CITY COUNCIL AGENDA  
PORTERVILLE, CALIFORNIA  
MARCH 20, 2007, 6:00 P.M.

Call to Order  
Roll Call

**ORAL COMMUNICATIONS**  
This is the opportunity to address the Council on any matter scheduled for Closed Session.

**CLOSED SESSION:**  
A. Closed Session Pursuant to:  

7:00 P.M. RECONVENE OPEN SESSION

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

Pledge of Allegiance Led by Council Member Eddie Hernandez  
Invocation

**PRESENTATION**  
City Manager’s Featured Projects for March 2007

**ORAL COMMUNICATIONS**  
This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time.

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

1. **Approval of City Council Minutes of February 9, 2007**

2. **Claim - Branch**  
Re: Considering rejection of claim in the amount of $190 for property damage allegedly sustained on January 13, 2007 at 671 Gerry Circle when Fire personnel opened water line to fire hydrant.

3. **Budget Adjustments for the 2006-2007 Fiscal Year**  
Re: Approving budget adjustments to account for receipt of and expenditures from grant funds pertaining to Airport Slurry Seal Capital Improvement Project.
4. **Authorization to Execute a Service Agreement – ‘C’ Street Water Main Project Topography Surveying**  
Re: Approving Agreement with James Winton & Associates in the amount of $5,930.

5. **Authorization to Execute a Service Agreement – West Street Industrial Park Preliminary Soils Report**  
Re: Approving Agreement with Consolidated Testing, Inc. in the amount of $9,850.

6. **Award of Contract - Fire Prevention Weed Abatement**  
Re: Awarding contract to Alvin Smith Discing of Porterville, based on per lot prices and hourly rates quoted by contractor and set forth in staff report.

7. **Minor Corrections to City Code**  
Re: Informational item regarding minor corrections to City Code consisting generally of Code number and title revisions.

8. **Approval of Investment Authorization**  
Re: Considering draft resolution of authorization identifying City’s signing officer and financial institution for City investments, pursuant to City’s Investment Policy adopted and reaffirmed on April 18, 2006 via Resolution No. 53-2003.

Re: Considering resolution supporting an amendment to H.R. 24 proposed by the Tulare County Board of Supervisors.

10. **Consideration of Hayes Field Concession License Agreement with the Porterville Amateur Youth Softball Association**  
Re: Considering agreement for sale of concessions at Hayes Field for a term of one year, for a fee of $5.44 per hour.

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

**PUBLIC HEARINGS**

11. **Ennis Estates Tentative Subdivision Map (Ennis Land Development, Inc.)**  

**SECOND READING**

12. **Ordinance 1718, Card Room Regulations**  
Re: Giving Second Reading to Ordinance 1718 replacing Article I, Section 15-20, of the Porterville Municipal Code concerning gambling regulations, and adopting said ordinance.

**SCHEDULED MATTERS**
13. Public Comment Regarding the Potential Closure of Tulare County’s Porterville Clinic
   Re: Public testimony and discussion related to the potential effects of the County’s proposed closure of the medical clinic at Plano Street and Olive Avenue.

14. City of Porterville Gang Suppression
   Re: Informational item on the gang suppression efforts by the Porterville Police Department.

15. Streets Maintenance Program
   Re: Informational item pertaining to the Public Works Department’s program for streets maintenance.

16. Proposed Moratorium for Use of Credit Cards
   Re: Considering a three-month moratorium or temporary maximum limit for credit card payments to allow time for the preparation of RFP for new bank depository services.

17. Regulations Pertaining to Squatter Camps
   Re: Considering draft ordinance to regulate occupation of any land without bona fide claim or consent of property owner.

18. Consideration of Senior Center Santa Fe Depot Facility 2006 Utility Bills, and Authorization of Contribution and Budget Adjustment to Support Senior Citizen Activities for the 06/07 Fiscal Year
   Re: Considering authorization of $500 per month stipend to Senior Council for Fiscal Year 2006/2007.

19. Proposal for GASB 34 Appraisal and Inventory of City Infrastructure
   Re: Considering request to utilize the solicitation of proposals conducted by the City of Tulare in the selection of a professional consultant to perform required appraisal services.

20. Request from Porterville Chamber of Commerce for a Partnership Financial Investment of $10,000
   Re: Considering request for participation in a “community branding initiative” as part of a strategical plan for Porterville’s growth spearheaded by the Chamber’s Economic Development Committee.

   Re: Considering program to accept vouchers in lieu of payment of utility bills for those individuals adversely impacted by the recent freeze.

22. Council Member Request for an Agenda Item – “Work Assistance Program from Emergency Reserve”
   Re: Considering potential job placements for work program, coordinated through Proteus, Inc., to assist those affected by the recent freeze, at a cost of $100,000.

23. Council Member Request for an Agenda Item – “Discussion of City Nepotism Rule”
   Re: Considering draft Nepotism Policy as recommended by Council committee.

ORAL COMMUNICATIONS
OTHER MATTERS

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

ADJOURNMENT - to the meeting of April 3, 2007

It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

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 Chief Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
CITY MANAGER’S FEATURED PROJECT FOR
MARCH 2007

1. Police Recruitment Video
2. Completion of Percolation Ponds
3. Hiring of Chief Financial Officer
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

Pledge of Allegiance led by Council Member Eddie Hernandez
Invocation - a moment of silence was observed.

ORAL COMMUNICATIONS
- Barbara Gibbs, 31900 Success Valley Drive, identified herself as a member of Americans for Safe Access. She stated that if one did not support safe access to medical marijuana, then one supported the black market. Ms. Gibbs commented that the Council would set a bad example if it decided to pick and choose which State laws with which to comply. She spoke of the help medical marijuana provided to some people to relieve pain, and of the State’s jurisdiction over medical matters, citing the licensing of doctors as an example. Ms. Gibbs then voiced concern with what she perceived was the Federal government trampling on the rights of California citizens. She contended that the people of California had spoken when the proposition legalizing the use of medical marijuana was overwhelmingly passed. At the Mayor’s request, Ms. Gibbs provided her contact information to the Council for further discussion on the matter.

SCHEDULED MATTER
1. INTERIM URGENCY ORDINANCE OF THE CITY OF PORTERVILLE PROHIBITING THE USE OF LAND FOR THE PURPOSE OF OPERATING A DISPENSARY OF MARIJUANA FOR MEDICAL PURPOSES

Recommendation: That the City Council consider and adopt the proposed interim urgency ordinance, read by title only, and waive further reading.

City Manager John Longley presented the item and the staff report prepared by City Attorney Julia Lew, which he read into the record as follows:

**TITLE:** Interim Urgency Ordinance of the City of Porterville Prohibiting the Use of Land for the Purpose of Operating a Dispensary of Marijuana for Medical Purposes

**SOURCE:** City Attorney
California voters approved Proposition 215, which codified into the California Health and Safety Code the “Compassionate Use Act of 1996.” The stated intent of the Proposition 215 was to enable people in need of marijuana for medical purposes the ability to obtain and use it without fear of criminal prosecution under limited, specific circumstances.

Consequently, there have been commercial endeavors to distribute medical marijuana to those who qualify under the Act. The proposition is unclear, however, about the details of doctor recommendations and how the substance is distributed. Adding further confusion is the fact that pursuant to Federal law, the use, possession, transpiration and distribution of marijuana is specifically illegal.

The City needs adequate time to determine whether it is appropriate to permit the location of medical marijuana dispensaries within the City, and if so, to determine whether to restrict their establishment from areas around schools and/or parks and in residential areas or near other businesses. California cities are handling this issue in a variety of ways, ranging from little or no regulation/restriction to complete prohibitions.

As the proposed ordinance is an interim urgency ordinance (moratorium), if approved by a 4/5’s vote, it will take effect immediately. This office, that is the City Attorney’s Office, intends to bring draft regulations back to the Council within the next thirty days.

RECOMMENDATION: That the City Council consider and adopt the proposed interim urgency ordinance, read by title only, and waive further reading.

In response to Council Member McCracken’s inquiry, City Attorney Julia Lew clarified that the draft ordinance before the Council that day consisted of a 45 day temporary ban on allowing the use of land for the purpose of operating a medical marijuana dispensary. She elaborated that it was not a ban on individuals using medical marijuana for the purposes of pain relief. She stated that the City had no control over that, and indicated that moratoriums did not control the regulations on people, but that interim urgency ordinances only controlled land uses. She clarified that the ordinance would prohibit an individual from establishing a dispensary within the next 45 days.

Council Member McCracken confirmed that the Council would not be acting on something to ignore the State law.

Council Member Pedro Martinez spoke in favor of moving forward on the item so as to
provide time for the Council to determine how other communities were handling the issue.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the proposed Ordinance 1713 interim urgency ordinance, read by title only, and waive further reading. The motion carried unanimously.

City Manager read the ordinance by title only.

**ORAL COMMUNICATIONS**

- Barbara Gibbs, address on record, spoke of the legal use of medical marijuana around the world, and of the benefits it provides to cancer patients. She questioned why the Council would care if medical marijuana helped people who were suffering. Ms. Gibbs then spoke of freedom and voiced concern with the Federal government spending the people’s tax dollars to stop something on which the people voted to have. She stated that the vote of the people was something that should be valued. She then noted the problem of methamphetamine usage, and suggested that resources should be instead spent on resolving that. Ms. Gibbs went on to discuss and speak favorably of the more liberal laws in Amsterdam, Netherlands.

Council Member McCracken confirmed that with its action, the Council had only restricted land use for 45 days, and had not made any contentions over the validity of the State or Federal laws, nor was the Council proposing to abide by or ignore any laws.

City Attorney indicated that her intention with the interim ordinance was to have a permanent ordinance in place prior to its expiration. She stated that she would bring options for the Council’s consideration to the next meeting. She indicated that cities were generally taking one of two approaches: either adopting an ordinance to permit and regulate the dispensaries, or adopting an ordinance to outright prohibit them pursuant to Federal law. She stated that adopting an ordinance in conjunction with Federal law was not so much a political statement as it was an attempt to avoid being in the quagmire that was the conflict between State and Federal law.

Mayor Hamilton inquired as to where the dispensaries obtained their product. Ms. Lew indicated that she could get the information to the Council as to how the dispensaries operated.

**OTHER MATTERS**

- Council Member Pedro Martinez:
  1. Spoke of the Kiwanis Club’s interest in the placement of flags along Main Street and other City streets representing servicemen and women currently serving. A discussion ensued, during which it was decided to that Mr. Longley and Mr. Perrine would meet with a representative from the Club. Mr. Longley indicated that Carol would arrange for the meeting; and
  2. Spoke of the informal challenge with the City of Tulare put forth during the recent Sacramento trip. He requested that a charity softball game event be developed, with Porterville’s team comprised of two Council Members, and
some staff members from the Fire and Police Departments. He requested that options be explored to raise funds for local youth. Council Member Martinez proposed that he and Council Member Hernandez look further into the idea. A discussion ensued, during which Mr. Perrine informed the Council that the Youth Services Foundation had evinced an interest in having a fundraising athletic event for the community.

- Council Member Hernandez extended an invitation to the Council and staff to Cub Scout Pack 116's Blue and Gold Dinner to take place on February 16th at 6:00 p.m. at Buckley Elementary School. He noted the event would provide an opportunity to show support for a particular Cub Scout Pack and scouting altogether.

A brief discussion ensued as to the Freeze Relief food distribution. It was stated that the distribution would begin at 12:00 p.m. on February 10th at the Comision’s warehouse. Council Member Hernandez stated that 1,000 boxes had been prepared.

- Mayor Pro Tem Felipe Martinez:
  1. Spoke of Freeze Relief efforts and comments he had received from Porterville’s citizenry. He commented that the Council would need to work hard to put people to work; and
  2. Informed everyone of the Porterville Police Department’s K-9 Division’s demonstration at the Exchange Club, noting how impressive the demonstration had been. He then invited everyone to the Exchange Club’s Crime Prevention Dinner to take place on February 22nd.

City Attorney Julia Lew stated for the record that she had just been informed by Mr. Lollis that the City had just received and rejected its first application for a medical marijuana dispensary.

**ADJOURNMENT**

The Council adjourned at 12:32 p.m. to the Council Meeting of February 16, 2007.

__________________________
Patrice Hildreth, Deputy City Clerk

ATTEST:

__________________________
Cameron Hamilton, Mayor
SUBJECT: CLAIM - BRANCH

SOURCE: Administration

COMMENT: Duwaine and Charlene Branch have filed a claim against the City for property damage sustained on January 13, 2007 at 671 Gerry Circle. The claimants are alleging that the Fire Department opened the water line to the fire hydrant and somehow caused debris to back up into the claimant’s water line.

The amount being claimed as of the presentation of this claim is $190.00, based on plumbing repairs.

RECOMMENDATION: That the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Item No. 2

DCM

Approved/ Funded

CM
CITY OF PORTERVILLE
CLAIM FORM
FORM B
(Please Type Or Print)

CLAIM AGAINST CITY OF PORTERVILLE

Claimant’s name: Duwayne & Charlene Branch SS#: [Blacked Out]
Claimant’s Telephone No.: 559-784-4039 DOB: [Blacked Out]
Claimant’s address: 1071 Berry Circle Porterville, CA 93257

Address where notices about claim are to be sent, if different from above: 

Date of incident/accident: 1-13-07
Date injuries, damages, or losses were discovered: 1-14-07

* Location of incident/accident: In-Cutting line - Dishwasher/Kitchen Faucet - Water
   (Use back of this form or attach Diagram if necessary to answer this question in detail.)

** What did entity or employee do to cause this loss, damage, or injury? Upon arriving home 1-14-07
   We discovered no water to the dishwasher & kitchen faucet, also little cover
   (Use back of this form or separate sheet if necessary to answer this question in detail)

What are the names of the entity’s employees who caused this injury, damage, or loss (if known)?

What specific injuries, damages, or losses did claimant receive? Plumbing bill to open lines.
(Use back of this form or separate sheet if necessary to answer this question in detail)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the
appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must
represent whether it is a “limited civil case” [see Government Code 910(f)] $190.00

How was this amount calculated (please itemize)? Plumbing Bill - See Attached
(Use back of this form or separate sheet if necessary to answer this question in detail)

Date Signed: 2-1-07 Signature: Duwayne & Branch

If signed by representative:

Representative’s Name
Address

Telephone #
Relationship to Claimant
**pressure to all other Faucets. I went outside to investigate and saw that there was a puddle of water on the sidewalk by the Fire hydrant and water in the gutter beginning at the Fire hydrant proceeding South toward Mulberry Street, indicating that the Fire hydrant had been opened recently.

* See attached picture of remnants of debris removed from Kitchen Faucet & Dishwasher lines.

City personnel Flushed lines in the street on 1-14-07.
## INVOICE

**SPIEGY'S BIONIC PLUMBING INC.**

P.O. BOX 1523  
PORTERVILLE, CA 93258

Phone -559-781-2994  
FAX-559-781-7831

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**Bill To**

BRANCH, CHARLENE  
671 GERRY CIRCLE  
PORTERVILLE, CA 93257

---

**JOB**

GERRY CIRCLE  
784-4039

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### Terms  
Net 30  
Account #  
100345  
Service Date  
1/16/2007

### Item  
LABOR

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Description</th>
<th>TOTAL</th>
</tr>
</thead>
</table>
| LABOR  | 2        | 1. PULED KITCHEN SINK SUPPLY'S OFF ANGLESTOP TO CLEAR LINES OF DEBRIS  
2. PULLED DW OUT TO PULL DW90 WATER CONNECTOR TO CLEAR LINE  
3. CHECKED ALL FIXTURES  
4. CHECK WASHING MACHINE HOSES FOR CLEAR PASSAGE | 190.00|

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### Total Due

$190.00

### Payments/Credits

$0.00

### Balance Due

$190.00
SUBJECT: BUDGET ADJUSTMENTS FOR THE 2006-07 FISCAL YEAR

SOURCE: Administrative Services

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

There are two (2) adjustments proposed for Council consideration:

No. 1: Federal Aviation Administration Grant
This revenue budget adjustment accounts for the funds to be received in a grant from the Federal Aviation Administration to complete the Airport Slurry Seal Capital Improvement Project.

No. 2: Airport Slurry Seal Capital Improvement Project
This expenditure budget adjustment accounts for the expending of funds received in a grant from the Federal Aviation Administration to complete the Airport Slurry Seal Capital Improvement Project.

