIPAL CODE BY ADDING ARTICLE XIV, FLOOD
DAMAGE PREVENTION CODE

WHEREAS: The City Council of the City of Porterville has made
the following findings of fact:

- (1) The flood hazard areas of the City of Porterville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage.

WHEREAS: Damage due to flooding in defined flood hazard areas can be significantly reduced by adoption and adherence to the flood plain management program; and

WHEREAS: A key element in a flood plain damage program is a Flood Damage Prevention Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO
ORDAIN AS FOLLOWS:

That Chapter Seven of the Municipal Code of the City of
Porterville be amended by adding Article XIV:

ARTICLE XIV

FLOOD DAMAGE PREVENTION CODE

SECTION 7-138
DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the Community and Financial Services Director's interpretation of any provision of this ordinance or a request for a variance.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zone A, AO, AH, AI-30 on the FIRM.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Breakaway walls" mean any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support or the building and which are so designed as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary Floodway Map" means the official map on which the Federal Emergency Management Agency has delineated both the areas of flood hazard and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the FIRM, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

"Floodproofing" means any combination of structural and non-structural additions, changes or adjustments to non-residential structures which reduce or eliminate flood damage to real estate or improved property.

"Flood-related erosion" a condition that exists in conjunction with a flooding event that alters the composition of the shoreline or bank of a watercourse. One that increases the possibility of loss due to the erosion of the land area adjacent to the shoreline or watercourse.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary Floodway Map.

"Habitable floor" means any floor useable for living purposes, which includes working, sleeping, eating or recreation, or combination thereof. For flood insurance purposes, habitable floor and lowest floor will share the same definition:

"Hazard Mitigation Plan" A plan that incorporates a process whereby the potential of future loss due to flooding can be minimized by planning and implementing alternatives to flood plain development community wide.

"Highest Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Mobile home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers, or manufactured housing on permanent slab foundation.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities or servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

"Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home

subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities is completed.

"Structure" means a walled and roofed building or mobile home that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started or,
- (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term does not, however include either:

- (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

SECTION 7-139 GENERAL PROVISIONS

SECTION 7-139.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Porterville.

SECTION 7-139.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration, through the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Porterville," dated January 18, 1983, with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at 291 North Main Street, Porterville, California.

SECTION 7-139.3 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION 7-139.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 7-139.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 7-139.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City of Porterville, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 7-140 ADMINISTRATION

SECTION 7-140.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 7-139.2. Issuance of a building permit shall constitute approval of a development permit for purposes of this section. In areas of special flood hazard, all applications for building permits shall include the following information:

- (1) Proposed elevation in relation to mean sea level, of the lowest habitable floor (including basement) of all structures; in Zone AO elevation of existing grade and proposed elevation of lowest habitable floor of all structures.

- (2) Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 7-141.1 (3) and,
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SECTION 7-140.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Director of Community and Financial Services is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

SECTION 7-140.3 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties and responsibilities of the Director of Community and Financial Services shall include but not be limited to:

a. Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Review all permits to determine that the site is reasonably safe from flooding.
- (3) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.
- (4) Review all proposals for the development of 5 parcel or more to assure that the flood discharge exiting the development after construction is adequately controlled and the method of disposal is approved by the City Engineer.

b. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 7-139.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Director of Community and Financial Services shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, state or other source, in order to administer Section 7-141.

c. Information to be Obtained and Maintained

Obtain and maintain for public inspection and make available as needed for Flood Insurance Policies:

- (1) the certified elevation required in Section 7-141.1C (1); (residential)
- (2) the certification required in Section 7-141C (2); (shallow flooding)
- (3) the floodproofing certification required in Section 7-141.1C (3); (non-residential)
- (4) the certified elevation required in Section 7-141.5b (subdivision)
- (5) the anchoring certification required in Section 7-141.5a (mobile home)

d. Alteration of Watercourses

- (1) Notify adjacent communities and the California Water resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (2) Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

e. Interpretation of FIRM Boundaries:

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 7-142.

f. Maintenance of Flood Protection Measures

The maintenance of any and all flood protection measures, (levee, dikes, dams or reservoirs), will be required of the jurisdiction where such measures provide protection. If these measures are privately owned, an operation or maintenance plan will be required of the owner to be on file with the Director of Community and Financial Services.

g. Hazard Mitigation Plan

The local agency or board responsible for reviewing all proposals for new development shall weigh all requests for future flood plain development against community's General Plan. Consideration of the following elements is required before approval:

- (1) Determination if proposed development is in or affects a known flood plain;
- (2) Inform the public of the proposed activity in accordance with normal noticing procedures.

- (3) Determine if there is a practicable alternative or site for the proposed activity;
- (4) Identify impact of the activity on the flood plain;
- (5) Provide a plan to mitigate the impact of the activity with provisions in Section 7-140.3a(4).

SECTION 7-141
PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 7-141.1

In all areas of special flood hazards, the following standards are required:

a. Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All mobile homes shall meet the anchoring standards of Section 7-141.5a.

b. Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (2) All elements that function as a part of the structure, such as furnace, hot water heater, air conditioner, etc., shall be elevated to or above the base flood elevation or depth number specified on the FIRM.

c. Elevation and Floodproofing

- (1) New construction and substantial improvement of any structure shall have the lowest habitable floor, including basement, elevated to or above the base flood elevation. Non-residential structures may meet the standards in Section 7-141.1C (3). Upon completion of the structure, the elevation of the lowest habitable floor including basement shall be certified by a registered professional engineer or surveyor or verified by the local building inspector that elevation requirements have been met. Notification of compliance shall be recorded as set forth in Section 7-140.3C (1).
- (2) New construction and substantial improvement of any structure in Zone AO shall have the lowest floor, including basement, elevated to or above the depth number specified on the FIRM. If there is no depth number on the FIRM, the lowest floor, including basement, shall be elevated to a depth of one foot above the highest adjacent grade. Non-residential structures may meet standards in Section 7-141.1C (3). Upon completion of the structure, compliance to the elevation requirement shall be certified by a registered professional engineer or surveyor or verified by the local building inspector. Notification of compliance shall be recorded as set forth in Section 7-140.3C (2).

- (3) Non-residential construction shall either be elevated in conformance with Section 7-141.1C or together with attendant utility and sanitary facilities.
- (a) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of bouyancy, and;
 - (c) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 7-140.3C (3);
- (4) Mobile homes shall meet the above standards and also the standards in Section 7-141.5;

SECTION 7-141.2 STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT

- a. In areas of special flood hazard, the storage or processing of materials that are, in time of flooding, flammable, explosive or could be injurious to human, animal or plant life, is prohibited.
- b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

SECTION 7-141.3 STANDARDS FOR UTILITIES

- a. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- b. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 7-141.4 STANDARDS FOR SUBDIVISIONS

- a. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- b. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the official as set forth in Section 7-140.3C (3).
- c. All subdivision proposals shall be consistent with the need to minimize flood damage.
- d. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

- e. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage as set forth in Section 7-140.3A (4). Certification of compliance shall be required of the developer.

SECTION 7-141.5 STANDARDS FOR MOBILE HOMES AND MOBILE HOME PARKS AND SUBDIVISIONS

- a. All mobile homes and additions to mobile homes shall be anchored to resist flotation, collapse, or lateral movement by one of the following methods:
 - (1) by providing an anchoring system designed to with stand horizontal forces of 15 pounds per square foot and uplift forces of 9 pounds per square foot; or
 - (2) by the anchoring of the unit's system, designed to be in compliance to the Department of Housing and Development Mobile Home Construction and Safety Standards.
 - (3) As set forth in Section 7-140.3C (5), certification meeting the standards above is required of the installer or state agency responsible for regulating the placement, installation and anchoring of individual mobile home units.
- b. Mobile Home Parks and Mobile Home Subdivisions

The following standards are required for (a) mobile homes not placed in mobile home parks or subdivisions, (b) new mobile home parks or subdivisions, (c) expansions to existing mobile home parks or subdivisions and, (d) repair, reconstruction, or improvements to existing mobile home parks or subdivisions that equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

- (1) Adequate surface drainage and access for a hauler shall be provided.
- (2) All mobile homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home is at or above the base flood level. If elevated on pilings:
 - (a) the lots shall be large enough to permit steps;
 - (b) the pilings shall be placed in stable soil no more than ten feet apart and,
 - (c) reinforcement shall be provided for pilings more than six feet above the ground level.
- c. No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

- d. Certification of compliance is required of the developer responsible for the plan or state agency responsible for regulating mobile home placement.

SECTION 7-141.6 FLOODWAYS

Located within areas of special flood hazard established in Section 7-139.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provision applies:

- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

VARIANCE PROCEDURE

SECTION 7-142.1 APPEAL BOARD

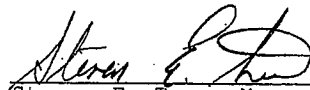
- a. The City Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Community and Financial Services of this ordinance.
- c. In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (1) the danger that materials may be swept onto other lands to the injury of others;
 - (2) the danger to life and property due to flooding or erosion damage;
 - (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) the importance of the services provided by the proposed facility to the community;
 - (5) the necessity to the facility of a waterfront location, where applicable;
 - (6) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 - (7) the compatibility of the proposed use with existing and anticipated development;

- (8) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (11) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- d. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 7-142.1C have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - e. Upon consideration of the factors of Sections 7-142.1C and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 - f. The Director Community and Financial Services shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 7-142.2 Conditions for Variances

- a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historical Places or the State Inventory of Historical Places, without regard to the procedures set forth in the remainder of this section.
- b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. Variances shall only be issued upon:
 - (1) a showing of good and sufficient cause such as renovation, rehabilitation or reconstruction. Variances issued for economic considerations, aesthetics or because variances have been used in the past are not good and sufficient cause.

- (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws ordinances.
- e. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.


Steven E. Tree, Mayor

ATTEST:


C. G. Huffaker, City Clerk

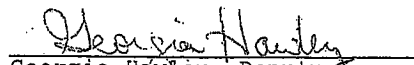
STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify that the foregoing ordinance is a true and correct copy of Ordinance No. 1285, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 21th day of June, 1983, and that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance became effective on the 21st day of July, 1983, and that said ordinance is now in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

AYES: COUNCILMEN:
NOES: COUNCILMEN:
ABSENT: COUNCILMEN:

C. G. HUFFAKER, City Clerk


Georgia Hawley, Deputy

ORDINANCE NO. 1397

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE AMENDING SECTIONS 7-138 THRU 7-142
OF THE MUNICIPAL CODE, FLOOD DAMAGE PREVENTION
CODE, AND REPEALING ORDINANCE NO. 1285

WHEREAS: The Legislature of the State of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the the City of Porterville does ordain as follows:

WHEREAS: The City Council of the City of Porterville has made the following findings of fact:

- A. The flood hazard areas of the City of Porterville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

WHEREAS: It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To insure that potential buyers are notified that property is in an area of special flood hazard; and

- H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

WHEREAS: In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN AS FOLLOWS:

- A. That Chapter Seven, Article XIV, Sections 7-138 thru 7-142 of the Municipal Code of the City of Porterville be amended as follows:

ARTICLE XIV. FLOOD DAMAGE PREVENTION CODE

Section 7-138. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

"Area of special flood hazard" - See "Special flood hazard area:."

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year (also called the "100-year flood").

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of flood waters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a

lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

"Flood Boundary and Floodway Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in

violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community.

"One hundred year flood" or 100-year flood means a flood which has a one percent annual probability of being equalled or exceeded. It is identical to the "base flood", which will be the term used throughout this ordinance.

"Person" means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99 or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site; such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started; or
- (2) if the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or
- (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Section 7-139. General Provisions.

- (1) LANDS TO WHICH THIS ORDINANCE APPLIES. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Porterville.
- (2) BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard, identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for the City of Porterville dated January 18, 1983", with an accompanying Flood Insurance Rate Map, together with subsequent revisions, is hereby adopted by reference and declared to be a part of this ordinance. This Flood Insurance Study is on file at 291 N. Main Street, Porterville. This Flood Insurance Study is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Porterville City Council by the Floodplain Administrator.
- (3) COMPLIANCE. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Porterville City Council from taking such lawful action as is necessary to prevent or remedy any violation.

- (4) ABROGATION AND GREATER RESTRICTIONS. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (5) INTERPRETATION. In the interpretation and application of this ordinance, all provisions shall be:
- (a) Considered as minimum requirements;
 - (b) Liberally construed in favor of the governing body;
 - (c) Deemed neither to limit nor repeal any other powers granted under state statutes; and
 - (d) Subject to modification by resolution of the City Council.
- (6) WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Porterville, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- (7) SEVERABILITY. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Section 7-140. Administration.

- (1) ESTABLISHMENT OF DEVELOPMENT PERMIT. A Development Permit shall be obtained before construction or development begins within any area of special flood hazards, established in Section 7-139(2). Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
- (a) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone A0, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures.
 - (b) Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
 - (c) All appropriate certifications listed in Section 7-140(3) of this ordinance; and
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) DESIGNATION OF THE LOCAL ADMINISTRATOR. The Director of Community Development & Services is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

(3) DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR. Duties and responsibilities of the Director of Community Development & Services shall include but not be limited to:

(a) Permit review.

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
2. All other required state and federal permits have been obtained.
3. The site is reasonably safe from flooding.
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined, but a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.
5. Review all proposals for the development of 5 parcel or more to assure that the flood discharge exiting the development after construction is adequately controlled and the method of disposal is approved by the City Engineer.

(b) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 7-139(2), the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 7-141. Any such information shall be submitted to the Porterville City Council for adoption.

(c) Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

(d) Obtain and maintain for public inspection and make available as needed.

1. the certification required in Section 7-141(1)(c)1. (floor elevations);
2. the certification required in Section 7-141(1)(c)2. (elevations in areas of shallow flooding);

3. the certification required in Section 7-141(1)(c)(3)C. (elevation or flood-proofing of nonresidential structures);
 4. the certification required in Section 7-141(1)(c)4.A. or 7-141(1)(c)4.B.;
 5. the certified elevation required in Section 7-141(4)(b) (subdivision standards); and
 6. the certification required in Section 7-141(6)(a) (floodway encroachments).
- (e) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 7-142(1).
- (f) Redesignate any area, within his jurisdiction, as a special flood hazard area if, in his opinion, the area in question warrants special consideration (i.e. local depressed area, etc).

The person contesting the redesignation of an area shall be given a reasonable opportunity to appeal the designation as provided in Section 7-142(1).

- (g) Maintenance of Flood Protection Measures.

The maintenance of any and all flood protection measures, (levee, dikes, dams or reservoirs), will be required of the jurisdiction where such measures provide protection. If these measures are privately owned, an operation or maintenance plan will be required of the owner to be on file with the Director of Community Development & Services.

- (h) Hazard Mitigation Plan

The local agency or board responsible for reviewing all proposals for new development shall weigh all requests for future flood plain development against community's General Plan. Consideration of the following elements is required before approval:

- (1) Determination if proposed development is in or affects a known flood plain.
 - (2) Inform the public of the proposed activity in accordance with normal noticing procedures.
- (i) Take action to remedy violations of this ordinance as specified in Section 7-139(3).

Section 7-141. Provisions For Flood Hazard Reduction.

- (1) In all areas of special flood hazards, the following standards are required:

- (a) Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of Section 7-141(5).

(b) Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(c) Elevation and Floodproofing.

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in Section 7-141(c)3. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.
2. New construction and substantial improvement of any structure in Zone AH or AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least two feet if no depth number is specified. For the purpose of this ordinance, new construction and substantial improvement of any structure in Zone A located within the following described boundaries shall have the lowest floor including basement, elevated to a depth of one foot above the highest adjacent grade.

North boundary - Westfield Avenue
South boundary - Henderson Avenue
East boundary - Prospect Street
West boundary - Newcomb Street

Nonresidential structures may meet the standards in Section 7-141(1)(c)3. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

3. Non residential construction shall either be elevated in conformance with Section 7-141(1)(c)1. or 2. or together with attendant utility and sanitary facilities:
 - A. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

- C. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.
- 4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - A. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
 - B. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.
- 5. Manufactured homes shall also meet the standards in Section 7-141(5).

(2) STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT.

- (a) In areas of special flood hazard, the storage or processing of materials that are, in time of flooding, flammable, explosive or could be injurious to human, animal or plant life, is prohibited.
- (b) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

(3) STANDARDS FOR UTILITIES.

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- (b) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) STANDARDS FOR SUBDIVISIONS.

- (a) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- (b) All final subdivision plans will provide the elevation of proposed structures(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the official as set forth in Section 7-140(3)(d)3.
- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

- (e) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage as set forth in Section 7-140(3)(a)5. Certification of compliance shall be required of the developer.
- (5) STANDARDS FOR MANUFACTURED HOMES. All new and replacement manufactured homes and additions to manufactured homes shall:
 - (a) Be elevated so that the lowest floor is at or above the base flood elevation; and
 - (b) Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement, if the manufactured home site is below the base flood elevation. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- (6) FLOODWAYS. Located within areas of special flood hazard established in Section 7-139(2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (b) If Section 7-141(6)(a) is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 7-141.

Section 7-142 Variance Procedure.

(1) APPEAL BOARD.

- (a) The City Council of the City of Porterville shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (b) The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- (c) In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - 1. the danger that materials may be swept onto other lands to the injury of other;
 - 2. the danger of life and property due to flooding or erosion damage;
 - 3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. the importance of the services provided by the proposed facility to the community;
 - 5. the necessity to the facility of a waterfront location, where applicable;
 - 6. The availability of alternative locations for the

proposed use which are not subject to flooding or erosion damage;

7. the compatibility of the proposed use with existing and anticipated development;
 8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. the safety of access to the property in time of flood for ordinary and emergency vehicles;
 10. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
 11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- (d) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 7-142(1)(c)1. through 7-142(1)(c)11. have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (e) Upon consideration of the factors of Section 7-142(1)(c) and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (f) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(2) CONDITIONS FOR VARIANCES.

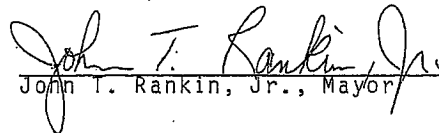
- (a) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (b) Variances shall not be issued within an designated floodway if any increase in flood levels during the base flood discharge would result.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Variances shall only be issued upon:
 1. a showing of good and sufficient cause;
 2. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.
- (e) Variances may be issued for new construction and substantial improvements and for other development

necessary for the conduct of a functionally dependent use provided that the provisions of Sections 7-142(2)(a) through 7-142(2)(d) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

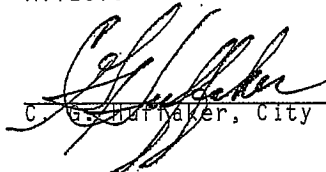
- (f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Floodplain Board in the office of the Tulare County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

B. That Ordinance No. 1285 of the City of Porterville is hereby repealed.

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


John T. Rankin, Jr., Mayor

ATTEST:


C. G. Huffaker, City Clerk

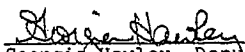
STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify that the foregoing ordinance is a full, true and correct copy of Ordinance No. 1397, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 15th day of March, 1988, and that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance became effective on the 14th day of April, 1988, and that said ordinance is now in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

COUNCILMEN	AYES	NOES	ABSENT
PRUITT	X		
BONDS	X		
LEAVITT	X		
ENSSLIN	X		
RANKIN	X		

C. G. HUFFAKER, City Clerk

By: 
Georgia Hawley, Deputy City Clerk

ORDINANCE NO. 1777

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 7, ARTICLE XIV – FLOOD DAMAGE PREVENTION CODE,
OF THE PORTERVILLE MUNICIPAL CODE

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

Section 1. *Purpose:* The purpose of this ordinance is to address changes made by the Federal Emergency Management Agency to the rules and regulations governing the National Flood Insurance Program. As a participant in the NFIP, the City of Porterville must adopt and enforce a floodplain management ordinance which complies with the rules and regulations of the NFIP, therefore revisions to Chapter 7, Article XIV, Flood Damage Prevention Code, are necessary.

Section 2. Chapter 7, Article XIV, Flood Damage Prevention Control Code, of the Porterville Municipal Code is hereby amended to read as follows:

7-138 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

7-138.1 STATUTORY AUTHORIZATION.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Porterville does hereby adopt the following floodplain management regulations.

7-138.2 FINDINGS OF FACT.

- A. The flood hazard areas of the City of Porterville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

7-138.3 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

7-138.4 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance includes regulations to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas; and

7-139 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"A zone" - see "Special flood hazard area".

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than 2 cars; or
2. A small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" - See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"Building" - see **"Structure"**.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 2, 2011.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see **"Flooding."**

"Floodplain Administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real

property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

"Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Section 7-143 of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Porterville will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" means the City Council of the City of Porterville, which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Section 7-143 of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The Governing Body requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by

the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see **"Basement"** definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - a. The flood openings standard in Section 7-142.1.C.3;
 - b. The anchoring standards in Section 7-142.1.A;
 - c. The construction materials and methods standards in Section 7-142.1.B; and
 - d. The standards for utilities in Section 7-142.3.
2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see **"Basement"** definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the City of Porterville substantial damage/improvement procedures. See Section 7-142.2.B.1.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or

other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after June 2, 2011, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 2, 2011.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-hundred-year flood" or "100-year flood" - see **"Base flood."**

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" as related to Section 7-143 of this ordinance, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the

ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"**Riverine**" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"**Sheet flow area**" - see "**Area of shallow flooding**."

"**Special flood hazard area (SFHA)**" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

"**Start of construction**" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"**Structure**" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"**Substantial damage**" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"**Substantial improvement**" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"**Variance**" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

7-140: GENERAL PROVISIONS

7-140.1 LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Porterville.

7-140.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for "The Flood Insurance Rate Map for Tulare County and the Incorporated Areas" dated June 16, 2009, with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), dated June 16, 2009, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Governing Body by the Floodplain Administrator. The study, FIRM's and FBFM's are on file at 291 N. Main Street, Porterville, CA 93257, City Hall, Public Works Department.

7-140.3 COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the Governing Body from taking such lawful action as is necessary to prevent or remedy any violation.

7-140.4 ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

7-140.5 INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

7-140.6 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City Council, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

7-140.7 SEVERABILITY.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

7-141: ADMINISTRATION

7-141.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The Public Works Director is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

7-141.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review.

Review all development permits to determine:

1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been

designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Porterville; and

5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
-

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

C. Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 7-140.2, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 7-142.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:
 - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - b. Submit evidence of such notification to the Federal Emergency Management Agency; and
 - c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
2. Base Flood Elevation changes due to physical alterations:
 - a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of

Map Revision (LOMR).

- b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 7-142.1.C.1 and Section 7-142.5 (lowest floor elevations);
2. Certification required by Section 7-142.1.C.2 (elevation or floodproofing of nonresidential structures);
3. Certification required by Sections 7-142.1.C.3 (wet floodproofing standard);
4. Certification of elevation required by Section 7-142.4.A.3 (subdivisions and other proposed development standards);
5. Certification required by Section 7-142.7.B (floodway encroachments); and
6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 7-141.4.

F. Remedial Action.

Take action to remedy violations of this ordinance as specified in Section 7-140.3.

G. Biennial Report.

Complete and submit Biennial Report to FEMA.

H. Planning.

Assure community's General Plan is consistent with floodplain management objectives herein.

7-141.3 DEVELOPMENT PERMIT.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 7-140.2. Application for a development permit shall be made on forms furnished by the City of Porterville. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section 7-140.2 or Section 7-141.2.C;
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 7-142.1.C.2 of this ordinance and detailed in FEMA Technical Bulletin TB 3-93; and
8. Complete Preliminary Elevation Certificate provided by the City of Porterville confirming and stating proposed elevation of lowest floor (including basement) of all structures, including nonresidential structures being floodproofed.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 7-142.1.C.2.

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 7-142.1.C.3 of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 7-141.2.E of this ordinance.

7-141.4 APPEALS.

The City Council of the City of Porterville shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

7-142: PROVISIONS FOR FLOOD HAZARD REDUCTION

7-142.1 STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods.

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction.

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
- b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.

- c. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation; as determined under Section 7-141.2.C.
- d. In an A zone, without BFE's specified on the FIRM [unnumbered A zone] and not subject to the criteria in Section 7-142.4, elevated to:
 - i. A height of at least two (2) feet above the highest adjacent grade, or
 - ii. Eighteen (18) inches above the highest top of curb elevation across the front of the lot, or
 - iii. For the purpose of this article, construction completed prior to [Date of Adoption] of any structure in zone A located within the following described boundaries shall have the lowest floor including basement, elevated to a depth of one foot (1') above the highest adjacent grade:

North boundary - Westfield Avenue
South boundary - Henderson Avenue
East boundary - Prospect Street
West boundary - Newcomb Street

New development or substantial improvements in this Zone shall comply with the requirements of NFIP program and as outlined in this Ordinance. Said boundary is shown on FIRM Panel 1633 of 2550 (Map Number 06107C1633E), Effective Date of June 16, 2009, or
 - iv. Said base flood elevation shall be determined by one of the methods under Section 7-141.2.C.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction.

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 7-142.1.C.1 or:

- a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 7-142.1.C.1, so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered civil engineer or architect that the standards of Section 7-142.1 C.2.a & b are satisfied. Such certification shall be provided

to the Floodplain Administrator.

3. **Flood openings.**

All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

a. For non-engineered openings:

1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one foot above grade;
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

b. Be certified by a registered civil engineer or architect.

4. **Manufactured homes.**

a. See Section 7-142.5.

5. **Garages and low cost accessory structures.**

a. Attached garages.

1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 7-142.1.C.3. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 7-142.1.B.
2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

b. Detached garages and accessory structures.

1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 7-139, may be constructed such that its floor is below the base

flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

- a) Use of the accessory structure must be limited to parking or limited storage;
 - b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - e) The accessory structure must comply with floodplain encroachment provisions in Section 7-142.7; and
 - f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 7-142.1.C.3.
2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 7-142.1.

7-142.2 STANDARDS FOR ELEVATION CERTIFICATES.

- A. Certification of the elevation of the lowest floor or floodproofed elevation is required when the footings are set and finished floors are established. Written confirmation shall be provided to the Chief Building Official before proceeding to the next phase of construction. Failure to submit such written certification shall be cause to issue a stop-work order for the project. An Elevation Certificate shall be provided to the floodplain administrator and Chief Building Official prior to issuance of a Certificate of Occupancy. As built plans certifying the elevation of the lowest adjacent grades shall also be required.
- B. Except within zones A and AO, the benches shown on the FIRM shall be used to calculate the elevation of the lowest floor.
- C. If fill is used to elevate a structure above the base flood elevation, the permit holder may apply for a Letter of Map Revision (LOMR), as set forth in Section 7-141.2.

7-142.3 STANDARDS FOR UTILITIES.

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 1. Infiltration of flood waters into the systems; and
 2. Discharge from the systems into flood waters.

- B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

7-142.4 STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT.

