CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
SEPTEMBER 2, 2008, 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 COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Vice-Mayor Pete V. McCracken
Invocation

PROCLAMATIONS
   Silver Star Banner Day – May 1, 2009

PRESENTATIONS
   Employee of the Month – Donnie Moore

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.

2. Claim – Lisa Martin, Stacey Martin, and Nick Avila, Jr.
   Re: Considering rejection of claim in an amount exceeding $25,000, in the unlimited jurisdiction of Tulare County Superior Court, for the wrongful death of Rickey Martin, and for personal injuries of claimants allegedly sustained on January 20, 2008 on Reservation Road when the vehicle in which claimants and the deceased were traveling was struck by a drunk driver.
3. Authorization to Negotiate a Contract and Advertise for Bids - Murry Park Restroom Project
Re: Considering approval to negotiate a contract with CTX, Inc. of Spokane, WA for the purchase of a pre-manufactured restroom building to be located in Murry Park.

4. Consolidated Waste Management Authority Membership Agreement Payment
Re: Authorizing payment of $52,604 for the City’s 2008/2009 Consolidated Waste Management Authority membership contribution.

5. Acceptance of Project – Effluent Pipeline & Land Leveling
Re: Accepting project as complete from Guinn Construction, and authorizing the filing of the Notice of Completion, for the project consisting of leveling areas #1, #2, #3, #4, and #5 of the Underhill and Hunsaker Property, two check structures, and the installation of effluent pipeline for irrigation purposes.

6. Acceptance of Project – West Street Industrial Park
Re: Accepting project as complete from Halopoff & Sons, Inc., and authorizing the filing of the Notice of Completion, for the project consisting of the installation of infrastructure for an Industrial Park located on the east side of West Street between Tea Pot Dome Avenue and Scranton Avenue.

7. Acceptance of Final Subdivision Map – Sunrise Villa, Phase Two & Three (Gary Smees)
Re: Considering approval of the final map of Sunrise Villa, Phase Two & Three Subdivision, located generally south of Mulberry Avenue, north of Theta Avenue, between Cottage and Woods Streets.

8. Golf Course Status Report

9. New Public Safety Facility Project Update
Re: Acceptance of an informational report regarding a new Public Safety Facility proposed to be located in the general area of Jaye Street and Highway 190.

10. City of Porterville Conflict of Interest Code – Amendment No. 7
Re: Considering adoption of a draft resolution approving revisions to the City of Porterville’s Conflict of Interest Code.

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

PUBLIC HEARINGS
11. Hillside Development Ordinance
Re: Continuing the public hearing to the meeting of September 16, 2008 to consider approval of a Hillside Development Ordinance to facilitate the orderly development of hillside properties.

SCHEDULED MATTERS
12. Request to Establish an “Area of Interest” for the Properties Located Along Both Sides of State Highway 65 Between Avenue 196 and Avenue 182, and Road 224 and Orangebelt Drive
Re: Considering the establishment of an “Area of Interest” with the County for the properties located along both sides of SR 65 between Avenue 196 and Avenue 182, and Road 224 and Orangebelt Drive.
13. Options for Animal Control Services  
Re: Consideration of options related to animal control services in the community.

14. Consider Library Board of Trustees Appointment or Recruitment  
Re: Considering the recruitment announcement, or the appointment of an individual to the Library Board of Trustees for a term to expire in October, 2011 from the current list of ‘Requests for Appointment’.

15. Employment Agreement – City Manager  
Re: Considering approval of the proposed Employment Agreement between the City of Porterville and John D. Lollis for the position of City Manager, to be effective January 14, 2009.

16. Request by Council Member – Consideration of Inclusion of Council Members, Board Members and Commissioners in City’s Drug Testing Program  
Re: Considering a request to consider the inclusion of Council Members, Board Members and Commissioners in the City Drug Testing Program.

17. Request by Council Member – Consideration of Resolution in Support of Proposition 8  
Re: Considering a request to consider a resolution in support of Proposition 8.

18. Request by Council Member – Consideration of Installation of Mister Systems in City Park Pavilions  
Re: Considering a request to consider the installation of mister systems in City Park pavilions.

**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 September 16, 2008 at 6:00 p.m.

*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.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, during normal business hours.
Call to Order 6:00 p.m.
Roll Call: Vice-Mayor McCracken, Council Member Pedro Martinez, Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54957 - Public Employee Appointment: Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Hamilton
Invocation – A moment of silence was observed.