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

ATTACHMENT: Budget Adjustment Worksheet
CITY OF PORTERVILLE  
Budget Adjustments  

Date: March 20, 2007  

<table>
<thead>
<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>032-4517</td>
<td>1</td>
<td>Federal Aviation Administration Grant</td>
<td>FAA Grant</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>089-5099-051-880</td>
<td>2</td>
<td>Airport Slurry Seal Capital Project</td>
<td>FAA Grant</td>
<td>$40,000.00</td>
</tr>
</tbody>
</table>

Modification No: 4-06/07
COUNCIL AGENDA: MARCH 20, 2007

SUBJECT: AUTHORIZATION TO EXECUTE A SERVICE AGREEMENT – ‘C’ STREET WATER MAIN PROJECT TOPOGRAPHY SURVEYING

SOURCE: Public Works Department - Engineering Division

COMMENT: Staff requested Topography Surveying Proposals for the 'C' Street Water Main Project from three (3) local consulting firms in January 2007. The project will consist of the construction of an 8" water main in 'C' Street from Date Avenue to Walnut Avenue including re-connection of existing water services, fire hydrants and construction of new fire hydrants. The project addresses one of the deficient fire flow areas.

One proposal was received from James Winton & Associates in the amount of $5,930.00. Staff has reviewed the proposal and found it acceptable.

Funding for the topography surveying services is approved in the 2006/2007 fiscal year budget from Water Replacement Fund for Deficient Fire Flow.

RECOMMENDATION: That the City Council:

1. Authorize the Public Works Director to execute a Service Agreement with James Winton & Associates in the amount of $5,930; and

2. Authorize staff to make payment upon satisfactory completion of the work.

ATTACHMENTS: Locator Map Service Agreement

P:\pubworks\Engineering\Council Items\Authorization to Execute a Service Agreement - C Street Water Main Project Topo Survey 2007-03-20.doc

Dir  Appropriated/Funded  CM  Item No. 4
SERVICE AGREEMENT

DATE: March 21, 2007

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Winton & Associates, hereinafter referred to as "CONSULTANT".

RECITALS:

CITY has undertaken a project on which it is seeking assistance from CONSULTANT. Said project which will hereinafter be referred to as "project" is described as follows:

Project Name: ‘C’ Street Water Main Project Topography Survey

Description of Project: Topography Surveying for the ‘C’ Street Water Main Project. The project consists of the construction of an 8" water main in ‘C’ Street from Date Avenue to Walnut Avenue including re-connection of existing water services, fire hydrants and construction of new fire hydrants.

AGREEMENTS:

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER set forth the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in Exhibit "A", Scope of Services, in connection with the above described project.

SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis, not to exceed Five Thousand Nine Hundred Thirty Dollars, ($5,930.00)(refer to attached fee schedule, if used.)
TIME OF PAYMENT: Progress payment requests shall be submitted by the 25th of each month. CONSULTANT should receive payment within 30 days of the date the bill is received.

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all "work directives" shall be completed by May 22, 2007.

The parties agree that time is of the essence under this contract. Inasmuch as it would be difficult to ascertain the actual amount of damages sustained by delay in performance of said contract, the amount of $100.00 per calendar day shall be deducted from the contract price for liquidated damages for each calendar day beyond the completion date listed above. Said deduction will not be made if CONSULTANT submits proof in writing that delay in completion was due to a cause beyond its control.

SECTION 4. FAMILIARITY WITH PROJECT: CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.

SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:
(i) Full liability under worker's compensation laws of the State of California; and

(ii) Bodily injury and property damage insurance in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence; and

(iii) Errors and Omissions insurance of Five Hundred Thousand Dollars ($500,000) minimum per occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars ($50,000) or more, the City may require a Surety Bond for the deductible; and

(iv) Automotive liability in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence;

fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. CONSULTANT agrees to indemnify, defend (at CITY'S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of CONSULTANT or any of its employees or agents.

SECTION 6. WORKMANSHIP AND MATERIALS: Every part of the work herein described shall be executed in a professional manner with competent, experienced personnel. Finished or unfinished material prepared under the
agreement, prepared by CONSULTANT, shall become property of CITY. CONSULTANT hereby warrants that any materials prepared under this agreement shall be fit for the intended use contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the parties that CITY has entered into this contract with the express understanding that all work will be performed by CONSULTANT. CONSULTANT shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION. CONSULTANT will not discriminate against any employee, or applicant for employment because of race, color, religion, gender, marital status, or national origin.

SECTION 9. CONFLICT OF INTEREST CODE: CONSULTANT agrees to comply with the regulations of CITY'S "Conflict of Interest Code". Said code is in accordance with the requirements of the Political Reform Act of 1974.

CONSULTANT covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.

SECTION 10. TERMINATION: This contract may be terminated by either party for just cause by giving seven (7) days written notice to the other party.
Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. CONSULTANT may be entitled to just and equitable compensation for satisfactory work completed, except CITY can withhold damages incurred as a result of the termination.

SECTION 11. ENTIRE CONTRACT: It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys’ fees and costs.

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.
IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE                                CONSULTANT

By______________________________          By______________________________
Baldomero Rodriguez                James S. Winton, PE
Public Works Director

Date______________________________          Date______________________________
Exhibit A

SCOPE OF SERVICES

Surveying

Topography limits for the design and reconstruction of the C Street Water Main Project is from Date Avenue to Walnut Avenue.

Cross-section limits shall be extended to the right of way line on each side of C Street.

Surveying Services shall include the physical features of the terrain and the various objects and obstructions that must be considered in the design and construction of the project. Objects, obstructions, etc. that must be included in the survey are, but not limited to:

a. survey monuments - surveyor shall expose all existing monuments and provide swing-tie notes.
b. valves - gas, water, etc.
c. manholes - sewer, storm drain, Edison, Pacific Bell, etc.
d. culverts, drop storm drain inlets, irrigation systems, etc.
e. curb, gutter, sidewalk, x-gutter, driveways, mailboxes, etc.
f. pavement edges, asphalt dikes
g. traffic control devices - signals, loop detectors, pull boxes, street signs, etc.
h. utilities - power poles, telephone poles, street lights, etc.
i. landscape - trees, shrubs, etc.
j. all other items that may effect design and construction

The topography survey area shall be cross-sectioned at 50 foot intervals, or close thereof, and shall consist of a survey/control line. Cross-sectioned "shots" need not align with one another. Elevations shall be taken at the survey/control line, crown of the street, edge of gutter, edge of pavement, flowline of asphalt dikes, survey limits, ditch banks, ditch flowlines and any contour variation exceeding six (6) inches. Survey/control lines shall be established using existing monumentation located in the area and/or established in the field by utilizing Date Avenue right of way maps. Elevations shall be tied to the City current NAVD88 datum. Please find enclosed a map that illustrates the City horizontal control network scheme which includes a table of both NGVD29 and NAVD88 datums. The consultant shall provide stationing on all survey/control lines at 50 foot intervals. Each station shall be clearly identified with paint.

Drafting and Drafting Related Services

Deliverables: The consultant shall provide the City with a complete set of drawing files compatible with AutoCad Release 2000i.
All text will be AutoCad "Simplex" style unless otherwise approved by the City's project manager. The drawing file(s) will incorporate the symbols, abbreviations and descriptions established by the City. The City's symbols, abbreviations and description standards are available for review upon request. Data format will be as follows:

a) dwg File.
b) ASCII file (Point number, Northing, Easting, Elevation, Description).
c) .DFX file and any created file developed from point manipulation through "Cogo" or like routine.
d) Submit files to the City on CDs.

Layering of data will be per the City's "AutoCad Layer Scheme for Topography" standard. The consultant will submit a complete set of drawings to the City to be reviewed for quality completeness, accuracy and neatness. Within five (5) working days of receiving the drawings for review, the City will accept the drawings as being in compliance with the City's request or, will reject the drawings for noncompliance with the City's stated standards and require that they be resubmitted in compliance.

The City will provide a digital drawing sheet to be incorporated with all drawings in a .dwg file format. Survey data will remain in original survey orientation (no rotation allowed). All drawings will be set up at a one to one scale with review plots at the best scale appropriate for 24" x 36" sheet size. Data will be submitted per the City's digital survey data standard.

The City reserves the right to reject any portion or all of the Digital Data after review, if said data does not comply with the stated criteria.
FEE SCHEDULE

James Winton & Associates
Civil Engineering, Planning & Land Surveying
150 W. Morton Ave.
Porterville, Ca 93257
(559) 781-2700

Effective July 1, 2006

The basis of per diem charges for engineering and planning services shall be as follows:

Civil Engineer - Court Appearance, Preparation & Expert
Testimony ................................................................. $ 2000.00/hr.

Civil Engineer - Principal in Consultation & Public Agency
Appearance ............................................................... $ 130.00/hr.

Civil Engineer - Staff Supervision, Research, Layout & Design,
Report Writing & Conference Time ......................... $110.00/hr.

Associates Engineer/- Senior Planner
Staff Supervision, Research, Layout &
Design, Report Writing & Conference Time ........ $95.00/hr.

Licensed Surveyor/- Assistant Engineer
Research, Layout & Design, Report
Writing & Conference Time ......................... $80.00/hr.

CAD Designer ........................................................................ $65.00/hr.

Drafter ............................................................................ $55.00/hr.

Stenographer ................................................................... $40.00/hr.

Receptionist/Clerk-Typist .............................................. $35.00/hr.

Survey Crew:
3 man crew ..................................................................... $155.00/hr.
2 man crew ..................................................................... $125.00/hr.

In addition to the above per diem rates, materials, supplies, laboratory tests and other incidental expenses will be charged at cost plus 15% and mileage will be at a rate of $0.40 per mile.
SUBJECT: AUTHORIZATION TO EXECUTE A SERVICE AGREEMENT - WEST STREET INDUSTRIAL PARK PRELIMINARY SOILS REPORT

SOURCE: Public Works Department - Engineering Division

COMMENT: Staff is currently designing the infrastructure necessary to service the 72.6-acre industrial park on the east side of West Street, just south of the TREDIC Industrial Park. The 72.6-acre site will be split into several parcels for eventual industrial development. In accordance with City Code, Preliminary Soils Reports are required for large-scale land division projects. Industrial Parks are considered large-scale and warrant such a report. Preliminary Soils Reports provide the necessary guidelines when designing future building foundations and the entire infrastructure necessary to service the site.

Staff has asked our on-call soil engineer, Consolidated Testing Laboratories, Inc., to provide the City with a Scope of Services Proposal. The consultant's proposal is attached for Council's reference and the fee amount is $9,850. Staff has reviewed the proposal and found it to be acceptable. The Engineering Division Carry Over Budget (Account No. 02-3010-23) and the Engineering Division Professional Services Budget (Account No. 01-3010-23) is the proposed funding source for the required Preliminary Soils Report.

RECOMMENDATION: That City Council:

1. Authorize the Public Works Director to execute a Service Agreement with Consolidated Testing, Inc., in accordance with the City Council's Policy and Procedures for Selecting Professional Service in the amount of $9,850; and

2. Authorize staff to make payment upon satisfactory completion of the work.

ATTACHMENTS: Locator Map
Service Agreement

P:\pubworks\Engineering\Council Items\Authorization to Negotiate a Contract - Consulting Services for Preliminary Soils Report - 2007-03-20.doc

Dir Appropriated/Funded GM

Item No. 5
SERVICE AGREEMENT

DATE: March 21, 2007

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and CONSOLIDATED TESTING, INC., hereinafter referred to as "CONSULTANT".

RECITALS: CITY has undertaken a project on which it is seeking assistance from CONSULTANT. Said project which will hereinafter be referred to as "project" is described as follows:

Project Name: West Street Industrial Park

Description of Project: Perform all services necessary for the delivery of a Preliminary Soils Report for the proposed 72.6-acre site on the east side of West Street, south of TREDIC Industrial Park (between Tea Pot Dome and Scranton Avenue).

AGREEMENTS:

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER set forth the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in the attached Proposal, in connection with the above described project.
SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis, not to exceed Nine Thousand Eight Hundred and Fifty Dollars, ($9,850).

TIME OF PAYMENT: Progress payment requests shall be submitted by the 25th of each month. CONSULTANT should receive payment within 30 days of the date the bill is received.

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all "work directives" shall be completed by [Enter Work Completion Date].

The parties agree that time is of the essence under this contract. Inasmuch as it would be difficult to ascertain the actual amount of damages sustained by delay in performance of said contract, the amount of $[Enter Per Calendar Day Amount] per calendar day shall be deducted from the contract price for liquidated damages for each calendar day beyond the completion date listed above. Said deduction will not be made if CONSULTANT submits proof in writing that delay in completion was due to a cause beyond its control.

SECTION 4. FAMILIARITY WITH PROJECT: CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.
SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

(i) Full liability under worker's compensation laws of the State of California; and

(ii) Bodily injury and property damage insurance in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence; and

(iii) Errors and Omissions insurance of Five Hundred Thousand Dollars ($500,000) minimum per occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars ($50,000) or more, the City may require a Surety Bond for the deductible; and

(iv) Automotive liability in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. CONSULTANT agrees to indemnify, defend (at CITY'S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for
personal injury or death or for loss or damage to property, or
any of them arising out of negligence of CONSULTANT or
any of its employees or agents.

SECTION 6. WORKMANSHP AND MATERIALS: Every part of the work
herein described shall be executed in a professional manner with
competent, experienced personnel. Finished or unfinished material
prepared under the agreement, prepared by CONSULTANT, shall become
property of CITY. CONSULTANT hereby warrants that any materials
prepared under this agreement shall be fit for the intended use
contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the
parties that CITY has entered into this contract with the express
understanding that CONSULTANT will perform all work. CONSULTANT
shall not, without the written consent of CITY, assign, transfer or sublet
any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION. CONSULTANT will not
discriminate against any employee, or applicant for employment because
of race, color, religion, gender, marital status, or national origin.

SECTION 9. CONFLICT OF INTEREST CODE: CONSULTANT agrees
to comply with the regulations of CITY'S "Conflict of Interest Code". Said
code is in accordance with the requirements of the Political Reform Act of
1974.

CONSULTANT covenants that it presently has no interest,
and shall not have any interest, direct or indirect, which would conflict in
any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.

SECTION 10. TERMINATION: Either party for just cause may terminate this contract by giving seven (7) days written notice to the other party. Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. CONSULTANT may be entitled to just and equitable compensation for satisfactory work completed, except CITY can withhold damages incurred as a result of the termination.

SECTION 11. ENTIRE CONTRACT: It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys’ fees and costs.

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

IN WITNESS WHEREOF, the parties have executed this Service Agreement on
the date and year first above written.

CITY OF PORTERVILLE

By__________________________________
Cameron Hamilton, Mayor

CONSULTANT

By__________________________________

Date_________________________ Date_________________________

BSR: vs
February 28, 2007

City of Porterville
Attn: Mr. Mike Reed
291 N. Main Street
Porterville, CA 93257

PROJECT: Proposed 72-acre lot behind the City of Porterville Airport

SUBJECT: Proposal/Contract - Preliminary soils investigation

Dear Mr. Reed:

Attached herewith is our proposal for performing a preliminary soils investigation for the proposed 72-acre lot behind the City of Porterville Airport, Porterville, CA. The contents of our report are intended to provide information to be used by the project consultants in preparing site grading specifications and designing structure foundations.

Thank you for giving us the opportunity to be of service. If you have any questions regarding the contents of this proposal or if we can be of assistance on future projects, please contact this office.

Respectfully Submitted,

CONSOLIDATED TESTING LABORATORIES, INC.

Shannon Bennett
Project Manager

Attachments
Our report will address the following subjects:

1. Earthwork that may be necessary in proposed foundation areas to reduce the probability of occurrence of excessive differential settlements; and recommendations for quality control of imported fill materials.

2. Criteria for design of structure foundations:
   a. Adequate foundations for the proposed structures.
   b. Maximum allowable soil bearing pressures to be used for foundation design.
   c. Anticipated total and differential settlements.
   d. Lateral earth pressures and friction coefficients to be used for evaluating passive lateral resistance of foundation.

City of Porterville  
Attn: Mr. Mike Reed  
February 28, 2007  
Page Three

FIELD INVESTIGATION

The field investigation will consist of drilling FIFTEEN testhole borings. Testhole borings will be drilled to a minimum depth of 10 feet and to a maximum depth of 50 feet, or auger refusal. The test borings will be located in the proposed structure areas.