- A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:
 - 1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
 - 2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
 - 3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
 - a. Lowest floor elevation.
 - b. Pad elevation.
 - c. Lowest adjacent grade.
- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

7-142.5 STANDARDS FOR MANUFACTURED HOMES.

- A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
 - 1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 7-142.5.A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation; or
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

7-142.6 STANDARDS FOR RECREATIONAL VEHICLES.

- A. All recreational vehicles placed in Zones A1-30, AH, and AE will either:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the permit requirements of Section 7-141.3 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 7-142.5.A.

7-142.7 FLOODWAYS.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Porterville.
- B. Within an adopted regulatory floodway, the City of Porterville shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- C. If Sections 7-142.7.A & B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 7-142.

7-143: VARIANCE PROCEDURE

7-143.1 NATURE OF VARIANCES.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the **Governing Body** to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

7-143.2 CONDITIONS FOR VARIANCES.

- A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 7-141 and 7-142 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of "**historic structures**" (as defined in Section 7-149 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the

"minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the Governing Body need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Governing Body believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Tulare Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

7-143.3 APPEAL BOARD.

A. In passing upon requests for variances, the Governing Body shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency

vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Variances shall only be issued upon a:

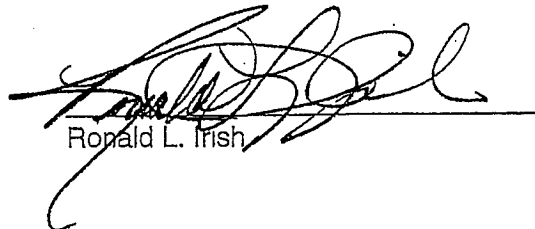
1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional "**hardship**" to the applicant; and
3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "**Public safety and nuisance**"), cause "**fraud and victimization**" of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 7-143.3.A through 7-143.3.D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

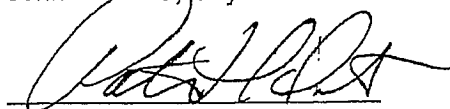
D. Upon consideration of the factors of Section 7-143.2.A and the purposes of this ordinance, the Governing Body may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Section 3. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

APPROVED, PASSED AND ADOPTED this 3rd day of May, 2011.


Ronald L. Irish

ATTEST:
John D. Lottis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

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

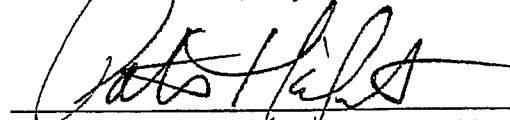
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1777, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 3rd day of May, 2011, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective June 2, 2011, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

COUNCIL:	IRISH	HAMILTON	McCRACKEN	WARD	SHELTON
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk



By: Patrice Hildreth, Chief Deputy City Clerk

DEPARTMENT OF WATER RESOURCES

SOUTH CENTRAL REGION OFFICE
3374 EAST SHIELDS AVENUE, ROOM 5
FRESNO, CA 93726-6913



June 22, 2010

Honorable Pete V. McCracken
Mayor of the City of Porterville
City Hall
291 North Main Street
Porterville, California 93258

Dear Mayor McCracken:

Thank you for the cooperation and courtesy your staff, Michael Reed and Javier Sanchez, extended to Amanda Peisch-Derby of my staff during the Community Assistance Visit (CAV) on May 18, 2010. The Department of Water Resources (DWR), on behalf of the Federal Emergency Management Agency (FEMA), conducted the visit to evaluate how the city is administering its floodplain management program under the National Flood Insurance Program (NFIP). A copy of the CAV report is enclosed. We hope that the meeting was as useful and informative for your staff as it was for our Department.

Based on the CAV, it was determined that the city's floodplain management regulations located under "Ordinance No. 1397, Sections 7-138 thru 7-142" of the *Municipal Code, Flood Damage Prevention Code*, adopted on March 15, 1988, does not meet minimum NFIP regulations as specified in "Title 44, *Code of Federal Regulations*, Section 60.3." A draft of the updated ordinance has been requested and is to be provided within **60 days of receipt of this report**. Adoption of the revised ordinance is pertinent to the city's administration and implementation of its floodplain management program and is necessary to remain compliant with the NFIP. Once the ordinance has been adopted, a copy of the ordinance, certified by the city clerk, is to be forwarded to DWR to update its files.

Continued enforcement of the NFIP regulations will ensure the city's good standing in the NFIP and guarantee availability of flood insurance coverage. If you have any questions, please contact Amanda Peisch of my staff at (559) 230-3307.

Sincerely,


Brian Smith, Acting Chief
South Central Region

Enclosure

Mayor McCracken
June 22, 2010
Page 2

cc: Ms. Jane Hopkins
U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway Street, Suite 1200
Oakland, California 94607-4052

Mr. Michael Reed
City Engineer
City of Porterville
291 North Main Street
Porterville, California 93258

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

COMMUNITY ASSISTANCE VISIT REPORT				
SECTION I				
NAME OF COMMUNITY: Porterville	STATE: California	I.D. #: 060407	COUNTY: Tulare	
VISIT CONDUCTED BY: Amanda Peisch-Derby	AGENCY: Department of Water Resources		DATE OF VISIT: May 18, 2010	
SECTION II				
NAME OF LOCAL OFFICIAL: Michael K. Reed		TELEPHONE #: (559) 782-7462		
TITLE: City Engineer		ADDRESS: 291 North Main Street Porterville, California 93257		
SECTION III				
PART A - Findings (Check appropriate column.)		SERIOUS	MINOR	NONE
1. Are there any problems with the community's floodplain management regulations?		X		
2. Are there problems with the community's administrative and enforcement procedures?			X	
3. Are there engineering or other problems with the maps or flood insurance study?				X
4. Are there any other problems in the community's floodplain management program?				X
5. Are there any problems with the Biennial Report data?			X	
6. Are there any programmatic issues or problems identified?				X
<p>7. Have structures been identified as being in violation? (Check appropriate category below.)</p> <p>_____ No violations have been identified.</p> <p><u> X </u> A potential violation or violations have been identified.</p> <p>_____ Actions are being taken on the part of the community to remedy the violation(s) identified during the visit.</p>				

This report describes the findings of the May 18, 2010, Community Assistance Visit (CAV) and recommends corrective actions where deficiencies were identified. The recommendations, when implemented, will enable the city to comply with the National Flood Insurance Program (NFIP) requirements as specified in "Title 44, *Code of Federal Regulations*." A CAV is a scheduled visit to an NFIP community to evaluate the effectiveness of local floodplain management practices and to offer assistance if needed. A previous CAV with the city was conducted by the Department of Water Resources (DWR) staff on December 12, 2002.

1. Background:

The city of Porterville is a small rural community nestled against the western edge of the Sierra Nevada foothills in the southern portion of Tulare County. Agriculture supplemented by the Central Valley Water Project has been the major source of economic growth in the area for many years. The city is in the center of a large farming area noted especially for citrus and livestock. Industry has also become a significant factor in the development of the community. The 2009 estimated population for the city is 52,960 residents, based on the estimates provided by the California Department of Finance.

The city of Porterville entered the regular phase of the NFIP on July 18, 1983. The city's Special Flood Hazard Areas (SFHAs) are based on the overflow of the Tule River and Porter Slough. These riverine systems were studied by detailed methods. Sheetflow and ponding caused by runoff from Lewis Hill and Ricky Hill, located to the north and northeast of the city, respectively, were studied using appropriate shallow flooding techniques. The SFHAs are defined as unnumbered A Zones, AO Zones, AH Zones, and an AE Zone with floodway.

There is an isolated unnumbered A Zone, west of Highway 65. Porter Slough is defined as Zone A with a 1 percent annual chance of flood discharge that is contained in the channel. In addition, two isolated unnumbered Zone A's exist further east which result from overflow of Pioneer Ditch and a Zone AO with a 1-foot depth downstream the Zone A. In the northeast portion of the city, east of Main Street near downtown, a Zone AH with Base Flood Elevations (BFEs) are defined with an unnumbered A Zone at the northern portion of the SFHA. In the southern portion of the city, an unnumbered A Zone is defined for Poplar Ditch within the city limits, that crosses in and out of county lands. In addition, several strips of a Zone AE with BFEs exist as the city limits cross in and out of county lands for Lower Tule River, as well. These SFHAs are a result of overflow from the Tule River and are also identified as a floodway where development is prohibited.

According to the *Insurance Summary Report*, dated October 31, 2009, the city has 355 flood insurance policies that have been issued for the following zones: 2 A01-30 & AE, 51 A, 87 AO, 163 AH, and 52 in B, C, or X Zones (30 with preferred policies). The total insurance premiums amount to \$269,975 which is an average premium of \$760 for each policy holder.

2. Reference Part A, Questions 1-6:

[1] Floodplain Management Regulations:

During the last two CAV visits beginning December 30, 1997, the city was requested to update its floodplain management ordinance to bring it into compliance with the minimum NFIP

regulations as specified in "Title 44, *Code of Federal Regulations*, Section 60.3." To date, the city has never completed this request. A draft ordinance was provided to DWR in 2003 following the December 12, 2002 CAV, but it was never adopted by the City Council. The current floodplain management regulations are located under "Ordinance No. 1397, Sections 7-138 thru 7-142 of the *Municipal Code, Flood Damage Prevention Code*," adopted on March 15, 1988. The 2003 draft ordinance was reviewed to check conformance with the minimum NFIP regulations as specified in "Title 44, *Code of Federal Regulations*, Section 60.3." Based on DWR's review, city staff has been requested to revise the draft ordinance so that it reflects the number of changes that have taken place within the current *California Model Floodplain Management Ordinance*, dated December 2006. Mr. Michael Reed, City Engineer, was provided a hardcopy of the *Model Floodplain Management Ordinance*.

The required sections of the *California Ordinance* to revise the draft include:

- Section 3.2 — This section needs to have the community specific information added.
- Section 4.2.D.2 — Requirement to submit new technical data: within six months, notify the Federal Emergency Management Agency (FEMA) of changes in the base flood elevation by submitting technical or scientific data so insurance and floodplain management can be based on current data.
- Section 5.3.A — Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres.

Recommended revisions include:

- Section 4.1 — Add other developments to section language.
- Section 5.1B.1 — Update language for flood resistant materials below the base flood elevation. See the *California Model Floodplain Management Ordinance* for specific language.

In the discussion of updating the city's ordinance, Mr. Reed stated that the City Council was reluctant to update its ordinance because of changes that would impact current homeowners in the unnumbered A Zone SFHA located west of Highway 65. The A Zone area is located in the northwest portion of the city that is bounded by the following described boundaries:

North boundary — Westfield Avenue
South boundary — Henderson Avenue
East boundary — Prospect Street
West boundary — Newcomb Street

The residential area is entirely built-out and consists mainly of older homes that were constructed some 20 years ago.

The city's current ordinance *Section 7-141(1) (C) (2)* states, "...For the purpose of this ordinance, new construction and substantial improvement of any structure in Zone A located within the following described boundaries shall have the lowest floor including basement, elevated to a depth of one foot above the highest adjacent grade." Current NFIP regulations however, require under *Section 60.3(b)(4)* that communities must, "Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as

criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2), and (d)(3) of this section."

It is recommended that the "Section 7-141(1) (C) (2)" remain in the ordinance, but change "new construction and substantial improvement" to "construction completed prior to [date of the adoption of the amended ordinance]" and add a disclaimer that all new development or substantial improvements must comply with the NFIP criteria that is required for new construction or substantial improvements in Zone A. Regardless of the ordinance language, homeowners in the Zone A will be required to purchase insurance if they carry a mortgage on their home as required by the lender and the language change would not change the requirement for insurance. The insurance rate is based on the current Flood Insurance Rate Map (FIRM), unless the structure is removed through a request with FEMA.

The city's urban storm drain system has been improved in this area. Prior to the improvements, this area was not connected to the storm drain system, although the infrastructure was existing. In 2002, this area was connected. It was recommended that the city provide FEMA with the proper information as stated under the NFIP regulations. Under "Section 65.4 (a)," a community has the right to submit new technical data to request changes to any of the information shown on the effective maps. However, it must be supported by documentation or an analysis done in compliance with NFIP regulations before any changes could be made to the SFHA. It was suggested that the city apply for the Letter of Map Revision (LOMR) to remove the Zone A. Mr. Reed is planning to submit this information to FEMA in the form of a LOMR application, but the ordinance should be updated regardless of the outcome of the LOMR. The city should contact FEMA prior to submitting any information to discuss this issue and make sure all pertinent information is provided in the application.

During the CAV, Mr. Reed was requested to submit a draft ordinance that incorporates the changes to DWR for review **within 60 days from receipt of this report**. Once the city incorporates any comments from DWR, the ordinance will need to be adopted by the City Council. After the ordinance adoption is finalized, a copy of the adopted ordinance, certified by the city clerk, is then to be forwarded to DWR to update its files.

[2] Administration and Enforcement Procedures:

Mr. Reed is currently acting as the city's floodplain administrator. A tour of the floodplain areas by DWR staff did not identify any potential violations. All areas within the SFHA have existing development and no visible substantial improvements.

The current procedure to identify property within a SFHA is during the permitting process. The Digital Flood Insurance Rate Maps (DFIRMs) are reviewed for each permit. If the development is within a SFHA, an Elevation Certificate (EC) is required. The city requires that if there is a BFE, a preliminary EC needs to be provided that shows proof of elevation prior to approving a building permit. The final EC is required prior to occupancy. Since most of the SFHAs are developed with the exception of undefined A Zones near the city boundaries, the city uses two feet from top of curb for the building pad elevation for new single residential homes in these SFHAs. For subdivisions, the city reviews the development during the California Environmental Quality Act (CEQA) process. The city will determine if the development is in a flood zone and will establish conditions for development based on the city's ordinance. There are currently two

subdivisions that have been approved with conditions for development in the SFHA for single residential homes in the undefined Zone A. However, no developers have taken interest in the land. For substantial improvements, the Building Official evaluates the structure's value of improvement based on the building code and the assessor's maps to see if it meets or exceeds the threshold. If it does, then the city requires the structure to be elevated to the BFE and ECs provided.

[3] Engineering Flood Maps and Study:

FEMA has recently adopted new countywide DFIRMs for Fresno County and its incorporated communities, under its Map Modernization Program. The maps include a change from the current datum of the National Geodetic Vertical Datum of 1929 to the North American Vertical Datum of 1988. DWR informed the city that the new DFIRMs became final and effective on February 18, 2009. The new FIRM panel numbers for the city are 06107C1630E, 06107C1633E, 06107C1634E, 06107C1635E, 06107C1637E, 06107C1640E, 06107C1641E, 06107C1642E, 06107C1645E, 06107C1655E, 06107C1661E, and 06107C1662E.

[4] Floodplain Management Program: N/A

[5] Biennial Report Data:

Every two years, communities participating in the NFIP must complete and submit a Biennial Report describing the community's progress in the previous two years in implementing floodplain management measures and on its needs for re-mapping and technical assistance. FEMA sends the Biennial Report form to local community officials. Submission of this report is required as part of a community's participation in the NFIP. The last dated Biennial Report on file is for the calendar years of 2002-2003. The 2007-2008 Biennial Report was submitted on May 18, 2010; a copy was provided to DWR.

[6] Programmatic Issues: N/A

3. Section 404, Stafford Act – Hazard Mitigation Grant Program: N/A

4. E.O. 11988, Floodplain Management: N/A

5. Other Findings: N/A

6. Follow-up:

- [1] Review a copy of the city's drafted amended ordinance for compliance.

7. Community Action Required:

- [1] Submit a draft amended *Floodplain Management Ordinance* to DWR for review prior to adoption. Deadline – August 30, 2010

Meeting Participants:

Michael K. Reed City Engineer, City of Porterville

Javier Sanchez Assistant City Engineer, City of Porterville

Amanda Peisch-Derby Engineer, Water Resources, South Central Region,
Department of Water Resources

DEPARTMENT OF WATER RESOURCES

SOUTH CENTRAL REGION OFFICE
3374 EAST SHIELDS AVENUE, ROOM 5
FRESNO, CA 93726-6913



June 22, 2010

Honorable Pete V. McCracken
Mayor of the City of Porterville
City Hall
291 North Main Street
Porterville, California 93258

Dear Mayor McCracken:

Thank you for the cooperation and courtesy your staff, Michael Reed and Javier Sanchez, extended to Amanda Peisch-Derby of my staff during the Community Assistance Visit (CAV) on May 18, 2010. The Department of Water Resources (DWR), on behalf of the Federal Emergency Management Agency (FEMA), conducted the visit to evaluate how the city is administering its floodplain management program under the National Flood Insurance Program (NFIP). A copy of the CAV report is enclosed. We hope that the meeting was as useful and informative for your staff as it was for our Department.

Based on the CAV, it was determined that the city's floodplain management regulations located under "Ordinance No. 1397, Sections 7-138 thru 7-142" of the *Municipal Code, Flood Damage Prevention Code*, adopted on March 15, 1988, does not meet minimum NFIP regulations as specified in "Title 44, *Code of Federal Regulations*, Section 60.3." A draft of the updated ordinance has been requested and is to be provided within **60 days of receipt of this report**. Adoption of the revised ordinance is pertinent to the city's administration and implementation of its floodplain management program and is necessary to remain compliant with the NFIP. Once the ordinance has been adopted, a copy of the ordinance, certified by the city clerk, is to be forwarded to DWR to update its files.

Continued enforcement of the NFIP regulations will ensure the city's good standing in the NFIP and guarantee availability of flood insurance coverage. If you have any questions, please contact Amanda Peisch of my staff at (559) 230-3307.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian Smith".

Brian Smith, Acting Chief
South Central Region

Enclosure

Mayor McCracken
June 22, 2010
Page 2

cc: Ms. Jane Hopkins
U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway Street, Suite 1200
Oakland, California 94607-4052

Mr. Michael Reed
City Engineer
City of Porterville
291 North Main Street
Porterville, California 93258

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

COMMUNITY ASSISTANCE VISIT REPORT				
SECTION I				
NAME OF COMMUNITY: Porterville	STATE: California	I.D. #: 060407	COUNTY: Tulare	
VISIT CONDUCTED BY: Amanda Peisch-Derby	AGENCY: Department of Water Resources	DATE OF VISIT: May 18, 2010		
SECTION II				
NAME OF LOCAL OFFICIAL: Michael K. Reed	TELEPHONE #: (559) 782-7462			
TITLE: City Engineer	ADDRESS: 291 North Main Street Porterville, California 93257			
SECTION III				
PART A - Findings (Check appropriate column.)		SERIOUS	MINOR	NONE
1. Are there any problems with the community's floodplain management regulations?		X		
2. Are there problems with the community's administrative and enforcement procedures?			X	
3. Are there engineering or other problems with the maps or flood insurance study?				X
4. Are there any other problems in the community's floodplain management program?				X
5. Are there any problems with the Biennial Report data?			X	
6. Are there any programmatic issues or problems identified?				X
<p>7. Have structures been identified as being in violation? (Check appropriate category below.)</p> <p>_____ No violations have been identified.</p> <p><u> X </u> A potential violation or violations have been identified.</p> <p>_____ Actions are being taken on the part of the community to remedy the violation(s) identified during the visit.</p>				

This report describes the findings of the May 18, 2010, Community Assistance Visit (CAV) and recommends corrective actions where deficiencies were identified. The recommendations, when implemented, will enable the city to comply with the National Flood Insurance Program (NFIP) requirements as specified in "Title 44, *Code of Federal Regulations*." A CAV is a scheduled visit to an NFIP community to evaluate the effectiveness of local floodplain management practices and to offer assistance if needed. A previous CAV with the city was conducted by the Department of Water Resources (DWR) staff on December 12, 2002.

1. Background:

The city of Porterville is a small rural community nestled against the western edge of the Sierra Nevada foothills in the southern portion of Tulare County. Agriculture supplemented by the Central Valley Water Project has been the major source of economic growth in the area for many years. The city is in the center of a large farming area noted especially for citrus and livestock. Industry has also become a significant factor in the development of the community. The 2009 estimated population for the city is 52,960 residents, based on the estimates provided by the California Department of Finance.

The city of Porterville entered the regular phase of the NFIP on July 18, 1983. The city's Special Flood Hazard Areas (SFHAs) are based on the overflow of the Tule River and Porter Slough. These riverine systems were studied by detailed methods. Sheetflow and ponding caused by runoff from Lewis Hill and Ricky Hill, located to the north and northeast of the city, respectively, were studied using appropriate shallow flooding techniques. The SFHAs are defined as unnumbered A Zones, AO Zones, AH Zones, and an AE Zone with floodway.

There is an isolated unnumbered A Zone, west of Highway 65. Porter Slough is defined as Zone A with a 1 percent annual chance of flood discharge that is contained in the channel. In addition, two isolated unnumbered Zone A's exist further east which result from overflow of Pioneer Ditch and a Zone AO with a 1 foot depth downstream the Zone A. In the northeast portion of the city, east of Main Street near downtown, a Zone AH with Base Flood Elevations (BFEs) are defined with an unnumbered A Zone at the northern portion of the SFHA. In the southern portion of the city, an unnumbered A Zone is defined for Poplar Ditch within the city limits, that crosses in and out of county lands. In addition, several strips of a Zone AE with BFEs exist as the city limits cross in and out of county lands for Lower Tule River, as well. These SFHAs are a result of overflow from the Tule River and are also identified as a floodway where development is prohibited.

According to the *Insurance Summary Report*, dated October 31, 2009, the city has 355 flood insurance policies that have been issued for the following zones: 2 A01-30 & AE, 51 A, 87 AO, 163 AH, and 52 in B, C, or X Zones (30 with preferred policies). The total insurance premiums amount to \$269,975 which is an average premium of \$760 for each policy holder.

2. Reference Part A, Questions 1-6:

[1] Floodplain Management Regulations:

During the last two CAV visits beginning December 30, 1997, the city was requested to update its floodplain management ordinance to bring it into compliance with the minimum NFIP

regulations as specified in "Title 44, *Code of Federal Regulations*, Section 60.3." To date, the city has never completed this request. A draft ordinance was provided to DWR in 2003 following the December 12, 2002 CAV, but it was never adopted by the City Council. The current floodplain management regulations are located under "Ordinance No. 1397, Sections 7-138 thru 7-142 of the *Municipal Code, Flood Damage Prevention Code*," adopted on March 15, 1988. The 2003 draft ordinance was reviewed to check conformance with the minimum NFIP regulations as specified in "Title 44, *Code of Federal Regulations*, Section 60.3." Based on DWR's review, city staff has been requested to revise the draft ordinance so that it reflects the number of changes that have taken place within the current *California Model Floodplain Management Ordinance*, dated December 2006. Mr. Michael Reed, City Engineer, was provided a hardcopy of the *Model Floodplain Management Ordinance*.

The required sections of the *California Ordinance* to revise the draft include:

- Section 3.2 — This section needs to have the community specific information added.
- Section 4.2.D.2 — Requirement to submit new technical data: within six months, notify the Federal Emergency Management Agency (FEMA) of changes in the base flood elevation by submitting technical or scientific data so insurance and floodplain management can be based on current data.
- Section 5.3.A — Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres.

Recommended revisions include:

- Section 4.1 — Add other developments to section language.
- Section 5.1B.1 — Update language for flood resistant materials below the base flood elevation. See the *California Model Floodplain Management Ordinance* for specific language.

In the discussion of updating the city's ordinance, Mr. Reed stated that the City Council was reluctant to update its ordinance because of changes that would impact current homeowners in the unnumbered A Zone SFHA located west of Highway 65. The A Zone area is located in the northwest portion of the city that is bounded by the following described boundaries:

North boundary — Westfield Avenue
South boundary — Henderson Avenue
East boundary — Prospect Street
West boundary — Newcomb Street

The residential area is entirely built-out and consists mainly of older homes that were constructed some 20 years ago.

The city's current ordinance *Section 7-141(1) (C) (2)* states, "...For the purpose of this ordinance, new construction and substantial improvement of any structure in Zone A located within the following described boundaries shall have the lowest floor including basement, elevated to a depth of one foot above the highest adjacent grade." Current NFIP regulations however, require under *Section 60.3(b)(4)* that communities must, "Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as

criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2), and (d)(3) of this section."

It is recommended that the "Section 7-141(1) (C) (2)" remain in the ordinance, but change "new construction and substantial improvement" to "construction completed prior to [date of the adoption of the amended ordinance]" and add a disclaimer that all new development or substantial improvements must comply with the NFIP criteria that is required for new construction or substantial improvements in Zone A. Regardless of the ordinance language, homeowners in the Zone A will be required to purchase insurance if they carry a mortgage on their home as required by the lender and the language change would not change the requirement for insurance. The insurance rate is based on the current Flood Insurance Rate Map (FIRM), unless the structure is removed through a request with FEMA.

The city's urban storm drain system has been improved in this area. Prior to the improvements, this area was not connected to the storm drain system, although the infrastructure was existing. In 2002, this area was connected. It was recommended that the city provide FEMA with the proper information as stated under the NFIP regulations. Under "Section 65.4 (a)," a community has the right to submit new technical data to request changes to any of the information shown on the effective maps. However, it must be supported by documentation or an analysis done in compliance with NFIP regulations before any changes could be made to the SFHA. It was suggested that the city apply for the Letter of Map Revision (LOMR) to remove the Zone A. Mr. Reed is planning to submit this information to FEMA in the form of a LOMR application, but the ordinance should be updated regardless of the outcome of the LOMR. The city should contact FEMA prior to submitting any information to discuss this issue and make sure all pertinent information is provided in the application.

During the CAV, Mr. Reed was requested to submit a draft ordinance that incorporates the changes to DWR for review **within 60 days from receipt of this report**. Once the city incorporates any comments from DWR, the ordinance will need to be adopted by the City Council. After the ordinance adoption is finalized, a copy of the adopted ordinance, certified by the city clerk, is then to be forwarded to DWR to update its files.

[2] Administration and Enforcement Procedures:

Mr. Reed is currently acting as the city's floodplain administrator. A tour of the floodplain areas by DWR staff did not identify any potential violations. All areas within the SFHA have existing development and no visible substantial improvements.

The current procedure to identify property within a SFHA is during the permitting process. The Digital Flood Insurance Rate Maps (DFIRMs) are reviewed for each permit. If the development is within a SFHA, an Elevation Certificate (EC) is required. The city requires that if there is a BFE, a preliminary EC needs to be provided that shows proof of elevation prior to approving a building permit. The final EC is required prior to occupancy. Since most of the SFHAs are developed with the exception of undefined A Zones near the city boundaries, the city uses two feet from top of curb for the building pad elevation for new single residential homes in these SFHAs. For subdivisions, the city reviews the development during the California Environmental Quality Act (CEQA) process. The city will determine if the development is in a flood zone and will establish conditions for development based on the city's ordinance. There are currently two

subdivisions that have been approved with conditions for development in the SFHA for single residential homes in the undefined Zone A. However, no developers have taken interest in the land. For substantial improvements, the Building Official evaluates the structure's value of improvement based on the building code and the assessor's maps to see if it meets or exceeds the threshold. If it does, then the city requires the structure to be elevated to the BFE and ECs provided.