PRESENTATIONS
   Introduction of Leadership Porterville Class
   Employee of the Month – Jodi Harper

ORAL COMMUNICATIONS
• Mark Hillman, Hillman Bldg. Design, 250 N. Main Street, requested permission to speak regarding Item No. 21b if dialogue occurred.
• Martha Alcazar Flores, Frugal Fashions, 461 N. Main, Chair for the Hispanic Chamber of Commerce, extended an invitation to a networking mixer on August 12th at Eagle Mountain Casino.
• Cely Pichay, President of the Filipino-American Club of Luzviminda, requested that the City recognize their organization as a social cultural group; and stated that their organization was willing to participate in community activities and projects.
• Trina Leon, address not given, notified the Council that Sawana Adult Store was offering peep show booths; requested that Council put a stop to the activity; and spoke of negative impact to the community.

   City Attorney Julia Lew indicated that the City did have adult business regulations, and recommended that the business be checked for compliance. City Manager Longley stated that it would be looked into and a report would be provided to Council.
Dick Eckhoff, 197 N. Main, spoke about Item 31, stating that he was concerned it would exacerbate existing parking problems.

CONSENT CALENDAR

Items 9, 18, 20, and 21a were removed for further discussion and/or abstention.

1. CITY COUNCIL MINUTES OF DECEMBER 8, 2007 AND JULY 15, 2008

Recommendation: That the City Council approve the Minutes of December 8, 2007 and July 15, 2008.

Documentation: M.O. 01-080508
Disposition: Approved

2. CLAIM – FLOSSIE JORDAN

Recommendation: After consideration and investigation, staff recommends 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.

Documentation: M.O. 02-080508
Disposition: Approved

3. CLAIM – RONALD IRISH

Recommendation: After consideration and investigation, staff recommends that the Council approve the settlement in the amount of $810.20, and direct the City Clerk to authorize the City’s insurance adjustor to make payment to Claimant in said amount upon execution by Claimant of a Release of all Claims.

Documentation: M.O. 03-080508
Disposition: Approved

4. TRANSIT CLAIM – CANDY IBARRA

Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s transit insurance adjustor; and direct the City Clerk to give the Claimant proper notice.

Documentation: M.O. 04-080508
Disposition: Approved

5. AUTHORIZATION TO ADVERTISE FOR BIDS – NEWCOMB STREET TRENCH PATCH & CONCRETE REPLACEMENT PROJECT (WESTFIELD AVENUE TO SAN LUCIA LANE)

Recommendation: That the City Council:
   1. Approve staff’s recommended plans and project manual; and
   2. Authorize staff to advertise for bids on the project.
6. AUTHORIZATION TO ADVERTISE FOR BIDS – ROCHE SEWER PROJECT – MORTON AVENUE

Recommendation: That the City Council:
   1. Approve staff’s recommended plans and project manual; and
   2. Authorize staff to advertise for bids on the project.

7. AWARD OF CONTRACT – TRAFFIC SIGNAL #10 (NEWCOMB STREET AND WESTFIELD AVENUE) PROJECT

Recommendation: That City Council:
   1. Award the Traffic Signal #10 (Newcomb Street & Westfield Avenue) Project to A-C Electric Company in the amount of $204,800;
   2. Authorize progress payments up to 90% of the contract amount; and
   3. Authorize a 10% contingency to cover unforeseen construction costs.

8. AWARD OF CONTRACT – D STREET AND HOCKETT STREET ALLEY RECONSTRUCTION

Recommendation: That the City Council:
   1. Award the D Street and Hockett Street Alley Reconstruction Project to Halopoff and Sons in the amount of $39,776.42;
   2. Authorize progress payments up to 90% of the contract amount; and
   3. Authorize a 10% contingency to cover unforeseen construction costs.