Undisturbed and bulk soil samples shall be obtained for laboratory testing. Undisturbed samples will be obtained by driving a two and three-eighths (2-3/8) inch inside diameter split-barrel sampler when sampling cohesive soils or a one and three-eighths (1-3/8) inch inside diameter standard penetration sampler when cohesionless materials are encountered. Earth materials encountered will be logged and classified, in accordance with the Unified Soils Classification System, and graphically presented on Test Boring Logs.

Penetration resistance of undisturbed soils will be obtained by driving the above described sampler using a one-hundred-forty pound hammer falling a distance of thirty (30) inches and recording blow counts for each six (6) inch increment of drive on Test Boring Logs.

FIELD SOILS INVESTIGATION

B-80 Mobile drill rig with two-man crew and geologist to log and classify soils. (Includes equipment mobilization and demobilization)

LABORATORY TESTING

The following laboratory tests are anticipated:

Expansion Index Test, Consolidation Tests, Chemical Tests, Direct Shear Tests, and R-Value Determinations.
REPORT PREPARATION

Report preparation with recommendations and office administration.

FEE FOR SERVICES

The Preliminary Soils Investigation described on the previous pages can be provided for a lump sum fee of NINE THOUSAND EIGHT HUNDRED FIFTY DOLLARS ($9,8500.00) and can be completed within approximately four to six weeks following your authorization to proceed.

If the above meets with your approval, please sign in the space provided below and return one copy to this office with a Purchase Order Number for the job cost. Receipt of a signed copy of this proposal and a Purchase Order Number, will serve as our authorization to proceed.

Thank you for giving us the opportunity to be of service.

Respectfully Submitted,

CONSOLIDATED TESTING LABORATORIES, INC.

Shannon Bennett
Project Manager

Authorized Signature(s)

_________________________ Date: __________

NOTE: Payment is due within 30 days of each billing. There will be a late charge of 1-1/2% per month. In the event of litigation or bankruptcy, CONSOLIDATED TESTING LABORATORIES, INC. shall also be entitled to recover reasonable attorney’s fees, cost, and expenses of litigation.
SUBJECT: AWARD OF CONTRACT - FIRE PREVENTION WEED ABATEMENT

SOURCE: Administrative Services/Purchasing Division

COMMENT: In response to solicitation, Staff received only one proposal for the City's annual fire prevention weed abatement and parcel lot maintenance program. The bid called for contractor's quoted rates for discing and hauling weeds and debris, and boarding up of structures, as well as an hourly rate for handwork.

The sole bid was submitted by Alvin Smith Discing of Porterville. Mr. Smith has assisted with this work the past few years and is familiar with the requirements. Of the entire weed abatement work program, discing and plow down represents 86% of the work. Mr. Smith's unit prices range from $50 for a 1/4-acre parcel, to $90 for a one acre parcel, and $25 per hour for handwork on lots inaccessible to tractors. The contractor will be required to maintain general liability insurance with the City of Porterville named as an additional insured. The Fire Department has inspected Mr. Smith's equipment and finds it to be more than satisfactory.

The cost for the program will be billed to the property owners in accordance with the applicable sections of the California Government Code. The contract provisions include a three-year term and negotiable one-year options.

RECOMMENDATION: That Council award the contract for fire prevention weed abatement services to Alvin Smith Discing of Porterville, based on per lot prices and hourly rates quoted by contractor, and authorize Staff to exercise contract renewals. Further, that Council authorize payment for services after satisfactorily rendered.
SUBJECT:  MINOR CORRECTIONS TO CITY CODE

SOURCE:  Administration/City Clerk

COMMENT:  As a part of maintaining the Porterville City Code online and in printable form, Sterling Codifiers, Inc. is currently reviewing the entire City Code. Their review has brought to light the need for some minor corrections throughout the Code. The corrections are typographical in nature and do not require amendment by ordinance. The corrections are as follows:

1)  Title Chapter 2, Art. XIII, Procedures for Debarment;
2)  Chapter 2, Art. XIII, Procedures for Debarment, Sec. 2-132 (b), middle of subsection, Section 22.0822(b) to read Section 2-132(a);
3)  Chapter 4, Airport, attachments to be numbered for indexing purposes, i.e. Art. XV. Appendix A, Traffic Pattern to be numbered 4-15.05 Porterville Municipal Airport, Runway 30; 4-15.10: Porterville Municipal Airport, Runway 12; and Art. XVI. Forms to be 4-16.05: Municipal Airport Forms;
4)  Chapter 18, title Art. IV. Aggressive Solicitation  Chapter 18, title Art. V. Proximity of Registered Sex Offenders to Children's Facilities Change Art. IV Use of Skateboards, §§ 18-60---18-70 to Art. VI Use of Skateboards, §§ 18-61---18-70  (This would change Sections 60 and 61 to Sections 61 and 61.5)
5)  Chapter 19, Parks, Term of office and compensation, Sec. 19-4 should read “Terms for all commissioners appointed [shall be] four” (adding "shall be")
6)  Chapter 22, Sec. 22-8.10. Exemptions and Exclusions, (b)(2)(A): change Chapter 2 to Chapter 1 and 2 Division 3.5

RECOMMENDATION:  Informational only.

Item No.  7
SUBJECT: APPROVAL OF INVESTMENT AUTHORIZATION

SOURCE: Administrative Services

COMMENT: The City recently purchased a $99,000 1-Year CD at an interest rate of 5.60%. The City of Porterville Investment Policy adopted and reaffirmed April 18, 2006, by City Council Resolution No. 53-2003, sets forth guidelines for the portfolio management practices for the City on a year to year basis. In conjunction with that Policy, the Chief Financial Officer has signed the investment documentation as necessary, with the Chief Deputy City Clerk certifying and attesting as to the Chief Financial Officer signature. Increasingly, financial institutions utilized for the investment of City funds require that the City provide a resolution of authorization naming the signing officer(s) for the City and designating that financial institution as a depository of City funds. With more strict banking regulations and more scrutiny of banking activities, City staff believe that such resolution requests will become a routine banking practice in the future.

RECOMMENDATION: That the Council approve the draft resolution approving a Municipal Government, Public Funds Banking Resolution for a Deposit Account with Coast Bank of Florida.

ATTACHMENT: Resolution
RESOLUTION NO. ___-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING A MUNICIPAL GOVERNMENT, PUBLIC FUNDS BANKING RESOLUTION FOR A DEPOSIT ACCOUNT WITH COAST BANK OF FLORIDA

WHEREAS: The City of Porterville Investment Policy adopted and reaffirmed April 18, 2006, by City Council Resolution No. 53-2003, sets forth guidelines for the portfolio management practices; and

WHEREAS: Periodically certain financial institutions being utilized for the investment and or management of City funds require that the City provide a resolution of authorization naming the signing officer(s) for the City.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Porterville as follows for the following transactions:

Depositor:  City of Porterville
291 N Main St
Porterville, CA 93257

Account No:  39800714

Financial Institution:  Coast Bank of Florida
Treasury Services
1301 6th Ave West
Bradenton, FL 34205

RESOLVED, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Entity, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any one (1) of the following named officers or employees of this Entity ("Agents"), whose actual signatures are shown below:

Maria Bemis, Acting Chief Financial Officer of City of Porterville

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

FURTHER RESOLVED, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Entity's accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing
or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such item or the proceeds of the item.

**FURTHER RESOLVED**, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Entity for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

**FURTHER RESOLVED**, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks, or items of the Entity may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

**FURTHER RESOLVED**, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

**I FURTHER CERTIFY** that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Entity; that they are in full force and effect and have not been modified in any manner whatsoever. And that the City of Porterville is organized, exists and is duly authorized to transact business under the laws of the state or jurisdiction where it is located.

**ACCOUNT HOLDER.** City of Porterville is the complete and correct name of the Account Holder.

**ADOPTED** this 20th day of March, 2006.

______________________________
Cameron Hamilton, Mayor Pro Tem

**ATTEST:**
John Longley, City Clerk

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

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

COUNCIL: AYES:
COUNCIL: NOES:
COUNCIL: ABSTAIN:
COUNCIL: ABSENT:

I further attest that the signatures set opposite the names listed above are their genuine signatures.

JOHN LONGLEY, City Clerk

________________________
by Patrice Hildreth, Deputy City Clerk
SUBJECT: RESOLUTION OF AGREEMENT REGARDING THE PROPOSED AMENDMENT TO H.R. 24 THE SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

SOURCE: Public Works Department

COMMENT: Staff has received a request from the Tulare County Board of Supervisors to support a proposed amendment to H.R. 24 The San Joaquin River Restoration Settlement Act. H.R. 24, as currently written, would authorize the Secretary of the Interior to implement a massive fishery restoration program at unknown costs and without any analysis of the potential for restoring a naturally reproducing salmon fishery. The agreement provides that the Restoration Goal and Water Management Goal are of equal priority. However, means for achieving the Water Management Goal are not included in the agreement.

Tulare County is concerned that significant water supply shortages could result from the release of restoration flows from Friant Dam, with concomitant impacts on our groundwater basin and local communities that support irrigated agricultural production in Tulare County.

The proposed amendment as outlined in the attached letter from Allen Ishida, Chairman, Tulare County Board of Supervisors, would provide Tulare County with confidence that the Secretary would have the means needed to avoid devastating water supply impacts, by authorizing the Secretary to take the actions necessary to achieve the Water Management Goal. In essence it authorizes the Secretary of the Interior to construct facilities required to implement the recirculation, recapture and reuse elements of the Water Management Goal.

RECOMMENDATION: That the City Council pass the attached resolution supporting the proposed amendment made by the Tulare County Board of Supervisors to H.R. 24 The San Joaquin River Restoration Settlement Act.

ATTACHMENTS: March 6, 2007 Tulare County Board of Supervisors Letter Resolution

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Dir BSR Appropriated/Funded CM Item No. 9
March 6, 2007

The Honorable Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, DC 20510

The Honorable George Radanovich  
United States House of Representatives  
2367 Rayburn House Office Building  
Washington, DC 20515

RE: Proposed Amendment to H.R. 24, The San Joaquin River Restoration Settlement Act

Dear Senator Feinstein and Representative Radanovich:

I am writing to request that you amend H.R. 24, The San Joaquin River Restoration Settlement Act. As you know, Tulare County did not participate in the negotiations that lead to the current form and content of H.R. 24, and I am concerned that significant water supply shortages could result from the release of restoration flows from Friant Dam, with concomitant impacts on our groundwater basin and local communities that support irrigated agricultural production in Tulare County.

For these reasons, I request an amendment to H.R. 24 to authorize the Secretary of the Interior to construct facilities required to implement the recirculation, recapture and reuse elements of the Water Management Goal established by the Settlement Agreement. Specifically, I propose adding a new Section 4(a)(5), which would provide:

"(5) STUDIES AND FACILITIES.-

(A) IN GENERAL.-The Secretary is authorized and directed to conduct feasibility studies for and to construct new pumping and conveyance facilities on the mainstem of the San Joaquin River above the town of Vernalis required to implement the recirculation, recapture, and reuse elements of the Water Management Goal of the Settlement."
(B) DEADLINE.—The study and construction of facilities under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.”

I am aware that Congress is generally reluctant to authorize under federal Reclamation law the construction of facilities prior to the preparation and a submission of a feasibility report that describes the estimated cost and potential benefit of the proposed facilities. Deviation from this principle is warranted in this circumstance because H.R. 24 would authorize the Secretary to implement a massive fishery restoration program at unknown costs and without any analysis of the potential for restoring a naturally reproducing salmon fishery, which is the Settlement Agreement’s Restoration Goal. Moreover, the Settlement Agreement provides that the Restoration Goal and the Water Management Goal shall have equal priority. In as much as H.R. 24 authorizes actions necessary to achieve the Restoration Goal, it only seems reasonable that the Act would also authorize the Secretary to take the actions necessary to achieve the Water Management Goal.

If this amendment were made to H.R. 24 Tulare County could be confident that the Secretary would have the means needed to avoid devastating water supply impacts, and Tulare County would be in a position to support H.R. 24. Again, I request that you amend H.R. 24 to ensure that the implementation of the San Joaquin River restoration program will not do irreparable damage to our groundwater basin and the economy of our County.

Thank you for your consideration of this request.

Sincerely,

Allen Ishida, Chairman
Tulare County Board of Supervisors

cc: The Honorable Devin Nunes
    The Honorable Dennis Cardoza
    The Honorable Jim Costa
    The Honorable Kevin McCarthy
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE SUPPORTING THE
PROPOSED AMENDMENT MADE BY THE
TULARE COUNTY BOARD OF SUPERVISORS
TO H.R. 24 THE SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

WHEREAS, representatives from Tulare County, which includes the City of Porterville, did not participate in the negotiations that lead to the current form and content of H.R. 24, The San Joaquin River Restoration Settlement Act; and

WHEREAS, Tulare County is concerned that significant water supply shortages could result from the release of restoration flows from Friant Dam, with concomitant impacts on our groundwater basin and local communities that support irrigated agricultural projection in Tulare County; and

WHEREAS, Tulare County Board of Supervisors are requesting an amendment to H.R. 24 to authorize the Secretary of the Interior to construct facilities required to implement the recirculation, recapture and reuse elements of the Water Management Goal established by the Settlement Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the City of Porterville agrees with the proposed amendment as outlined in the March 6, 2007 letter from the Tulare County Board of Supervisors to Senator Feinstein and Representative Radanoivich.

ADOPTED this 20th day of March, 2007.

________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

________________________
By Georgia Hawley, Chief Deputy City Clerk
COUNCIL AGENDA: MARCH 20, 2007

SUBJECT: CONSIDERATION OF HAYES FIELD CONCESSION LICENSE AGREEMENT WITH THE PORTERVILLE AMATEUR YOUTH SOFTBALL ASSOCIATION

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City has routinely provided a license to youth athletic leagues for their use of city concession facilities located at the Sports Complex and Hayes Field. The last Hayes Field Concession License was with Porterville Bobby Sox Girls Softball Association, with a term that expired on July 20, 2004. A successor organization, the Porterville Amateur Youth Softball Association (PAYSA) now exists. PAYSA and two other youth sports organizations have previously entered into Concession License Agreements with the City for use of the Sports Complex facility. It would be appropriate for a similar Concession License to be approved between PAYSA and the City for Hayes Field.

A one-year agreement for the use of the Hayes Field Concession Building is proposed with PAYSA. A one-year term will provide an opportunity for updating the provisions consistent with risk management requirements and other provisions that may result from an anticipated September 2007 renewal of the various Sports Complex agreements. The agreement provides PAYSA with a license for services to the public in general, of the sale of soft drinks, ice creams, hot dogs, pre-packaged food, and general confectionary articles and products. PAYSA is to keep and maintain the concession building during the hours in which Hayes Field is being utilized or at any other time the City deems the operation of the concession necessary for special activities.

PAYSA shall keep and maintain all concession facilities, equipment and grounds at and around the concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair. PAYSA shall pay monthly to the City a fee of $5.44 per hour for the use of the concession building by the 5th day of each month.

RECOMMENDATION: That the City Council approve the Hayes Field Concession License Agreement between the Porterville Amateur Youth Softball Association and the City of Porterville

ATTACHMENTS: Hayes Field Concession License Agreement

ITEM NO.: 10
CITY OF PORTERVILLE
HAYES FIELD
CONCESSION LICENSE

The City of Porterville, hereinafter referred to as “CITY” hereby grants to the Porterville Amateur Youth Softball Association, hereinafter referred to as “LICENSEE”, a license for services to the public in general, of the sale of soft drinks, ice creams, hot dogs, pre-packaged food, and general confectionery articles and products at the Hayes Field Concession Building located at Hayes Field Park, for a term of one year commencing April 1, 2007 and ending March 31, 2008. The LICENSEE shall not sell or serve any type of alcoholic beverage on the premises.

1. The LICENSEE shall, at all times during the term of said License, keep and maintain the concession building open for the convenience of patrons at said Field during the hours in which said Field is being utilized for organized baseball or softball or at any other time the CITY deems the operation of the concession necessary for special activities.

2. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair.

3. The LICENSEE shall open all gates and secure them open with locks upon opening the park and concession facility. The LICENSEE shall close and lock all gates upon closing the concession building and park.

4. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License and in the event of a termination of this License, the LICENSEE shall surrender up and deliver to the CITY complete possession of the premises were said License is being operated within 30 days after receiving notice to vacate.

5. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY.