[3] Engineering Flood Maps and Study:

FEMA has recently adopted new countywide DFIRMs for Fresno County and its incorporated communities, under its Map Modernization Program. The maps include a change from the current datum of the National Geodetic Vertical Datum of 1929 to the North American Vertical Datum of 1988. DWR informed the city that the new DFIRMs became final and effective on February 18, 2009. The new FIRM panel numbers for the city are 06107C1630E, 06107C1633E, 06107C1634E, 06107C1635E, 06107C1637E, 06107C1640E, 06107C1641E, 06107C1642E, 06107C1645E, 06107C1655E, 06107C1661E, and 06107C1662E.

[4] Floodplain Management Program: N/A

[5] Biennial Report Data:

Every two years, communities participating in the NFIP must complete and submit a Biennial Report describing the community's progress in the previous two years in implementing floodplain management measures and on its needs for re-mapping and technical assistance. FEMA sends the Biennial Report form to local community officials. Submission of this report is required as part of a community's participation in the NFIP. The last dated Biennial Report on file is for the calendar years of 2002-2003. The 2007-2008 Biennial Report was submitted on May 18, 2010; a copy was provided to DWR.

[6] Programmatic Issues: N/A

3. Section 404, Stafford Act – Hazard Mitigation Grant Program: N/A

4. E.O. 11988, Floodplain Management: N/A

5. Other Findings: N/A

6. Follow-up:

- [1] Review a copy of the city's drafted amended ordinance for compliance.

7. Community Action Required:

- [1] Submit a draft amended *Floodplain Management Ordinance* to DWR for review prior to adoption. **Deadline – August 30, 2010**

Meeting Participants:

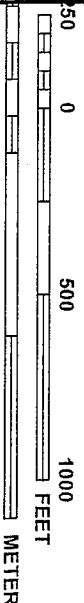
Michael K. Reed City Engineer, City of Porterville

Javier Sanchez Assistant City Engineer, City of Porterville

Amanda Peisch-Derby Engineer, Water Resources, South Central Region,
Department of Water Resources



MAP SCALE 1" = 500'



N F I P

PANEL 1633E

FIRM

FLOOD INSURANCE RATE MAP

TULARE COUNTY,
CALIFORNIA

AND INCORPORATED AREAS


PANEL 1633 OF 2550

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
PORTERVILLE CITY OF	062407	1633	E
TULARE COUNTY	065666	1633	E

Notice to User: The Map Number shown below should be used in conjunction with the Community Number shown above should be used on insurance applications for the subject community.



FEDERAL EMERGENCY MANAGEMENT AGENCY

MAP NUMBER

06107C-1633E

EFFECTIVE DATE

JUNE 16, 2009

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

CITY COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: ACCEPTANCE OF THE STATE ROUTE 190 CORRIDOR STUDY
AND COMMENCEMENT OF NEAR TERM PROJECTS.

SOURCE: PUBLIC WORKS DEPARTMENT - ENGINEERING DIVISION &
COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING
DIVISION

Background:

The City of Porterville updated its General Plan in 2008 establishing policies and implementation strategies to guide the City's growth over the next twenty plus years. A major component of the General Plan is establishing a comprehensive circulation network throughout the City and surrounding County areas. The Circulation Element of the General Plan responds to the requirements of Government Code §65302 (b), which requires the identification of the "location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan."




The preparation of the Circulation Element in concert with the Land Use Element forms the roadmap for growth of the community. The vision for the growth of Porterville was cast into the plan through a significant public participation process and is being implemented with each development and public works project constructed in the city. State Routes 65 and 190, within the Porterville area, are regional connectors linking Porterville with the surrounding areas of the County and other communities. This study focuses on the future improvements to the SR 190 corridor.

State Route 190 is the major east-west transportation corridor in Porterville. Extending from State Route 99 near Tipton at its westerly terminus to Quaking Aspen Camp near Ponderosa, State Route 190 provides Tulare County a regional transportation corridor. The regional connectivity of State Route 190 intersects with facilities to extend Porterville's reach for importing and exporting goods beyond the region, throughout California, and beyond.

The importance of State Route 190 to the economic future and growth of Porterville cannot be understated. Employment opportunities associated with agricultural exports and ease of access to other elements of the state highway system generate significant annual tax revenues and create jobs for the City. Tourism drawn to the Sequoia National Forest includes visitors to the Eagle Mountain Casino on the Tule River Indian Reservation, and is an additional benefit to the local economy.

SR 190 Corridor Study Process

Staff has been working with the California Department of Transportation (Caltrans) to review the current function of SR 190 and consider different alternatives to accommodate the growth projected in the City's General Plan. The General Plan anticipated a series of

DD  Appropriated/Funded  CM 

Item No. 32

improvements to SR 190, including new interchanges at Westwood Street, Hillcrest Street, and Road 284 (Reservation Road), and improvements to the interchange at Main Street. Grade separations considered in the General Plan were at Newcomb Street, Plano Street, and Indiana Street. For the last twenty-four months, City staff and Caltrans staff have looked in more detail at the opportunities and constraints associated with accessibility to SR 190 at key intersections. A series of modeling efforts have resulted in projected needs for immediate improvements, interim improvements, and ultimate designs that would function through the term of the General Plan.

The City's Circulation Element is a component of the General Plan and is a broad study of the planned circulation system within the City and the surrounding planning area. The Circulation Element, specifically related to the SR 190 corridor, has designated interchanges and grade separated crossing at all planned intersections along the corridor, except Jaye Street. An analysis of the highway segment's capacity indicates the need to widen SR 190 from two (2) lanes to four (4) lanes between Westwood Street and SR 65, widen from four (4) lanes to six (6) lanes from SR 65 to Plano Street, and widening from two (2) lanes to four (4) lanes from Plano Street to Reservation Road.

The State of California has statutorily identified the roadway system for the entire state. SR 190 is designated as part of the Freeway and Expressway System and a Scenic Highway between SR 65 and Death Valley, and State Highway from SR 99 to SR 65. As urbanization occurs between Westwood and SR 65, Expressway and Freeway Standards apply, which limit access to County roads, remove or significantly limit private driveway access and result in the closure of access at Newcomb Street and Prospect Street at its ultimate configuration. In the case of Porterville, this ultimate configuration will require the construction of frontage roads for the developed areas, as well as those areas yet to develop.

SR 190 from SR 65 to Reservation Road is considered a suburban, high-speed highway with slightly less stringent design standards than the Expressway or Freeway. Due to the tight spacing of surface streets intersecting with SR 190, improvements to one intersection or interchange results in required improvements to other connections. As a result, the series of improvements to be discussed for the high-speed highway east of SR 65 need to be discussed collectively. One project cannot be considered independent of the others. Having a suburban high-speed highway designation for the segment east of SR 65 would allow for private property access directly to the State Highway System where it is normally restricted and provide for at-grade, high-volume City street connections such as Jaye Street and potentially Blue Heron Parkway.

However, there remain important design guidelines that must be addressed as improvements are made along this segment of SR 190. For example, if the existing partial Main Street interchange is converted to a full access interchange, then the access to and from Plano Street must be severed. This is a result of the short distance between the Plano intersection and Main Street ramp access points that induce traffic weaving issues; traffic weaving is the process where vehicle cross lanes while entering and exiting the roadway. Closure of Plano Street would then require creating a new access point at the Hillcrest Street alignment as designated in the current adopted Circulation Element.

As a result of the mitigation improvements required by the Riverwalk Phase II EIR traffic study, and the need to follow through with the City's requirement per the Measure R Expenditure Plan, staff believes it was important to have a focused traffic study of the SR 190 corridor. Therefore, Caltrans has been commissioned, by TCAG, to perform this study and provide a logical plan to improve the corridor while wisely expending taxpayer dollars.

SR 190 Corridor Study Result

As a result of Caltrans' efforts, it was determined that the existing and projected traffic volumes are less than envisioned initially by the adopted Circulation Element of the General Plan. With this determination, Caltrans provided information based on a three (3) tiered approach. The tiered approach allows flexibility in implementing corridor improvements from the near future to ultimate designation. A brief description of the tiered concept follows:

1. Near Term Projects - Improvements along SR 190 that need immediate attention and planning.
2. Interim Projects - Improvements along SR 190 that will experience failures during the life of the General Plan (2030).
3. Ultimate Projects - Those projects defined by the General Plan that will effectively serve the City well beyond the current 2030 General Plan horizon.

The concept was presented at the December 12, 2012, City Council Study Session. Caltrans has completed the corridor study and a copy of the document is attached for Council's review. The attached study, in concept, is substantially the same as presented to City Council during the Study Session. Staff is seeking Council's acceptance of the document and permission to "lock-in" funding sources for the necessary projects. The necessary projects are defined as **Near Term Project** in the corridor study and they are:

Location	Description
Westwood/SR 190 Intersection	Construct temporary improvements to improve access at this intersection. These improvements may entail a widened intersection controlled by a traffic signal or a roundabout.
Westbound Auxiliary Lane from Jaye St. to SR 65.	Extend the existing outside lane for westbound SR 190 from Jaye Street to SR 65 northbound ramp.
Plano/SR 190 Intersection	Construct 4 lanes on Plano St. with dual left turn and dedicated right turn lanes on all approaches w/ new traffic signals.
Main/SR 190 Intersection	Signalize the Ramp Terminals at Main St., construct dedicated left and right turn lanes for the eastbound off ramp.

In light of the recent passage of Amendment No. 3 to the 2006 1/2 Transportation "Measure R" Expenditure Plan, staff has had several conversations with Caltrans and TCAG regarding the next step in the process. TCAG is requesting that City Council accept the State Route Corridor Study and authorize TCAG to program the listed **Near Term Projects** in the upcoming State Transportation Improvement Program (STIP). In order to accomplish this, Caltrans will need to complete a Project Initiation Document (PID) by November of 2013.

A PID is a streamlined process using the Project Study Report-Project Development Support (PSR-PDS) as the baseline PID. The relatively new process will expedite the funding of projects through Project Approval-Environmental Document (PA-ED). It is also a necessary step in securing State and/or Measure R Regional funds. An approved PID is a required for any major work on the State Highway System (SHS) regardless of how it is funded.

Execution of a Cooperative Agreement between Caltrans and the City is a requirement before Caltrans will proceed with the preparation of the PID. A draft agreement is attached for Council's review. The cost to prepare the document is solely borne by the City and the fee is anticipated to be \$120,000. TCAG has partnered with the City on all efforts associated with the Highway 190 Corridor Study and has budgeted for the \$120,000 fee from TCAG Reserves.

SR 190 Corridor Right of Way Preservation

Caltrans issued a Director's Policy Memo DP-91-1, "Transportation Corridor Preservation," dated January 9, 1991, that requires the Department of Transportation to work on a partnership basis with local land authorities to identify transportation corridors early, like the SR 190 Corridor Study, and to explore all appropriate means for acquisition and preservation of those corridors.

Caltrans Right of Way Department works with the Transportation Planning Department to preserve corridors through a variety of means including:

- Donations.
- Dedications.
- Transportation Impact Mitigations.
- Advanced Right of Way Purchases.

Effective July 1, 1993, Government Code Section 65081.3 and the Public Resource Code Section 33910 authorizes the Department to acquire land located within a designated corridor, like SR 190, of statewide or regional priority to be held and maintained for future transportation purposes. Caltrans Right of Way can acquire property for corridor preservation under AB 3719 only when authorized by the local entity. Moving forward with right of way acquisitions is good planning and will lessen the burden on tax payers as the properties are acquired to preserve the corridor.

RECOMMENDATION: That City Council:

- 1) Accept Caltrans' State Route 190 Corridor Study;
- 2) Approve moving forward with the **Near Term Projects**;
- 3) Approve entering into Cooperative Agreement or Agreements with Caltrans for the preparation of Project Initiation Document or Documents;
- 4) Authorize the Mayor and City Manager to execute the Cooperative Agreement or Agreements;
- 5) Authorize the Mayor and City Manager to execute a "draw down" agreement, if requested by TCAG, to access the \$120,000 Project Initiation Document (PID) fee offered by TCAG; and
- 6) Approve, in concept, the preservation of State Route 190 right of way between Westwood Street and Reservation Road; and
- 7) Authorize staff to work with the appropriate agencies to implement a State Route 190 Corridor Preservation Plan for Council's consideration at a later date.

ATTACHMENTS: State Route 190 Corridor Study/Feasibility Study
Near Term Projects Conceptual Intersection Designs
Sample Cooperative Agreement
Government Code Section 65081.3

State Route 190 Corridor Study
City of Porterville
Traffic Engineering Feasibility Study

April 2013

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AM
PM

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Main St EB Ramp Intersection, Plano St, Hillcrest Dr
AM
PM

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2012 – AM/PM
2020 – AM/PM
2025 – AM/PM

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Westwood St to Newcomb St
AM
PM

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AM
PM

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2012 – AM/PM

2015 – AM/PM

2020 – AM/PM

HCM 2010 Signalized Intersection Summary, Synchro 8, 2035

AM

PM

HCM 2010 Roundabout Analysis Report, Synchro 8, 2035

AM

PM

Route 65

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Jaye Street

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AM

PM

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AM

PM

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Operational Analysis

SR 190 WB On Ramp and Main St

HCM Unsignalized Intersection Capacity Analysis Reports, Synchro 6, 2008

AM

PM

SR 190 EB Off Ramp and Main St

HCM Unsignalized Intersection Capacity Analysis Reports, Synchro 6, 2008

AM

PM

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2035 HCM 2010 Signalized Intersection Summary and Queue Reports, Synchro 8 –

Plano St & SR 190

AM

PM

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Preliminary Cost Estimate – Widen SR 190 from 4 lane to 6-lane expressway from Jaye St to Martin St, and a signalized at-grade intersection at Route 190 with dual left-turn lanes on all approaches. Widen Plano from 2 lanes to 4 lanes.

2035 HCM 2010 Signalized Intersection Summary, Synchro 8 –

Plano St & SR 190

AM

PM

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Map – Conceptual Plano St Interchange – Full View

Operational Analysis

HCM Signalized Intersection Capacity Analysis and Queue Reports, Synchro 6, 2008

AM

PM

Hillcrest Street

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Map - SR 190 at Hillcrest St Conceptual Roundabout

Preliminary Cost Estimate – Construct a 4 lane roadway with a 14 foot median, and a roundabout at Route 190. Curb-gutter and sidewalk, street lights, a water main and limited storm drainage system improvements.

Preliminary Cost Estimate – Construct a 4 lane roadway with a 14 foot median, and a signalized intersection at Route 190. Curb-gutter and sidewalk, street lights, a water main and limited storm drainage system improvements.

Ultimate Concept

Map – SR 190 at Hillcrest St Conceptual Ultimate Interchange

Preliminary Cost Estimate – Construct double cloverleaf interchange with loop on ramps in the northeast and southwest quadrants.

Operational Analysis

SR 190 and Blue Heron Parkway

Two-Way Stop Control Summary Reports, HCS+, 2012

AM

PM

2035 HCM 2010 Signalized Intersection Summary, Synchro 8 –

Hillcrest St & SR 190

AM

PM

SR 190, Blue Heron Parkway to Reservation Road - Widen 2C to 4C

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Typical Cross Sections, X-2

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2011 – AM/PM

2020 – AM/PM

2025 – AM/PM

2035 – AM/PM

1. INTRODUCTION

1.1 Project Overview: The purpose of this study is to determine the future transportation needs on State Route (SR) 190 from Westwood Street (PM 13.448) to Reservation Road (PM 21.10) which will jointly serve the planning needs of the California Department of Transportation (Caltrans) and complement the City of Porterville's General Plan. These limits represent the City of Porterville's 2030 General Plan planning area boundary along SR 190 most affected by development. Portions of this area are within the County of Tulare and would be subject to joint planning unless annexation occurred (See Figure 1 – Porterville General Plan, 2030 Circulation Network). The Study provides decision makers with general time frames when improvements are needed, right of way needed to mitigate increasing traffic volumes, as well as planning level cost for improvements along SR 190. Recommendations are provided regarding reasonable and practical solutions consistent with and complementary to the City's General Plan.

This study outlines general time frames for improvements that can be used to develop funding mechanisms. The uncertainty of the travel demand forecasting process and the duration of the current recession make it difficult to accurately predict the exact year improvements would be needed. The California Environmental Quality Act (CEQA) process will require local development to study potential impacts to the State Highway System. The City and Caltrans will be able to observe the rate of development and to appropriately time improvements through traffic impact studies and mitigation monitoring.

1.2 Background: The Tulare County Association of Governments (TCAG) proposed this study in response to the City's desire to complete the existing partial interchange at SR 190 and Main Street. The study was expanded to consider needs within the 2030 General Plan planning boundary consistent with the General Plan Circulation element. The 2030 roadway network included interchanges at four county roads connecting to SR 190. When the forecast volumes did not support interchanges by the 2035 study horizon year, near-term and interim improvements were included in the study, which consisted of intersection and roadway segment improvements.

The TCAG travel demand model was used to forecast future traffic volumes to the 2035 horizon year. The 2035 model is consistent with the 2030 General Plan roadway network; however, it uses 2035 socio-

economic data. Where the forecast volumes indicate roadway improvements would be needed, conceptual geometric designs were created, in general, to define the near-term, interim and long-term improvements along SR 190, unless otherwise noted. A planning level operational analysis was developed using Highway Capacity Manual algorithms. Cost estimates were developed for the purpose of comparing alternatives and for establishing budgets. All costs are in current dollars and would be subject to standard escalation rates.

The near-term concepts include enough detail to establish the scope to be used in a Project Initiation Document (PID), which would define in greater detail the cost, scope and schedule. The PID is a formal scoping document that is used in programming and leads to the environmental study and approval document, i.e. Project Approval and Environmental Document (PA&ED). The PA&ED is where detailed engineering analysis and environmental studies occur. Depending on the complexity of a project, PA&ED could be 12 to 24 months for small project, to more than 4 years for large projects.

2. EXISTING CONDITIONS

2.1 Land Use, Demographics and the Environment: Tulare County includes eight incorporated cities. Visalia is the largest with 124,000 people, followed by Tulare at 59,300 and Porterville with 54,200. East Porterville, a county island, includes approximately 6,800 people that when added to the City's population, makes the Porterville Urban Area the second largest in Tulare County.

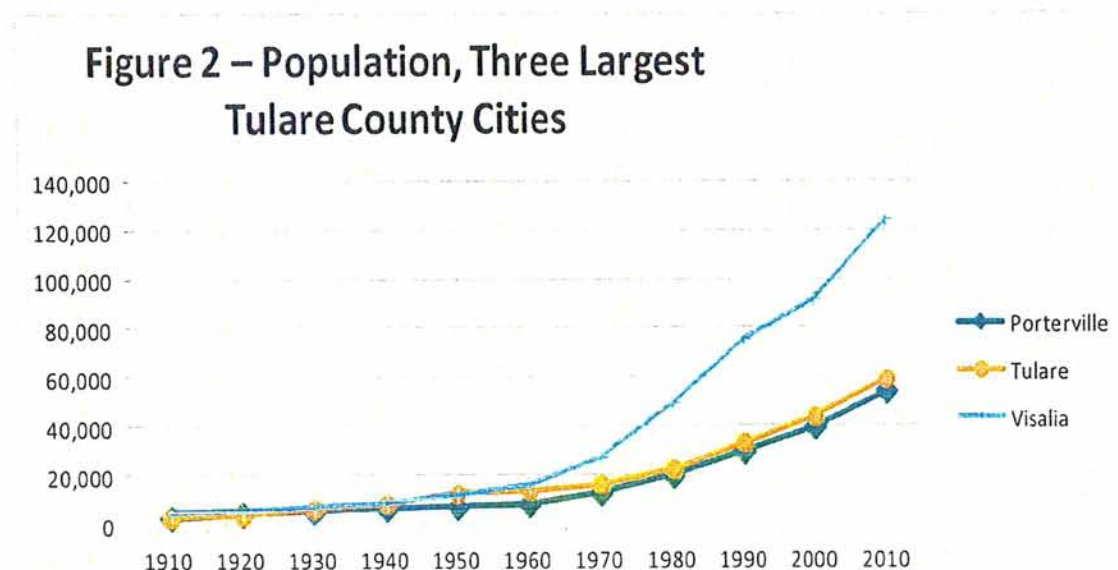


Figure 4-1
2030 Circulation Network

- State Highway
- Major Arterial (6 lanes)
- Major Arterial (4 lanes)
- Parkway
- Minor Arterial (2 lanes)
- Collector
- Potential Interchange Improvements
- Grade Separation
- New Bridge
- Other Road
- Planning Area

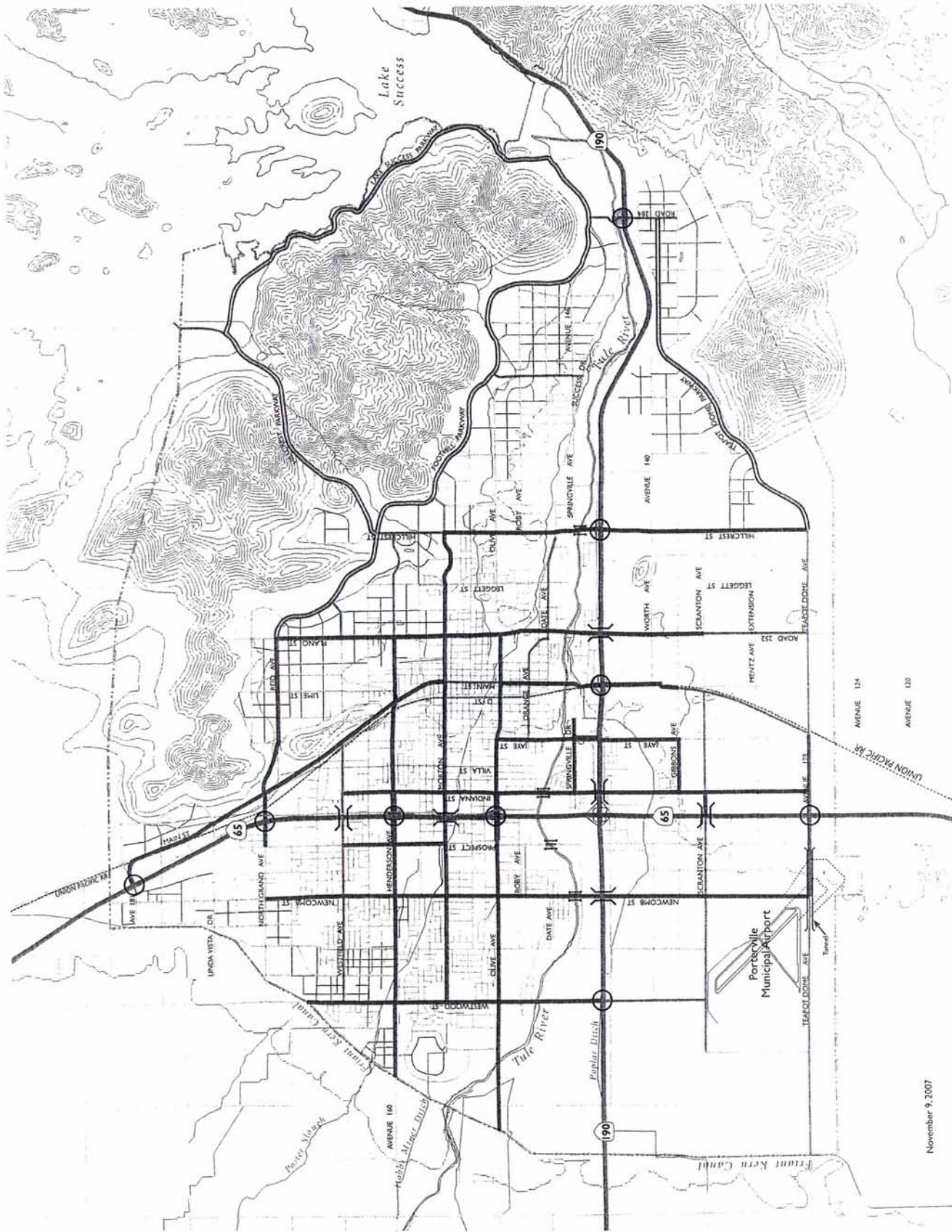
Note: Proposed roads are conceptual, subject to further engineering and environmental review.

Source: Dyett & Bhatia; Omni Means; 2007

Figure 1. Source: City of Porterville, California. *Porterville 2030 General Plan*, 2008. Figure 4-1, 2030 Circulation Network, p 69.



November 9, 2007



As reported by the California Data Research Center - Demographic Research Unit, the City of Porterville has grown at approximately four percent per year between 1960 and 1990, and three percent between 1990 and 2010. Continued growth could be expected at not less than 2.5 to 3.0 percent, leading to 2035 population estimates of 100,000 to 113,000, respectively.

The City of Porterville is bordered by natural and manmade features. On the western boundary is the Friant-Kern Canal, to the east is Lake Success and the beautiful Sierra Nevada Mountains. The City is bifurcated by SR 190 and SR 65, the Tule River and numerous sloughs or ditches. In addition, the abandoned San Joaquin Valley Railroad (old SPRR) paralleling Main Street and the Atchison, Topeka and Santa Fe Railway, which crosses SR 190 east of Plano Street also divides the City of Porterville along historic lines. These features have had and will continue to have significant effects on the circulation system and development patterns.

Currently, urbanization is located principally north of the Tule River. Large areas of agriculture, rural residential and conservation land are south of the Tule River with some urbanization south of SR 190 near Prospect, Jaye, Main and Plano Streets. The Jaye Street and SR 190 location includes the Riverwalk Market Place Shopping Center, the Walmart Distribution Center, Beckman Industry, and some medium and low-density residential housing. The Porterville College and Porterville Development Center are located south of SR 190, on Main Street and Blue Heron Parkway, respectively.

Travel patterns along SR 190 reflect the diverse character of the community - from commercial, industrial and agricultural trucking using the corridor; to recreational travelers accessing Lake Success and the Sierra Nevada Mountains; and to mineral resources like Porterville Rock. Peak hour traffic patterns using the SR 190/65 freeway-to-freeway interchange show a jobs-to-housing commuter pattern between the northern section of Porterville and East Porterville.

2.2 Road Facilities: SR 190 is eligible for designation as part of the Scenic Highway System from SR 65, east to SR 127 near Death Valley. The section between SR 99 and Balch Park Road is part of the Federal Aid Primary State Highway; it is designated as a Terminal Access Route providing Surface Transportation Assistance Act (STAA) truck access between SR 99 and SR 65 – and east to near Springville. It is the intent of the Legislature that this route serve the state's heavily traveled rural and urban areas, that it connect Porterville and other communities to regions of the state, and that it serve the state's economy by connecting centers of commerce, industry, agriculture, mineral wealth and recreation.