10. AIRPORT LEASE RENEWAL – LOT 46D

Recommendation: That the City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. William Vandersande of Camarillo, CA, for Lot 46D at the Porterville Municipal Airport.
11. AIRPORT HANGAR PURCHASE – WOODMANSEE – FBO LOTS, 4, 5, AND 5A

Recommendation: That the City Council:
1. Authorize the budget adjustment of $40,500 for the purchase of the hangar complex (and escrow fees) from the Airport Capital Fund;
2. Authorize the Mayor to sign all necessary documents;
3. Authorize staff to open an escrow with a deposit of $5,000 earnest money with the City paying usual and customary escrow fees;
4. Authorize staff to make the payment to Mr. Ray Woodmansee in the amount of $40,000 less his share of the escrow fees; and
5. Authorize staff to record all documents with the County Recorder.

Documentation: M.O. 10-080508
Disposition: Approved

12. PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That the City Council authorize purchase by negotiation of the specialized equipment listed and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 11-080508
Disposition: Approved

13. ACCEPTANCE OF PROJECT – WELL NO. 29

Recommendation: That City Council:
1. Accept the Well No. 29 Pumping Facility Project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 12-080508
Disposition: Approved

14. HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) APPLICATION

Recommendation: That the City Council:
1. Adopt the draft resolution approving the submittal of a HOME Investment Partnership Program (HOME) funding application for $2,000,000 for a rental new construction project to the California Department of Housing and Community Development;
2. Adopt the draft resolution approving the submittal of a HOME Investment Partnership Program (HOME) funding application for $800,000 for continuation of the First Time Low Income Homebuyer Program ($400,000) and the Owner Occupied Housing Rehabilitation Program ($400,000);
3. Authorize the Mayor to execute all documents pertaining to the HOME program; and
4. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or the U. S. Department of Housing and Urban Development for administration of the HOME program.

Documentation: Resolution No. 70-2008
Resolution No. 71-2008
Disposition: Approved

15. CODE ENFORCEMENT UPDATE

Recommendation: For information only.

Disposition: No action taken.

16. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the draft resolution adopting the appropriation limit of $46,931,401 for the 2008/2009 fiscal year.

Documentation: Resolution No. 72-2008
Disposition: Approved

17. AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES TO THE PROPERTY TAX ROLLS

Recommendation: That the City council adopt the draft resolution authorizing the County Auditor to place the items set forth in Exhibit A of the draft resolution on the property tax rolls for collection.

Documentation: Resolution No. 74-2008
Disposition: Approved

19. CONSIDERATION OF RESOLUTION SUPPORTING THE NATIONAL PARK CENTENNIAL INITIATIVE AND MAINTAINING AND PRESERVING AMERICA’S NATIONAL PARKS

Recommendation: That the City Council approve the Resolution Supporting the National Park Centennial Initiative and Maintaining and Preserving America’s National Parks.

Documentation: Resolution No. 76-2008
Disposition: Approved

21. CONSIDERATION OF CITY CHARTER REVIEW
Recommendation: No action requested.

Disposition: No action taken.

21b. SIKH CENTER DEVELOPMENT IN COUNTY JURISDICTION

Recommendation: Informational only.

Disposition: No action taken.

COUNCIL ACTION: MOVED Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council accept Items 1 through 8, 10 through 17, 19, 21 and 21b. The motion carried unanimously.

Disposition: Approved

9. AUTHORIZATION TO REJECT ALL BIDS AND RE-ADVERTISE CORE AREA TWO AND FOUR

POLICY RECOMMENDATION:
1. Reject all bids and direct staff to re-advertise for construction bids.

STAFF RECOMMENDATION:
1. Waive policy due to potential loss of funds;
2. Award the Core Area Two and Four Project to Halopoff and Sons, Inc. in the amount of $915,435.89;
3. Authorize flexibility in quantity of work to be performed within the base bid so that the project contract amount does not exceed $915,435.89; and
4. Authorize staff to continue construction of concrete improvements as described in the “Add Alternate” schedule to the maximum allowed ($950,000) by the CMAQ grant.

City Manager Longley introduced the item, and Vice-Mayor McCracken recused himself due to a conflict of interest, and left the Council Chambers. Public Works Director Baldo Rodriguez presented the staff report.