6. The CITY, by its authorized agents and servants, reserves the right of entry upon the premises where said license is being operated for purposes of inspection.

7. Nothing herein shall be construed as making the CITY and the LICENSEE partners and/or joint ventures.

8. The LICENSEE shall pay monthly to the City a fee of $5.44 per hour for the use of the concession building by the 5th of each month. The payment will be made by PAYSA. The fee will be adjusted each year by the San Francisco Consumer Price Index.

9. To the fullest extent permitted by law, the LICENSEE shall and hereby does agree to save, defend and indemnify the CITY, all of its officers, agents and employees of and from all manner of claims, demands, actions or causes of actions of all persons arising from or in any way connected with the use, occupation or employment of said License, or activities engaged in, or carried on or
conducted upon the premises by the LICENSEE, together with costs and attorney’s fees and shall secure, at LICENSEE’s expense, liability insurance including product liability indemnifying the CITY and the LICENSEE in the sum of one million dollars ($1,000,000) combined single limit for property damage and injury, including death, to one or more persons, and deposit with the CITY an original certificate of said insurance, name the CITY, its officers, agents and employees as an additional insured on LICENSEE’s policy.

10. LICENSEE shall maintain Workers’ Compensation Insurance for all its employees and volunteers who are in any way connected with the performance of LICENSEE’s concessionary interests.

11. During the entire term of this License, the Licensee shall not suffer, allow, or permit any income, profit, or emolument gross and net, from any of its activities arising from, connected with, or in any manner associated with the use and employment by the LICENSEE of this License to ensure, to be paid to, or delivered to the benefit of any members, private shareholder, or individual; and/or income, profit, gross and net, or other rights or benefits which shall arise from the use and employment of this LICENSEE shall be used solely, positively and exclusively to meet the necessary expenses or upkeep and operation of the activities of the LICENSEE as such, and not any members, shareholders, or individual.

12. The LICENSEE shall maintain and keep adequate records of its sales from the Licensed premises and agrees to permit the CITY to examine said records on demand.

13. The LICENSEE shall have the right and privilege, provided it is not in default of the terms and provisions of the License, at the end of the term or sooner termination thereof, to remove from the Licensed premises all personal property belonging to the LICENSEE, together with their stocks, goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.

14. Notwithstanding any provision of this agreement to the contrary this agreement may be terminated by either party, with our without cause, by giving the other party thirty (30) days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.

15. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation to a reasonable sum as and for its attorneys fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.
IN WITNESS whereof the parties have executed this License Agreement at Porterville, California this 20th day of March 2007.

CITY OF PORTERVILLE

BY: ________________________________
Cameron J. Hamilton, Mayor

PORTERVILLE AMATEUR YOUTH SOFTBALL ASSOCIATION

BY: ________________________________
President

ATTEST:

________________________________
John Longley, CITY CLERK

APPROVED AS TO FORM:

________________________________
Julia M. Lew, City Attorney
CITY COUNCIL AGENDA: MARCH 20, 2007

PUBLIC HEARING- CONTINUED

SUBJECT: ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS LAND DEVELOPMENT INC.)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On October 3, 2006, the City Council continued the public hearing for the proposed Ennis Estates project. The applicant requested that the matter be continued to a later date to allow time for further discussion between the interested parties. The applicant has requested a number of continuances in an effort to work out design issues with adjacent property owners. While progress has been made, the applicant is requesting that the item be continued until April 3, 2007.

The applicants are requesting approval of the Ennis Estates Tentative Subdivision Map to divide a 34.1± acre parcel east of Lombardi Street and south of the prolongation of Castle Avenue in northwest Porterville. The City’s General Plan Land Use Map shows that the project area is designated Low Density Residential and is in the R-1 (Single-family Residential) Zone. The property will be divided into approximately 70 estate size (17,000 square foot average) single-family residential lots. Two lots, one approximately 6,400± square feet and the other 9,580± square feet, will be pocket parks maintained by a Homeowners Association. The project will be constructed in one phase.

ENVIRONMENTAL: On August 4, 2006, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from August 4, 2006 to August 25, 2006. Comments were received from representatives of Burton School District and Mr. Lombardi, a neighboring property owner. Comments have been addressed where appropriate; the comment letters and Staff responses are attached to the staff report.

RECOMMENDATION: That the City Council continue the item to the April 3, 2007 meeting.
SUBJECT: SECOND READING - ORDINANCE NO. 1718, CARD ROOM REGULATIONS

SOURCE: Administration/City Clerk Division

COMMENT: Ordinance No. 1718, replacing Article I, Section 15-20, of the Porterville Municipal Code concerning gambling regulations, was given First Reading on March 6, 2007, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1718, waive further reading, and adopt said ordinance.

Attachment: Ordinance No. 1718

Item No. 12
ORDINANCE NO. 1718

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
REPLACING ARTICLE I, SECTION 15-20, OF THE PORTERVILLE MUNICIPAL
CODE, CONCERNING GAMBLING REGULATIONS

WHEREAS, the City Council of the City of Porterville desires to modify its card table
regulations to conform to state law by including an option not to set a gambling wagering limit,
which will allow gambling licensees to continue to set and post their own limits;

THE COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN AS FOLLOWS:

SECTION 1. That Porterville Municipal Code Chapter 15, Licenses and Business
Regulations, Article I, General Provisions, Section 15-20, Regulations, is hereby replaced as
follows:

Sec. 15-20. Regulations.
(a) Card tables.

(1) Conformance with state law. It is the stated purpose of this Section to regulate card rooms,
licenses and permits in the City of Porterville concurrently with the state of California, and to
impose local controls and conditions upon establishments operating card rooms and card tables
as permitted in the "Gambling Control Act" as codified in Division 8, Chapter 5 of the California
Business and Professions Code.

(2) Licenses. Each card table shall be assigned a separate license with such license designating
the number of the table and the location of the table, and the exact place of business where such
card table is to be maintained. The operator shall attach to each licensed table a metal
identification number, which shall be plainly visible at all times; and no license or identification
number shall be transferable; provided however that it may be moved to a new location with the
approval of the City Council.

(3) Hours of Operation. Playing at all card tables shall absolutely cease and terminate at 2:00
a.m. of each day; and it is hereby declared to be unlawful for any person to deal, participate in,
play, carry on or bet at, against, rent, open up, carry on, conduct or have charge of or to control
any card table in the City between the hours of 2:00 a.m. and 7:00 a.m. of each day.

(4) Patron Security and Safety. All licensees shall have in effect a security plan to address the
safety and security of patrons in and around the cardroom. The plan, and any amendments
thereto, must be filed with and approved by the Chief of Police. The licensee shall be liable for
the security and safety of its patrons to the extent required by law. Any information about
security measures that is provided to the City by an establishment operating a card table shall
be confidential and not open to public inspection.
The physical arrangements of the gambling area and parking lots of the establishment operating card tables shall meet the requirements and specifications determined necessary by the Chief of Police for the security and safety of citizens, patrons, and police officers. During all hours of operation, the outside doors to the establishments wherein card tables are operated and the main doors to rooms wherein the tables are located must be unlocked and accessible to the general public. Any part and all of the establishment where a card table is operated shall be open to police inspection during all hours of operation.

(5) **Wagering Limits**. Unless otherwise authorized by the Chief of Police based upon a finding of necessity because of the rules relating to a particular game, a maximum of ten hands may be dealt at any one table. The maximum number of persons who may participate in play at a table may be limited by the licensee consistent with the provisions of this chapter, provided that in any event, the number of persons present in any establishment or room shall not exceed the occupant load as otherwise prescribed by law. There shall be posted in a conspicuous place on the establishment premises the minimum buy-in and wagering limits. Not later than July 1 of each calendar year, the licensee shall execute under penalty of perjury and file with the Chief of Police a declaration stating the following: a) the minimum buy-in, table and wagering limits and any and all charges or other fees assessed of all players at a table; and b) a set of the then current posted detailed house rules applicable to the games played. There is no wagering limit imposed by this section. However, all wagering limits fixed by the licensee, shall be posted as required in this subsection, and shall comply with all state laws and all ordinances of the City.

(6) **Number of Gambling Tables**. Not more than three (3) card tables shall be located at each establishment. Not more than nine (9) tables total shall be located in the City of Porterville, and not more than three (3) establishments operating such tables shall be located in the City of Porterville.

(7) **Location**. No license shall be issued except for a location deemed suitable by the City Council.

(8) **Permit required for dealers and employees**. All card room dealers and employees shall be required to obtain a permit from the Chief of Police. In addition, all card room dealers and employees are required to submit to a fingerprint based criminal history background check by the Department of Justice. Permit applicants are responsible for all fees charged for applying for and obtaining the permit and submitting to the background check. The Chief of Police shall deny said permit for any of the following reasons, as set forth in California Business and Professions Code Section 19850A(a):

A) failure of the applicant to clearly establish eligibility and qualification in accordance with California Business and Professions Code, Division 8, Chapter 5;

B) failure of the applicant to provide any information, documentation, and assurances required by said chapter of the Business and Professions Code or requested by the Director of the Division of Gambling Control, Department of Justice, or failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria;
C) conviction of the applicant for any crime punishable as a felony;

D) conviction of the applicant for any misdemeanor involving dishonesty or moral turpitude within the 10-year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to Section 1203.4, 1203.4a, 1203.45 of the Penal Code;

E) association of the applicant with criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code;

F) willful and obstinate defiance by the applicant of any legislative investigatory body, or other official investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling; official corruption related to gambling activities; or criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code; or

G) the applicant is less than 21 years of age.

The Department of Justice's Division of Gambling Control may object to the issuance of a work permit by the City for any cause deemed reasonable by the Division.

(9) Revocation and appeal .

A) By the Chief of Police: the Chief of Police may refuse to issue or may revoke the permit of a card room dealer or employee at any time if, in his judgment, such action is necessary. A person whose application for a permit is denied or a person whose permit is revoked, if the decision to deny or revoke was made solely by the Chief of Police, may appeal the action of the Chief of Police to the City Council in accordance with the procedure set forth in section 15-13(b) of this chapter.

B) By the Division of Gambling Control: if the Division objects to the issuance of a work permit, the permit shall be denied. Any person whose application for a work permit has been denied because of an objection by the Division may apply to the California Gambling Commission for an evidentiary hearing in accordance with regulations. In addition, the California Gambling Control Commission may notify the Chief of Police to revoke a work permit, if the Commission makes the necessary findings after a hearing, pursuant to California Business and Professions Code section 19912A. (Ord. No. 1584, 10-19-99)

(b) Coin-operated machine.

(1) Contents of applications . At the time a license is applied for, the applicant shall give the serial number, and kind or character of such machine.

(2) Display of license or stamp . No person shall maintain any vending, weighing, entertainment or amusement machine within the city without having posted thereon in a conspicuous place a stamp or label, which shall be issued and supplied by the collector, which stamp or label shall
indicate the number of the license, together with the date of expiration thereof; and in the event any duly qualified officer of the city finds any such machine being maintained in the city without such stamp or label being maintained thereon in a conspicuous place, or without such stamp or label indicating that there is a valid and unexpired license issued covering such machine, it shall be his duty to seize and hold such machine for the payment of the license tax, which machine shall be disposed of upon the nonpayment of such tax as provided by the laws relative thereto.

(3) **Transfer of license**. In the event any person discontinues maintaining any vending, weighing, entertainment or amusement machine duly licensed pursuant to this chapter during a period when such license remains unexpired, the licensee may substitute another similar machine in place of the machine, the use of which is so discontinued, and may maintain such substituted machine without the payment of an additional license tax for the unexpired period of the license carried on such discontinued machine; provided, however, that such person surrender the unexpired license of such discontinued machine to the collector and obtain from the collector a new license for such unexpired period for the replacing machine.

(4) **Location of machines**. No license as provided in this chapter shall be issued for the maintaining of any vending, weighing, entertainment or amusement machine upon any public street, sidewalk, alleyway or court within the city.

(c) **Junk dealers and/or collectors**.

(1) **Permit required**. Before any person shall engage in the city in the business of buying or selling old rope, brass, copper, tin, lead, rags, slush, empty bottles, paper, bagging, or other junk whether at a fixed place of business or as an itinerant peddler, he shall make application to the city council for a permit to engage in such business. Such application shall be referred to the chief of police, who shall make an investigation concerning the character of the applicant, and within seven (7) days shall report thereon to the city council. Upon receiving such report, the city council shall grant or deny the applicant a permit to engage in such business, and such permit shall be granted unless it shall appear from such report of the chief of police that the applicant is not a person of good moral character, or has not a good character in respect to honesty and integrity; provided, however, that no such permit shall be granted unless the city council find that such applicant, or if the applicant be a corporation, the manager thereof, has been a resident of the city for not less than ninety (90) days prior to such application.

(2) **Registration of purchases**. Every person maintaining or operating a junk shop or junkyard shall keep at his place of business a substantial well-bound book, and shall promptly enter therein an exact description of all personal property purchased by him or it, the date of purchase, name and residence or place of business of the person from whom purchased, and all particular or prominent marks of identification that may be found on such property. Such book shall be kept neat and clean, and all entries made therein shall be neatly and legibly written in ink. Such book shall at all times during the ordinary hours of business be open to the inspection of the chief of police, or any other city officer.

(3) **Required holding period**. All junk purchased by owners or keepers of junk shops or junkyards shall be held for a period of at least nine (9) days before the same shall be sold.
(4) Pawning and pledging prohibited. No owner or keeper of a junk shop or junkyard shall receive any personal property by way of pledge or pawn, nor shall any owner or keeper of a junk shop or junkyard engage in the business of pawn-broking on the same premises wherein a junk shop or junkyard is located.

(5) Hours of business. No junk peddler shall purchase or collect any junk in the city between the hours of 6:00 p.m. and 6:00 a.m.

(6) Revocation of permit. The city council may revoke the junk dealer permit granted to any person upon failure of such person to conduct and carry on such business in accordance with the provisions of this section; and such permit may likewise be revoked, if in the conduct of such business, any law of the state, county or city be violated.

(7) Places of business. It shall be unlawful for any owner, tenant or lessee of any premises in the city, or the owner, tenant or lessee of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle to keep, place or maintain thereon, or to permit the keeping, placing or maintaining thereon, of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle which is used or which is to be used for a dental or chemical laboratory or for the display or selling of merchandise therein, or to use or permit the use of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle on any premises in the city for business, religious, educational, retail, commissary, shop, storage, office purposes or for other type of commercial retail purpose.

(d) Bingo games.

(1) Bingo games allowed only by eligible organizations with proper city permit. Bingo games within the city are illegal except those organizations exempted from the payment of the Bank Incorporation Tax by sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701l of the Revenue and Taxation Code and by mobile home park associations and senior citizens' organizations; provided that the proceeds of such games are used only for charitable purposes and provided that these eligible organizations have applied for and received the proper city bingo license and conformed to section 326.5 of the California Penal Code and the provisions of this chapter.

(2) Application and fee for license. Eligible organizations desiring to obtain such license to conduct bingo games in the city shall file an application, in writing, to the office of the finance director on a form provided by the city. The issuing authority shall be the finance director, after approval of the chief of police. The license shall be for a term of one (1) year from the date of issuance. The license fee, whether for the initial license or renewal, will be fifty dollars ($50.00) annually. If an application for a license is denied, one-half of the license fee paid shall be refunded to the organization.

(3) Contents of application. Said application for a bingo license shall obtain the following information:
a. The name, address, date, place of birth, physical description and driver's license number of every officer of the charitable organization.

b. The name, address, date, place of birth, physical description and driver's license number of not more than twenty (20) members who will be authorized to operate the licensed bingo games on behalf of the organization.

c. The particular property within the city including the street number owned or leased by the applicant, and used by such applicant for an office or for the performance of the purposes for which the applicant is organized, on which property bingo games will be conducted together with the occupancy capacity of such place.

d. The proposed days of week and hours of day for conduct of bingo games.

e. That the applicant agrees to conduct the bingo games in strict accordance with section 326.5 of the Penal Code and this chapter as they may be amended from time to time and agrees that the license to conduct bingo games may be revoked by the chief of police when there is a violation of this chapter or other applicable laws.

f. The application shall be signed by said applicant under penalty of perjury.

g. The annual lease fee shall accompany the application.

h. The applicant shall also submit, with its application, a certificate or determination of exemption under section 23701d of the Revenue and Taxation Code, or a letter of good standing from the exemption division of the Franchise Tax Board in Sacramento, showing exemption under section 23701d.