Today SR 190, between SR 99 to SR 65 is a two-lane conventional highway. At-grade intersections are located, in general, at one-mile spacing. Within the study limits beginning near Westwood Street (Road 224), left-turn channelization occurs on SR 190 at Newcomb Street (Road 232) and Prospect Street; the side streets do not include left-turn channelization. Westwood Street is the only four-way stop controlled intersection. The lanes on SR 190 are 12-feet wide and the outside shoulders are eight-feet wide. Land use along this segment is typically rural farmland with some rural residential abutting the highway. There is a rural residential area of development accessing SR 190 from Prospect Street that includes a community health center.

SR 190 between SR 65 and Blue Heron Parkway (Hospital Road) is a four-lane expressway with a partial interchange at Main Street and intersections located in general at one mile spacing. There are signalized intersections at Jaye Street and Plano Street with left-turn channelization on all legs. Side street stop controls occur at Martin Street and Blue Heron Parkway with left-turn channelization on SR 190. The lanes are 12-feet wide, outside shoulders eight-feet wide and the inside shoulder vary from one to five feet wide. Land use along this segment is urbanized.

Between Blue Heron Parkway and Reservation Road (Road 284), SR 190 is a limited access two-lane highway with some expressway characteristics. Utilities are principally located outside of the state right of way. The lanes are 12-feet wide and the outside shoulders are eight-feet wide. Reservation Road is under two-way stop control. A single lane roundabout has been programmed through the State Highway Operations and Protection Program (SHOPP) at this intersection with a target Construction date of 2015. Land use along this segment is rural residential and farmland. Very few private driveways connect to the state highway.

The City has a traditional hierarchy of street types or classifications including freeways, highway, arterials, parkways collectors and local streets. In and near SR 190 the following local road classifications are planned (existing conditions are typically less what are listed here):

- Westwood Street 4-lane arterial
- Newcomb Street 4-lane arterial
- Prospect Street 4-lane arterial
- Jaye Street 6-lane arterial north of SR 190 and 4-lane arterial south of SR 190
- Main Street 4-lane arterial
- Plano Street 4-lane arterial
- Hillcrest Street 4-lane arterial

There are three bridges within the study limits, Poplar Ditch (PM 13.69, Bridge Number 46-0052), SR 190/65 Separation (PM R15.210, Bridge Number 46-0225) and South Porterville/Main Street OH (PM 16.45, Bridge Number 46-002).

2.3 Roadway Volumes: The 2010/2011 SR 190 roadway volumes are shown below.

Table 1 – Existing Segment And Ramp Volumes (2010/2011)

LOCATION	AM		PM		ADT		TRUCK % TOT VEH
	EB	WB	EB	WB	EB	WB	
West of Westwood Street	202	209	287	193	3,103	2,900	
Westwood Street to SR 65	418	310	399	377	4,968	4,911	9.0%
EB Slip Off Ramp to SB SR 65	51		35		447		
EB Loop On Ramp from SB SR 65	448		421		5,682		
WB Slip On Ramp from SB SR 65		107		85		1,274	
WB Loop Off Ramp to SB SR 65		124		100		1,638	
EB Loop Off Ramp to NB SR 65	57		121		1,126		
EB Slip On Ramp from NB SR 65	57		154		1,448		
WB Loop On Ramp from NB SR 65		31		51		460	
WB Slip Off Ramp to NB SR 65		242		501		4,903	
SR 65 to Jaye Street	1,204	772	1,050	1,049	14,248	12,149	
Jaye to Main Street	932	969	876	1,123	11,655	13,432	
WB Loop On Ramp from Main Street		159		246		2,764	
EB Loop Off Ramp to Main Street	199		167		2,650		
Main to Plano Street	733	585	651	710	9,005	9,230	
Plano to Blue Heron Parkway	461	474	489	559	6,634	6,835	
East of Blue Heron Parkway	281	454	408	325	5,045	4,844	

Table 2 – Existing Conditions (2011/2012) SR 190 Segment Levels Of Service (LOS)

LOCATION	FACILITY	PEAK HOUR PERIOD	LOS	V/C
Westwood St to SR 65	2 Lane Conventional	AM	C	0.30
		PM	C	0.31
Blue Heron Parkway to Reservation Road	2 Lane Conventional	AM	D	0.31
		PM	D	0.34

HCS+ (Highway Capacity Software) Two-Lane was used for this analysis.

Table 3 – Existing Conditions Intersection Levels Of Service (LOS)*

LOCATION	STOP CONTROL	YEAR	PEAK HOUR PERIOD	LOS	DELAY (sec/veh)
Westwood St & SR 190	All-Way Stop Control	2012	AM	B	10.5
			PM	C	21.3
Jaye St & SR 190**	Signal	2008	AM	C	25.2
			PM	C	24.7
Main St & SR 190 WB On-Ramp (North)**	Side-Street Stop Control	2008	AM	-	0.7
			PM	-	0.8
Main St & SR 190 EB Off-Ramp (South)**	Side-Street Stop Control	2008	AM	-	5.0
			PM	-	2.4
Plano St & SR 190**	Signal	2008	AM	C	31.6
			PM	C	32.7
Blue Heron Parkway & SR 190	Side-Street Stop Control	2012	AM	B	14.2
			PM	C	18.0
Reservation Road	Two-Way Stop Control		AM	***	***
			PM	***	***

*Synchro 6 was used for signal analysis and HCS+T7F for unsignalized stop controls.

** Source of intersection traffic volumes: Ruettgers & Schuler Civil Engineers, Prepared for Impact Sciences, Inc. Traffic Study: Riverwalk Marketplace Phase 2 at Jaye Street and Vandalia Avenue, Porterville, California. March 4, 2010.

*** Roundabout is being constructed under SHOPP.

This study utilized existing traffic volume turn counts and traffic census data. The census data came from the 2010/11 federal fiscal year. The existing turn count data came from land use development

studies, dating back to 2008/09. Caltrans collected count data at Westwood Street, Blue Heron Parkway and Reservation Road.

2.4 Existing Collision Data:

**Table 4 – Caltrans Traffic Accident Surveillance & Analysis System (TASAS) Summary
County of Tulare, SR 190 Collision Data from October 1, 2007 - September 30, 2010**

LOCATION DESCRIPTION	POSTMILE LIMITS	COLLISION DATA SUMMARY			
		TOTAL	FATAL	INJURY	F+I
Westwood Street to SR 65	13.438 - R14.875	16	0	8	8
SR 65 to Blue Heron Parkway	R14.875 - 18.453	74	3	34	37
Westwood Street to Blue Heron Parkway	13.438 - 18.453	90	3	42	45

LOCATION DESCRIPTION	COLLISION RATES (COLLISIONS/mvm)					
	Actual			AVERAGE		
	FATAL	F+I	TOTAL	FATAL	F+I	TOTAL
Westwood Street to SR 65	0.000	0.64	1.29	0.025	0.34	0.80
SR 65 to Blue Heron Parkway	0.042	0.52	1.04	0.011	0.43	1.05
Westwood Street to Blue Heron Parkway	0.036	0.54	1.07	0.015	0.40	0.97

TASAS Table B shows a summary of collisions for the 3 year period from October 1, 2007 to September 30, 2010 for the limits of Westwood Street to Blue Heron Parkway (PM 13.438 – 18.453). Between Westwood Street and SR 65, the 2-lane conventional highway segment, there were a total of 16 accidents, no fatalities, 8 injury and 8 property damage collisions. The Actual Fatal rate in million vehicle miles (MVM) for this segment was below the Statewide average, while the Actual Fatal plus Injury and Total rates were above the Statewide averages for similar roadways. The primary collision factors were Other Violations with 6, and Speeding with 5, followed by Improper Turn and Failure to Yield with 3 and 2, respectively. The majority of the collisions were Broadside and Hit Object occurring principally during daylight and dry conditions.

Along the expressway segment, from SR 65 to Blue Heron Parkway (Hospital Road), there were a total of 74 accidents, 3 fatalities, 34 injury, and 37 property damage only collisions. The Actual Fatal and Fatal plus Injury rates were above the Statewide average rates, while the Total rate was slightly below the Statewide average. The primary collision factors are Other Violations with 19, Speeding with 19, and

Improper Turn with 17, followed closely by Influence of Alcohol with 11. The majority of the collisions were Hit Object, Rear End and Broadside occurring principally during daylight and dry conditions. Ten accidents occurred during roadway construction.

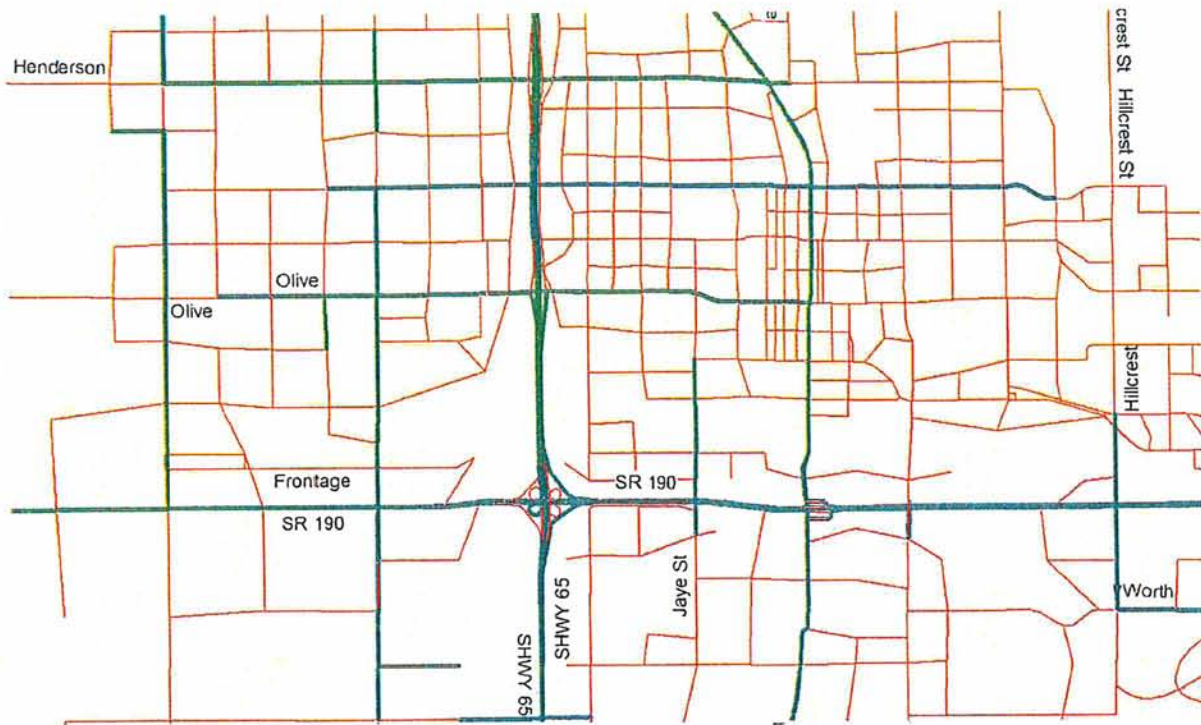
3. TRAFFIC VOLUME FORECASTING

3.1 Travel Demand Model: Tulare County Association of Governments (TCAG) maintains and runs a travel demand forecast model for the Tulare County region. The model is used to forecast the demand for future transportation infrastructure by predicting future travel patterns based on a variety of factors including locally approved general plan land use entitlements, input from local planning departments on socio-economic growth areas, and state and federal data sources. Some of the forecast input variables include population, households, employment, school enrollment, income, traffic counts, speed, intersection configurations, and existing or planned transportation networks.

The current Tulare CAG model was updated in 2010. The model was calibrated to 2007 population, employment and traffic count data and back-checked or validated against socio-economic data. At the time of this study, Tulare CAG was developing a new 2040 model as part of an eight county San Joaquin Valley Model Improvement Program (MIP) effort. The eight SJ Valley Metropolitan Planning Organizations (MPOs) face the challenge of SB 375, California's law requiring the coordination of land use and transportation planning to support mandated greenhouse gas emission reductions. It is unlikely the new model will report significantly lower traffic volumes than the current model. While we expect different volumes from the new model, the anticipated differences should not be significant and as such should not change the character of the conceptual improvements; rather, only when improvements would need to be implemented and then, only from a planning perspective. Mitigation monitoring will be used to understand traffic volumes created by development and to more accurately define implementation of these or other improvements. Tulare CAG's MIP model may be available for use around July 2013.

Figure 3 below is from the 2035 model. The green lines are high volume roadways as shown in the model. SR 190 and SR 65 serve as the backbone of the City circulation system and provide connectivity to high volume local roads like Grand, Henderson, Olive, Westwood, Jaye, Main, Plano and Hillcrest Streets. These roadways would be subject to significant congestion without proper sizing.

Figure 3 –Tulare CAG 2035 Travel Demand Forecast Model Roadway Network Screenshot (SR 190, City of Porterville)



If the rate of growth in the City slows, the needed improvements could be delayed; conversely, if the rate of development occurs faster than expected, improvements could be needed sooner. In general, the needed improvements will not change, only the year of implementation.

3.2 Roadway Network: Highway network assumptions form a critical input insofar as the future year network behavior. The planned highway system starts with the locally approved and adopted Regional Transportation Plan (RTP). The regional transportation plan is a long-range transportation plan covering a 20+ year time span. A planning study such as this uses the RTP future network of roads and tests various scenarios in an attempt to meet the circulation needs of the City. This study details issues along SR 190 and does not consider needed improvements on other regionally significant roadways.

4. TRAFFIC OPERATIONAL ANALYSIS

4.1 Overview: This corridor study assesses the need for improvements for the 20-year planning horizon ending in 2035. Improvements range from the near-term needs of modifying the four-way stop

controlled intersection at Westwood Street to full freeway improvements shown in the 2030 General Plan Circulation Network. The options studied and summarized in this section address near-term, interim and long-term (ultimate) improvements. Each location was evaluated based on the criteria listed below:

- **Time frame** – near-term, interim and long-term. In general, near-term is from now to approximately 2015. Interim is approximately 2015 to 2035. Long-term is after 2035. The forecast volumes for these time frames were based on linear regression.
- **Operational Measures of Effectiveness (MOE)** – Acceptable operations are defined and operational needs are identified by measures of effectiveness for both highway segments and intersections. Highway segments are evaluated using Level of Service (LOS) and Volume/Capacity (V/C) ratio. Intersection LOS and the associated delay, both signalized and unsignalized, are reported in tables below for the entire intersection. More detailed analysis by lane groups provides an effective way to identify operational needs and geometric design solutions to meet these needs. Improvements and the timing of improvements are proposed based on critical lane group MOEs including delay, 95% queue length, and V/C ratio.

Level of service (LOS) is a qualitative measure used to gauge traffic operational performance by describing the driver's experience within a traffic stream in terms of speed and travel time, maneuverability in the traffic stream, interruptions and delay, and comfort and convenience. Six levels of service are defined by the Highway Capacity Manual (HCM) version 2010. Letters designate each level, from LOS "A" indicating traffic flow with little to no delay to LOS "F" denoting over-saturated conditions where traffic flow exceeds capacity, resulting in excessive delays and long queues. The HCM level of service criteria for intersections and freeways are presented in the following table.

Table 5 – Level of Service Definitions for Intersections

LOS	DESCRIPTION	CONTROL DELAY PER VEHICLE (sec/veh)	
		UNSIGNALIZED	SIGNALIZED
A	Traffic flows with very little delay and optimal speeds. Most vehicles do not stop at all.	0-10	<10
B	Traffic flows with very little delay and speeds may be slightly reduced. Very infrequent and short waits at traffic signals. More vehicles stop at intersections than for LOS A.	>10-15	>10-20
C	Traffic speeds continue to slow. Some vehicles may stop at this level, although many vehicles still pass through the intersection without stopping.	>15-25	>20-35
D	Congestion becomes more noticeable. Many vehicles stop and the proportion of vehicles not stopping declines.	>25-35	>35-55
E	Low speeds and traffic backups at intersections. Often considered to be the limit of acceptable delay.	>35-50	>55-80
F	Very slow speeds and congestion. Long traffic backups. Very likely to wait for multiple greens to get through an intersection. This is considered to be unacceptable for most drivers.	>50	>80

Source: Highway Capacity Manual 2000

At this time, roundabouts use the same average control delay as unsignalized intersections. There is however no standard characterization of delay for roundabouts.

Caltrans endeavors to maintain a target LOS at the transition between LOS C and LOS D on State highway facilities. This target LOS is for a 20-year planning horizon which is normally required for capacity increasing projects. It begins on the date when constructed improvements are open to public use and end 20 years into the future. Caltrans defines the 20 year future date as the “design year.” Caltrans acknowledges that this may not always be feasible and recommends that lead agencies consult with Caltrans to determine the appropriate target LOS. At present, there are no constraints identified in this report that prohibit achieving the target LOS C/D. Caltrans will consider a 10-year “design period” for a special class of projects called operational improvement projects. These are improvements that typically address operational needs at spot locations such as adding a turn lane to an intersection.

The volume/capacity (V/C) ratio estimates the ability of a roadway to accommodate traffic volume demand. It compares roadway demand (vehicle volumes) with roadway supply carrying capacity. Volume refers to the number of vehicles using a roadway at the peak commute times, while capacity is its ability to support that volume based on the geometric design and number of lanes. V/C ratio is a principal measure of effectiveness for critical lane groups or the intersection as a whole. Critical lanes group is that portion of the roadway whose behavioral attributes (MOE) are distinctly different and operationally deficient in comparison to the intersection as a whole. The tables below show intersection LOS, which do not necessarily indicate acceptable operational attributes on each approach. Critical lane groups could indicate excessive delay or queuing problems under representing operational deficiencies. In general, a V/C ratio greater than 0.8 is near capacity and would require further analysis of other measures of effectiveness; V/C ratios greater than 0.9 is at capacity and above 1.0 is over capacity. This is true for the whole intersection or for critical lane groups.

Caltrans design criteria includes the 95th-percentile queue length when practicable. The 95th-percentile queue is defined to be the queue length (in vehicles) that has only a 5-percent probability of being exceeded during the analysis time period. It is a useful parameter for determining the appropriate length of turn pockets. Proper queue length sizing is a critical to prevent "queue blocking."

Delay is defined in the Highway Capacity Manual 2010 as "additional time experienced by a driver, passenger, bicyclist, or pedestrian beyond that required to travel at the desired speed." The delay encountered by a traveler at a signalized intersection constitutes the largest part of his or her travel time on non-freeway segments. Delay can be measured for lane groups or for the intersection as a whole. While the tables provide intersection delay, critical lane groups are evaluated by the engineer when considering the performance of an intersection. In general, delay has three main components: uniform stop delay, over-saturated delay and the stop delay caused by the initial queue from the previous cycles.

Delay associated with free flow conditions is evaluated in the report; it is proportional to the difference between free-flow speeds and congested speeds. Applicability of this measure of effectiveness would apply to long stretches of highway and freeway and has little bearing on the study limits.

Based on current and forecasted traffic volumes, the LOS for the various time frames was calculated using Highway Capacity Software or the equivalent in Synchro. Where roundabouts have been conceptually proposed, HCM 2010 methodologies were used. These methodologies are sufficient at a Planning level but could be improved upon with greater effort and detail at the project study phase.

- **Purpose and Need** - The purpose and need section is in many ways the most important chapter of an environmental document. It establishes why an agency is proposing to spend large amounts of taxpayers' money while at the same time causing potentially significant environmental impacts. A clear, well-justified purpose and need section explains to the public and decision makers that the expenditure of funds is necessary and worthwhile, and that the priority given to the project within a family of other needed highway projects warrants the expenditure. Without improvements, increasing traffic volumes would lead to congestion and excessive delay. The improvements are consistent with the General Plan Circulation Element and Caltrans Transportation Concept Report and are needed to mitigate increasing traffic volumes as the City grows. The need for the project is implicit and that excessive delay or congestion would occur without improvements. The purpose would be to address growing traffic volumes due to General Plan development.
- **Operational improvement or capacity increasing projects** – Geometric designs of conceptual projects are included in the appendix.
- **Cost** - Construction, right of way and support are included unless specifically noted. Support cost includes environmental, right of way, engineering, and construction. Environmental mitigation has not been considered. Cost is provided as a range.
- **Right of way impacts** – Right of way impacts are shown in the appendix and are roughly estimated based on current land use. Where land use or the underlying zoning were to change, the cost would likely increase especially where the existing land use is range land or farmland.

Beginning at Westwood Street and progressing to the east, the following was studied.

4.2 Westwood Street:

Currently, Westwood Street is a four-way stop controlled intersection. Both SR 190 and Westwood Street are 2-lane roadways. The City General Plan designates Westwood Street as a future 4-lane arterial. This would be needed to support growth on the west side and mitigate limitations to the roadway network created by the Tule River and where state highway system expressway Standards on SR 190 preclude driveways and local road connections between Westwood and SR 65. Westwood Street forecast volumes indicate a morning commuter pattern of southbound Westwood to eastbound SR 190. The evening commuter pattern is a reciprocal of the morning, with large westbound SR 190 to northbound Westwood right turn movements. This study does not evaluate the MOEs of Westwood Street.

Table 6 – Existing And Future Levels Of Service For SR 190 And Westwood St Intersection Without Improvements (All-Way Stop Control)

YEAR	PEAK HOUR PERIOD	LOS	DELAY (sec/veh)
2012	AM	B	10.5
	PM	C	21.3
2015	AM	C	17.0
	PM	F	75.1
2020	AM	F	121.4
	PM	F	253.2

HCS All-Way Stop Control Analysis was used for this table.

The HCM analysis indicates that the existing four-way stop control intersection will experience excessive delays in 2015. Today, the westbound SR 190 to northbound Westwood Street right-turn movement occurs outside of the designated lane, on the right shoulder. Drivers have created in part a de facto right-turn lane. While the shoulder is not intended to function this way, drivers experience less delay when they use the shoulder. The HCM analysis indicates the 2015 LOS F is caused in large part by this right-turn movement. All of this suggests, the HCM predicted 2015 LOS of F could be slightly premature. By 2020, multiple movements fail leading to excessive delays. Where Caltrans requires a 10- or 20-year design life, postponing improvements to a later year would lead to larger, more costly improvements in the near term.

A single-lane roundabout was considered as a near-term operational improvement. The cost for a single-lane roundabout is estimated at \$3.0M, including engineering and right of way. Roundabouts normally operate with shorter vehicle delays compared to other traffic control and intersection types. In roundabouts, traffic no longer needs to stop. Roundabouts are based on the concept of yielding to traffic circulating within the roundabout. All approach movements are treated equally. Roundabouts have fewer conflict points than a signalized intersection and typically result in fewer severe accidents.

Roundabouts were evaluated using FHWA algorithms that were incorporated into the 2010 version of HCM, which are based on American drivers and their somewhat limited experience with roundabouts. As such, FHWA's estimates are slightly conservative.

A single-lane roundabout with two minor bypass legs should be evaluated in greater detail by 2015. A single-lane roundabout is predicted to fail before 2025. As we prepare this report, the high turn volumes predicted in the model are causing significant operational problems both with the near-term and interim improvements. If development on the west side of Porterville is not realized or if the commuter pattern is different from what is predicted in the model, the roundabout might provide the required minimum 10-year design life. At this point, the 2025 roundabout LOS would be F with a delay of 80.4 sec/veh in the morning and 51.0 sec/veh in the afternoon. Caltrans requires operational improvements, like a small intersection improvement project, to operate within the LOS D range for a minimum of 10 years. The preliminary concept does not meet the design period or LOS policies indicating more costly improvements could be needed.

Signalization might provide better operations along SR 190 and as such might be more beneficial for goods movement and commerce by favoring east-west travelers along SR 190. A signalized intersection was analyzed using the same volumes as the roundabout. The 2025 forecast volume, if validated at the project study phase, would require dual left-turn lanes from southbound Westwood to eastbound SR 190. Dual left-turn lanes require two receiving lanes on SR 190. This concept is presented as an interim Westwood improvement in the appendix. The interim cost estimate for this option is \$12.8M. Both roundabout and signalized intersection options would typically be considered as part of the project studies, which are incorporated in the Project Initiation Document (PID).

Whether it is a signalized intersection or a roundabout, the southbound to eastbound SR 190 turn volumes are defining the scope and need for improvements. This will eventually lead to the need for a 2-lane roundabout with 2 approach and departure lanes on SR 190 or a large signalized intersection.

The time frame is fairly consistent with the need to widen SR 190 between Westwood and SR 65, which when based on a “segment” analysis, showed the need for widening from a 2-lane conventional highway (2C) to a 4-lane expressway (4E) near 2025.

Every reasonable effort was made to try to separate the segment improvements (widening SR 190 to 4 lanes) from the intersection improvements because of the high cost to widen SR 190 to 4 lanes. It is the proposed development in west Porterville that is driving the need for improvements to the intersection and the SR 190 segment between Westwood and SR 65.

Table 7 – 2035 Level of Service for the SR 190 and Westwood Street Intersection with a Four-Lane Signalized Improvement

PEAK HOUR PERIOD	LOS	DELAY (sec/veh)
AM	C	28.6
PM	D	45.5

Synchro 8 was used for this analysis.

Table 8 – 2035 Level of Service for the SR 190 and Westwood Street Intersection with a Multi-Lane Roundabout Improvement

PEAK HOUR PERIOD	LOS	DELAY (sec/veh)
AM	F	110.7
PM	E	40.3

Synchro 8 was used for this analysis.

The long-term concept for this location is an interchange. An interchange will be warranted when the intersection can no longer serve the traffic volumes without excessive delay. Excessive delay is typically related to high turn volumes, suggesting the interchange will be needed after 2035. As such, an interchange is considered a long-term improvement. Preserving the interchange right of way from development would save the City, the County of Tulare, Tulare CAG, Caltrans, and the public between 20 and 40 percent of the cost of this interchange. Preventing development in the interchange right of way is important as well to private property owners who invest their money in the community. The present cost of an interchange is \$35M to \$40M, assuming minimal right of way costs.

4.3 SR 190 from Westwood Street to SR 65 (2C to 4E Widening):

The existing two-lane conventional highway will need to be widened to four lanes in the interim period. Intersection improvements at Westwood Street would mitigate intersection delays in the near-term while the roadway segment would need added capacity. It is estimated that widening from a two-lane conventional highway (2C) to a four-lane divided expressway (4E) would be needed between 2020 and 2025, when the LOS drops to E. Caltrans and the City of Porterville will monitor development impacts through CEQA, over time leading to widening of the roadway. This study could be used to work with Tulare CAG to look for funding solutions and to preserve right of way. A divided expressway was chosen over a conventional highway because it is safer and will provide better mobility.

The table below estimates the two-lane conventional highway level of service.