At Council’s request, Mr. Rodriguez clarified that the difference was approximately $7,000 to $8,000.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council M.O. Member Felipe Martinez that the City Council waive policy due to potential loss of funds; award the Core Area Two and Four Project to Halopoff and Sons, Inc. in the amount of $915,435.89; authorize flexibility in quantity of work to be performed within the base bid so that the project contract amount does not exceed $915,435.89; and authorize staff to continue construction of concrete improvements as described in the “Add Alternate” schedule to the maximum allowed ($950,000) by the CMAQ grant.
AYES: P. Martinez, F. Martinez, Ward, Hamilton
NOES: None
ABSTAIN: McCracken
ABSENT: None

Disposition: Approved

18. COUNCIL SUPPORT OF AN AMENDMENT TO MEASURE R TO FUND THE PRESERVATION OF RAILROAD RIGHT-OF-WAY AND RELATED INFRASTRUCTURE

Recommendation: That the City Council adopt the draft resolution to indicate support of using Measure R funds to preserve existing rail lines.

City Manager Longley introduced the item. At Council’s request, the staff report was waived.

A discussion ensued with regard to the cost of the improvements and the intention of the amendment. Council Member Felipe Martinez, who sat on the TCAG Committee, provided the Council with additional testimony. City Manager Longley explained the intention of the resolution and the amendment. It was noted that a large portion of the railroad could be utilized at no more than five miles per hour, which brought the economic benefit of the rail line into question. Community Development Director Brad Dunlap elaborated on the viability of the rail line relative to economic development in Porterville.

COUNCIL ACTION: MOVED by Vice-Mayor McCracken, SECONDED by Council Member Pedro Martinez that the City Council carry the item forward to the August 19, 2008 meeting; and direct staff to invite Ted Smalley to speak during the Item. The motion carried unanimously.

Disposition: Approved

20. APPROVAL OF APPOINTMENT OF SPECIAL LEGAL COUNSEL

Recommendation: That the City Council approve the appointment of the firm of McDonough, Holland & Allen, and Attorneys Kenyon and Castella as special counsel to the STIG/PAADA committee, and authorize the execution of a legal services agreement, subject to approval by the City Attorney.

City Manager Longley introduced the item, and Council Member Felipe Martinez recused Himself, and left the Council Chambers. At Council’s request, the staff report was waived.

COUNCIL ACTION: MOVED by Pedro Martinez, SECONDED by Council Member Ward that the City Council approve the appointment of the firm of McDonough, Holland & Allen, and Attorneys Kenyon and Castella as special counsel to the STIG/PAADA committee, and authorize the execution of a Legal Services Agreement.
AYES: McCracken, P. Martinez, Ward, Hamilton
NOES: None
ABSTAIN: F. Martinez
ABSENT: None

Disposition: Approved

21a. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DESIGNATING A SURVEY AREA AND AUTHORIZING STAFF TO PREPARE A PRELIMINARY PLAN IN CONNECTION WITH THE PROPOSED 2009 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1, AS AMENDED

Recommendation: That the City Council:
1. Adopt the draft resolution; and
2. Authorize and direct Agency staff and consultants to conduct all other necessary analyses and actions pertinent to the adoption of the 2009 Amendment as necessary and appropriate.

City Manager Longley introduced the item. Vice-Mayor McCracken requested clarification from the City Attorney regarding whether he would have to abstain from the item. The City Attorney explained that the item affected all Council Members in the same way, and that an abstention would not be necessary. Community Development Director Brad Dunlap notified the Council of the revised Attachment No. 2, and provided a brief staff report.

COUNCIL ACTION: MOVED by Vice-Mayor McCracken, SECONDED by Council Member Resolution 77-2008 Pedro Martinez that the City Council adopt the draft resolution; and authorize and direct Agency staff and consultants to conduct all other necessary analyses and actions pertinent to the adoption of the 2009 Amendment as necessary and appropriate. The motion carried unanimously.

Disposition: Approved

The Council recessed for 10 minutes.

PUBLIC HEARINGS
23. ZONE CHANGE AMENDMENT 2-2008 (DOWNTOWN “D” OVERLAY)

Recommendation: That the City Council adopt the draft ordinance approving Zone Change Amendment 2-2008.

City Manager Longley introduced the item, and City Planner Ben Kimball presented the staff report. Mayor Hamilton then recused himself.

The hearing opened to the public at 8:22 p.m.
• Dennis Townsend, Townsend Architectural Group, 633 N. Westwood, spoke of the historical significance of downtown; urged the establishment of the proposed “D” Overlay; and noted the use of redevelopment guidelines.

• Dick Eckhoff, 197 N. Main, spoke in favor of the “D” Overlay; noted the Porter Theater paint job; and spoke of the need to balance the level of control.