(4) Investigation of applicant. Upon receipt of the completed application and the fee, the finance director shall refer the application to the appropriate departments of the city for investigation, as to whether or not all the statements in the application are true, and whether or not the property of the applicant qualifies and the extent to which it qualifies, as property in which bingo games may lawfully be conducted, as to fire, occupancy and other applicable restrictions.

(5) Contents of license. Upon being satisfied that the applicant is fully qualified under the law to conduct bingo games within the city, and the police department has investigated the application, the finance director shall issue a license to said applicant, which shall contain the following information:

a. The name and nature of the organization to whom the license is issued.

b. The address where bingo games are authorized to be conducted.

c. The occupancy capacity of the room in which bingo games are to be conducted.

d. The days of the week and times during which games may be conducted.

e. The date of the expiration of such license.
f. Such other information as may be necessary or desirable for the enforcement of this chapter.

(6) Consent. The application for or acceptance of a license constitutes:

a. Consent to the entry of any peace officer to investigate the location identified in the application before the issuance of a license, as well as during any game thereafter.

b. Consent to the chief of police or his agents to review or audit the charitable organization's records relating to the conduct of bingo games into the special account required by Penal Code section 326.5(j) for the purposes of verifying compliance with the financial interest and special fund requirements of Penal Code section 326.5 and with this chapter and with all other applicable laws and regulations.

(7) Violation a misdemeanor. Any person who conducts a bingo game without the proper license as required by this chapter, or who operates a bingo game in violation of any of the requirements of this chapter, or who operates any bingo game after the suspension or revocation of a bingo license is guilty of a misdemeanor.

(8) Summary suspension or revocation. The chief of police may suspend or revoke a license for any violation of the provisions of this chapter or of any applicable law or regulation, or for any false, misleading or fraudulent statement of a material fact in the application for the license, or in the promotion, supervision, operation, conduct or staffing of any bingo game.

(9) Notice of suspension or revocation. When it appears that there is probable cause for a suspension or revocation, the chief of police shall prepare a written statement showing the cause and the specific action to be taken. This written notice shall be served on an officer or member of the organization listed on the licensed application.

(10) Appeal process.

a. After receiving the written notice of suspension or revocation, the affected licensee may file a written request for an appeal hearing with the city manager. The decision of the city manager will be final. The written request for an appeal hearing must be filed with the city manager's office no later than seven (7) calendar days after receiving the written notice of suspension from the chief of police.

b. This appeal hearing must be held within thirty (30) days of the request being filed with the city manager. Upon the conclusion of the appeal hearing, the city manager shall issue his written decision within ten (10) days.

c. Any organization whose license is finally revoked may not again apply for a license to conduct bingo games in the city for a period of one (1) year from the date of such revocation; provided, however, if the ground for revocation is the cancellation of the exemption granted under section 23701d of the Revenue and Taxation Code, such organization may again apply for a license upon proof of reinstatement of said exemption.
(11) Definition of "bingo." As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols designated on a card which conform to numbers or symbols selected at random.

(12) Maximum amount of prize. The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars ($250.00) in cash or kind, or both, for separate game which is held.

(13) Profits to be kept in separate fund or account. All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. The licensee shall keep full and accurate record of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this chapter. The city, by and through its authorized officers, shall have the right to examine and audit such record at any reasonable time and licensee shall fully cooperate with the city by making such records available.

(14) Financial interest in licensee only. No individual, corporation, partnership or other legal entity except the licensee shall hold a financial interest in the conduct of such bingo game.

(15) Exclusive operation by licensee. A bingo game shall be operated and staffed only by members of the licensee organization. Such members shall not receive a profit, wage or salary from bingo game. Only the licensee shall operate such game, or participate in the promotion, supervision or any phase of such game.

(16) Bingo games open to public. All bingo games shall be open to the public, not just to the members of the licensee organization.

(17) Attendance limited to occupancy capacity. Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the fire department and building department of the city in accordance with applicable laws and regulations. Licensee shall not reserve seats or space for any person.

(18) Bingo games conducted only on licensee’s property. A licensee shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. The license issued under this chapter shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application. In the event the described property ceases to be used as an office and as a place for performance of the purposes for which the licensee is organized, the license shall have no further force or effect. A new license may be obtained by an eligible organization, upon application under this chapter, when it again owns or leases property used by it for an office or for performance of the purposes for which the organization is organized. Nothing in this subdivision should be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.
(19) **Bingo cards**. Only preprinted cards that bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinances" are to be used in any bingo game.

(20) **Minors not to participate**. No person under the age of eighteen (18) years of age shall be allowed to participate in a bingo game.

(21) **Intoxicated persons not to participate**. No person who is obviously intoxicated shall be allowed to participate in a bingo game.

(22) **Hours of operation**. No licensee shall conduct any bingo game more than ten (10) hours out of any twenty-four (24) hour period. No bingo game shall be conducted before 10:00 a.m. nor after 12:00 midnight of any day. (Ord. No. 1625, 11-19-02)

(23) **Participant must be present**. No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

(24) **Receipt of profit by a person a misdemeanor under state law**. It is a misdemeanor under section 326.5(b) of the Penal Code of the State of California for any person to receive a profit, wage or salary from any bingo game authorized under this chapter, a violation of which is punishable by a fine not to exceed ten thousand dollars ($10,000.00), which fine shall be deposited in the general fund of the city.

(25) **City may enjoin violation**. The city may bring an action in a court of competent jurisdiction to enjoin a violation of section 326.5 of the Penal Code or of this chapter.

(26) **Severability**. If any portion of this sub-section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this subsection. The city council hereby declares that it would have adopted this subsection and each portion thereof, irrespective of the fact that any one (1) or more sections, subsections or portion be declared invalid or unconstitutional.

(c) **Community civic events**.

(1) The City Council finds and declares that it has historically closed City streets in portions of the downtown area, for the purpose of assisting certain community and regional events benefitting the City, the community at large, and non-profit organizations operating in the City. Control over the operation of these Community Civic Events has traditionally been turned over to the entity sponsoring the event. The City Council finds and declares that there is a need to provide written guidelines and regulations on how these Community Civic Events shall operate.

(2) **Purpose**.

The purpose of this Section is to establish a legal framework for the operation of Community Civic Events, to set forth minimal requirements for sponsors of these events, to meet the need
for order and control during these events, and to ensure that the theme or character of the event is maintained, and that use of public property is compatible with the event.

(3) Definition.

Community Civic Event (hereafter referred to as "CCE") shall mean the sponsoring and conducting by a nonprofit organization of a civic, artistic, cultural, charitable, educational, veteran or benevolent activity of community interest. The Council shall require reasonable proof of the nonprofit status of the sponsoring organization.

(4) Participation.

Participation in a CCE and use of public right-of-way shall be limited to those members of the sponsoring organization, in good standing with the organization, and those persons and vendors as may be approved by the sponsoring organization.

(5) Permit Required.

The CCE sponsor shall obtain a CCE permit from the City not less than thirty (30) nor more than one hundred and eighty (180) days before the commencement date of the proposed permit activities; provided that the council may waive these time requirements if it determines such a waiver to be in the public interest. Upon receipt of an application, the Business License Clerk shall circulate the application to the following departments for comments and approval: Police Department, Fire Department, Finance Department, Department of Community Development, Public Works Department, Parks and Recreation Department, and Risk Management Department. These departments may impose terms and conditions upon the CCE permit and issuance and approval of the permit is conditioned upon compliance with the required conditions. At a minimum, the permit shall include conditions for holding the City harmless, maintaining minimum limits of liability insurance in accordance with City standards, providing security and traffic control, providing adequate restroom and sanitation facilities, and paying for the cost of City services. The nonprofit sponsor of the CCE shall be exempt from a license fee. Said permit shall be valid for a maximum of four (4) consecutive days. If an event runs for four consecutive days, one of those days must include a Saturday, Sunday or national holiday. No person or sponsoring organization shall fail to keep the permit, at all times, at the place where the activities are being conducted, nor fail upon demand therefor to exhibit such permit to any public officer. The permit may be revoked for non-compliance with the conditions of the permit and the provisions of this Section. Revocation may be made by the Council, City Manager, Chief of Police, or their designees. If the grounds for revocation occur during the CCE, the Council, City Manager, Chief of Police or their designee shall first advise the CCE sponsor of the grounds for revocation and provide an opportunity to correct the same. The permit may also be revoked during the CCE if fire or another emergency requires the CCE to be terminated to protect the public safety. When the permit is revoked for this reason, all CCE participants must immediately comply with instructions from any City police officer or Fire Department personnel. (Ord. No. 1613 §§1, 09-17-02)

(6) Application.
The application for the CCE permit shall contain:

a) The name of the applicant, the sponsoring organization, the CCE chairperson, and the addresses and telephone numbers of each.

b) The location and outside perimeter of the CCE area, indicated upon a map of the area.

c) The date and times at which the CCE activities are to take place.

d) A description of the CCE activities which will be conducted.

A preliminary list of persons who will be engaging in the CCE, and a preliminary list of persons engaging in temporary selling activities at any time during the dates and times for which a temporary selling permit has been granted shall be furnished to the City no later than one (1) week before the CCE is to take place. An amended list of all participants is required to be submitted in conjunction with the payment of business license fees per Section 15-20(e)(16).

The Council shall cause such application to be investigated and shall grant the permit if it determines that the proposed CCE activities will not disrupt to an unreasonable extent the movement of vehicular or pedestrian traffic or create a hazard to the public; that the proposed CCE activities are not a size or nature that require the diversion of so great a number of police personnel to regulate such CCE activities that it prevents reasonable police protection for the City; that the concentration of persons, equipment and materials is not so great in the CCE areas that it would prevent proper fire, police and ambulance protection; and that the CCE permit applicant agrees to be responsible for cleanup necessitated by the proposed activities. The Council may, in its discretion, require a cleanup deposit to guarantee that cleanup takes place. The Council shall condition the granting of permits upon compliance with the provisions of this subsection and also with such other conditions as the Council may deem necessary to impose for the proper protection of persons and property. (Ord. No. 1613 §§2, 09-17-02)

(7) Responsible Party.

The sponsoring organization shall be responsible for the CCE and for all necessary planning, physical facilities, equipment, fire lanes, and removal, cleanup, and staffing. The sponsoring organization shall be responsible for any necessary permits and code requirements for the conduct of such CCE as may be required by County and State agencies and coordination with appropriate City departments, such as Police and Fire. All necessary certificates and approvals by any health or other governmental organization shall be in possession of the person representing the sponsoring entity in such CCE.

(8) Management.

Subject to the minimum requirements imposed by this Section, the CCE sponsor shall:

a) Promulgate rules and regulations for the CCE, including rules and regulations to maintain the theme or character of the CCE. A copy of the rules and regulations shall be submitted to the Business License Clerk prior to the CCE.
b) Have control over the terms and conditions under which persons chosen to provide vending services will operate at a CCE including, but not limited to, products sold, hours of sale, fees, vendor locations and issuance of seller permits.

c) Take any other actions which are necessary for the efficient management and operation of the CCE.

(9) Minimum Requirements.

The CCE sponsor shall abide by the following minimum requirements. These minimum requirements shall be deemed a part of the permit conditions and may be supplemented by resolution of the City Council.

a) Maintain openings between vendor booths or sizes, and at locations and distances, required by the City. The required openings shall be identified on the CCE sponsor's street plan.

b) Not use any permanent or semi-permanent paint or other markers to delineate or mark the location or other direction on any public street, sidewalk, alley or parking lot.

c) Not discriminate in the selection of any vendor on the basis of race, color, religion, sex, national origin, or familial status, or violate any law with respect to the selection of any vendor.

d) Require that all vendors obtain and display all appropriate permits, licenses, and certificates, and comply with all applicable federal, state and local laws, ordinances, and regulations.

e) Require that all vendors maintain their spaces in a clean and sanitary condition, including the removal of containers, waste and trimmings before leaving the area.

f) Require that vendors take sufficient measures to keep the City storm drain system free from contamination, and require that food vendors take special precaution to keep grease and other waste products off all public streets, sidewalks, alleys and parking lots.

g) Provide on-site personnel who can be contacted by appropriate City officials for immediate corrective action either for noncompliance with this Section or the permit conditions, for emergencies, or for actions deemed necessary by the City official. Such personnel shall be equipped with appropriate means of communication to be made known to the City by the CCE sponsor prior to the CCE.

h) Distribute the rules and regulations to each person participating in the CCE.

(10) Cost of CCE.

The CCE sponsor will be responsible for the costs associated with the CCE, including, but not limited to the cost of City services related to the CCE, and the cost of repair of any damage caused to any public property and rights-of-way, including landscaping. The CCE sponsor may apply to the City Council for cooperation in presenting a CCE and request financial assistance for some or all of the costs of City services related to the CCE.
(11) Permit to Sell.

No person shall sell or offer to sell any item at the CCE except under the authority of a valid permit approved by the CCE sponsor. The CCE sponsor shall designate a person or persons responsible for issuing permits to sell. A seller's permit shall not be required for existing businesses selling merchandise from their stores. Whenever the CCE sponsor in good faith believes that a vendor has violated the conditions of the seller's permit, the CCE sponsor may immediately suspend the seller's permit. Vendors shall have an opportunity to appeal the denial or suspension of a seller's permit as set forth in Section 15-20(e)(20). Permits to sell shall give a seller (including vendors, peddlers and other sellers) the privilege of selling at the CCE only if the following conditions are met:

a) The seller properly files an application for a permit to sell at the CCE with the CCE sponsor.

b) The seller complies with all federal, state and local laws and regulations relating to the CCE, including the rules and regulations of the CCE sponsor.

c) The seller obtains all required permits, licenses and certificates.

d) The seller pays all required fees to the appropriate authorities, including any fees due the sponsor.

e) The seller grants permission to the CCE sponsor, or an authorized representative, to enter the seller's premises for the reasonable inspection of land, facilities, and records, in order to determine whether the seller is in compliance with the permit conditions, the rules and regulations of the CCE sponsor, and the terms of this Section.

(12) Peddlers and Itinerant Vendors.

All peddler and itinerant vendor permits and licenses issued by the City shall be deemed suspended for the duration of any CCE. All permit and license holders shall be notified of this provision. No person holding a peddler or itinerant vendor permit or license shall sell merchandise within the designated CCE area for the duration of any declared CCE unless the holder of the peddler or itinerant vendor permit or license has a written agreement with the CCE sponsor to participate in the CCE, or otherwise has a seller's permit from the CCE sponsor. The CCE sponsor shall allow peddler and itinerant vendor permit and license holders with suspended City permits and licenses under this subsection the same opportunity to participate in a declared CCE as the CCE sponsor offers to other vendors.

(13) Sidewalks.

The City shall not approve vendor or sidewalk sales or other activities within the closure area for a CCE. The sponsoring entity may allow such sales or events, however selling activity during a parade must take place in conformity with Section 15-20(g).

(14) Parades.
Any person or organization desiring to have a parade as a CCE or in connection with a CCE, and all vendors, peddlers, solicitors, or merchants not located inside a commercial location, shall comply with Section 15-20(g) of the Municipal Code in addition to the provisions of this Section.

(15) Interference.

It shall be unlawful for any person to interfere with, disrupt or impede a permitted CCE. It shall also be unlawful for a person to put up any booth, table, chair, stool, structure, vehicle or piece of equipment in any public area located within a designated CCE area for which a CCE sponsor has been issued a permit without consent of the CCE sponsor. This section shall not apply to persons acting under the direction or control of the City.

(16) Business License Fees.

Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar ($1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid City business license shall be subject to separate licensing pursuant to this subsection.

The nonprofit sponsor shall collect said fee and remit the fee to the City within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee’s California Seller’s Permit number. Said receipts shall be furnished by the City. One (1) copy of the receipt shall be furnished to the licensee, one (1) copy filed with the finance department of the City, and one (1) copy retained by the CCE sponsor for a period of three (3) years for audit purposes. (Ord. 1613 §§3, 09-17-02)

(17) Charges and Exhibit Fees.

The sponsoring entity may impose a reasonable charge or exhibit fee on each participating seller or exhibitor and shall be responsible for enforcing all requirements of this subsection and regulations imposed by the sponsoring entity. Any net profit received by the sponsoring organization shall be utilized for the civic, artistic, cultural, charitable, educational, veteran or benevolent activities of the organization within the City of Porterville.

(18) Insurance.