Table 9 – Existing and Future Levels of Service for SR 190 From Westwood Street To SR 65 without Improvements (Two-Way Two-Lane Highway Segment Analysis)

YEAR	PERIOD	LOS	V/C
2011	AM	C	0.30
	PM	C	0.31
2015	AM	D	0.41
	PM	D	0.43
2020	AM	D	0.53
	PM	D	0.56
2025	AM	E	0.67
	PM	E	0.70
2030	AM	E	0.80
	PM	E	0.82
2035	AM	E	0.90
	PM	E	0.95

Highway Capacity Software (HCS) was used for this analysis.

The option to widen to the south of the existing roadbed was selected since it has the least impact on existing structures such as houses and can make the most use of the existing roadbed.

When the facility is widened to 4 lanes, Newcomb Street will likely need to be converted from an at-grade intersection to a grade separation, either as an undercrossing or overcrossing. Additionally, the Prospect Street and SR 190 intersection would be closed. Closure of these two at-grade intersections

would be required for safety and operational reasons. Land use planning should consider this ultimate condition; frontage roads would need to be built to serve existing development near Prospect and to provide connectivity to Westwood Street. A frontage road might extend the period of time that these intersections can remain open, potentially diverting some traffic away from the Newcomb and Prospect intersections. The present cost of a Newcomb Street grade separation is estimated at \$18M to \$20M.

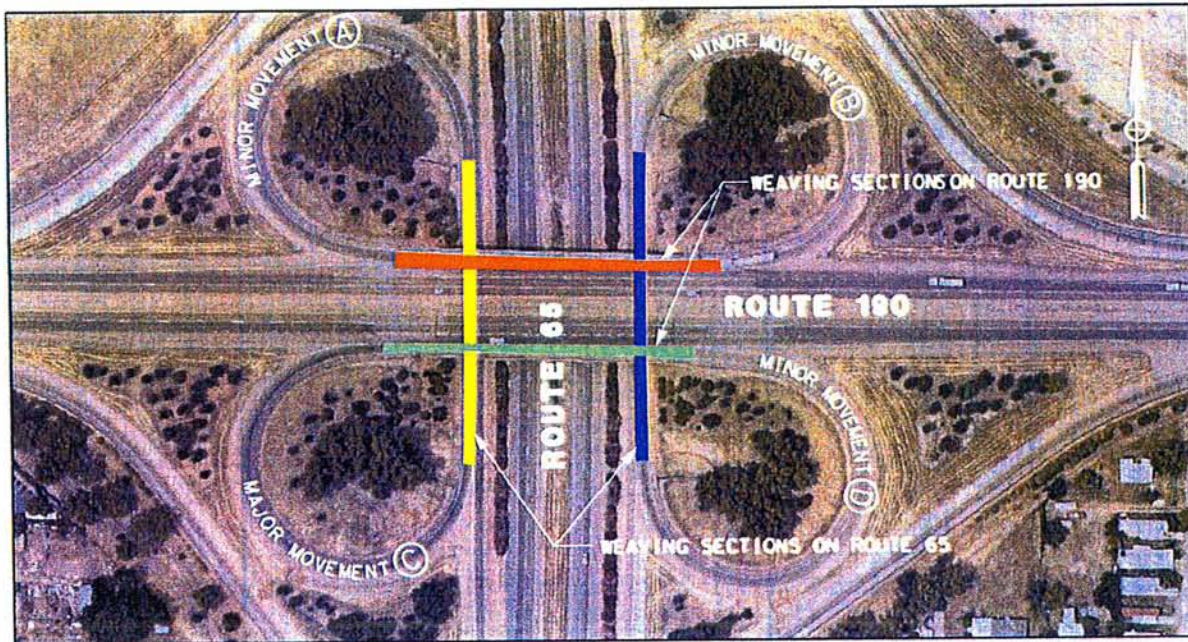
4.4 The SR 190-65 Interchange:

In general, cloverleaf interchanges were developed as low cost, compact designs that provided free-flow movements. It has four circular or loop ramps that provide for left-turn movements and 4 slip ramps for right-turn movements. This cloverleaf interchange has provided years of acceptable operations and should continue to do so for many more years. Today, two ramps carry the dominant volumes: the southbound SR 65 to eastbound SR 190 loop ramp, and the westbound SR 190 to northbound SR 65 slip ramp. The northern section of Porterville and East Porterville use these two ramps, balancing home-to-work or work-to-home commute hour trips.

As the City grows, traffic volumes in the interchange including the existing low volume loop ramps that provide connectivity to west Porterville, and south toward the airport will also grow. As they do, improvements to mitigate operational issues related to weaving that will occur on the short segment of road between the two loop ramps will be needed. Cloverleaf interchanges fail operationally when weaving volumes exceed the capacity of the weaving section and a rolling queue occurs. A rolling queue could occur on either SR 190 or the SR 65 frontage roads, where approach traffic slows to make room for entering loop ramp traffic. In the Bay Area and elsewhere, one or more of cloverleaf loop ramps have been replaced with high speed branch connectors, also known as flyovers.

The picture below shows the weaving sections.

Figure 4 – State Route 190 – State Route 65 Interchange Weaving Sections



The estimated volumes for the southbound SR 65 to eastbound SR 190 movement, identified as *major movement C*, will eventually grow beyond the capacity of its weaving section – the yellow segment above. As volumes grow, successfully moving the traffic through the yellow segment will then impact the downstream green segment on SR 190. Today, many of the loop ramps have very low traffic volumes. If urbanization occurs as proposed to the south and west, the minor loop ramp volumes will increase and weaving operations will degrade. Freeway-to-freeway ramp traffic volumes can be the most error-prone part of a travel forecasting. This is because the model often assigns traffic along the shortest travel path, not necessarily the fastest travel path, which is often an out-of-direction path when going through a freeway-to-freeway interchange. The table below shows the estimated traffic volumes and weaving level of service (LOS).

As the confluence of two inter-regional corridors, assistance from Tulare CAG would be needed to fund improvements.

Table 10 – Levels of Service for SR 190 and SR 65 Interchange Weaving Segments, 2035

Weaving Section	Peak Hour Period	Volume	LOS
Westbound (Orange)	AM	727	C
	PM	545	C
Eastbound (Green)	AM	1,153	D
	PM	1,111	D
Southbound (Yellow)	AM	1,381	E
	PM	1,128	B
Northbound (Blue)	AM	499	A
	PM	528	A

Solutions to the poor weaving sections include:

1. Create a collector-distributor road system on SR 190. Collector-distributor (CD) roads, an outer roadbed, move the operational breakdown away from the through lanes. Today, collector-distributor roads are on SR 65 but not on SR 190. This type of improvement can successfully manage poor operations as long as the CD road does not queue back into the freeway.
2. Eliminate one of the movements. This would typically mean taking the highest volume loop ramp and replacing it with a high speed branch. By eliminating the high volume conflict, two weaving segments are typically improved, leaving behind the lower volume loop ramps and permanently eliminating the weaving segment. Flyovers can be quite costly, typically \$45M to \$55M.
3. The third possible solution is to braid the high volume movement with one or more of the conflicting movements (low volume loop ramps). This could significantly lengthen the life of the cloverleaf, but it would depend on the downstream minor volume loop ramp and weaving that would remain. The probability of successfully improving this clover leaf with a single braided ramp appears low.

This study purposefully limits the analysis associated with improvements to the freeway-to-freeway interchange. The forecast volumes might under represent the demand and as such the need for improvements. To minimize costly improvements at this location, a strong local road system would provide the means for drivers to choose alternative and potentially shorter paths. The 2035 LOS estimates indicate an acceptable LOS on all but one movement. The queue was not analyzed and would

4.5 Indiana Street Grade Separation – Overcrossing or Undercrossing: The 2030 General Plan Circulation Network includes a proposed grade separation of Indiana Street and SR 190. A grade separation at this location would connect small portions of the city – those south of Olive Street and north of Scranton Street. Long distance travelers would typically use SR 65 to avoid the narrow roadway and low-speed conflicts along Indiana Street. A model difference plot is shown below.

The model difference measures the volume of traffic “with” and “without” the overcrossing. Red indicates increasing volumes along Indiana Street and green reflects decreasing traffic volumes at Jaye Street and SR 190. Today, all roadways are sized based on peak hour traffic volumes, as compared to AADT. The peak hour volume difference “with” Indiana Street was estimated at 192 AM trips and 248 PM trips. These are very low volumes and would not significantly benefit the Jaye Street - SR 190 intersection. The estimated daily volume (AADT) using the overcrossing was low at approximately 1500 vehicles. An overcrossing would cost approximately \$20M, not including the right of way cost that includes 22 residential houses and a portion of the new Walmart parking lot and access thereto. Based on engineering judgment, we would not recommend this roadway improvement but would defer to the residents and the elected officials as the benefits are more localized than interregional. Revisiting the overcrossing and its merits could occur with future General Plans as changing conditions might justify the overcrossing expense and impacts. We strongly support local road overcrossings with the state highway system and recommend overcrossings at not greater than ½ mile intervals.

4.6 Jaye Street Intersection and SR 190 between SR 65 and Jaye Street:

The travel demand model indicates large peak hour traffic volumes will travel between the northern section of Porterville and East Porterville via the SR 65 freeway-to-freeway interchange. The forecasted volumes indicate the outer lanes (lane 3) should be connected to the Route 65 interchange ramp. An auxiliary lane will be needed in the westbound direction for route continuity and as part of balancing the traffic volume using the westbound to northbound branch connector. The outside lane would be connected as a “trap” lane to the northbound on ramp to Route 65. An eastbound auxiliary lane is needed at the Jaye Street intersection and would be connected to the southbound to eastbound SR 65 loop ramp.

Improvements along the south side of SR 190 assume the need for soundwalls because of the close proximity of residential housing. Typically, noise mitigation is needed and should be required as part of roadway widening or residential development in this area. Soundwalls are not used where retail, industrial or commercial property abuts the state right of way.

Table 11 – Existing and Future Levels of Service for SR 190 and Jaye St Intersection Without Improvements (Signal Traffic Control)

YEAR	PEAK HOUR PERIOD	LOS	DELAY (sec/veh)	V/C Ratio ≥ 0.80	Queue length 95th (ft)
2008	AM	C	25.2		
	PM	C	24.7		
2015	AM	C	29.3		
	PM	C	29.5		
2020	AM	C	32.5		WBL-#208, NBL-#218
	PM	C	34.2		EBL-#196, NBL-#241
2025	AM	D	37.2	EBT-0.87, NBL-0.83	EBL-#178, EBT-#626, WBL-#263, NBL-#264
	PM	D	40.6	EBL-0.89, WBL-0.81, WBT-0.89, NBL-0.90	EBL-#240, WBL-#232, WBT-#655, NBL-#317
2030	AM	D	44.4	EBL-0.92, EBT-0.93, WBL-0.96, WBT-0.89, NBL-0.92	EBL-#215, EBT-#717, WBL-#325, WBT-#659, NBL-#320
	PM	D	53.4	EBL-0.98, EBT-0.88, WBL-0.80, WBT-1.02, NBL-1.03, SBL-0.81	EBL-#271, EBT-#643, WBL-#234, WBT-#797, NBL-#377, SBL-#181
2035	AM	E	60.5	EBL-1.01, EBT-1.04, WBL-1.06, WBT-1.01, NBL-1.02	EBL-#241, EBT-#844, WBL-#361, WBT-#849, NBL-#364
	PM	E	75.8	EBL-1.14, EBT-0.99, WBL-0.98, WBT-1.14, NBL-1.11, SBL-0.84, SBT-0.82	EBL-#314, EBT-#766, WBL-#292, WBT-#935, NBL-#425, SBL-#198, SBT-#217

Synchro 6 was used for signal analysis.

Table 12 –Future Levels of Service for SR 190 and Jaye St Signalized Intersection With Improvements

YEAR	Scenario	PEAK HOUR PERIOD	LOS	DELAY (sec/veh)	V/C Ratio ≥ 0.80	Queue length 95th (ft)
2030	Add 3rd EBT and WBT Lanes, Add 2nd WBL Lane	AM	C	32.6		
		PM	D	38.0	EBL-0.80, WBT-0.84, NBL-0.85	EBL-#236, NBL-#312
2035	with 2030 Improvements	AM	D	36.3	WBT-0.83, NBL-0.84	EBL-#194, WBL-#148, NBL-#299
		PM	D	43.3	EBL-0.94, WBT-0.91, NBL-0.93, SBT-0.82	EBL-#279, WBT-#528, NBL-#382, SBT-#217

Synchro 6 signal analysis was used for this table.

Tables 11 and 12 provide the intersection LOS and delay, which are the principal indicators of the intersection MOEs. Additionally, where V/C ratios of approach movements exceed 0.8, often excessive queuing and delay on the same movements indicate poor operations on a portion of the intersection.

Over time, the number of lane(s) or lane groups that have V/C greater than 0.8 and the number of lane(s) or lane groups indicated with the “#” sign that the 95% queue is exceeded, signifies excessive delay is occurring leading to poor operations. Table 11 in the 2025 PM row, depicts 4 lanes or lane groups will have V/C ratios above 0.8 and these movements will experience excessive queues and delays. The intersection operations are failing by 2025 and some congestion is expected by 2020

A 2035 operational analysis of the Jaye Street intersection, Table 12, indicates three through lanes, dual left-turn lanes and dedicated right-turn lanes will be needed to maintain an acceptable LOS. Where three lanes are provided, as noted above between Jaye Street and SR 65, widening east of Jaye Street is needed as well. The easterly limits of the third lane can only be defined based on the City’s plan for the Main Street interchange. If the City plans to maintain access to Main Street and to improve or complete the existing partial interchange at Main Street; the westbound third lanes would likely begin at the westbound loop on ramp. In the eastbound direction, a lane reduction (dropping a lane) is a more complex issue. The decision regarding where to drop the lane will depend in large part on two variables:

1. What is the plan for the eastbound off ramp to the Main Street interchange?
2. Where do the eastbound traffic volumes decrease, at Main Street or Plano Street?

Accurately defining the eastbound lane drop location can only occur in the future when the issues related to Main and Plano Streets are resolved.

4.7 Main Street Partial Interchange and the Plano Street At-Grade Intersection: The City expressed a desire to complete the partial interchange at Main Street. A full interchange at Main Street would add the eastbound on ramp and westbound off ramp, and would require closure of the at-grade Plano intersection due to operational concerns and in compliance with Caltrans Standards. The loss of access resulting from the closure of the Plano at-grade intersection could be mitigated in part with the construction of a grade separation, either an undercrossing or overcrossing thereby permitting north-south movements on Plano Street.

Alternatives developed for this location tried to minimize direct and indirect impacts to Porterville College, Vandalia Elementary School and Pioneer Middle School.

Main Street is important to the downtown community. Today, the downtown area obtains access from SR 65 via Olive Street and Henderson Street, and internally from other local roads like Morton Street.

The Main Street traffic volumes going to and returning from downtown are fairly small today and are not expected to increase significantly at the Main Street interchange ramp termini. Most downtown areas generate destination trips, more than “pass-by” or “convenience” trips. If the volumes on Main Street were higher, completion of the partial interchange at Main Street could be warranted to meet traffic needs, without regard to the issues related to downtown.

If the City elected to place an interchange at Plano Street and remove the existing ramps at Main Street, instead of completing the partial interchange at Main Street, there could be local road and land use benefits that Caltrans cannot define at this time. We see potentially greater connectivity at Plano than at Main Street as the interchange would serve a larger area and because Main Street narrows to two lanes in the downtown area. The decision should include developing local circulation between Main Street and Jaye Street as well. Now that the railroad west of Main Street is abandoned, is there sufficient opportunity to backfill the local road grid between Jaye and Main Streets? Caltrans has no vested interest in the near-term decision and would defer to the elected officials and City staff in cooperation with the people of Porterville. Over time, the Plano Street at-grade intersection LOS will degrade, warranting a reevaluation of Main and Plano Streets interchange and grade separation issues. While vacant land exists at both Plano and Main Streets, it would be extremely beneficial to make a decision before development encroaches on the future interchange locations. Purchasing developed property is costly and could have a significant effect on individuals and business. Caltrans would encourage the City to continue discussion on this issue. Caltrans prepared a conceptual interchange design at Plano. No cost estimate was prepared. A very preliminary estimate would be \$45M to \$50M, which includes \$5M for right of way.

Table 13 – Existing and Future Levels of Service for SR 190 and Plano St Intersection Without Improvements (Signal Traffic Control)

YEAR	PEAK HOUR PERIOD	LOS	DELAY (sec/veh)	V/C Ratio > 0.80	Queue length 95th (ft)
2008	AM	C	31.6		
	PM	C	32.3		
2015	AM	D	38.0	SBT - 0.85	
	PM	D	39.4	EBL-0.83, NBT-0.88	EBL-#297, NBT-#395, SBL-#251
2020	AM	D	43.5	EBL-0.83, NBL-0.84, SBL-0.81, SBT-0.91	EBL-#270, WBT-#357, NBL-#294, SBL-#252, SBT-#491
	PM	D	47.4	EBL-0.92, NBL-0.83, NBT-0.94, SBL-0.89	EBL-#360, WBT-#372, NBL-#262, NBT-#524, SBL-#286
2025	AM	D	52.7	EBL-0.97, WBT-0.89, NBL-0.96, NBT-0.83, SBL-0.84, SBT-0.96	EBL-#337, WBL-#137, WBT-#433, NBL-#361, NBT-#503, SBL-#258, SBT-#583
	PM	E	60.0	EBL-1.02, WBT-0.94, NBL-0.96, NBT-1.02, SBL-1.01, SBT-0.80	EBL-#409, WBT-#460, NBL-#338, NBT-#664, SBL-#315, SBT-433
2030	AM	E	67.8	EBL-1.07, WBT-1.05, NBL-1.05, NBT-0.87, SBL-0.95, SBT-1.05	EBL-#376, WBL-#148, WBT-#554, NBL-#399, NBT-#565, SBL-#281, SBT-#675
	PM	F	80.3	EBL-1.15, WBT-1.04, NBL-1.04, NBT-1.13, SBL-1.19, SBT-0.99	EBL-#461, WBT-#549, NBL-#390, NBT-#801, SBL-#343, SBT-583
2035	AM	F	87.9	EBL-1.25, EBT-0.83, WBT-1.10, NBL-1.21, NBT-1.00, SBL-1.01, SBT-1.19	EBL-#429, WBL-#161, WBT-#641, NBL-#455, NBT-#677, SBL-#285, SBT-#777
	PM	F	108.9	EBL-1.37, WBT-1.09, NBL-1.32, NBT-1.26, SBL-1.31, SBT-1.08	EBL-#523, WBL-#114, WBT-#623, NBL-#475, NBT-#947, SBL-#357, SBT-694

Synchro 6 was used for signal analysis.

An interchange at this location was not evaluated

Table 13 indicates the intersection LOS in 2025 is E. The early onset of operational failure is occurring today on the northbound approach where queue blocking and excessive delay occur in the morning for a short period. Improvements at this location will be needed before 2020 as multiple approach movements fail.

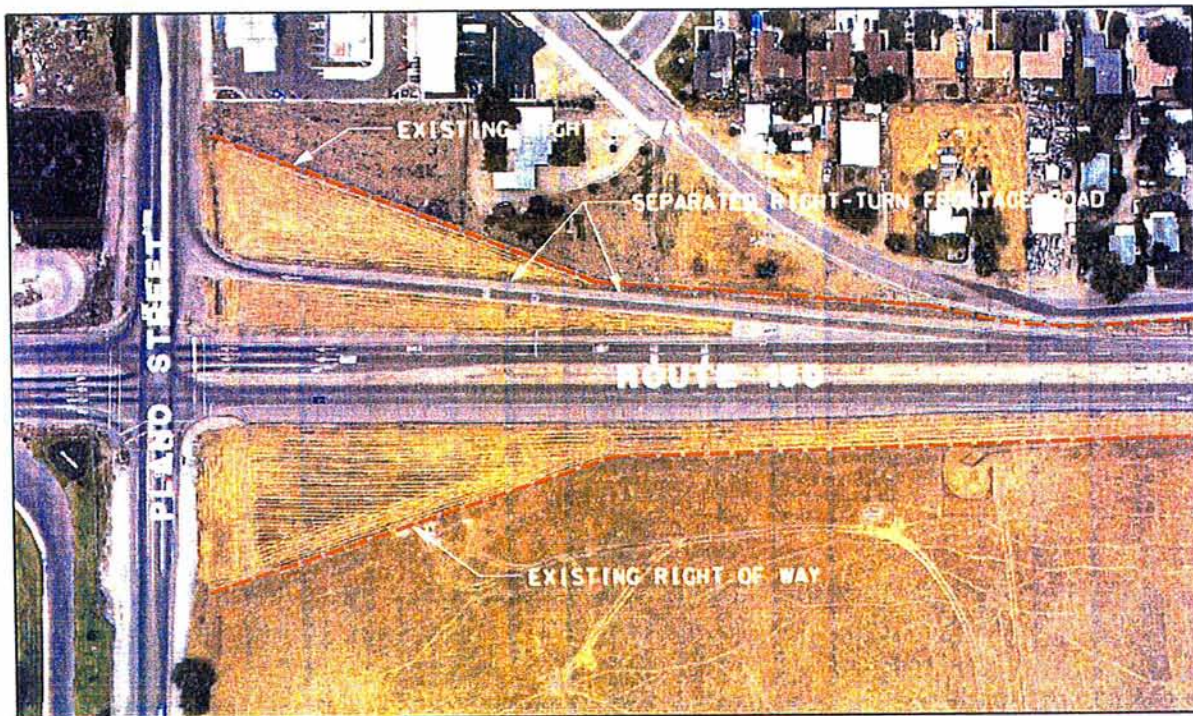
The proposed near-term improvements at Plano Street include two through lanes and two left turn lanes on each approach with dedicated right turn lanes. This type of improvement if implemented by 2015 should provide the required 20-year “design period.” The cost for at-grade intersection improvements at Plano Street is estimated to be \$7M.

Beyond 2035, the City would need to widen the corridor to six lanes or would need to convert this segment to a four-lane freeway. Widening to six lanes would exceed the available right of way and

would be costly. The recommendation is to revisit this issue at the next General Plan and to setback development from the freeway for noise and air quality reasons, and to permit future widening should it be needed. Good planning should minimize impacts to homes and businesses whenever possible.

Noteworthy is the existing right of way at Plano Street. The right of way is flared out for what appears to be provisions for a future westbound off ramp and eastbound on ramps. This additional right of way suggests the original concept could have been to develop a split interchange: two movements (WB on ramp and EB off ramp) would occur at Main Street and two movements (WB off ramp and EB on ramp) would occur at Plano Street. Today, westbound SR 190 traffic has access to downtown Porterville through Plano Street via a separate frontage road similar to an off ramp, see figure below.

Figure 6 – Existing Right of Way at Plano Street



The split interchange concept is an approved Caltrans Standard, type L-5 (see HDM Figure 502.2 and following). This type of interchange uses frontage roads to connect traffic between Plano and Main Streets. The frontage roads function as part of an interchange system. At this location, there are no frontage roads apart from the east-west roadways of Vandalia Street to the north and College Street to the south. These two streets are poor representations of connecting roads that would complete a split interchange concept. Vandalia Street is a narrow residential street that if used would create cut-

through traffic. College Street runs along Pioneer Middle School and Porterville College. The L-5 concept or derivatives thereof is not considered viable because of the frontage road issues.

4.8 Hillcrest Street At-Grade Intersection:

The City's 2030 General Plan Circulation Network proposes an interchange at Hillcrest Street. Caltrans would not be opposed to an interchange at Hillcrest Street. Caltrans would consider an at-grade intersection as an interim alternative. Adding access at Hillcrest Street would require a Tule River crossing, which would be expensive. Access at Hillcrest would extend the life of the at-grade Plano intersection by shifting some traffic to Hillcrest Street. Caltrans would require Martin Street to be closed, thereby moving the Martin Street traffic via frontage roads to Plano and Hillcrest Streets. Blue Heron Parkway might need to be closed as well, but could only be defined during formal project studies and as part of the "request for access" at Hillcrest Street.

As with other locations, the interim alternatives should include a roundabout along with a signalized intersection. Project costs are estimated to be \$20.3M for the roundabout and \$19.5M for the signalized intersection.

4.9 SR 190 – Blue Heron Parkway to Reservation Road (2C to 4C Widening): SR 190, East of Blue Heron Parkway to Reservation Road will need to be widened to four lanes. Along this segment, the current exclusion of utilities and the limited private property access is typical of expressways. The existing two-lane roadbed is located asymmetrical in the existing right of way suggesting two new lanes should be added south of the existing roadbed. This could only be accomplished within the existing right of way with a narrow, highway median. Expressways and freeways typically have wider medians and would be associated with higher speed or rural settings. The highway median alternative is proposed; however, approvability of the narrower median would occur at the project study phase. The suburban characteristics suggest the use of highway standards might be approvable as a slightly lower speed might be expected. The proposal for this segment of SR 190 is a high quality, limited access highway that could be built within the existing right of way.

Table 14 depicts the LOS and V/C ratio for various years. After 2020 the LOS falls to "E" warranting widening from 2 lanes to 4 lanes.

Table 14 – Existing and Future Levels of Service for SR 190 from Blue Heron Parkway to Reservation Road without Improvements (Two-Way Two-Lane Highway Segment Analysis)

YEAR	PERIOD	LOS	V/C
2012	AM	D	0.31
	PM	D	0.34
2015	AM	D	0.36
	PM	D	0.39
2020	AM	D	0.43
	PM	D	0.47
2025	AM	E	0.51
	PM	E	0.56
2030	AM	E	0.59
	PM	E	0.64
2035	AM	E	0.67
	PM	E	0.72

Highway Capacity Software (HCS) was used for this analysis.

If development is proposed along this segment, access should be taken from local roads. If residential housing is proposed adjacent to the highway, homes should be setback to minimize the effects of highway noise and air quality concerns. Soundwalls are typically used when urban residential housing is contiguous to the right of way. Soundwalls would block the view shed of the mountains and the scenic value of the river corridor. As such, rural ranchette or significant residential setbacks are encouraged to maintain the view shed and community identity.

The General Plan proposed an interchange at Road 284 (Worth Road) and SR 190. The traffic volumes do not warrant an interchange. Caltrans is in the process of developing a single-lane roundabout through the SHOPP. Over time, the roundabout would need modifications to add capacity. This study did not evaluate intersection improvements that could be needed once the roundabout is complete. Caltrans will work with the City and County through the intergovernmental review process (IGR) and development studies for future intersection improvements.

5. COSTS

Cost estimates were developed for each location for near-term, interim and long term improvements. The cost estimates use Caltrans six-page format, which at this stage can imply more accuracy than is available at this time. The unit cost used to estimate these projects is based on recessionary unit prices, from Caltrans 2009-2011 database. The right of way estimates came from internet real estate websites. All costs are in current dollars and would be subject to standard escalation rates. The current escalation rate is 3% per year. No separate inflationary index for real estate is available or provided.