• Darren Griswold, 89 E. Mill, spoke in favor of the item; and stated he would like to see the area expanded.

• Greg Woodard, 1055 W. Morton, spoke of the branding initiative; and stated that the “D” Overlay was needed to protect investments and the charm of the downtown area.

• John Snavely, 528 W. Kanai, Porterville Chamber of Commerce Chair, urged the Council to support the Item.

• Karen Johns, 678 N. Plano, Webb & Son Construction, Branding Committee member, spoke in favor of the preservation of downtown; and stated that in her experience, the City was great to work with.

The hearing closed to the public at 8:45 p.m.

Council Member Ward thanked the staff for the providing him with the information he had requested, and stated that he considered approval of the “D” Overlay as the first phase in protecting the heart of the City.

At Council Member Felipe Martinez’s request, Community Development Director Dunlap elaborated on the current guidelines and spoke of the consideration of different architectural styles in the comprehensive update.

Council Member Pedro Martinez spoke at length about his reservations, and his concerns regarding the “Council discretion” aspect of the “D” Overlay.

Vice-Mayor McCracken stated that the “D” Overlay would protect downtown until the new zoning ordinance was approved.

City Manager Longley explained what he believed to be, the origins of the ordinance.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice-Mayor McCracken that the City Council adopt the draft ordinance approving Zone Change Amendment 2-2008; give first reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PURSUANT TO ARTICLE 27 OF THE PORTERVILLE ZONING ORDINANCE APPROVING ZONE CHANGE AMENDMENT 2-2008 TO ESTABLISH A “D” OVERLAY ZONE TO THE PROPERTIES LOCATED IN DOWNTOWN PORTERVILLE, BETWEEN MORTON AND OLIVE AVENUES AND SECOND AND HOCKETT STREETS.
AYES: McCracken, F. Martinez, Ward
NOES: P. Martinez
ABSTAIN: Hamilton
ABSENT: None

The City Manager read the ordinance by title only.

Disposition: Approved

22. HILLSIDE DEVELOPMENT ORDINANCE

Recommendation: That the City Council approve the proposed Hillside Development Ordinance and give first reading to the draft ordinance.

City Manager Longley introduced the item, and Community Development Director Brad Dunlap presented the staff report.

The hearing opened to the public at 9:27 p.m.

Dick Eckhoff, 197 N. Main, requested clarification regarding vehicular access points relative to lot size, the on-lot tree program, and the length of max grades.

Jim Winton, 150 W. Morton, spoke in favor of foothill standards; indicated that he was overwhelmed with the amount of data required at the submittal state; and requested the opportunity to obtain answers to the many questions he had regarding the ordinance.

The hearing closed to the public at 9:35 p.m.

Staff addressed questions raised during public comment, and welcomed the opportunity to meet with Mr. Winton to discuss his questions and concerns.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council continue the item to the September 2, 2008 meeting to allow staff the opportunity to meet with Mr. Winton to review issues and concerns. The motion carried unanimously.

Disposition: Continued to September 2, 2008.

24. RESOLUTIONS AUTHORIZING THE CALLING OF AN EMERGENCY ELECTION/ORDINANCE ADDING ARTICLE VI OF CHAPTER 22 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING UTILITY USER TAX-COMMUNICATIONS SERVICES

Recommendation: That the City Council:

1. Hold a public hearing concerning the proposed ordinance and ballot measure, and consider any and all public testimony;
2. Approve the draft resolution declaring an emergency and a need for placement of the issue on the November 4, 2008 ballot;
3. Approve the draft resolution approving the ballot measure and calling
the special municipal election for November 4, 2008;
4. Approve the draft resolution requesting and consenting to consolidation of elections and setting specifications of the election order; and
5. Consider, approve and give first reading (reading by title only and waiving further reading thereof) to the draft Ordinance adding Chapter 22, Article VI concerning a communication users tax.

City Manager Longley introduced the item, and City Attorney Julia Lew presented the staff report.

The hearing opened to the public at 10:05 p.m. Seeing no one, the Mayor closed the public hearing at 10:05 p.m.

At Council’s request, the City Attorney clarified the risks associated with not approving the resolutions.