The Council shall condition the granting of a CCE permit upon the sponsoring entity’s filing with the Council a policy of public liability insurance in which the City has been named as insured or coinsured with the permittee. The policy of insurance shall insure the City, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to
the permit. The policy of insurance shall provide coverage of no less than one million dollars ($1,000,000.00) per occurrence of bodily injury and property damage, combined single limit.

(19) Violations.

Any person who violates the provisions of these subsections shall be deemed guilty of either a misdemeanor or an infraction, in accordance Sec.15-21 of this Code. In addition, civil penalties of $100.00 for a first violation and up to $1,000.00 for subsequent violations may be imposed. Every day that any such violation continues shall constitute a separate offense. In addition, the CCE sponsor is authorized to take civil action to enforce the requirements of these subsections, and the rules and regulations established by the CCE sponsor. The remedies provided herein shall not be exclusive, and the violation of any provision of these subsections shall be subject to other remedies as may be provided by law.

(20) Appeal of the Denial or Suspension of a Seller Permit.

After the denial or suspension of a Seller's Permit, the CCE sponsor shall allow the vendor an opportunity for an appeal hearing before the CCE sponsor's governing board, or if no governing board, the person with the highest decision making authority, to determine if the permit shall be issued, further suspended, reinstated, or revoked for repeated violations. The hearing shall be held within a reasonable time, depending on the date and duration of the CCE, no later than thirty-five (35) days. The CCE sponsor shall establish procedures for the conduct of the hearing.

(21) Other Rules and Regulations - Applicability.

The CCE sponsor shall comply with all other applicable City ordinances, resolutions, policies, rules and regulations.

(22) Compatibility with State and Federal Laws and Constitutions.

It is the intention of the City Council and the people of the City of Porterville that these subsections shall be interpreted in a manner compatible with the State of California Constitution and the United States Constitution and the laws of the State of California and the United States.

(23) Severability.

If any section, subsection, sentence, clause or phrase of these subsections are for any reason held to be unconstitutional or invalid, that holding shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed these subsections, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases might be declared unconstitutional or invalid.

(Ord. No. 1612, 08-20-02)

(f) Fortunetelling.

(1) Purposes and findings.
a. The practice of fortunetelling, as defined in this section, has historically been subject to abuse by certain unscrupulous practitioners using the practice to commit fraud and larceny upon clients.

b. It is the purpose of this section to regulate the practice of fortunetelling in such a manner as to reduce the risk of fraud and larceny to clients while allowing fortunetellers to provide their services to clients with only minimal restrictions.

c. The provisions of this section requiring a permit, posting of fees, providing receipts and allowing client recordation of the consultation, will make it more difficult for an unscrupulous fortuneteller to commit fraud or larceny, and yet, as informational regulations, will not affect the nature of the information conveyed by the fortuneteller nor the manner in which it is conveyed. These regulations require only minimal expense and effort on the part of the fortuneteller and will not, therefore, impose any undue burden on their practices.

d. Fortunetelling for entertainment purposes, as defined in this section, does not create the same risk of fraud and larceny by an unscrupulous practitioner as would the practice with an individual client because it is done with a group at a public place for the purpose of entertaining and not to deal with the private concerns of an individual.

e. For these and other reasons; the provisions of this section are necessary to protect the health, safety and welfare of the community.

(2) Permit required. No person shall conduct, engage in, carry on, participate in, or practice fortunetelling or cause the same to be done for pay without having first obtained a permit therefor.

(3) Definitions. As used in this Code [subsection]:

a. "Fortunetelling" shall mean and include telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force, including, but not limited to, clairvoyance, clairaudience, cartomancy, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, divination, soothsaying, mantic, necromancy, mind-reading, telepathy, or other craft, art, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, or magic, of any kind or nature.

b. "For pay" shall mean for a fee, reward, donation, loan or receipt of anything of value.

(4) Permit application. Every natural person who, for pay, conducts, engages in, carries on, or practices fortunetelling shall file a separate verified application or a permit with the business license officer. The application shall contain:

a. The name, home and business address, and home and business telephone number of the applicant.

b. The record of conviction for violations of the law, excluding minor traffic violations.
c. The fingerprints of the applicant on a form provided by the police department.

d. The address, city and state, and the approximate dates where and when the applicant practiced a similar business, either alone or in conjunction with others.

e. A nonrefundable application fee in an amount of one hundred dollars ($100.00) to cover cost incurred by the city in staff time, and other expenses involved in investigation and processing of permit.

(5) Investigation. Upon the filing of the application, it shall be referred to the police department for investigation, report and recommendation. The investigation shall be conducted to verify the facts contained in the application and any supporting data. The investigation shall be completed and a report and recommendation made in writing to the business license officer within twenty-one (21) days after the filing of the application, unless the applicant requests or consents to an extension of the time period. If the report recommends denial of the permit to the applicant, the grounds for the recommended denial shall be set forth therein.

(6) Hearing and decision by business license officer. The business license officer shall consider the application and the police department report and recommendation at a hearing held not less than seven (7) nor more than fourteen (14) days following receipt of the police department report described in subsection (5). Notice of the time and place of the hearing and a copy of the police department report shall be given to the applicant personally or by certified mail by the business license officer at least five (5) days prior to the hearing. Any interested parties shall be heard at the hearing. City shall have the burden of proof to show the permit should be denied. The decision of the business license officer to approve, deny or conditionally approve the permit shall be in writing, and if adverse to the applicant, shall contain findings of fact and a determination of the issues presented. Unless the applicant agrees in writing to an extension of time, the business license officer shall make his or her decision approving, denying, or conditionally approving the permit within twenty-four (24) hours after completion of the hearing on the application for a permit and shall notify the applicant of his or her action by personal service or certified mail.

(7) Approval of permit. The business license officer shall approve or conditionally approve the permit if he or she makes all of the following findings:

a. All the information contained in the application and supporting data is true;

b. The applicant has not, within one (1) year from the date of the application, been convicted of any violation of this Section or crimes involving prediction of future events by the occult arts, larceny, perjury, bribery, extortion, fraud, or crimes involving moral turpitude;

c. The applicant has paid the required business license fee; and

d. The applicant agrees to abide by and comply with all conditions of the permit and applicable laws.
(8) Term of permit. The term of the permit and the term of the business license shall be for one (1) year from the date of issuance. A renewal application shall be filed no later than thirty (30) days prior to the expiration of the permit and shall be processed in the same manner as a new application.

(9) Posting of fees.

a. Each person required to obtain a permit pursuant to this section shall post on his or her business premises a sign containing the following information:

1. The true name of the fortunetelling practitioner;

2. Each service provided by the fortune-telling practitioner;

3. The fees charged for each service provided by the fortunetelling practitioner;

4. The statement, "By law, this business is prohibited from charging or soliciting any fee, payment or remuneration beyond these established rates."

b. The sign required by this subsection shall be prominently posted in the interior of the business premises at a point near the entry and shall be conspicuously visible to every person seeking the services of the fortune-teller. The sign lettering shall be of uniform size with each letter at least one-half (1/2) inch in height.

c. If the fortunetelling service is pro-vided at a location other than the fortuneteller's permanent place of business, the fortuneteller shall provide the information required by this subsection on eight-and-a-half (8 1/2) by eleven (11) inch paper and legibly printed or typewritten. The paper shall also include the name and permanent address of the person providing the fortunetelling services. A true, correct and complete copy of such paper shall be given to each client prior to providing any fortune-telling services.

d. No person shall charge any fee, payment, remuneration, or item of value for fortunetelling services in excess of the fees set forth on the sign or paper required by this sub-section.

(10) Receipts. Prior to the acceptance of any money or item of value from a client, other than the acceptance of a gratuitous tip given voluntarily by the client, which is in addition to the fee, the fortuneteller shall issue a written receipt to the client, clearly showing:

a. Date;

b. Name of client;

c. Amount of money received or specific description of item of value received; and

d. Purpose for which the money or item of value was received.
(11) **Client's record of consultation.** No person engaging in fortunetelling services shall prohibit a client from making an audio recording or taking written notes of the information conveyed by the fortuneteller.

(12) **Exception –Entertainment.** The provisions of this subsection shall not apply to any person engaged solely in the business of entertaining the public by demonstrations of fortunetelling at public places and in the presence of and within the hearing of all other persons in attendance, and at which no questions are answered as part of such entertainment except in a manner to permit all persons present at such public place to hear such answers.

(13) **Same –Religious practice.** The provisions of this subsection shall not be applicable to any person conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer, clairvoyant, or similar position (hereinafter collectively referred to as minister) from any bona fide church or religious association having a creed or set of religious principles that is recognized by all churches of like faith which provides for fortunetelling; provided that:

a. Except as provided in subsection (13)c heretof, the minister's fees, gratuities, emoluments, and profits shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this subsection.

b. The minister holding a certificate of ordination from such bona fide church or religious association, as defined in this subsection, shall file with the business license officer a certified copy of the minister's certificate of ordination and the minister's name, age, street, address, and telephone number in this city where the activity set forth in this subsection is to be conducted.

c. Such bona fide church or religious association, as defined in this subsection, may pay to its ministers a salary or compensation based upon a percentage basis, pursuant to an agreement between the church or religious association and the minister which is embodied in a resolution and transcribed in the minutes of such church or religious association. (Ord. No. 1324, 12-18-84; Ord. No. 1326, 5-7-85; Ord. No. 1346, 3-18-86; Ord. No. 1384, §§ 2, 8-4-87)

(g) **Parade.**

(1) **Application and approval.** Parades will only be allowed in conjunction with a Community Civic Event referenced in Section 15-20, (e).

(2) **Selling activity during a parade.** In order to maintain public safety and promote the good order of a parade, no vendor, peddler, solicitor, or merchant shall be permitted in the parade route once the parade begins. No vendor, peddler, solicitor, or merchant shall be permitted to conduct business on sidewalks or walkways or other areas that may impede pedestrian traffic. Any vendor, peddler, solicitor, or merchant not located inside a commercial location shall be limited to side-streets once the parade begins. No vendor, peddler, solicitor, or merchant shall impede the view of any spectator during the event. All vendors, peddlers, solicitors, and merchants shall be prohibited from selling products at or near the event that are deemed to be
a nuisance or contrary to the good order of the parade. These items include, but are not limited to:

a. Silly String
b. Snap caps
c. Party poppers
d. Any projectile and/or launcher

(3) Movement of Public Safety Equipment. The conduct of such parade shall not interfere with the movement of fire fighting or police equipment.

SECTION 2. This ordinance shall be in full force and effect thirty days after its passage.

ADOPTED, SIGNED AND APPROVED this ______ day of ____________, 2007.

____________________________________
President of the Council and
Mayor of the City of Porterville

ATTEST:

____________________________________
Chief Deputy City Clerk and Clerk
of the Council of the City of Porterville
CITY COUNCIL AGENDA

March 20, 2007

SUBJECT: Public Comment Regarding the Potential Closure of Tulare County’s Porterville Clinic

SOURCE: City Manager

The City recently learned that Tulare County is considering the closure of its clinic in Porterville. A public hearing is scheduled on the issue at the March 27, 2007, Board of Supervisors meeting.

Board of Supervisors Bielensen Hearing

Tulare County Health and Human Services Agency requested at the February 27, 2007 Board of Supervisors meeting authorization to curtail expenditures for acute care and clinical services. The specific request by the Agency is to close clinics located in Dinuba and Porterville. The Agency specified that in order to accomplish the closure of the proposed medical clinics and curtailment of medical services, Health and Safety Code section 1442.5 requires the County to conduct a public hearing. This public hearing is commonly called a Bielensen hearing.

The goal of the closure is to save $1,500,000.

The staff report to the Board of Supervisors indicated that for Fiscal Year 2005/06, the total encounters at the Porterville Clinic was 16,299 and the total users were 5,025. The staff report further indicated “Patients currently served in the Porterville Health Center would receive services in the same system utilized in 2000 through the Lindsay Health Center.”

Review of The Issue with Health Care Providers

City staff has reviewed the issue with Mr. John Davis, the Director of Health and Human Services for the County; Mr. Ray Bullick, the County Director of Health; Mr. Dennis Coleman the Interim President/CEO for Sierra View District Hospital; and Mr. Harry Foster, the Chief Executive Officer of Family Health Care. The following points are presented from these discussions:

City Manager Longley

Item No. 13
Mr. Ray Bullick indicated that of the 5,000 or so users of the clinic, about 46% are medical and 54% are low or non-pay. In Porterville, 63 cents of every dollar of expenditure is a loss. The major issue is that paying clients are utilizing the Porterville Clinic at a declining rate, and the non or low pay component of the client base is increasing in proportion to the caseload. Mr. Bullick indicated that he will have a representative of the Health Department at the Council Meeting to address any question the Council may have.

Mr. Bullick also defined that a component of the issue is the increased cost to operate the clinic. The current occupancy cost for the Porterville Clinic exceeds $600,000 per year. The clinic was established in Porterville in 1999/2000 at Sierra View, and a few years ago moved to its current site at East Olive and Plano.

Mr. Dennis Coleman indicated a concern about the ability of other health care organizations to ramp up to accommodate the medical service need currently covered by the Clinic. During 2005-06, the Clinic reported 16,299 visits. There is not apparent capacity in the system to accommodate the loss of service if the County closes in July, 2007. He is particularly concerned about OB/Gyn. If services are not available in this area and assistance is not provided during pregnancies, the impact on mothers and children is very significant and likely long-term. It is not apparent at this time that significant capacity is available to address this need. Mr. Coleman indicated that he will have a representative of Sierra View District Hospital at the Council Meeting to address any question the Council may have.

Mr. Harry Foster who is Chief Executive Officer of Family Health Care, a large provider of health care services in Porterville and Tulare County, indicated a group within his organization is looking closely at this matter so he cannot comment specifically on the closure and the ability of Family Health Care to address the potentially displaced clients. However, he is concerned about the “demand on the system” that the closure will create.

Questions Remain

As the hearing approaches, questions remain regarding the issue at hand. To have a clear understanding of potential solutions, these should be addressed.

✓ What is the utilization and “profit” or “loss” from each of the clinic locations over the past three years? We understand that clinics are now located in Dinuba, Visalia, Tulare, Farmersville, Lindsay, and Porterville, and a detailed reporting based upon revenue and cost factors within each of the clinic locations needs to be prepared and distributed with an opportunity for analysis and comment.

✓ What monies have been used in the past to cover costs within the system and why can they not be utilized into the future? Within the very large budget of Health and Human Services, are other monies available to cover the cost?
✓ The Department indicated in its February 27, 2007 Agenda Report that the clients could utilize the Lindsay Clinic. What is the planning for this? Is the clinic large enough and is there sufficient staff to accommodate the increase from a Porterville closure? If not, what accommodations will be made at Lindsay? Would it be just as beneficial to make these accommodations at Porterville?

✓ If the Lindsay Clinic is not expected to be able to accommodate the displacement, then what other providers will be able to accommodate the clients? What specific capacity in the system that can accommodate the displaced users has been defined by the County’s Health Department?

Finding from Staff Review

Though the questions above should be addressed and there should be much more inter-agency problem solving, as it stands, the potential Tulare County Clinic closure in Porterville will most probably displace a significant number of individuals from health care including women that are pregnant, and the potential timing of the action reduces the ability of Tulare County and the Porterville community to redefine resources to address the fundamental need. The impact of this displacement appears to be profound to the individual directly affected and in-turn the community. At a very minimum, the very short time frames that are suggested permit little opportunity to adjust the system in response to the potentially great displacement of the medically needy.

Recommendation

Testimony should be presented on behalf of the City Council on March 27th defining the very difficult outcomes from a clinic closure.
## PHCC Services Inquiry Responses

### Porterville Services:
- Family Practice
- Ob/Gyn
- Pediatrics
- Internal Medicine
- Infectious Diseases
- Surgery
- Dermatology
- Podiatrist

### Clinic square footage:
- Health: 11,472
- Mental Health (not affected): 7,648

### Clinic Visits:
- FY 2004-2005: 18,197
- FY 2005-2006: 16,299
- YTD FY 2006-2007: 8,724

### Annual Encounters by Payor-Major Classes

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### Hillman Lab tests from PHCC:
- FY 2004-2005: 8,863
- FY 2005-2006: 8,621
- YTD FY 2006-2007: 5,821

### Annual Encounters by Medical Service:

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AGENDA DATE: February 27, 2007 REVISED

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<tr>
<td>Budget Transfer (Aud 308) attached</td>
<td>Yes ☐</td>
<td>No ❌</td>
<td>N/A ☐</td>
</tr>
<tr>
<td>Personnel Resolution attached</td>
<td>Yes ☐</td>
<td>No ❌</td>
<td>N/A ☐</td>
</tr>
<tr>
<td>Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)</td>
<td>Yes ☐</td>
<td>No ❌</td>
<td>N/A ☐</td>
</tr>
</tbody>
</table>

CONTACT PERSON: Ray Bullick PHONE: 737-4660

SUBJECT:
Request from the Health and Human Services Agency (HHSA) to conduct a Public Hearing commonly called a Bielenson Hearing regarding the closure and curtailment of acute care and clinical services at the Tulare County Health Centers in Porterville and Dinuba.