Changes in land use have a potentially greater affect on the project cost than the inflation index and as such right of way preservation and irrevocable offers of dedication should be used to minimize runaway pricing. Under the California Subdivision Map Act (Government Code 66410-66499.38), the land use approval agency can approve development on the condition that the developer dedicate land for the circulation element. State and local agencies should make every reasonable effort to plan in such a way so as to minimize purchasing private homes or businesses and to develop adequate setbacks.

The cost estimates can be used to compare alternatives, to look for funding or as the basis of budgeting and to establish priorities. The table 15 below summarizes the six page estimates and alternatives by location and time. The appendix contains a more comprehensive break down of the cost estimates and the alternatives.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1 Overview: Much of SR 190 is rural or suburban as noted by the existing two lane highway and typically rural land use characteristics, except between SR 65 and Blue Heron Parkway. If the land use changes, consistent with the General Plan, the forecast volumes along the corridor could easily be realized. The conceptual geometric designs developed and discussed above are based on the 2035 horizon year. If implementation of the near-term improvements are delayed much beyond 2015, the "design year" would move beyond 2035 and the forecast volumes would grow potentially affecting the scope and cost. As such, the near-term projects are more sensitive to changes in scope. In comparison interim and ultimate projects will be reevaluated in the future and the concepts provided are more useful for planning rather than programming.

Listed below are the proposed improvements for each time frame. They are listed in a suggested order of importance. They are presented without bias and do not represent Caltrans' position or priorities. Caltrans is required by law to review development impact studies through the CEQA process. Based on this study, the City can work with Tulare COG to develop RTP fiscally constrained projects and develop funding strategies that include local development contributions. Where projects are predetermined in the RTP and fiscally constrained, the development community and the City of Porterville can more easily move through the CEQA process with Caltrans.

Table 15 – Conceptual Roadway Improvements And Total Project Capital Outlay Costs

	Near Term present - 2015		Interim 2015-2035		Ultimate beyond 2035	
	Roadway Improvements	Cost (\$M)	Roadway Improvements	Cost (\$M)	Roadway Improvements	Cost (\$M)
Westwood St	Construct Temporary Improvements	\$3.0	Widen and Signalize	\$12.8	Construct Interchange	\$35.2
Newcomb St			Construct Overcrossing	\$17.7		
Prospect St			Remove Access			
SR 190 from Westwood St to SR 65			Widen from 2C to 4E	\$32.9		
SR 190 from SR 65 to Jaye St	Construct WB Auxiliary Lane	\$1.2	Construct EB Auxiliary Lane	\$8.7		
Jaye St			Upgrade Intersection			
Main St			Signalize Ramp Terminals	\$1.1	Complete Partial IC (double cloverleaf)	\$34.4
					or Complete Partial IC (partial cloverleaf/diamond)	\$37.4
Plano St	Widen and Signalize	\$7.0			Construct Undercrossing	\$24.9
					or Construct Interchange	\$45.0
Martin St			Remove Access			
Blue Heron Parkway			*			
Hillcrest St			Construct 4L, and Signalize or Construct Roundabout	\$25.3	Construct Interchange	\$44.6
Hillcrest St to Reservation Rd			Widen from 2C to 4E	\$22.3		

*To be evaluated at a later time.

6.2 Near-Term Improvements: The study results show the following priorities for near-term improvement 1) Improve the at-grade Plano intersection. Increasing the capacity of this intersection could potentially extend the life of the intersection until 2035. 2) Improve the Westwood Street at-grade intersection at SR 190. 3) Finally, extend the westbound auxiliary lane between Jaye Street and SR 65.

6.3 Interim Improvements: The interim improvement projects are typically larger and much costlier.

1) The Main Street off ramp queue and delay will become problematic. As traffic volumes increase on Main Street, the gap for cars to clear the ramp terminal will decrease resulting in excessive delay. The scope for improving the ramp(s) is small and as such is not expensive or time consuming. A possible funding source for the City is fair share mitigation fees from development.

2) The Hillcrest Drive river crossing and at-grade intersection with SR 190 would significantly improve East Porterville circulation. Caltrans freeway agreement would need to be modified to permit a new access opening. In addition, this project would be quite costly.

3) The third priority is the roadway segment and intersection improvements between SR 65 and Westwood. This includes both widening SR 190 from 2 lanes to 4 lanes and improving the Westwood intersection beyond the near-term improvements listed above; it also includes the Newcomb Street overcrossing. This will be a regionally significant and costly improvement that is important to the development community and local circulation. As development occurs south of the river and west of SR 65, the right of way for SR 190 should be set aside in the tentative map phase. Owning the right of way will significantly reduce the project cost.

Area wide fee structures are much better than "fair share" contributions that occur on a project by project basis. Where a local traffic impact fee structure is comprehensive, traffic impact studies can be streamlined permitting development to precede quickly and with reduced CEQA development costs. A traffic impact mitigation fee program is the most reasonable way to approach large improvement projects and to leverage Tulare CAG's funding sources.

4) An eastbound auxiliary lane will be needed between SR 65 and Jaye Street. This improvement would extend the life of the weaving section on SR 190 at the freeway-to-freeway interchange and address the need for additional capacity at the Jaye Street intersection. Further engineering studies will be needed to determine where to drop the eastbound lane, east of Jaye Street. This study indicates that near 2025, the Jaye Street intersection will need capacity increasing improvements. If West Porterville does not develop as projected, this improvement could be prioritized above the interim priority 3, listed above.

6.4 Ultimate Concepts:

The 2035 population projections for Porterville exceed 100,000 people. State Routes 65 and 190 represent a significant, historic investment in the circulation system. As the City grows, additional interchanges will be needed to manage traffic linking the local road network to the state highway system. It will be critical for the City of Porterville to protect the right of way when farmland is rezoned or subdivision maps are created. To minimize unnecessary impacts associated with high costs and adverse taking of homes and businesses, right of way needs to be dedicated in accordance with associated government codes. Some local agencies in the area have successfully built multi-lane urban freeways without taking any homes and businesses using good planning.

The interchange geometric design concepts are provided to meet the operational needs of the City and represent a basis for protecting right of way.

One present concern is the capacity of Westwood to manage the yet unknown north-south volumes along with the interchange traffic. The land use incorporated in the 2035 model does not represent build out of the area; moreover, the forecast volumes along Westwood are quite low. Where possible, the City should limit direct access to Westwood (no driveways and limited city street connections), reducing operational impediments along Westwood. Interchanges are typically more compatible with limited access arterials rather than collectors because of the cross-freeway traffic volume and the high volumes accessing SR 190. This would be an important consideration in the City's evaluation of land use planning on Westwood.

This study considered the options of completing the Main Street partial interchange or constructing an interchange at Plano St. The City of Porterville can use this study to define a local preference in their circulation element.. Doing so would permit inclusion of the project in

the Regional Transportation Plan (RTP) and the City can work toward protecting the right of way and developing a funding mechanism.

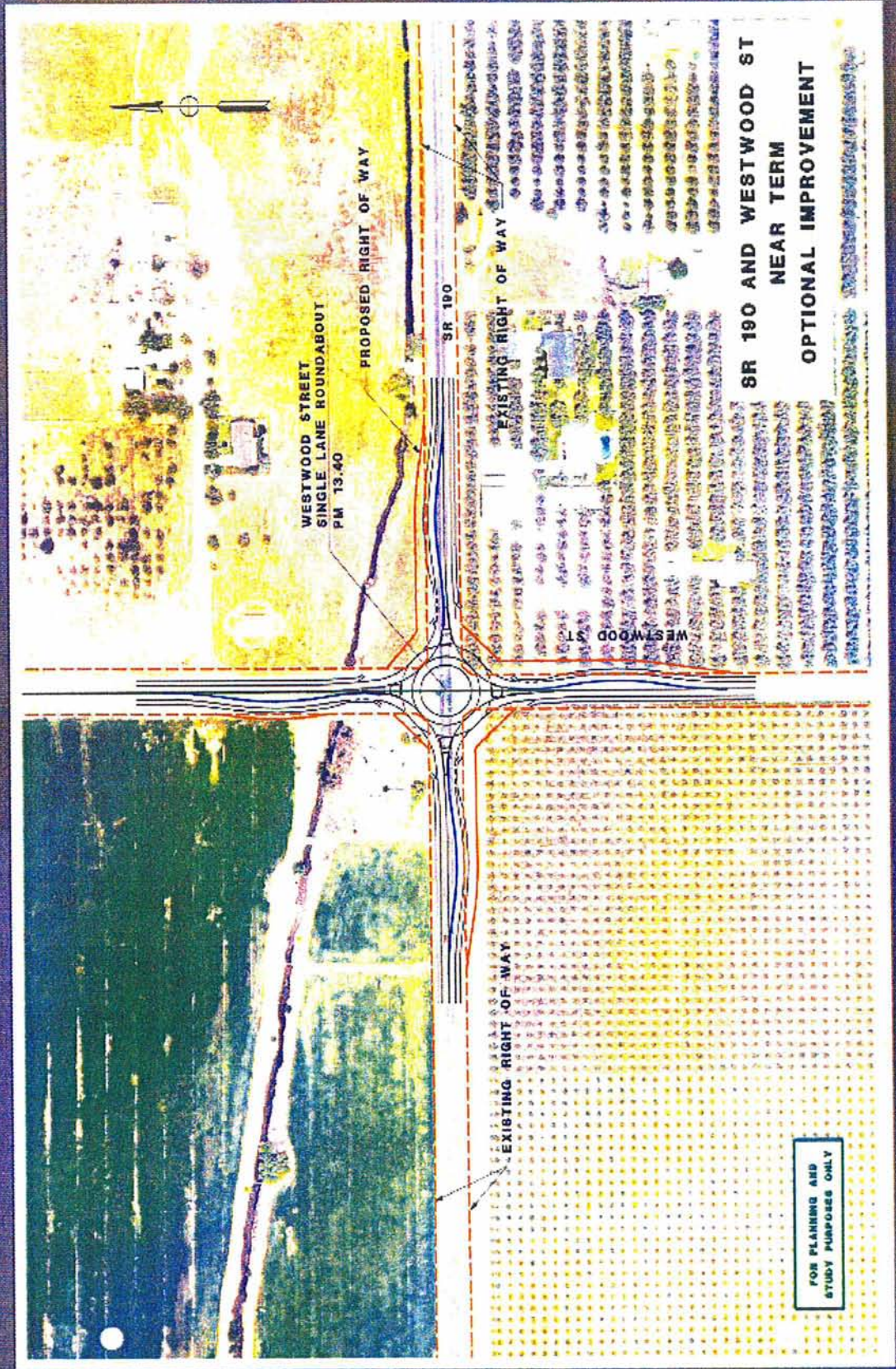
SR 190 Corridor, City of Porterville
Project Cost Estimate Summary

Legend	Near Term
	Interim
	Ultimate

Present Worth Values Provided											
Location	Limits	Description	Roadway Items	Roadside Items	Roadway Additions	Total Roadway	Total Structures	Subtotal Construction Costs	Total Right of Way	Support Cost	Total Project Capital Outlay Costs
Westwood	PM 13.4 Intersection	Construct a temporary improvement to mitigate near term impacts	\$ 920,000	\$ 450,000	\$ 310,000	\$ 1,680,000	\$ -	\$ 1,680,000	\$ 235,000	\$1,053,250	\$ 2,968,250
Westwood	PM 13.4 1000 ft north and 1000 ft south on Westwood Street at SR 190	Widen from 2 lanes to a 4-lane roadway and a signalized at-grade intersection at Route 190 with dual left-turn lanes on all approaches. Provide curb-gutter, sidewalk, street lights on Westwood St.	\$ 4,102,850	\$ 354,000	\$ 2,406,699	\$ 6,863,549	\$ -	\$ 6,864,000	\$ 2,984,000	\$2,954,400	\$ 12,802,400
Westwood	PM 13.4 Westwood Street Interchange	Construct spread diamond interchange at Westwood Street, realign the canal and relocate utilities.	\$ 11,397,050	\$ 440,000	\$ 7,043,045	\$ 18,880,095	\$ 4,950,000	\$ 23,831,000	\$ 3,204,000	\$8,110,500	\$ 35,145,500
Newcomb	Newcomb St Overcrossing from south of the Tule River on the north, to just south of the Poplar ditch to the south (PM 14.4)	Construct a 4 lane overcrossing with a 18 foot median, curb-gutter, sidewalk, street lights, and realignment of sewer line in Newcomb.	\$ 5,263,520	\$ 210,000	\$ 3,256,744	\$ 8,730,264	\$ 4,230,000	\$ 12,961,000	\$ 670,000	\$4,089,300	\$ 17,720,300
SR 190 Widening from Westwood to SR 65	SR 190 from 3000 ft west of Westwood St to SR 65	Widen SR 190 from 2 Lane Conventional to 4 Lane Expressway	\$ 12,526,204	\$ 662,000	\$ 7,846,981	\$ 21,035,185	\$ -	\$ 21,035,185	\$ 4,281,000	\$7,594,856	\$ 32,911,041
WB Auxiliary Lane	From the WB Route 190 to Route 65 off ramp departure point, to 2000 feet east.	Construct an auxiliary lane and new shoulder.	\$ 539,451	\$ 5,000	\$ 198,725	\$ 743,176		\$ 744,000	\$ 13,000	\$454,200	\$ 1,211,200
EB Auxiliary Lane	From the Loop Ramp at Route 65 to the Jaye Street Intersection	Construct an auxiliary lane and new shoulder, add retaining walls and soundwalls, and reconstruction part of the NB Route 65 to EB Route 190 slip ramp.	\$ 4,672,395	\$ 5,000	\$ 1,952,812	\$ 6,630,207		\$ 6,631,000	\$ 35,000	\$1,999,800	\$ 8,665,800
Jaye Street											
Main Street	PM 16.4 Main Street Partial Interchange ramp terminals	Construct an eastbound off ramp right-turn lane, handicap ramps, and signalize the eastbound off ramp as well as the westbound on ramp termini.	\$ 534,825	\$ -	\$ 167,133	\$ 701,957	\$ -	\$ 702,000	\$ 13,000	\$429,000	\$ 1,144,000

Location	Limits	Description	Roadway Items	Roadside Items	Roadway Additions	Total Roadway	Total Structures	Subtotal Construction Costs	Total Right of Way	Support Cost	Total Project	
											Capital Outlay	Costs
Main Street	PM 16.4 Route 190 at Main Street, complete the partial interchange	Construct double cloverleaf interchange, with loop on ramps in the northeast and southwest quadrants. The existing bridge would be widened on the north and south side of Route 190.	\$ 11,662,466	\$ 230,000	\$ 6,421,932	\$ 18,314,398	\$ 5,136,250	\$ 23,451,000	\$ 2,981,000	\$7,929,600	\$ 34,361,600	
Main Street	PM 16.4 Route 190 at Main Street, complete the partial interchange	Construct partial cloverleaf interchange north of Route 190, and a diamond interchange south of Route 190. The existing bridge would be widened on the north side of Route 190.	\$ 13,104,306	\$ 255,000	\$ 7,214,025	\$ 20,573,331	\$ 3,138,750	\$ 23,713,000	\$ 5,085,000	\$8,639,400	\$ 37,437,400	
Plano Street	PM 16.9 Plano Street Under Crossing	Excavate along the existing Plano roadbed and adjacent parcels, to construct a divided 4 lane collector. A raised 12 foot median, (4) 12-foot lanes, 8-foot shoulders and sidewalks.	\$ 5,329,950	\$ 324,000	\$ 3,053,133	\$ 8,707,083	\$ 4,929,000	\$ 13,637,000	\$ 5,490,000	\$5,738,100	\$ 24,865,100	
Plano Street	PM 16.9 Plano Street At-Grade Intersection Improvements	Construction 4 lanes on Plano with dual left and dedicated right turn lanes on all approaches. Signalize the intersection.	\$ 2,770,300	\$ 40,000	\$ 1,517,562	\$ 4,327,862	\$ -	\$ 4,327,862	\$ 485,000	\$2,213,917	\$ 7,026,779	
Hillcrest Drive	Hillcrest Drive from Lake Success Road to Worth. Close Martin Street. Connect Vandalia to Hillcrest and improve Pettis, Starks and Pike Streets.	Construct a 4 lane roadway with a 14 foot median on Hillcrest with a signalized intersection at Route 190. Curb-gutter and sidewalk, street lights, a water main and limited storm drainage system improvements.	\$ 5,306,300	\$ 78,000	\$ 2,907,522	\$ 8,291,822	\$ 8,602,000	\$ 16,894,000	\$ 2,577,000	\$5,841,300	\$ 25,312,300	
Hillcrest Drive	PM 17.9 1100 feet north and south of Route 190 at Hillcrest	Construct double cloverleaf interchange, with loop on ramps in the northeast and southwest quadrants.	\$ 13,928,600	\$ 490,000	\$ 8,795,346	\$ 23,213,946	\$ 6,292,000	\$ 29,506,000	\$ 4,778,000	\$10,285,200	\$ 44,569,200	
SR 190 Widening from 2 lanes to 4 lanes.	Hillcrest PM 17.9 to Reservation Road PM 21.1	Widen from 2 lanes to 4 lanes with a divided median.	\$ 10,204,672	\$ 512,000	\$ 6,376,420	\$ 17,093,092	\$ -	\$ 17,093,092	\$ 26,000	\$5,135,728	\$ 22,254,820	

Westwood St. - "Near Term" Project (Single Lane roundabout)



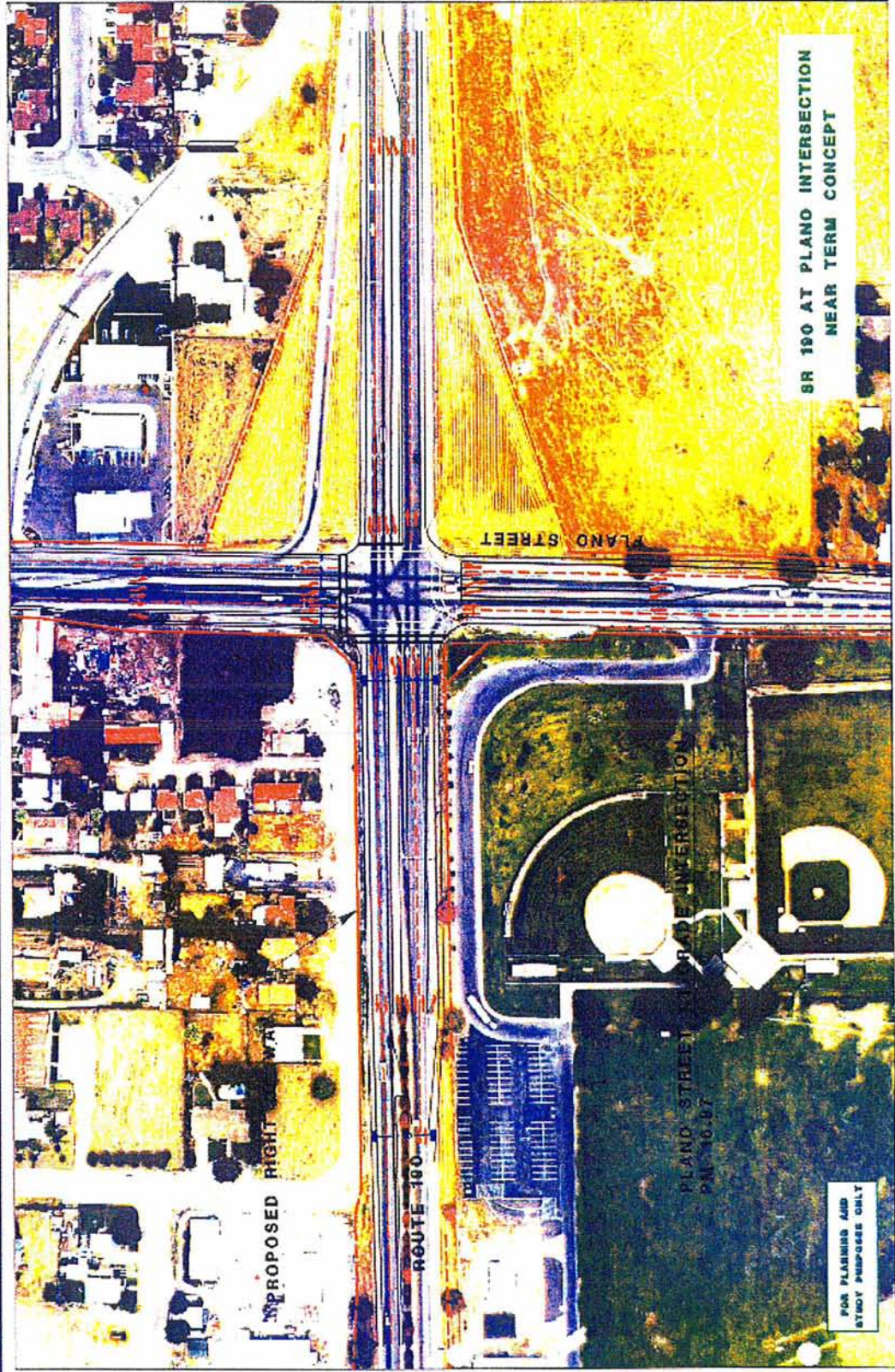
Westbound Auxiliary Lane – “Near Term” Project (Jaye Street to SR 65)



Signalization of Existing Main Street On and Off Ramps w/ Dedicated Right and Left Turn Lanes for Off Ramp – “Near Term” Project



Plano St. – “Near Term” Project – Signalized Intersection



COOPERATIVE AGREEMENT

Project Study Report – Project Development Support (PSR-PDS)

This Agreement, effective on _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

City of Porterville, a body politic and municipal corporation or chartered city of the State of California, referred to hereinafter as CITY.

RECITALS

1. PARTNERS are authorized to enter into a cooperative agreement for improvements to the state highway system (SHS) per Government Code 65086.5.
2. CITY desires that a project initiation document (PID) is developed for operational improvements at four locations on State Route (SR) 190 including; westbound auxiliary lane from SR 65 to Jaye Street, intersection improvements at SR 190 and Westwood, and intersection improvement at SR 190 and Plano, and Main Street ramp termini improvements, within the SHS and is referred to herein as PROJECT.
3. PARTNERS acknowledge that this Agreement is only applicable for a Project Study Report-Project Development Support (PSR-PDS) PID.
4. CITY requests CALTRANS to develop the PID and CITY is willing to fund one hundred percent (100%) of the costs and fees of the PID and the costs to reimburse CALTRANS.

CALTRANS will develop, review and approve the PID as reimbursed work.
5. PARTNERS hereby set forth the terms, covenants, and conditions of this Agreement, under which they will complete the PID.

ROLES AND RESPONSIBILITIES

6. CALTRANS will prepare a PID for PROJECT at CITY's sole cost and expense and at no cost to CALTRANS.
7. CALTRANS will complete the work elements that are assigned to it on the SCOPE SUMMARY which is attached to and made a part of this Agreement by reference. CITY will complete the work elements assigned to it on the SCOPE SUMMARY. Work elements marked with "N/A" on the SCOPE SUMMARY are not included within this Agreement. Work elements are outlined in the *Workplan Standards Guide for the Delivery of Capital Projects* available at www.dot.ca.gov/hq/projmgmt/guidance.htm.

8. CALTRANS has no obligation to perform work if funds to perform work are withheld or unavailable.

INVOICE AND PAYMENT

9. CITY agrees to pay CALTRANS, an amount not to exceed \$120,000.
11. The cost of any engineering support performed by CALTRANS will be charged according to current law.
12. CALTRANS will invoice CITY for a deposit of \$20,000 after execution of this Agreement and thirty (30) working days prior to the commencement of PROJECT expenditures.
13. Thereafter, CALTRANS will invoice CITY for actual cost of work performed based on prior month's expenditures.
14. After PARTNERS agree that all work is complete for the PROJECT, CALTRANS will submit a final accounting for all costs. Based on the final accounting, CALTRANS will refund or invoice as necessary in order to satisfy the financial commitments of this Agreement.
15. If an executed Program Supplement Agreement (PSA) or STIP Planning, Programming, and Monitoring Program Fund Transfer Agreement (PPM) exists for this PROJECT then CITY will abide by the billing and payment conditions detailed for the fund types identified in the PSA or PPM.
16. If CITY has received Electronic Funds Transfer (EFT) certification from CALTRANS then CITY will use the EFT mechanism and follow all EFT procedures to pay all invoices issued from CALTRANS.
17. Except as otherwise provided in this Agreement, PARTNERS will pay invoices within 30 calendar days of receipt of invoice.

GENERAL CONDITIONS

18. Per Chapter 603, amending item 2660-001-0042 of Section 2.00 of the State Budget Act of 2012, the cost of any engineering services performed by CALTRANS towards any local government agency-sponsored PID project will only include direct costs. Indirect or overhead costs will not be applied during the development of the PID document.
19. If HM-1 or HM-2 is found within the PROJECT limits, CALTRANS will notify CITY.
20. CITY, independent of PROJECT, is responsible for any HM-1 found within PROJECT limits and outside the existing SHS right of way. CITY will undertake or cause to be

undertaken HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to PROJECT schedule.

21. PARTNERS agree to consider alternatives to PROJECT scope and/or alignment, to the extent practicable, in an effort to avoid any known hazardous materials within the proposed PROJECT limits.
22. CALTRANS' acquisition or acceptance of title to any property on which any HM-1 or HM-2 is found will proceed in accordance with CALTRANS' policy on such acquisition.
23. CALTRANS, independent of PROJECT, is responsible for any HM-1 found within the existing SHS right of way and will pay, or cause to be paid, all costs for HM MANAGEMENT ACTIVITIES related to HM-1. CALTRANS will undertake, or cause to be undertaken, HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to PROJECT schedule.
24. CALTRANS' obligations under this Agreement are subject to the appropriations of resources by the Legislature, the State Budget Act authority, and the allocation of funds by the California Transportation commission.
25. Neither CITY nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS or under this Agreement. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless CITY and all of its officers and employees from all claims, suits, or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under this Agreement.
26. Neither CALTRANS nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CITY and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CITY or under this Agreement. It is understood and agreed that CITY, to the extent permitted by law, will defend, indemnify, and save harmless CALTRANS and all of its officers and employees from all claims, suits, or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CITY and/or its agents under this Agreement.
27. This Agreement is intended to be PARTNERS' final expression and supersedes all prior oral understanding pertaining to PROJECT.
28. This Agreement will terminate 180 days after PID is signed by PARTNERS or as mutually agreed by PARTNERS in writing. However, all indemnification articles will remain in effect until terminated or modified in writing by mutual agreement.

DEFINITIONS

HM-1 – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law whether it is disturbed by PROJECT or not.

HM-2 – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law only if disturbed by PROJECT.

HM MANAGEMENT ACTIVITIES – Management activities related to either HM-1 or HM-2 including, without limitation, any necessary manifest requirements and disposal facility designations.

PARTNER – Any individual signatory party to this Agreement.

PARTNERS – The term that collectively references all of the signatory agencies to this Agreement. This term only describes the relationship between these agencies to work together to achieve a mutually beneficial goal. It is not used in the traditional legal sense in which one PARTNER's individual actions legally bind the other parties.