COUNCIL ACTION:  MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the draft resolution declaring an emergency and a need for placement of the issue on the November 4, 2008 ballot; approve the draft resolution approving the ballot measure and calling the special municipal election for November 4, 2008; approve the draft resolution requesting and consenting to consolidation of elections and setting specifications of the election order; and consider, approve and give first reading (reading by title only and waiving further reading thereof) to the draft Ordinance adding Chapter 22, Article VI concerning a communication users tax.

AYES: McCracken, F. Martinez
NOES: P. Martinez, Ward, Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Denied

The Council recessed for ten minutes.

SCHEDULED MATTERS
26. AMENDMENT TO TRAFFIC ORDINANCE NO. 1162 – AUTHORITY TO ISSUE TRANSIT USER PARKING PERMITS

Recommendation: That City Council:
1. Amend the Traffic Resolution as outlined in the proposed Ordinance Amendment;
2. Authorize the City Traffic Engineer to implement and issue rules and regulations needed for the administration and enforcement of transit users parking within the “Singer” Parking Lot, totally compliant with the funding source application; and
3. Authorize the Police Chief to issue citations in accordance with the latest adopted “Bail Schedule” once rules and regulations are enforceable.

City Manager Longley introduced the item, and Public Works Director Baldo Rodriguez presented a brief staff report.

**COUNCIL ACTION:** MOVE by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council approve the draft ordinance amending the Traffic Resolution, give first reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING A SECTION OF CHAPTER 17, ARTICLE XI STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS AND PUBLIC PARKING LOTS; authorize the City Traffic Engineer to implement and issue rules and regulations needed for the administration and enforcement of transit users parking within the “Singer” Parking Lot, totally compliant with the funding source application; and authorize the Police Chief to issue citations in accordance with the latest adopted “Bail Schedule” once rules and regulations are enforceable. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

25. EMERGENCY REPAIR OF PIPE SUPPORTS AT WESTWOOD AND TULE RIVER BRIDGE

Recommendation: That the City Council ratify the action of the City Manager approving the emergency repair.

City Manager Longley introduced the item, and at Council’s request, the staff report was waived.

**COUNCIL ACTION:** MOVE by Mayor Hamilton, SECONDED by Council Member Ward that the City Council ratify the action of the City Manager approving the emergency repair. The motion carried unanimously.

Disposition: Approved

27. STREET PERFORMANCE MEASURE – 4TH QUARTER UPDATE

Recommendation: Information only.

City Manager Longley introduced the item, and Public Works Director Rodriguez presented a brief staff report.

Mayor Hamilton requested that pictures be included in future updates.

Disposition: No action taken.
28. INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

Recommendation: That the City Council accept the interim financial status reports and grants summary report as presented.

City Manager Longley introduced the item, and Chief Financial Officer Maria Bemis presented the staff report.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council accept the interim financial status reports and grants summary report as presented. The motion carried unanimously.

Disposition: Approved

29. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the Quarterly Portfolio Summary in accordance with SB 564 and SB 866.

City Manager Longley introduced the item, and Chief Financial Officer Maria Bemis presented the staff report.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council accept the Quarterly Portfolio Summary in accordance with SB 564 and SB 866. The motion carried unanimously.

Disposition: Approved

30. DESIGNATION OF VOTING DELEGATES FOR LEAGUE OF CALIFORNIA CITIES 2008 ANNUAL CONFERENCE

Recommendation: That the City Council designate one City Council Member to serve as a voting delegate, and one City Council Member to serve as an alternate voting delegate, at the League of California Cities 2008 Annual Conference on September 24-27, 2008.

City Manager Longley introduced the item, and at Council’s request, the staff report was waived.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Mayor Hamilton that the City Council designate Council Member Ward to serve as a voting delegate, and Mayor Hamilton to serve as an alternate voting delegate at the League of California Cities 2008 Annual Conference on September 24-27, 2008. The motion carried unanimously.

Disposition: Approved
31. REQUEST BY COUNCIL MEMBER – CONSIDERATION TO ALLOW AUTO DEALERSHIPS TO PARK VEHICLES FOR SALE ON CITY STREETS

City Manager Longley introduced the item, and provided background information.

Council Member Pedro Martinez made a motion to add the item to a future agenda for consideration. The motion was seconded by Mayor Hamilton.

A brief discussion ensued, during which the Council concurred that the item would not be placed on a future agenda.

Disposition: No action taken.