REQUEST(S):
That the Board of Supervisors:
1. Set a public hearing date on March 27, 2007.
2. Authorize HHSA to post notices on all county health facilities.

SUMMARY:
HHSA requests authorization to curtail expenditures for acute care and clinical services. Specifically, HHSA wishes to close clinics located in Dinuba and Porterville. In order to accomplish the closure of the proposed medical clinics and curtailment of medical services, Health and Safety Code section 1442.5 requires the County to conduct a public hearing. This public hearing is commonly called a Bielenson hearing.

The Bielenson hearing must be held before the Board makes a decision to close the clinics. Public notice must be provided including notices posted at the entrance of all county health care facilities.
SUBJECT: Request from the Health and Human Services Agency (HHSA) to conduct a Public Hearing commonly called a Bielensen Hearing regarding the closure and curtailment of acute care and clinical services at the Tulare County Health Clinics in Porterville and Dinuba.

DATE: February 27, 2007

Current service levels at the two Health Care Centers are as follows:

Statistics as of 2/8/07 (month 8):
- Dinuba
  FY 05/06 Total Encounters: 13,505
  FY 05/06 Total Users: 3,119
  FY 05/06 TCMS Encounters: 844
  FY 05/06 TCMS Users: 213
  FY 06/07 YTD Encounters: 7,729
  FY 06/07 YTD Users: 2,307
  FY 06/07 YTD TCMS Encounters: 430
  FY 06/07 YTD TCMS Users: 170
- Porterville
  FY 05/06 Total Encounters: 16,299
  FY 05/06 Total Users: 5,025
  FY 05/06 TCMS Encounters: 1,671
  FY 05/06 TCMS Users: 459
  FY 06/07 YTD Encounters: 8,724
  FY 06/07 YTD Users: 3,341
  FY 06/07 YTD TCMS Encounters: 949
  FY 06/07 YTD TCMS Users: 317

The current W&I 17000 mandate requires a provision of services to those individuals on TCMS. It is anticipated that the current Call 4 Care program in Dinuba would be expanded to transport patients into the North Visalia Health Center at 2611 N. Dinuba Blvd., Visalia, CA. 93291. Patients currently served in the Porterville Health Center would receive services in the same system utilized in 2000 through the Lindsay Health Center.

FISCAL IMPACT/FINANCING:
Estimated cost savings per year is $1,500,000.00.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:
Organizational Performance
SUBJECT: Request from the Health and Human Services Agency (HHSA) to conduct a Public Hearing commonly called a Bielensen Hearing regarding the closure and curtailment of acute care and clinical services at the Tulare County Health Clinics in Porterville and Dinuba.

DATE: February 27, 2007

ALTERNATIVES:
Continue to maintain the clinics at a loss and direct Mental Health and Social Service resources to cover the shortfall.

IN INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:
County Counsel will approve the public notice prior to posting.

ADMINISTRATIVE SIGN-OFF:

Ray Bullick
Director Health

Cc: Auditor/Controller
    County Counsel
    County Administrative Office (2)

Attachment(s)
BEFORE THE BOARD OF SUPERVISORS
COUNTRY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF
Request from the Health and Human Services Agency (HHSA) to conduct a Public Hearing commonly called a Bielensen Hearing regarding the closure and curtailment of acute care and clinical services at the Tulare County Health Clinics in Porterville and Dinuba.

RESOLUTION NO. __________
AGREEMENT NO. __________

UPON MOTION OF SUPERVISOR ____________, SECONDED BY SUPERVISOR ____________, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD ____________, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:  C. BRIAN HADDIX
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY:
Deputy Clerk

* * * * * * * * * * * * * * * *

1. Set a public hearing date for March 27, 2007.
2. Authorized HHSA to post notices on all county health facilities.
SUBJECT: CITY OF PORTERVILLE GANG SUPPRESSION

SOURCE: POLICE DEPARTMENT

COMMENT: The Porterville Police Department established Gangs, Graffiti, and Stolen Vehicles as primary areas of our enforcement/suppression efforts. The City of Porterville has experienced a significant growth in population within the past year. With this growth, there has been a steady increase of gang influence, gang-related activity, gang violence and increased gang membership. The escalating number of Porterville youth becoming gang members, or associating with gangs, is epidemic. This activity has brought the City of Porterville’s gang-related homicides, auto theft, property crimes and graffiti to an all-time high. The City of Porterville Police Department Special Investigations Unit currently estimates the total number of gangs at five criminal street gangs. The criminal street gangs are predominately divided into two separate groups known as “Nortenos” and “Surenos.” These gangs are territorial and frequently clash over encroachment by the opposing gang. It is estimated that there are a total of over four hundred “Norteno” gang members and their associates, and a total of over two hundred “Sureno” gang members and their associates in Porterville. The age range of these gang members is 13 years to 35 years of age and they are predominately male.

A comprehensive gang strategy requires three primary components: suppression, prevention, and education. The City of Porterville is actively involved in each of these components both in stand-alone and collaborative efforts with other stakeholders such as the County of Tulare, the school districts, Chamber of Commerce, area churches, service organizations, and allied law enforcement agencies. The City must continue to collaborate with social workers, educators, academic experts, clergy, community activists, probation, parole, allied law enforcement agencies, district attorney, courts, other local government (Fire, Planning, Code Enforcement, Animal Control, Parks and Leisure), and gang representatives for information sharing through routinely scheduled meetings or contacts. These meetings should include established principles and theories of Community Policing such as conflict resolution, problem solving, and identifying trouble areas or potential “hot spots” of gang activity.

The suppression efforts of the Porterville Police Department Special Investigations Unit continue to target specific gang activities and members that directly impact our community. Intensive police scrutiny and crackdowns on all criminal activity, no matter how minor, of all gangs and gang members for their failure to comply with laws and parole/probation conditions continues to be the most effective suppression technique.

RECOMMENDATION: For informational purposes only.

D.D.  Appropriated/Funded  Q.M.  Item No. 14
SUBJECT: STREETS MAINTENANCE PROGRAM

SOURCE: Public Works Department - Engineering Division

COMMENT: A number of City arterial and collector streets are showing signs of deterioration, the most significant signs being alligator cracks and potholes. The Streets Division conducts on-going maintenance activities throughout the year, which consists of crack sealing and pothole patching in the winter months, blade patching and shoulder maintenance in the spring and fall, and overlays in the summer months. Pothole patching is done on an as-needed basis throughout the year with the heaviest activity occurring in the wet winter months when water intrusion tends to break-up the pavement.

The Streets Division typically performs patching on a priority basis. Priority is given to arterials streets followed by collectors. These streets are monitored continuously throughout the year. Local streets are evaluated and maintained on a complaint basis. Local streets that were annexed in the recent island annexation project will receive inspection, evaluation and treatment where feasible, as many are showing signs of significant deterioration.

Streets with continual pothole problems are priority for an overlay project. A list of potential overlay streets is being developed as part of the Capital Improvements Program.

RECOMENDATION: Information only.

ATTACHMENT: Streets List
<table>
<thead>
<tr>
<th>Street</th>
<th>Location</th>
<th>Sq. Footage</th>
<th>Tons</th>
<th>Section Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Westwood</td>
<td>Porter Slough to Friant Kern Canal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mathew</td>
<td>Olive to Morton</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mathew</td>
<td>Morton to White Chapel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mathew</td>
<td>Henderson to Mulberry</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Newcomb</td>
<td>Roby Ave to Heritage St.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beverly</td>
<td>North grand to Castle</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prospect</td>
<td>Westfield to Castle</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prospect</td>
<td>Putnam to Olive</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indiana</td>
<td>Henderson to Theta</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indiana</td>
<td>Olive to Union</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jaye</td>
<td>Date to Hwy 190</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main St</td>
<td>Ave. 178 to N/O W. North Grand</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main St</td>
<td>Reid to Westfield</td>
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<td>Main St</td>
<td>Henderson to Morton</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Lime</td>
<td>Henderson to Mulberry</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plano</td>
<td>Bridge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plano</td>
<td>Henderson to Mulberry</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. North Grand</td>
<td>R/R to Main</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. North Grand</td>
<td>Hwy. 65 to W/O Newcomb</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Westfield</td>
<td>Newcomb to Prospect</td>
<td></td>
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<td>Henderson</td>
<td>Plano to 4th</td>
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<td>Henderson</td>
<td>Woods to Indiana</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Olive</td>
<td>Porter Rd to Main</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Orange</td>
<td>Main to Jaye</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Springville</td>
<td>Indiana to Jaye</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scranton</td>
<td>Hwy 65 west 1300 feet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scranton</td>
<td>Newcomb west 2600 feet</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SUBJECT: PROPOSED MORATORIUM FOR USE OF CREDIT CARDS

SOURCE: Administrative Services

COMMENT: City staff is proposing for the Council's consideration a three (3) month moratorium on the use of MasterCard and Visa credit cards, beginning April 1 through June 30, 2007. Staff proposes the moratorium due to the significant processing fees that are being assessed to the City in their use, especially to the Public Works Department in the use of credit cards for the payment of building permits. With each transaction in the use of a credit card, the City is assessed an approximate 2.37% transaction fee. In an analysis for the fiscal year 2006-2007 from July 1 to date, the City has been assessed over $25,000.00 in credit card processing fees, projecting to be in excess of $40,000 by the end of the fiscal year.

As part of the proposed moratorium, staff proposes to either suspend completely the use of credit cards during the moratorium period, or to establish a maximum payment amount that could be charged to credit cards. With a staff recommended maximum payment amount of $250.00, an inconvenience would not be experienced in the payment of utility bills by credit card.

Staff is currently working with the Audit Committee in the preparation of a Request for Proposals for Banking Services, with the intended effective date of a potentially new banking services provider being July 1, 2007. A critical component of the Banking Services RFP will be for the considering parties to provide solutions for the City not to be responsible for the transaction fees, as well as ensuring the City receives the lowest or most competitive processing rate.

RECOMMENDATION: That the Council:

1. Approve a three (3) month moratorium on the use of credit cards effective April 1 through June 30, 2007; and

2. Provide staff direction as to either set a maximum payment amount that can be charged to credit cards, or suspend credit card charges entirely during the moratorium.

Dir. Appropriated/Funded CM Item No. 16
TITLE: REGULATIONS PERTAINING TO SQUATTER CAMPS

SOURCE: CITY ATTORNEY

COMMENT: City staff has received numerous complaints from members of the community and property owners concerning the location of squatter camps on private and public property. The camps can cause blight and the deterioration of the city’s neighborhoods and pose serious health and safety concerns.

Currently there are no regulations in the City Code that staff can utilize concerning the restriction and removal of these camps, and the City must instead address the camps via trespass and general public nuisance principles. Specific regulations in the municipal code would provide an additional tool for the City in addressing these camps.

The proposed regulations would make it unlawful to settle or occupy any land, without a bona fide claim or color of title, or without obtaining consent of the property owner. It would also be unlawful to construct a tent or other structure on the property as well. The ordinance also sets forth a specific process for abating unlawful squatter camps, providing for the removal of the camps and discarding of any items left after posted notice at the site of the camp.

At this time, I recommend that the City Council consider the draft provisions, provide further direction, and if it decides to consider approval of an ordinance, schedule a public hearing for the consideration and first reading of the ordinance.

RECOMMENDATION: That the City Council consider the draft ordinance, provide further direction, and schedule a public hearing for consideration and first reading of the ordinance on April 3, 2007.

ATTACHMENTS: An Ordinance of the City Council of the City of Porterville Adding Article VII, Sections 18-76 through 18-83 to Chapter 18 of the Porterville Municipal Code Pertaining to the Regulation of Squatter Camps.

Item No. 17
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDING ARTICLE VII, SECTIONS 18-76 THROUGH 18-83 TO CHAPTER 18
OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO THE
REGULATION OF SQUATTER CAMPS

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

SECTION 1. Article VII of Chapter 18, of the Porterville Municipal Code is
hereby added and shall read as hereinafter set forth:

Chapter 18

ARTICLE VII
REGULATION OF SQUATTER CAMPS

Sections:
18-76 Purpose
18-77 Definitions
18-78 Unlawful Occupancy
18-79 Enforcement
18-80 Nuisance
18-81 Procedure for Abatement of Nuisance
18-82 Penalty
18-83 Severability

Sec. 18-76. Purpose.

The purpose of this section is to assist code / law enforcement in minimizing the impact
that squatter camps have on the City’s quality of life. Squatter camps are unsightly,
accumulating over time on public and private property causing blight and similar
conditions resulting in depreciation of property values and deterioration of the city’s
neighborhoods. Such encampments are also detrimental to the public health, safety,
and welfare, and constitute a public nuisance and, hence, the City herewith provides a
means by which they can be eliminated.

Sec. 18-77. Definitions.
Unless otherwise stated herein, whenever used in this section, the following terms shall
be defined as follows:

(a) "Health Officer" shall mean the Health Officer of the City and his duly authorized
representatives and deputies.
(b) A "squatter camp" is an area of land, public or private, upon which any person has settled or located, or which he/she occupies, without having a bona fide claim or color of title thereto, or without the express consent of the owner or person legally in charge thereof or the agent of the same, and which is occupied or inhabited in violation of Section 103 of the California Building Code or Chapter 10 of the Uniform Housing Code as adopted by the City of Tulare. It includes any tent camp space, house court and every other kind of camp, tent, shelter, structure, or collection of tents, shelters, or structures of any kind established, constructed, maintained, or operated thereon.

(c) A "squatter" is one who settles or locates on land enclosed or unenclosed with no bona fide claim or color of title or without the express consent of the owner or person legally in charge of the land.

Sec. 18-78. Unlawful Occupancy.
No person shall settle or locate on or occupy any land without a bona fide claim or color of title thereto, or without the express consent of the owner or person legally in charge of said land, or erect or construct any tent, shelter, or structure of any kind thereon.

Sec. 18-79. Enforcement.
It shall be the duty of the Chief of Police or the City Health Officer to enforce the provisions of this chapter.

Sec. 18-80. Nuisance.
Every squatter camp as defined in this Chapter is hereby declared to be a public nuisance, and may be abated by the City in the manner provided by this Chapter.

Sec. 18-81. Procedure for Abatement of Nuisance.
The Health Officer and the Chief of Police are hereby authorized to abate such a nuisance as follows:

(a) Notice must be served upon the owner or person in charge of the property upon which said squatter camp is located. Such notice shall be in writing, signed by the Health Officer or Chief of Police, and served upon the owner or the person in charge of the property upon which said squatter camp is located according to the provisions of Section 1162 of the Code of Civil Procedure of California. Such notice shall require that said squatter camp be completely abandoned, abated, closed and vacated and demolished within three (3) days from the date of service of notice upon the owner or operator or person in charge thereof. Failure or refusal on the part of any such owner or person in charge of such squatter camp to abate, vacate, and close it in compliance with such written notice shall constitute a violation of this chapter. Where public property is involved, the notice shall be served upon the squatter(s).

(b) Upon the failure or refusal on the part of the owner or person in charge of the land, upon which the squatter camp is located, to comply with the notice, the Health Officer or Chief of Police may post notices notifying all squatters that said squatter camp is condemned as a public nuisance and that all persons shall, within three (3) days, vacate
the premises upon which such squatter camp space is located. Any person who shall thereafter enter in or upon or make any use of such squatter camp shall be guilty of a violation of this chapter.

(c) If the Health Officer of Chief of Police is unable to ascertain or find the owner of the land upon which any such squatter camp is located, or where no person is in charge of the same, the Health Officer or Chief of Police may notify all squatters within such squatter camp, in writing, that the same has been condemned and to remove all personal belongings there from within three (3) days. In addition, the Health Officer or Chief of Police shall post a written notice in a conspicuous place, within said squatter camp, notifying all squatters to remove all personal belongings and vacate said squatter camp within three (3) days, after which the City may remove all remaining personal belongings and shall hold such for ten (10) days. The City may discard all items not claimed within the ten (10) day holding period.