SCOPE SUMMARY – The attachment in which each PARTNER designates its responsibility for the completion of specific work elements as outlined by the *Guide to Capital Project Delivery Workplan Standards* (previously known as WBS Guide) available at <http://www.dot.ca.gov/hq/projmgmt/guidance.htm>.

CONTACT INFORMATION

The information provided below indicates the primary contact information for each PARTNER to this Agreement. PARTNERS will notify each other in writing of any personnel or location changes. Contact information changes do not require an amendment to this Agreement.

The primary Agreement contact person for CALTRANS is:

Garth Fernandez, Project Manager
2015 East Shields, Suite 100
Fresno, CA 93726

Office Phone: (559) 243-8012

The primary Agreement contact person for CITY is:

Mike Reed, Deputy Public Works Director, City Engineer
291 N Main Street
Porterville, CA 93257

Office Phone: (559) 782-7462

SIGNATURES

PARTNERS declare that:

1. Each PARTNER is an authorized legal entity under California state law.
2. Each PARTNER has the authority to enter into this Agreement.
3. The people signing this Agreement have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: _____
Sharri Bender Ehlert
DISTRICT DIRECTOR

Certified as to funds:

By: _____
William Etherton
BUDGET MANAGER

CITY OF PORTERVILLE

By: _____
Name Tbd
Title TBD

Attest:

By: _____
Name Tbd
Title TBD

Approved as to form and procedure:

By: _____
Name Tbd
Title TBD

SCOPE SUMMARY

WORK ELEMENT	CALTRANS	CITY	N/A
0.100.05.05.xx - Quality Management Plan			X
0.100.05.05.xx - Risk Management Plan			X
0.100.05.05.xx - Communication Plan			X
0.100.05.10.xx - Cooperative Agreement for PA&ED Phase	X		
0.100.05.10.xx - Independent Quality Assurance (IQA)			X
0.100.05.10.xx - Project Development Team Meetings	X		
1.150.05.05 - Review of Existing Reports Studies and Mapping	X		
1.150.05.05.xx - Provision of Existing Reports, Data, Studies, and Mapping			X
1.150.05.10 - Geological Hazards Review	X		
1.150.05.10.xx - Provision of Existing Geological Information			X
1.150.05.15 - Utility Search	X		
1.150.05.15.xx - Provision of Existing Utility Information			X
1.150.05.20 - Environmental Constraints Identification	X		
1.150.05.20.xx - Provision of Environmental Constraints Information			X
1.150.05.25 - Traffic Forecasts/Modeling			
1.150.05.25.xx - Provision of Existing Traffic Forecasts/Modeling Information			X
1.150.05.30 - Surveys and Maps for PID	X		
1.150.05.30.xx - Provision of Existing Surveys and Mapping			X
1.150.05.35 - Problem Definition	X		
1.150.05.45 - As-Built Centerline and Existing Right of Way	X		
1.150.05.xx - Provision of Existing District Geotechnical Information	X		
1.150.10.05 - Public/Local Agency Input	X		
1.150.15.05 - Right of Way Data Sheets	X		
1.150.15.10 - Utility Relocation Requirements Assessment	X		
1.150.15.15 - Railroad Involvement Determination	X		
1.150.15.25 - Preliminary Materials Report	X		
1.150.15.35 - Multimodal Review	X		
1.150.15.40 - Hydraulic Review	X		
1.150.15.50 - Traffic Studies	X		
1.150.15.55 - Construction Estimates	X		
1.150.20.05 - Initial Noise Study	X		
1.150.20.10 - Hazardous Waste Initial Site Assessment	X		
1.150.20.15 - Scenic Resource and Landscape Architecture Review	X		
1.150.20.30 - Initial Records and Literature Search for Cultural Resources	X		
1.150.20.50 - Initial Water Quality Studies	X		
1.150.20.60 - Preliminary Environmental Analysis Report Preparation	X		
1.150.20.65 - Initial Paleontology Study	X		
1.150.25.05 - Draft PID	X		
1.150.25.20 - PID Circulation, Review, and Approval	X		
1.150.25.25 - Storm Water Data Report	X		

WORK ELEMENT	CALTRANS	CITY	N/A
1.150.35 - Required Permits During PID Development	X		
1.150.40 - Permit Identification During PID Development	X		
1.150.45 - Base Maps and Plan Sheets for PID	X		

CITY COUNCIL AGENDA: AUGUST 6, 2013

SCHEDULED MATTER

SUBJECT: DETERMINATION OF ZONING CONFORMANCE - DEFINITION OF PERSONAL SERVICES LAND USE CLASSIFICATION

BACKGROUND: On July 17, 2013, Community Development Department staff received a request for clarification of the use classification "Personal Services" (Attachment 1). The interested party asked that florist shops be considered a personal service due to the component of their business model that involves creating custom work for weddings and other events. Series 600 of the Porterville Development Ordinance identifies the designated responsibilities of the various bodies, officials, and administrators, and Section 600.03 (g) specifies that this type of request would typically be considered by the Zoning Administrator. However, in this case, the property owner of the site of interest is a member of the City Council, and, therefore, the issue is required to be considered by the City Council pursuant to the provisions of the Political Reform Act.

For purposes of this discussion it is important to note that the Porterville Development Ordinance defines both Personal Services and Retail Sales uses. Section 701 of the Porterville Development Ordinance defines the two land uses as follows:

Personal Services: *Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, tattoo parlors, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies.*

Retail Sales: *The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with ten thousand (10,000) square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and*

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ITEM NO. 33

installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. This classification includes secondhand and wholesale stores. This classification excludes medical marijuana dispensaries.

The applicant has represented their interest as a florist shop on property zoned D-PO, Professional Office in the Downtown District. In this zone, personal services are a permitted use. As defined above, retail sales less than 50,000 square feet are permitted, but only as accessory to a primary use. Accessory use is defined in Section 700 as “a use that is customarily associated with, and is incidental and subordinate to, the principal use and located on the same lot as the principal use”. After speaking with the prospective owner, the use is described as a flower shop. The purpose defined for the D-PO zone is to “encourage the adaptive re-use of existing buildings with office and professional uses, and infill of new office buildings, in order to provide convenient services to local residences and businesses, complement nearby retail development, and maintain the historic residential character of the area”.

The interested party currently operates a business at 45 West Putnam Avenue, and has indicated that, due to parking constraints and business expansion goals, she is looking for another location in the downtown area. The specific site being considered at present, and the focus of this request, is 73 West Cleveland Avenue, at the southeast intersection of West Cleveland Avenue and North “D” Street (APN 252-186-003). If a determination is made finding that a florist is a personal service, it would not be limited to this specific parcel, and would be consistently applied in the D-PO and PO zones.

ANALYSIS: The land use classification “Personal Services” is defined in Series 700 of the Development Ordinance as “provision of recurrently needed services of a personal nature.” By comparison, “Retail Sales” includes “the retail sale or rental of merchandise not specifically listed under another use classification”. The definition of retail sales includes a long list of various shops, some of which include a service component secondary to the retail sales. While florist shops are not specifically listed in any given zone district, the definition of retail sales incorporates any non-specified sales use as retail.

Numerous retail uses include a service component. One might find a demonstration of specific cooking skills at a housewares store, or the preparation of a gift basket at a gift shop. The purchase of carpeting could include installation, purchase of large furniture could include delivery, or purchase of a watch battery might involve the jeweler replacing the old battery. Indeed, the definition of “Retail Sales” in Section 701 notes that

“retail sales may be combined with other services such as office machine, computer, electronics, and similar small item repairs”. This service component does not result in a shift of the primary use as retail.

Because of the importance of retail uses to the downtown area, the Development Ordinance provides great flexibility. Of the nine downtown zone districts, retail sales less than 50,000 square feet are permitted by right, without condition, in all but four: medium density residential, high density residential, professional office, and public/semi-public. Conversely, there is a need for office space as well, and the current zoning designations provide specific areas of land for current and future professional offices, focused on the northern portion of downtown between Morton and Putnam Avenues. The Economic Development Division is seeing an increased interest in available office space in anticipation of the opening of the new courthouse, and offices near the Putnam corridor in particular are often associated with medical doctors and specialized professionals serving the hospital and medical district. In general, there is not an excess of available PO zoned land. Based on the growth goals identified in the General Plan, professional office zones make up less than one percent of the land within the City, even at full build-out.

Commercial zones are more broadly designated, making up about 12 percent of the City’s developed area by 2030. In commercial zones citywide, retail uses, personal services, and professional offices are accommodated. As the City’s commercial center, the downtown area provides a variety of commercial zoned opportunities, allowing owners flexibility for their businesses.

The Zoning Administrator acknowledges the interested party’s goal of expanding her existing business to a new location downtown, but based on analysis of the Development Ordinance, would not find the proposed business in the D-PO zone consistent. As stated above, consideration of this particular item was forwarded to the City Council. It is important to note that any decision of the Zoning Administrator is appealable to the City Council for their ultimate consideration.

RECOMMENDATION: That the City Council determine whether a florist constitutes a personal service and/or is an approved use in the D-PO and PO zones.

ATTACHMENT: 1. Letter from business owner dated July 17, 2013
2. Authorization letter from Property Owner dated July 30, 2013

RECEIVED

July, 17 2013

JUL 17 2013

Community Development
Department

Brad Dunlap/ Zoning Administrator
City of Porterville
291 N Main Street
Porterville, CA 93257

TO WHOM IT MAY CONCERN

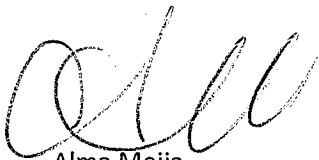
Dear Sir/Madam

73 W Cleveland Ave, Porterville, CA 93257 APN# 252-186-003

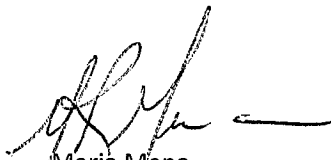
We, the undersigned, ask that the above-mentioned property is considered by the City Council as an item for discussion and vote at the next Council meeting.

The subject property is zoned POD. Our intention is to open a florist store on the subject property, and we ask that the City Council allow us to do so, under the current zoning for the following reasons:


- POD allows for needed services of a personal nature. Even though we realize that in our business money is exchanged for goods, our intention is to create custom work for our clients (for funerals, weddings, anniversaries, and such events of a personal nature), and therefore we believe that our service is not incompatible, and in fact conforms with the intent of personal service.
- Miss Alma Mejia and her business need to expand, and therefore can no longer stay at their current location (45 W Putnam Avenue), because of lack of parking and because there are in need of a bigger facility.
- Miss Mejia Really would like to help beautify downtown, and it would break her heart to have to move her business away from downtown, but she would find herself in that position, should she not be allowed to expand her business in said location, which would not only leave yet again another vacant lot, but also a vacant building.
- The subject property is a blighted lot, and it would be a shame if it stayed as such for years to come, when it could instead be a beautiful brand new building, offering customized service to local people, who could walk and shop downtown, whilst waiting for their arrangement.
- There is already a high percentage of both already developed and undeveloped PO zoned facilities and lots, which are vacant, and we would not want the subject property to just be another percentage.
- Such a business, though not listed under PO use, is also not listed under Retail, and therefore falls between the cracks, and is has not been clearly identified as purely retail by the planning department.
- We know that City is proud to call Herself "business friendly", and we trust that the honorable council members will support a small local business owner trying to find her American dream!



Alma Mejia
Carmen's Vineyard
Potential Buyer



Maria Mena
Realtor & downtown
business owner



Raffaella Woods
Melson Realty

**ATTACHMENT
ITEM NO. 1**

7-30-13

From: Greg Shelton
888 N. Williford Dr.
Porterville, CA, 93257

To: City of Porterville

To Whom it may concern:
Please consider this correspondence as
constructive notice that I approve of
the request by Rafaella Woods to
consider a zoning conformance review
for the piece of vacant property located
at 73 W. Cleveland. If you have any
questions, please contact me!

Thanks,
Sincerely,
Greg Shelton
Phone # (559) 784-7809

ATTACHMENT
ITEM NO. 2

CITY COUNCIL: AUGUST 6, 2013

SCHEDULED MATTER

SUBJECT: CONSIDERATION OF OPTIONS FOR CITY SMART PHONE APP

SOURCE: Administration

COMMENT: At the May 21, 2013, City Council meeting, the Council directed staff to research the possible options for implementing a local government mobile application and Citizen Relationship Management (CRM) system that would allow the public to interface with the City government and report nonemergency problems they observe in the community, such as potholes, graffiti, damaged sidewalks, code violations, and other similar issues. Pursuant to this direction, staff identified the following products that offer mobile app and CRM solutions for local governments: CitySourced, SeeClickFix, Government Outreach, and PublicStuff.

After a thorough examination of the available options, staff has identified the PublicStuff product as the most comprehensive and cost-effective solution for Porterville (see Attachment 1 for side-by-side analysis). In addition to offering a robust service request and problem reporting system, the PublicStuff product allows for an unlimited number of additional "buttons" to be programmed into the mobile application that would enable residents to access a wide array of City services, such as: paying utilities, examining transit routes and stops, connecting to City websites and social media, reserving available public spaces, staying up-to-date on City events and programs, viewing City Council agendas, linking to local news media, exploring tourist information, and accessing virtually any other service or information staff desired to include. This feature permits the City's mobile app to serve as a civic engagement tool for residents and visitors alike, as well as providing a medium for problem reporting.

Most of the mobile application products on the market include the use of the company's generic application that residents download and then specify for Porterville to access the City's features. In order to have a custom-branded, City of Porterville application available for download in the mobile app stores, most of these companies require a steep fee in addition to the annual contract cost. However, with the PublicStuff product, the custom-branded application is included in the annual cost, with no additional fee. This distinction of the PublicStuff product makes it easier for residents to find, download, and utilize the City's smart phone application.

In addition to the tools available for the public in the mobile application, the PublicStuff product also includes an extensive internal administration dashboard that serves as the City's command and control center for the entire service request and work order system. The internet-based

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ITEM NO. 34

dashboard is where all service requests are sent and reviewed by City staff. Referred to as "Citizen Relationship Management" (CRM), the internal system has many features to control and analyze the service request workflow, such as establishing routing protocols, evaluating submitted requests, communicating with citizen reporters, viewing filtered maps of reported issues, producing instant reports of system data, and maintaining the mobile application functions. Furthermore, unlike any of the other products, the PublicStuff contract includes a full-time personal account manager for the City to handle all staff inquiries, technical assistance, troubleshooting, and system maintenance. The retention of a personal PublicStuff account manager would relieve the City's IT department from having to provide technical support for the system.

It is important to note that when implementing a mobile application and online work order management system, the City would be able to keep the traditional means of reporting nonemergency issues available to the public, in addition to the new technological avenues. The PublicStuff product has a "No Wrong Door Approach" that allows requests from walk-ins, phone calls, text messages, postal mailings, and emails to be entered into the City's online CRM system.

Some of the potential positive effects of implementing the PublicStuff mobile application and online work order management system for the City would be: enhancing communication between the City and local residents; improving the quantity and quality of service information for City personnel; increasing citizen participation in local governmental processes; expanding attendance at local events and programs; and engaging younger generations with the local community and civic life.

RECOMMENDATION: That the City Council accept the presentation of options for a City smart phone application, and provide staff direction.

ATTACHMENTS:

1. Chart: Product Comparison
2. Company Profile: PublicStuff
3. PublicStuff Product Overview

	CitySourced	SeeClickFix	Government Outreach	PublicStuff
Mobile Application	Generic CitySourced App* Android, iOS, Windows, BlackBerry No "widgets" (buttons)	Generic SeeClickFix App* Android, iOS, Windows, BlackBerry Unlimited "widgets" (buttons)	Generic GOResponse App* Android, iOS 3 widgets (buttons)	Custom in-app-store application Android, iOS, Windows, BlackBerry Unlimited "widgets" (buttons)
City User Accounts	Unlimited Users	Unlimited Users	Unlimited	50 Users Additional accounts may be added
Mapping	ESRI	Google Maps	Google Maps	ESRI Enhanced
Voice & SMS Features	None	None	None	Custom City-specific phone & text numbers
Reporting	Basic metrics & analytics	Enhanced reporting & analytics	Basic reporting & analytics	Enhanced reporting & analytics
System Setup	Assisted	Semi-Assisted	Assisted	Assisted
Support	Customer Service	Customer Service	Customer Service	Account Manager
Add. Features	Multi-jurisdictional service	Multi-jurisdictional service	Knowledge base on City website Google Translate support	"No Wrong Door Approach" Automatic "One Voice" Translations
Costs	One-time setup fee: \$2,000 Annual license fee: \$6,600** Custom App: Undisclosed add. cost	One-time setup fee: \$2,000 Annual license fee: \$7,000** Custom App: Add. \$3,000 annually	One-time setup fee: \$3,500 Annual license fee: \$5,400** Custom App: Add. \$2,000 per platform	One-time setup fee: \$0 1 Year Agreement: \$8,800 2 Year Agreement: \$8,536 3 Year Agreement: \$8,360

* Custom app in app stores available at additional cost

** Additional cost for custom app not included in annual fee

Company Profile: PublicStuff



Background: PublicStuff promotes its product as a way to energize civic engagement by boosting citizen interaction, improving government efficiency, and helping governments respond quickly to citizen requests. PublicStuff is based in New York but serves clients nationwide. Founded in 2009, the company currently provides services for 200 cities, 30 of which subscribe to the full version of the product with custom apps in the app stores.

Platforms: Android, iPhone, Windows Phone, and Blackberry

Branding: Use of generic PublicStuff app: N/A
Custom application in app stores: Included

Main Functions:

- Mobile application service requests and nonemergency problem reports with picture attachments and GPS location services.
- User map view and list view of all reported issues.
- "Nearby Requests" function.
- Internal routing protocols and extensive workflow management to separate service requests into multiple steps among different departments and staff.
- Internet-based internal administration control dashboard (CRM).
- Ability to track citywide trends through map filters and data isolation in the administration dashboard.
- Real-time feedback and notifications for citizens with both pre-set and manual-entry reply messages.
- Extensive internal control over entire system.
- 50 user accounts with personalized dashboards for each user.

Mapping: Esri Enhanced and Google Maps

Add. Features:

- Unlimited additional buttons in app for city services and information.
- "No Wrong Door" approach with custom voice call and texting features.
- Personal PublicStuff account manager.
- Enhanced reporting and analytics.
- Spam monitoring.
- Knowledge base integrated with city website.
- Automatic translations via PublicStuff's "One Voice"
- Ability to "mute" users who abuse the reporting system.

Costs:

One-time setup fee-	\$0.00
1 Year Agreement-	\$8,800
2 Year Agreement-	\$8,536*
3 Year Agreement-	\$8,360*

* Fees are paid each individual year. A discounted rate for each year is available with 2- and 3-year contracts.

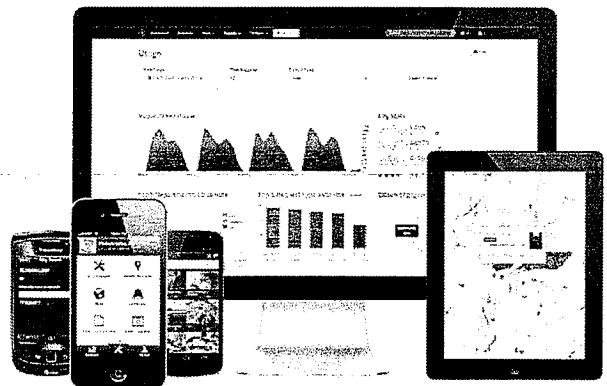
City References: Elk Grove, CA; Redwood, CA; Palo Alto, CA; Daly City, CA

Analysis: PublicStuff is by far the most robust and all-encompassing mobile app and CRM product on the market. The product offers extensive internal controls and customization. The company's "No Wrong Door Approach" allows residents to call or text their service requests to a custom city phone number and the requests are automatically translated into the CRM system. With a personal account manager, the city would have around-the-clock access to personalized support and assistance from the company. The advanced capabilities of the PublicStuff system offer the most user-friendly external and internal interfaces.



Build Your Best City Government

PublicStuff is the easiest way to engage your community and improve access to city services. Cities across the country are using PublicStuff's mobile app, web solution and internal staff CRM system to close service requests, connect residents to their representatives, and follow up directly with members of their community.



The result? Responsive governments, engaged residents, and thousands of dollars saved each year.

\$128k

Annual Savings

Oceanside, CA

91%

Completed Requests

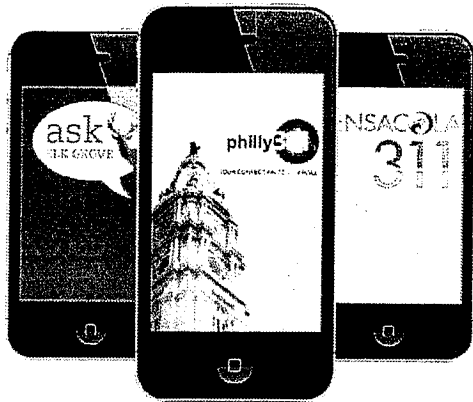
Philadelphia, PA

+51%

Resident Engagement

Plano, TX

Why do cities around the country love PublicStuff's mobile app?



Automatic Translations

Our "One Voice – Instant Translation" feature ensures PublicStuff is accessible to everyone. For example, if a resident submits a request in Spanish, your staff can opt to receive it in English and then send a reply that's automatically translated back into Spanish!

Completely Customizable

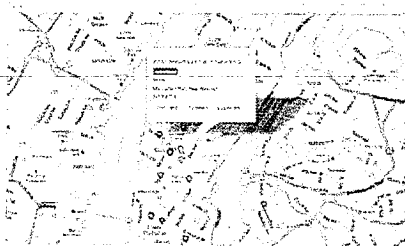
No one knows your city better than you. Brand your city's app and add information or updates that are relevant to your residents. Many cities also use our CivicApps feature to provide their residents information on animal adoptions, city events, transit data and other important information. You can also choose what types of service requests to include depending on the biggest issue areas in your city.



Communication & Notifications

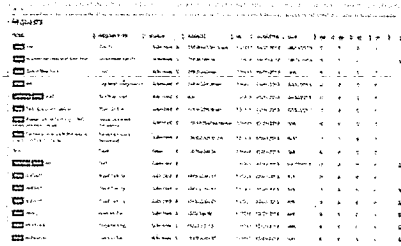
Reach out to your residents directly with push notifications to keep them updated on the status of their service requests. Push notifications can also be used for city emergency alerts.

How are PublicStuff cities saving money and reducing staff time?



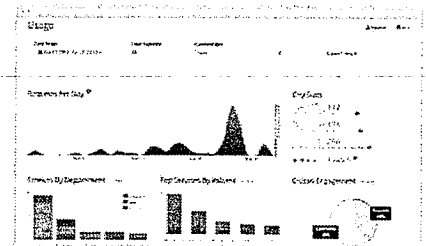
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Our tools let you visualize service requests thanks to features like ESRI integration with GIS mapping. At a glance you can tell which areas in your city suffer the most from specific types of issues.



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CITY COUNCIL AGENDA: AUGUST 6, 2013

SCHEDULED MATTER

SUBJECT: DINNER AND ARTS ON MAIN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Dinner and Arts on Main event is to be held at Centennial Park and consists of art displays by local artists and musical performances by local groups and/or community members. In 2012, the event was sponsored by the American Association of University Women (AAUW), but this year lacks a sponsor for the event. The AAUW has requested that the Arts Commission endorse the event and request the City Council to sponsor the event. During the Arts Commission meeting on July 17, 2013, the Arts Commission voted to recommend to the Council that the City sponsor the event. Based on the presentation by the citizens making the request, the focus of the sponsorship would be to cover the insurance obligations and have the Parks Department assist in delivering tables and chairs and picking them up after the event. After the Commission voted to recommend that the Council sponsor the event, the Dinner and Arts on Main Committee met to discuss scheduling the activities for October. Due to the late date, the Committee has decided there is not adequate time to plan for an October 2013 event. However, the Committee recommends that planning for the event next year commence in order to have more time to prepare.

RECOMMENDATION: That the City Council consider the Arts Commission recommendation to sponsor the Dinner and Arts on Main event next year, with the City of Porterville providing insurance liability and staff support.

ATTACHMENT: Dinner and Arts on Main Information Report

DINNER & ARTS ON MAIN INFORMATION REPORT

Sponsors: Staff contacted the Chamber of Commerce regarding sponsoring the event. Their reply was that they would assist in placing an article in their newsletter, place an ad in the Porterville Recorder, allow the use of the banner created last year, use of flyer template, and contact Dr. Allard to ask about the orchestra performing on the day of the event.

Staff made a presentation to the Porterville Art Association (PAA) board asking about the possibility of sponsoring the event. The PAA board decided that this is an event they cannot take on due to the limited volunteer participation they are experiencing.

AAUW feels they cannot sponsor the event this year since they have their time and efforts committed to other activities. However, Eleanor Foerster volunteered to be part of the planning committee. As such, there are no formal sponsor unless the City agrees to sponsor.

Insurance:

If the Arts Commission decides to either sponsor or endorse this event, the cost for the City of Porterville to provide insurance would be zero (\$0), since the City is self insured.

Budget:

There is no cost associated with this event. If the Arts Commission sponsors or endorses the event, flyers could be printed in-house in the Community Development Department. Donations of printing would be beneficial due to the fact that the Department's budget did not anticipate copying for Event promotions. The porta-potties would be covered by a donation made by Finance and Thrift.

Planning Committee:

Eleanor Foerster, Daniel Lovato, Denise Marchant, Lupe Diaz

Sales:

There would be no sales of art, food or any other items during the event. Local nearby restaurants can choose to participate by having specials for either pick-up or delivery.

Artist:

Local area artist would be invited to display their art.

Entertainment:

The groups that participated last year would be invited to perform again. Any other local groups that wish to participate would be considered. Program length would determine the number of groups that can perform.

CITY COUNCIL AGENDA – AUGUST 6, 2013

SUBJECT: APPOINTMENTS TO THE CHARTER REVIEW COMMITTEE AND
CITY'S INTERNAL AUDIT COMMITTEE

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

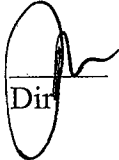

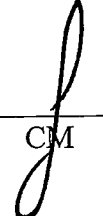
COMMENT: At its meeting of July 16, 2013, the Council considered the appointment method of the nine-member Charter Review Committee and determined that each Council Member would select one member, with the remaining four being selected by a majority of the Council Members. At Council's direction, staff publicized the newly-established Committee and solicited requests for appointment from interested individuals. As of the time of agenda compilation, five individuals have submitted requests for appointment, four of which meet the designated qualifications of being a registered voter within the City of Porterville. Those are:

- Teri Irish
- Gary Giraudi
- Stephanie Cortez
- Jenna Salazar

Additionally on July 16th, the Council directed staff to re-advertise the vacancy that currently exists on the Internal City Audit Committee. As of the time of agenda compilation, no requests have been received. At this time, staff seeks direction from the Council.