The Council adjourned at 10:36 p.m. to a joint meeting of the Porterville City Council and the Porterville Redevelopment Agency.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA
August 5, 2008

Roll Call: Agency Vice-Chairman McCracken, Agency Member Pedro Martinez, Agency Member Felipe Martinez, Agency Member Ward, Chairman Hamilton

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
• Dick Eckhoff, address on record, spoke in favor of Item No. PRA-1.

SCHEDULED MATTER
PRA-1. AUTHORIZATION TO ADVERTISE FOR BIDS – HOCKETT/MILL/OAK PARKING LOT RECONSTRUCTION

Recommendation: That the Porterville Redevelopment Agency:
1. Amend the request for a loan with the City of Porterville for the reconstruction of the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues for an amount of $505,000, with all other terms and conditions to remain as outlined in Resolution 56-2007;
2. Approve staff’s recommended plans and project manual; and
3. Authorize staff to advertise for bids on the project.

That the City Council:
1. Approve the Porterville Redevelopment Agency’s request to amend the loan to an amount of $505,000 for reconstruction of the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues;
2. Approve the use of Community Development Block Grant Business Assistance Funds to provide for that portion of the construction that is not funded by the Redevelopment Agency;
3. Approve staff's recommended plans and project manual; and
4. Authorize staff to advertise for bids on the project.

City Manager Longley introduced the item, and at the Council/Agency’s request, the staff report was waived. Vice-Mayor/Vice-Chair McCracken recused himself due to being within five hundred feet of the project area, and left the Council Chambers.

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Felipe Martinez that the Redevelopment Agency amend the request for a loan with the City of Porterville for the reconstruction of the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues for an amount of $505,000, with all other terms and conditions to remain as outlined in Resolution 56-2007; approve staff's recommended plans and project manual; and authorize staff to advertise for bids on the project.

AYES: P. Martinez, F. Martinez, Ward, Hamilton
NOES: None
ABSTAIN: McCracken
ABSENT: None

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the Porterville Redevelopment Agency’s request to amend the loan to an amount of $505,000 for reconstruction of the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues; approve the use of Community Development Block Grant Business Assistance Funds to provide for that portion of the construction that is not funded by the Redevelopment Agency; approve staff's recommended plans and project manual; and authorize staff to advertise for bids on the project.

AYES: P. Martinez, F. Martinez, Ward, Hamilton
NOES: None
ABSTAIN: McCracken
ABSENT: None

Disposition: Approved

The Joint City Council/Redevelopment Agency meeting adjourned at 10:37 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Ward announced that he and his wife were expecting their fifth child.
• Council Member Pedro Martinez:
  1. Spoke favorably of the Kids Day event at Murry Park on Saturday, August 2\textsuperscript{nd}; and
  2. Stated that he was pleased the patient missing from the Porterville Developmental Center had been found and returned to the facility.
• Council Member McCracken announced that Le Bistro was all booked for dinner reservations on Friday and Saturday.
• Mayor Hamilton requested that an analysis be conducted regarding the feasibility of picking up all three types of waste cans on the same day.

The Council reconvened Closed Session at 10:40 p.m.

CLOSED SESSION
The Council reconvened Open Session at 11:04 p.m. It was reported that no action had been taken.

ADJOURNMENT
The Council adjourned at 11:05 p.m. to the meeting of August 13, 2008 at 5:30 p.m. in the Mikabbi/Hamamatsu Conference Room, City Hall.

_________________________________
SEAL             Luisa Herrera, Deputy City Clerk

_________________________________
Cameron Hamilton, Mayor
COUNCIL AGENDA – SEPTEMBER 2, 2008

SUBJECT: CLAIM – LISA MARTIN, STACEY MARTIN, AND NICK AVILA, JR.

SOURCE: ADMINISTRATION

COMMENT: Lisa Martin, Stacey Martin, and Nick Avila, Jr. have filed a claim against the City in an amount exceeding $25,000 in the unlimited jurisdiction of Tulare County Superior Court for the wrongful death of Rickey Martin and for personal injuries of claimants allegedly sustained on January 20, 2008 on Reservation Road when the vehicle in which claimants and the deceased Rickey Martin were traveling was struck by a drunk driver. Claimants allege that a dangerous road design, the dangerous and defective condition of the roadway, and improper inspection contributed to the accident.