(d) Failure or refusal of any person to comply with any notice provided according to this section shall be a violation of this chapter.

Sec. 18-82. Penalty.
Every squatter camp, as defined by this Chapter, is hereby declared a public nuisance, and as such may be abated in the manner provided for in this Chapter. Furthermore, all violations of this Chapter shall be considered misdemeanors, punishable according to Porterville Municipal Code Section 1-9. Upon the recommendation of the prosecuting attorney, the Court may reduce the charged offense from a misdemeanor to an infraction, punishable under Penal Code Section 19.8.

Sec. 18-83. Severability.
If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this Chapter are declared to be severable.

SECTION 2. This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this ______ day of ____________, 2007.

________________________________________
Mayor of the City of Porterville

ATTEST:

______________________________
Chief Deputy City Clerk and Clerk
of the Council of the City of Porterville
COUNCIL AGENDA: MARCH 20, 2007

SUBJECT: CONSIDERATION OF SENIOR COUNCIL SANTA FE DEPOT FACILITY 2006 UTILITY BILLS, AND AUTHORIZATION OF CONTRIBUTION AND BUDGET ADJUSTMENT TO SUPPORT SENIOR CITIZEN ACTIVITIES FOR THE 06/07 FISCAL YEAR

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: City Council has requested staff to obtain copies of the 2006 utility bills paid by the Porterville Senior Council for the operation of the Santa Fe Depot facility. The copies were obtained and verified as being for services at the correct address. Accompanying this report is a summary of the expenditures. The utilities tabulated in this summary were electrical service, gas service, and city provided services for water, sewer and refuse. The expenditures total $8,093.41 for the calendar year 2006. This matches the amount previously reported to the City by the Senior Council.

City staff last tabulated the utility expenses for a one-year period ending February 2005. The 2006 utility expenses exceed the previous annual tabulation by $1,146.64. The largest increase was a 49.4% rise in electrical service cost, while gas service cost increased by 25.6%. City service expenses decreased to 51.2% of the previous annual tabulation. This decrease can be primarily attributed to the K/T AAA assumption of the refuse service cost in accordance with the License Agreement for their use of the Santa Fe Depot.

It is proposed that a contribution to the Porterville Senior Council be made in the amount of $500 per month for the remaining three months of the current fiscal year. The financial contribution is intended to support the ongoing operations of the facility and its utilization for many local senior citizen organizations. This expenditure has not been programmed into the current budget, but could be provided by the general fund reserves. An allocation of $1,500 to 5050-092-660 will accommodate the expenditure.

RECOMMENDATION: That the City Council authorize:
1) Three monthly contributions of $500 to the Senior Council for support of senior citizen activities, and
2) A $1,500 budget adjustment from general fund reserves to account 5050-092-660 to facilitate the contribution for the 06/07 fiscal year ending June 30, 2007.

ATTACHMENTS: Utility Cost Summary January 2006 to December 2006
Senior Council 2006 Yearly Financial Report
Utility Cost Summary March 2004 to February 2005
## PORTERVILLE SENIOR COUNCIL
### UTILITY COST SUMMARY
#### January 2006 -- December 2006

<table>
<thead>
<tr>
<th>Month</th>
<th>Edison</th>
<th>Gas Company</th>
<th>City Water, Refuse &amp; Sewer</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>$285.08</td>
<td>$128.06</td>
<td>$95.47</td>
<td>$508.61</td>
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<tr>
<td>February</td>
<td>$271.66</td>
<td>$147.01</td>
<td>$82.18</td>
<td>$500.85</td>
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<tr>
<td>March</td>
<td>$282.38</td>
<td>$147.39</td>
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<tr>
<td>April</td>
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<td>$120.54</td>
<td>$115.58</td>
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</tr>
<tr>
<td>May</td>
<td>$350.69</td>
<td>$65.35</td>
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<td>June</td>
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<td>July</td>
<td>$1,013.86</td>
<td>$20.19</td>
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<td>$1,141.35</td>
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<td>$17.04</td>
<td>$76.07</td>
<td>$1,196.78</td>
</tr>
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<td>September</td>
<td>$904.40</td>
<td>$17.24</td>
<td>$95.47</td>
<td>$1,017.11</td>
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<td>October</td>
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<td>$16.90</td>
<td>$78.36</td>
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<td>November</td>
<td>$305.58</td>
<td>$16.39</td>
<td>$116.77</td>
<td>$438.74</td>
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<tr>
<td>December</td>
<td>$268.53</td>
<td>$23.95</td>
<td>$71.49</td>
<td>$363.97</td>
</tr>
<tr>
<td>Annual Total</td>
<td>$6,230.75</td>
<td>$745.65</td>
<td>$1,117.01</td>
<td>$8,093.41</td>
</tr>
</tbody>
</table>
Porterville Senior Council  
Yearly Financial Report  
General Account

January-December 06

1. Beginning Balance: $ 5,030.01

11. Income:
   A. City. 9,600.00
   B. Membership. 1,400.00
   C. Rent. 3,127.50
   D. Transfer from Bingo. 8,000.00
   E. Refund from Sac. 95.58
   F. Christmas Dinners. 680.00
   G. Bank Interest. 5.59

   Total Income. 22,908.67

Cash on Hand: 27,938.68

111. Expenditures:
   A. Utilities. 8,093.41
   B. Phone. 278.67
   C. Supplies. 1,859.24
   D. Maint. 6,737.25
   E. Gardening. 1,625.00
   F. C.C.S. Membership. 30.00
   G. Sec. Of State. 20.00
   H. Senior Prom. 500.00
   I. C.C.S. (Sac) 1,685.58
   J. Christmas Dinners. 1,180.00
   K. Insurance. 1,757.07

   Total Expenditures: 23,766.22

Ending Balance 12/31/06 $ 4,172.46
## PORTERVILLE SENIOR COUNCIL

*March 2004 - February 2005*

<table>
<thead>
<tr>
<th>Month</th>
<th>City Water, Refuse &amp; Sewer</th>
<th>SBC Telephone</th>
<th>Edison</th>
<th>Gas Company</th>
<th>Total</th>
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<td>March</td>
<td>$144.78</td>
<td>$27.20</td>
<td>$209.08</td>
<td>$39.38</td>
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<td>$31.74</td>
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<td>June</td>
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<td>November</td>
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<td>$24.07</td>
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<td>$34.09*</td>
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<td>December</td>
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<td><strong>12 Mo Total</strong></td>
<td><strong>$2,182.08</strong></td>
<td><strong>$309.40</strong></td>
<td><strong>$4,171.29</strong></td>
<td><strong>$593.40</strong></td>
<td><strong>$7,256.17</strong></td>
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* Calculated average monthly bill
SUBJECT: PROPOSAL FOR GASB 34 APPRAISAL AND INVENTORY OF CITY INFRASTRUCTURE

SOURCE: Administrative Services

COMMENT: Beginning with the Consolidated Annual Financial Report (CAFR) for the current 2006-2007 fiscal year which will begin preparation in the Fall, the City must begin reporting the value of its infrastructure capital assets, including roads, bridges, drainage system, lighting systems, and water and sewer facilities. To comply with this new reporting requirement, the City will need to undertake significant efforts to define appropriate policies, develop consistent methodologies, deploy asset management systems, and assemble necessary documentation.

The City of Tulare recently solicited proposals from professional consultants to perform the necessary appraisal activities, and have selected the firm of CBIZ Inc. to conduct their infrastructure valuation. The approximate cost of the infrastructure valuation is between $13,000 and $25,000, and would take approximately two (2) months to complete. The City has received written permission from the City of Tulare to utilize the results of their recent solicitation for proposals in the selection of a professional consultant to perform the City's GASB 34, and the City Attorney has opined that the City may utilize the process used by Tulare in the selection of a consultant. Funds are available in the Finance division to pay for the valuation services due to the salary savings of not having a full-time Chief Financial Officer.

RECOMMENDATION: That the Council authorize staff to utilize the solicitation of proposals conducted by the City of Tulare in the selection of a professional consultant to perform GASB 34 appraisal services, and proceed with the GASB 34 valuation in compliance with CAFR requirements, utilizing funds currently allocated to the Finance division.
SUBJECT: Request from Porterville Chamber of Commerce for A Partnership
Financial Investment of $10,000

SOURCE: City Manager

Attached is a letter from Porterville Chamber of Commerce Board Chair Greg Woodard for a partnership financial investment of $10,000. The letter defines that the Porterville Chamber of Commerce’s Economic Development Committee is leading a community “branding initiative”. The letter reports that Kevin Kelley, of Shook Kelley, has been engaged to provide consulting services in Porterville for this purpose. “Mr. Kelley is a specialist in community visioning, conceptual design, and branding development as applied to economic development.”

Recommendation: If the Council determines to approve the request, $10,000 should be budgeted from non-allocated reserve monies for the purpose.
March 5, 2007

Cam Hamilton, Mayor
City of Porterville
291 N. Main Street
Porterville, CA 93257

Dear Mayor Hamilton:

As you and Council are aware, the Porterville Chamber of Commerce’s Economic Development Committee is spearheading a community branding initiative. We have engaged Kevin Kelley, of Shook Kelley, to provide consulting services in Porterville for this purpose. Mr. Kelley is a specialist in community visioning, conceptual design, and branding development as applied to economic development.

The Chamber is seeking the City of Porterville’s investment and partnership in this process, which we intend to lead to the identification of a brand, vision and practical strategic plan for our community’s future. The Chamber is requesting a partnership financial investment of $10,000. All investors in the project will be partners/stakeholders actively involved in the discovery process, plan development, and strategy implementation. Note, some partners who have already committed include: Sierra View District Hospital, Community Civic Foundation, Woodard Homes, and The Porterville Recorder.

The City of Porterville has a vested interest in the betterment of the local economy and Porterville’s future. As such, we are certain that you will find this project to be a worthy utilization of public funds. Also, the Chamber is confident that the results for the strategies will complement the general plan update by helping to lay the ground work for the community’s brand identity - a critical component for growth.

We appreciate City Council’s continued efforts in partnership with the Chamber, the business community and others, as we collaborate for change and economic growth. Thank you for your consideration of this investment request.

Sincerely,

Greg Woodard
Board Chair

cc: John Longley, City Manager
SUBJECT: ACCEPTANCE OF PROTEUS AND LOVE, INC. UTILITY VOUCHERS

SOURCE: Administrative Services

COMMENT: City staff has recently been approached by representatives from both Proteus and Love, Inc. to explore the possibility of accepting vouchers from their organizations on the behalf of individuals who have sought their assistance with utility payments due to being adversely impacted by the recent freeze.

The organizations are proposing that the City accept the vouchers, which payment can then be collected from their respective organizations on an agreed upon timetable (i.e., weekly, monthly). To process such vouchers would create some additional workload in the Finance division, due to additional attention needing to be given to annotating individual accounts being paid via vouchers, as well as time spent in the billing and reconciliation of the accounts.

To date, the City has received approximately one hundred (100) check payments from Love, Inc. in the payment of individual City utility bills, which with the opportunity to process vouchers would greatly assist Love, Inc. No check payments have been received from Proteus due to their accounting requirements supporting only vouchers and not individual issuances of checks.

If accepting vouchers for City utility payments is supported by the Council, it is the recommendation of staff that separate business agreements be signed between the City and Proteus and Love, Inc., which would stipulate that the City would receive the vouchers from the organizations and then invoice each agency on a monthly basis for payment. Additionally, it is the recommendation of staff that the agreements to accept such vouchers be for a defined period of time (i.e. April – June 2007), with the subject to be brought back to Council by report before the end of the defined period for further direction.

RECOMMENDATION: That the Council provide direction to staff in consideration of the acceptance of vouchers in payment of City utility bills.
COUNCIL MEMBERS REQUEST FOR AN AGENDA ITEM – “Work Assistance Program from Emergency Reserve”

Source: Administration

Comment: At the request of a Council member at the February 6th meeting, options and possibilities were discussed by the Council as to what role the City might be able to play in support of the local relief efforts due to the recent freeze. Staff met and coordinated with Proteus, Inc. in developing the elements of a three (3) month work assistance program that would benefit victims of the freeze and target community beautification and clean-up efforts, which was presented to the Council at the meeting of February 20th. Council provided direction to staff to more specifically identify the projects that would be targeted for completion in the work program.

The Parks & Leisure Services Department has identified the need for approximately five (5) temporary job placements, where individuals would specifically perform gopher, refuse, and weed abatement, and the pruning of trees and bushes at City parks and sports fields. Also, the bleachers at Municipal Ball Park are in need of disassembly and disposal. Finally, there exists the need for light maintenance at various City facilities, including interior and exterior deep cleaning.

The Public Works Department has identified the need for up to twenty (20) temporary job placements, where individuals would specifically assist the Streets Division with crack-sealing, potholing, and graffiti removal, assist the Refuse Division with can assembly and cleanup, assist the Sewer Division on service crews, and assist the Water Division on service crews and in storm drain reservoir weed abatement.

In addition to the projects identified above by the Parks and Public Works Departments, the City Attorney will be providing counsel as to the City’s ability to clean up private property that has been dirtied by transients or “squatters.” The Council will be provided an overview and options to consider at the meeting of April 3, 2007.

To review the elements of the work assistance program developed with Proteus, with the City’s commitment of $100,000 from

Dir. Appropriated/Funded C/M Item No. 22
emergency reserves, the City could employ twenty (20) individuals per week at the rate of $8.00 per hour, which would affect two hundred and forty (240) individuals over the three-month program. To coordinate the proposed workforce employment and payroll processes, Proteus would serve as the actual employer, at an expense of ten percent (10%) for administrative costs, or $10,000.00 based upon the City’s $100,000.00 commitment.

RECOMMENDATION: That the Council provide direction to staff in consideration of the work assistance program presented, authorizing both the work program presented and the necessary budget adjustment from emergency General Fund reserves.
COUNCIL AGENDA: MARCH 20, 2007

SUBJECT: COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM - "Discussion of City Nepotism Rule"

SOURCE: Council Subcommittee regarding Nepotism Policy

COMMENT: At the request of a Council member at the February 6th meeting, the Council discussed the City’s current Nepotism policy and interests in modifications to such policy. At the request of the Council, each Councilman was provided copies of sample policies collected from other cities by the City’s Human Resources division in support of this subject discussion. The policies that were provided to Council were reviewed briefly, with Council providing further direction to staff to collect the Nepotism policies from the local area which would be reviewed by Mayor Hamilton and Councilman McCracken prior to this evening’s meeting.

As a result of the meeting of Mayor Hamilton and Councilman McCracken to review local area nepotism policies, it was requested that staff prepare draft policy language according to their interests that would address the supervisor relationship and seek to protect supervisors in the execution of their job duties. It was also an interest of the Councilmen for the draft policy to not interfere with part-time employment and/or employment of public safety reserves. The draft policy language prepared by staff according to the Councilmen’s interests has been provided in attachment for the Council’s consideration.

RECOMMENDATION: None

ATTACHMENT: Draft Policy Language
Porterville System Rules and Regulations, Sec. 5. Employment of Relatives/Nepotism
CITY OF PORTERVILLE  
Employment of Relatives/Nepotism  
Draft Policy Language

It shall be the policy of the City to avoid nepotism in the City’s hiring and promotion actions and to ensure that merit is the basis for employee selection. When City employees are related, as specified below, such persons shall not have the same immediate supervisor or have supervisory relationships as defined below.

No individual shall be excluded from the competitive examination process by virtue of his or her relationships as described below.

No person shall be appointed, promoted, demoted, flexibly placed, or transferred to any position, whether exempt, permanent, provisional, or acting, in any division of any department of the City or to a department without divisions, where such person’s relative already holds a position which would create a supervisory relationship as described herein.

For the intent of this policy, relative shall mean an individual’s spouse, parent, child, sibling, grandparent, grandchild, aunt, uncle, niece, nephew, great grandparent, great grandchild, parent-in-law, child-in-law, sibling-in-law, stepparent, stepsibling, stepchild, domestic partner or other relative living within the same household.

For the intent of this policy, supervisory relationship means a supervisor-subordinate relationship between employees, whether direct or indirect or relatives reporting to the same immediate supervisor.

The part-time employment and employment of public safety reserves of relatives as defined herein shall be permitted, provided the relatives are employed in positions that are not immediate supervisory to each other.