RECOMMENDATION: That the City Council appoint nine members to the Charter Review Committee; and provide direction to staff regarding the Internal City Audit Committee vacancy.

ATTACHMENTS: Requests for Appointment

 Dir	 Approp./ Funded	 CM
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Item No. 36

RECEIVED

JUL 25 2013

CITY OF PORTERVILLE
PERSONNEL

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Teri Irish

(Please Print)

Appointment to: Charter Review Committee

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: 1133 E Jasmine South Drive

Porterville CA 93257

Mailing Address: _____

Name of Business: Security Telecommunications of Porterville, Inc.

☒ Own

☐ Operate

Business Address: 768 N Prospect Street

Porterville CA 93257

Telephone: Home 559-781-6509

Work 559-781-3310

FAX 559-781-6586

E-mail tirish@ocsnet.net

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: Owner/President of S.T.O.P. Alarm, Inc. for 34 years

President of the Rotary Club of Porterville 2007/2008

Member of the Rotary Club of Porterville 14 years

Graduate of Leadership Porterville 1974

Porterville Woman of the Year 1997

Chamber Ambassador of the Year 1998

☐ Resume attached

☐ Letter of request attached

Submitted By: Teri Irish

07/25/2013

Date

Received by: _____

Forwarded to: City Clerk ☐ Date: _____

City Council ☐ Date: _____

City Manager ☐ Date: _____

Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: _____

RECEIVED

JUL 26 2013

CITY OF PORTERVILLE
PERSONNEL

CITY OF PORTERVILLE

REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Gary Giraudi
(Please Print)

Appointment to: Charter Review Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: 100 S. Westwood #15
Porterville, CA 93257

Mailing Address: (See Above)

Name of Business: Miller Memorial Chapel
☐ Own ☒ Operate

Business Address: 1120 W. Goshen Ave.
Visalia, CA 93291

Telephone: Home 559-784-3692
Work 559-732-8371
FAX 559-732-0392

E-mail gary.giraudi@dignitymemorial.com

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

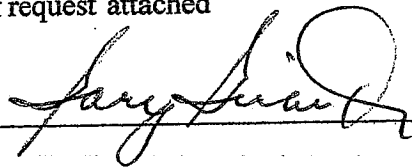
☐ No

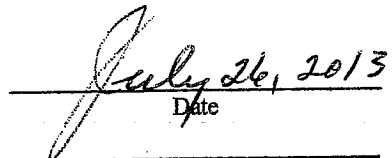
Qualifications: Following my retirement as a Porterville area teacher and administrator, I have been in funeral service management for 25 years. I began my career in funeral service at Whitehurst Loyd in Porterville and for the past six years have managed Miller Memorial Chapel in Visalia, CA. A graduate of the Leadership Porterville Program and a past president of the Porterville Chamber of Commerce, I currently serve on the Board of the Porterville Sheltered Workshop and am secretary of the St. Anne's School Board. As a native son of Porterville, combined with my experience in education and the private business sector, this gives me a unique insight into the positives and also the challenges Porterville will face in the future.

☒ Resume attached

☒ Letter of request attached

Submitted By: _____




Date

Received by: _____

Forwarded to: City Clerk D Date: _____

City Council D Date: _____

City Manager D Date: _____

Applicable Dept. D Date: _____

Tentative Council Mtg Date: _____

July 26, 2013

Honorable Virginia Gurrola, Mayor
City of Porterville
291 North Main Street
Porterville, CA 93257

Dear Mayor Gurrola:

I am kindly requesting City Council's consideration for an appointment to the Charter Review Committee.

I have attached my appointment application and resume as requested. I appreciate your consideration of my application for an appointment.

Regards,

A handwritten signature in black ink, appearing to read "Gary Giraudi", with a large, stylized flourish at the end.

Gary Giraudi

100 s. Westwood #15
Porterville, CA 93257
559-784-3692
559-779-4856

Gary S. Giraudi

100 S. Westwood #15, Porterville, CA 93257
(559) 784-3602 Home or (559) 779-4856 Cell

Objective: City of Porterville Charter Review Committee

Miller Memorial Chapel, Visalia, CA
Whitehurst Loyd Chapel, Porterville, CA

July 2007 to Present
Sept. 1989 to June 2007

Manager

- ☐ Manage daily operations of funeral homes
- ☐ Supervising staff in daily operations
- ☐ Direct funeral services and ceremonials
- ☐ Facilitate arrangements with families

Columbine School District, Delano, CA
Saucelito School District, Terra Bella, CA

1979 to 1989
1965 to 1979

School Principal, Educator and Superintendent

- ☐ Grade 8 Teacher
- ☐ Principal
- ☐ Superintendent

RECEIVED
JUL 29 2013
CITY OF PORTERVILLE
ADMINISTRATIVE SERVICES

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Stephanie Cortez
(Please Print)

Appointment to: Charter Review Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or ☒ IF NEW, please provide:

Street Address: 1651 W Grand Ave
Porterville CA 93257

Mailing Address: _____

Name of Business: ITC
☒ Own ☐ Operate

Business Address: 244 W Olive
Porterville CA 93257

Telephone: Home _____
Work 559-784-8324
FAX 559-783-2774
E-mail Stephanie@ite-tech.net

City of Porterville resident:

D ☒ Yes
D ☐ No

Registered Voter:

D ☒ Yes
D ☐ No

Qualifications: _____

☒ D Resume attached

☒ D Letter of request attached

Submitted By: Stephanie Cortez 7/29/13
Date

Received by: _____

Forwarded to: City Clerk D Date: _____

City Council D Date: _____

City Manager D Date: _____

Applicable Dept. D Date: _____

Tentative Council Mtg Date: _____

Stephanie N. Cortez

1651 W. Grand Ave.
Porterville, Ca 93257

559-310-4121
stephanie@itc-tech.net

OBJECTIVE: To be a contributing member of an organization that values cumulative professional work experience and education.

SUMMARY:

- 10 years of Fiscal management
- Experienced developer of business plans, strategic plans, marketing plans, and capital fundraisers
- Project management oversight with many different organizations
- Business start-up consultant for new companies
- Developer of annual business portfolios

EDUCATION: Masters of Business Administration
Grand Canyon University, June 2008

Bachelor of Management Organizational Development
Fresno Pacific University, February 2006

EXPERIENCE:

ITC
Owner

3/2007-Current

I am the current owner of the company. I have been in business for 6 years. I development the business organization, I maintain all of the financials. I handle all of the project contracts that deal with State, County, and Government. I have proactive conflict resolution skills. I monitor technology trends and implement new changes accordingly. I staff three technicians and an administration assistant.

Townsend Architectural Group
Controller

10/2003-Current

I serve as the company controller of all the finances. I maintain all of the A/P, A/R, payroll, taxes. I create yearly budgets and work with contracts for projects.

Porterville College
Adjunct Teacher

2011-2012

I have been a adjunct teacher at the local community college and I have instructed Introduce to Business, Keyboarding, Financial and Managerial Accounting

ACTIVITIES:

- Porterville Chamber of Commerce
- Porterville Noon Rotary
- AOE Harmony Magnet Academy
- Treasure for St. Anne's Home & School Association
- Leadership Porterville Steering Committee
- Graduate of Leadership Porterville 2010

Chair 2013
Past Vocation Board
Executive Officer as Secretary
Executive Officer as Treasure

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

RECEIVED
JUL 29 2013
CITY OF PORTERVILLE
ADMINISTRATIVE SERVICES

Please complete all blanks.

Name: Jenna Salazar
(Please Print)

Appointment to: Charter Review Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: 1967 W. Nancy Ave.
Porterville, CA 93257

Mailing Address: (same as above)

Name of Business: Rethought Reborn
☒ Own ☐ Operate

Business Address: 1967 W. Nancy Ave.
Porterville, CA 93257

Telephone: Home 559.783.9545

Work 540.454.9533

FAX 559.783.9545

E-mail Jenna.Salazar@rethoughtreborn.com

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications:

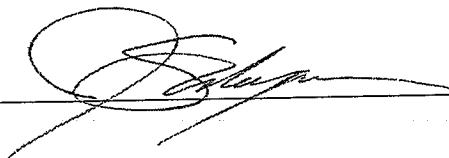
In addition to my experience outlined in my résumé (attached), I wanted to highlight a few accomplishments that I believe would be relevant to the task of the Charter Review Committee:

- Leadership Porterville, Class of 2013. *Serving as Secretary, served as Event Chairperson for Festival of Colors Run, acting co-Chair of Tulare County Display redesign project.*
- Eight-year Army veteran. *Wrote SOP's for the Army's pilot multi-composition Biowarfare defense unit, which was then adopted for distribution within the company*
- Managed Care Coordinator. *Created position policies and procedures for newly created job position, resulting in resolution of over \$100, 000 in medical claims through retroactive authorizations.*

☒ Resume attached

☒ Letter of request attached

Submitted By: _____



29 Jul 2013
Date

Received by: _____

Forwarded to: City Clerk

☐ Date: _____

City Council

☐ Date: _____

City Manager

☐ Date: _____

Applicable Dept.

☐ Date: _____

Tentative Council Mtg Date: _____

JENNA SALAZAR
1967 W. Nancy Ave., Porterville, CA 93257 | 559.783.9545 | Jenna.Salazar@rethoughtreborn.com

July 29, 2013

Virginia Gurrola
Mayor
City of Porterville
291 N. Main St.
Porterville, CA 93257

Dear Mayor Gurrola:

I respectfully request your consideration to serve on the Charter Review Committee. I am attaching a Request for Appointment and my résumé for review, and look forward to the opportunity to serve my community in this capacity.

I am confident I will be able to fulfill the time obligations throughout the duration of this committee, and am eager to closely examine the City's Charter.

Having been born and raised in Porterville, and recently returned after a 10-year hiatus during my military service, I am grateful for the doors my participation in Leadership Porterville 2013 has brought, and have a desire to be actively involved in serving others and contributing to the betterment of the City of Porterville.

Sincerely,



Jenna Salazar

ENCLOSURES

Request for Appointment

Résumé

JENNA SALAZAR

SUMMARY OF QUALIFICATIONS

Over 15 years' experience in positions of increasing responsibility in both the military and civilian sector, encompassing the following areas:

- Program Development
- Event planning and coordination
- Inventory Management
- Training Development
- Personnel Administration
- Records Management
- Human Resources and employment recruitment
- Designed, implemented, and managed numerous training programs; conducted seminars and briefing sessions.
- Supervised office and field staff; coordinated work flow.
- Worked closely with senior-level management in long-term strategic planning.

EXPERIENCE

01/01/2013 Rethought Reborn

Marketing Consultant (Owner)

Original design and development of brands, logos and marketing plans; redesign of existing sites; create and maintain full service retail and eCommerce sites; business integration of social media and search engine optimization (SEO); design and develop portfolios; provide site analytics and traffic reports; event planning and coordination, including trade show booths; create and manage promotion campaigns; design and distribute marketing materials; graphic design.

01/04 – 01/12 United States Army

Chemical, Biological, Radiological & Nuclear Specialist; Reserves 10/08 – 01/12

Assisted in the establishment and application of Chemical, Biological, Radiological and Nuclear (CBRN) defense measures for the unit; provided training advice and supervision regarding the proper use and maintenance procedures for CBRN equipment and operations; maintained and supplied unit personnel with CBRNE equipment and conducted regular inspections ensuring proper functionality; operated and performed operator maintenance on smoke generating equipment, CBRN identification/detection and decontamination equipment; trained soldiers on CBRN response operations; operated and maintained CBRN detection and decontamination equipment.

Biowarfare Defense Specialist, Assistant Team Leader; Active Duty 05/04 – 09/06

Responsible for the supervision, combat training, morale, discipline, safety, health and welfare of four Soldiers; accountable for the utilization of two M1097A2 trucks, two M1113 trucks, one 10 kw generator, one trailer, and equipment valued over 3 million dollars; trained company CBRN Teams, conducted training and command inspections; assisted in the planning and execution of all the company's nuclear, biological and chemical CBRN training, advised the company commander on tactical CBRN situations.

09/03 – 01/04 Management Recruiters Int'l, Fresno Fresno, CA

Project Coordinator

Worked with the HR departments of high-profile clients to identify and provided specific personnel for their needs and on behalf of candidates seeking permanent employment; negotiated fees based on priority of search; extensive client contact; researched various niche markets to identify past and present trends.

04/03 – 09/03 Boracchia + Associates Fresno, CA

Sales Associate

Introduced new surgical and medical technologies to physicians; trained and monitored product use in operating room or healthcare provider's office; educated and serviced patients as needed regarding various products; submitted proposals for consigning or purchasing equipment or products to clients; billed for equipment or products used; coordinated CME conferences when indicated for physicians in surrounding areas on new technology; in-serviced operating room staff on proper use of equipment/ product; obtained and submitted proper documentation for proof of medical necessity for prescribed product as required by patient's insurance policy.

01/03 – 04/03 Tulare County Sheriff Office Visalia, CA

Emergency Dispatcher

Received and transmitted emergency calls by telephone, radio, or other signal system; relayed information to sheriff patrol cars, police, ambulances, fire apparatus, rescue squads, or other personnel and equipment as needed to handle all complaints and requests for assistance; monitored activities of all sheriff units in the field; kept records of all activity related to the delivery of emergency services or other services required of the dispatch center; performed such other duties as assigned by appropriate authority.

11/01 – 01/02 Earl S. Pearson, M.D. Porterville, CA

Medical Assistant / Receptionist

Scheduled appointments; prepared next day's charts; processed payments; generated end-of-day report and balanced accounts receivable; prepared patients for various surgeries and other procedures; assisted physician in surgeries as directed; obtained pertinent data from patient; completed operative reports, lab requisitions and specimen transport forms; medical transcription; managed inquiries from the public, patients, and staff.

01/01 – 09/01 Certus Corporation Fresno, CA

Client Services Coordinator

Primary:

Designed, compiled and submitted all daily, weekly and monthly reports to all clients; traveled onsite to client facilities to review systems, established procedures; monthly client invoicing; attended and documented all internal and external meetings; coordinated day-to-day client/staff inquiries and processes.

Other duties:

Hospital billing; interfaced with payers for payment resolution.

JENNA SALAZAR

1967 W. NANCY AVE. • PORTERVILLE, CA 93257 • 559.783.9545 • JENNSALAZAR@HOTMAIL.COM

09/98 – 12/00 Oregon Health Sciences University Portland, OR

Managed Care Coordinator

Obtained authorizations from internal and external agencies for all outpatient services for six (6) neurosurgeons; provided cross-coverage for surgical pre-authorizations; processed referrals; report auditing and follow-up; answered multi-line telephones; managed inquiries from the public, patients, and staff. Served on Employee Recognition Committee.

Administrative Assistant

Schedule coordination for three (3) neurosurgeons; transcribed correspondence, grants, manuscripts and medical records; planned and coordinated conferences and other special meetings; received, processed, and distributed departmental mail; filing; answering multi-line telephones; managing inquiries from the public, patients, and staff.

03/97 – 09/98 Family HealthCare Network Porterville, CA

Referral Services Clerk

Processed referrals; obtained authorizations from various insurance companies and worker's compensation agencies; generated monthly referral report; designed referral documents utilized company-wide; schedule patient appointments with outside specialists and diagnostic service facilities; computer data entry; chart auditing and follow-up; patient services tracking; assisted Referral Services Coordinator; purchasing and inventory for department.

EDUCATION

1996-1998	Porterville College	Porterville, CA
(General education courses for transfer), GPA 3.16		
1999-2000	Portland Community College	Portland, OR
Emergency Medical Technician Certification, GPA 4.0		
2005-2006	Coastline Community College	(Online)
(General education courses for transfer), GPA 3.73		
2010-2011	American Military University	(Online)
Bachelors in Sports & Health Sciences (in progress), GPA 3.97		

VOLUNTEER EXPERIENCE

1996-1997	Family HealthCare Network	Porterville, CA
Research and computer data entry; maintained filing systems; appointment scheduling; processed referrals; obtained authorizations from various insurance companies.		
2012-Present	Summit Charter Academy, Lombardi	Porterville, CA
Parent Volunteer on a weekly basis; assist for two hours in a kindergarten classroom; instruct and oversee 24 students through a designated art project; meet, plan and coordinate extracurricular classroom activities monthly.		

PROFESSIONAL ORGANIZATIONS

2013	Leadership Porterville, <i>Secretary</i>
2013	Porterville Chamber of Commerce (Board Member, beginning Sept. 1)
2013	Porterville LEADS Group

JENNA SALAZAR

1967 W. NANCY AVE. • PORTERVILLE, CA 93257 • 559.783.9545 • JENNSALAZAR@HOTMAIL.COM

SUBJECT: CONSIDERATION OF REQUEST FOR FINANCIAL SUPPORT FOR THE
"MARCHING THROUGH TIME" MURAL PROJECT

SOURCE: Administration

COMMENT: The Porterville Mural Committee has requested that the City Council consider contributing \$20,000 in support of the installation of the "Marching Through Time" mural in Centennial Plaza. At the request of the Committee, this request was continued from the prior Council meeting of July 16th. The Committee has itemized \$17,695 in costs associated with improvements to Centennial Plaza in support of the mural installation, and requests an additional \$2,305 in support of the mural's creation.

Both the Arts Commission and the Parks & Leisure Services Commission have recently considered the Committee's request. The Arts Commission has advised that the Council should consider funding the requested amount. However, the Parks & Leisure Services Commission has advised that the Council should not fund the request, primarily due to the Centennial Plaza improvements not having been directed nor requested by the City. At the request of the Committee, the Parks & Leisure Services Commission will again be considering the Committee's request at the Commission's meeting on Thursday, August 1, 2013.

In May 2012, the Committee had originally submitted a request for \$35,000 in financial support for the mural, and had been scheduled for the City Council's consideration at its June 19, 2012 meeting. However, the Committee withdrew its request prior to the Council's consideration.

In December 2006, at the request of a Member of City Council, the Council considered and supported the creation of the Iris Mural, located on Main Street on the Tulare County Child Support Services building, in the amount of \$2,500.

Dir



Appropriated/Funded MB

C/M



Item No. 37

RECOMMENDATION:

That the City Council:

1. Consider the request of the Porterville Mural Committee to financially support the "Marching Through Time" mural project; and
2. If approved, please identify funding source, and authorize appropriate budget adjustment.

ATTACHMENTS:

1. Letter from Porterville Mural Committee, dated March 15, 2013
2. City Council Agenda Item: June 19, 2012
3. City Council Agenda Item: December 19, 2006

March 15, 2013

Porterville Mural Committee
c/o Richard Hatfield
253 E. Worth Ave.
Porterville, CA 93257

Mr. John Lollis, City Manager
City of Porterville
291 N. Main Street
Porterville, CA 93257

Dear Mr. Lollis:

The City of Porterville certainly has a history of recognizing that various forms of art contribute to the community's image and culture, and therefore contribute to the health, viability, and overall attractiveness of the city. The Porterville Mural Committee appreciates the past monetary contributions that the City gave for the development of the first two historic murals in the downtown area. As you are aware, the Marching Through Time Band Mural was dedicated to the City last April, but due to various circumstances, this request for financial assistance from the City has been delayed.

Typically, murals are placed on the walls of existing buildings, and therefore have only the expense of the artist and little or no cost for the preparation of the wall. However, for the Marching Through Time Band Mural, a building appropriate for the size of the mural could not be found along Main Street. With the concurrence of the City, a free-standing wall was designed and built in Centennial Park for the 100 foot by 10 foot mural, which added considerably to the complexity and cost of the project.

Additionally, the Mural Committee was committed to "doing it right" so that the mural and added amenities would make Centennial Park a venue and showplace downtown for musical and community events. It is known that murals can play an important role in an overall economic development strategy as they increase tourism and have a positive appeal to new industry and commercial development that are seeking a community in which to locate that demonstrates pride in itself and its history. The Mural Committee, along with some donated help from local contractors, and the approval of the City, first re-graded the lawn area, redesigned the sprinkler system, and relocated the hazardous water drain grates, and generally made the lawn area in the park more visitor friendly and safer for the public.

Mr. John Lollis

March 8, 2013

Page 2

The Mural Committee then moved ahead to install a wrought iron fence around the mural and tie the fencing into the gazebo and existing landscaping. A cement curb was installed in the alley on the backside of the mural, along with re-grading and paving to match the alley north and south of the mural location. Cement pads were poured around the perimeter of the park to accommodate additional wrought iron benches to provide more seating for events in the park.

Numerous community events including the very successful inaugural event of "Dinner and Arts on Main Street" last October and the "Music on Main Street" series have taken place at the park, benefitting from the wonderful ambiance created by the backdrop of the mural and the other improvements to the park.

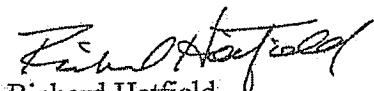
Listed on the attachment to this letter is an itemization of the billed costs directly related to the amenities in the park that were over and above the cost of the mural itself, and provided direct improvements to the City-owned park. The Porterville Mural Committee respectfully requests that the City of Porterville consider a donation of \$20,000 to defray the costs of those improvements, and the balance would be a contribution to the actual mural in keeping with the assistance provided to the previous murals developed.

Eventually, when other funds are raised, the committee has plans to add to the project including lighting and bronze plaques.

The Porterville Mural Committee would like to recognize that this project has been a true partnership of organizations, businesses, and individuals coming together to make this outstanding mural that depicts such an important element of the City's history become a reality. The contribution of the City would make that community partnership complete.

Thank you for this consideration and please note that the committee would be very willing to meet with any City representative(s) to discuss this matter further. Please call me at 781-2131 or Denise Marchant at 784-6259 if you have any questions or to schedule a meeting.

Sincerely,



Richard Hatfield
Porterville Mural Committee

Attachment

**Itemization of Costs for Improvements to Centennial Park
in association with the Marching Through Time Band Mural**

Valley Oak Contractors:	Cost to Committee
Concrete curb in alley	\$2,532
Concrete pads for benches	\$2,250
Excavation of fence post footings	\$ 0
(\$5,082 with donation of \$300 - \$200 for fence post footings and \$100 for other work)	

Bartlett Construction	
Cut, grade and re-pave alley	\$2,140

Lowes:	
Wrought-iron fence material	\$4,750

Chiapa Welding:	
Install wrought-iron fence	
(\$2,400 with donation of \$200)	\$2,200

Kaylor Landscaping:	
Regrade grass area, redesigned sprinklers and drains, re-sod grass area. Install shrubbery and irrigation system for planter area around mural	
(\$8,045 with donation of \$4,222)	\$3,823

The above labor and materials total \$17,695 for work completed in Centennial Park as part of the Marching Through Time Historical Band Mural Project

SUBJECT: CONSIDERATION OF FINANCIAL SUPPORT FOR THE "MARCHING THROUGH TIME" MURAL PROJECT

SOURCE: Administration

COMMENT: The Porterville Mural Committee has requested that the City Council consider contributing \$35,000 in support of the installation of the "Marching Through Time" mural in Centennial Plaza. The Committee has itemized \$18,245 in costs for potential reimbursement associated with improvements to Centennial Plaza in support of the mural's installation, and requests an additional \$19,755 in support of the mural's creation.


In December 2006, at the request of Member of City Council, the Council considered and supported the creation of the Iris Mural, located on Main Street on the Tulare County Child Support Services building, in the amount of \$2,500.

RECOMMENDATION: That the City Council:

1. Consider the request of the Porterville Mural Committee to financially support the "Marching Through Time" mural project; and
2. If approved, please authorize appropriate budget adjustment.

ATTACHMENTS: 1. Letter from Porterville Mural Committee, dated May 10, 2012
2. City Council Agenda Item: December 19, 2006

Dir. 

Appropriated/Funded 

C/M 

Item No. 19

Porterville Mural Committee
% Richard Hatfield
253 E. Worth Ave.
Porterville CA 93257

RECEIVED

May 10, 2012

Mr. John Lollis, City Manager
Porterville City Hall
Porterville, CA 93257

MAY 10 2012
CITY OF PORTERVILLE
CITY MANAGER

Dear Mr. Lollis,

The Porterville Mural Committee is respectfully requesting that the City of Porterville donate \$35,000 toward the costs for the completion of the Marching Through Time Mural located in the City's Centennial Park.

As you know, murals are generally placed on the walls of existing buildings, and therefore have only the expense of the artist and little or no cost for the preparation of the wall. For our mural, Marching Through Time, a building large enough to accommodate it was not possible along Main Street. With the concurrence of the City, a free-standing wall was designed and built in Centennial Park for our 100 foot by 10 foot mural.

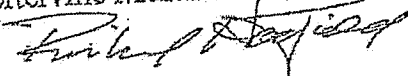
The Mural Committee was committed to "doing it right" so that the mural and improvements would make Centennial Park a venue for musical events and a show place park downtown on Main Street for community events. In addition, murals in a city have a known draw to tourism, and they have positive appeal to new industry and commercial development that are seeking a community with a desirable and attractive culture.

To accomplish that, a local landscape contractor volunteered his ideas and considerable labor and materials to level the lawn area of the park, rearrange the sprinkler system to accommodate the change. The Mural Committee then moved ahead to put in a wrought-iron fence around the mural and tie the fencing into the gazebo and existing landscaping. A cement curb was installed in the alley on the back side of the mural, along with re-grading and paving to match the alley north and south of the mural location. Cement pads were poured around the perimeter of the park to accommodate additional wrought-iron benches to provide more seating for events in the park.

Listed on the following page is an itemization of the billed costs for the expenditures not directly a part of the mural project.

Sincerely yours,

Porterville Mural Committee



Itemization of Costs

Valley Oak Contractors:

Concrete curb in alley---\$2632.

Concrete pads for benches--\$2250.

Bartlett Construction:

Cut, grade and re-pave alley---\$2140.

Lowe's:

Wrought-iron fence material---\$4998.

Chiapa Welding:

Install wrought-iron fence---\$2400.

Kaylor Landscaping:

Re-grade grass area, re-arrange sprinklers and drains, re-sod grass area.

Install shrubbery and irrigation system for planter area around Mural.---

(\$8045, with donation of --- \$4222)

Total Cost--\$3825.

The above labor and materials total \$18,245 for work done in Centennial Park as a Public Improvement to the Park. The Mural Committee would appreciate a total donation of \$35,000 which will cover the above costs, plus yet unpaid billings related to the Mural Project.

COUNCIL AGENDA: December 19, 2006

SUBJECT: COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM –
"Consideration of \$2,500 Mural Sponsorship"

SOURCE: Administration

COMMENT: A Council member has requested the above subject matter be
added to the agenda for consideration under Scheduled Matters.

RECOMMENDATION: As directed by Council. (If item is approved, please
authorize appropriate budget adjustment)

ATTACHMENT: Porterville Mural Project Contribution Card

Dir. J

Appropriated/Funded J

C/M J

Item No. 24