RECOMMENDATION: After consideration and investigation, staff recommends 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
GOVERNMENTAL TORT CLAIM

LISA MARTIN; STACEY MARTIN; and NICK AVILA, JR.,

Claimants,

 CLAIM FOR PERSONAL INJURIES
(Govt. Code Section 910)

vs.

CITY OF PORTERVILLE,
CALIFORNIA;

Government Entity.

TO THE CITY OF PORTERVILLE, CALIFORNIA:

PLEASE TAKE NOTICE that LISA MARTIN, STACEY MARTIN, and NICK AVILA, JR., hereby claim damages from and against you as follows:

1. Claimant LISA MARTIN lives at 500 N. Matthew, Porterville, CA 93257, and Claimants STACEY MARTIN and NICK AVILA, JR., live at 486 N. Matthew, Porterville, CA 93257.

2. Claimants ask that you send all correspondence about this claim to their attorney, Brian D. Chase, BISNAR | CHASE, 1301 Dove St., Suite 120, Newport Beach, CA 92660, 949/752-2999.

3. The amount of damages as of the date of each of these claims exceeds $25,000.00 and
thus jurisdiction over this claim rests in the unlimited jurisdiction portion of the Superior Court.

4. Claimant LISA MARTIN is the wife and Claimant STACEY MARTIN is the daughter, and they jointly are the sole heirs at law of RICKEY MARTIN, an adult, who was killed in the incident which is the subject matter of this action. Each Claimant is making a claim (under Code of Civil Procedure §377.60, et seq.) for the damages they have suffered for the wrongful death of her husband/father, as well as a claim (under Code of Civil Procedure §377.30, et seq.) for those damages which inure to the benefit of Rickey Martin which survive his death.

5. Claimants LISA MARTIN, STACEY MARTIN, and NICK AVILA, JR., have each suffered physical, emotional, and mental personal injuries as a result of the incident which is the subject matter of this action. Claimants are making a claim for their individual personal injuries.

6. On January 20, 2008, at or about 4:37 p.m., Claimants and Rickey Martin were in a 1998 Nissan Altima automobile in the southbound lanes of Mountain Road 137 (also known as Reservation Road), located in or near the City of Porterville, California (hereinafter referred to as “the SUBJECT ROADWAY”). At a point approximately 0.5 miles South of Avenue 138, the car driven by Alexander Moreno, Jr., crossed the roadway from the Northbound lanes of the SUBJECT ROADWAY into the Nissan Altima, causing the death of Rickey Martin and the serious physical, emotional, and mental injuries suffered by the Claimants.

7. Claimants’ physical and emotional injuries, and the wrongful death of Rickey Martin, were legally and proximately caused by a dangerous condition of public property. At or about the time of the SUBJECT INCIDENT, the SUBJECT ROADWAY was in a dangerous and defective condition. Due to defendants’ improper design, construction, inspection, re-inspection, evaluation, monitoring, maintenance, and/or repair of the SUBJECT ROADWAY, such that when traversed by a vehicle, the driver would experience a sudden loss of control of such vehicle. This loss of control then would be a foreseeable risk of the safety to other motorists using the SUBJECT ROADWAY. Said defendants created the dangerous conditions or had actual or constructive notice of the dangerous conditions, which include but are not limited to the following.

A. Mountain Road 137, South of Avenue 138, has a series of blind curves, each of which create a "trap" for motorists traveling around the curves as they are unable to
negotiate the sharp curves and are unable to see the oncoming traffic.

B. There have been significant, changed conditions on Mountain Road 137, South of Avenue 138, such that the significant increased traffic on the SUBJECT ROADWAY has made the original design and construction of the blind curves significantly more dangerous than at the time of construction, creating a safety problem and hazard for vehicles traveling on Mountain Road 137.

C. Vehicles traveling on the SUBJECT ROADWAY are unable to negotiate the curves and due to the lack of a center divider, the motorists that are unable to negotiate the sharp curves cross over the double yellow lines into oncoming traffic. When such vehicles are unable to negotiate such sharp curves, they overcorrect into the oncoming traffic.

D. There is no center divider in between the Northbound and Southbound lanes. The installation of a center divider would eliminate the problem of numerous vehicles crossing over the double yellow lines, causing the vehicles to be involved in head on and "t-bone" type collisions.

E. The Stopping Sight Distance (SSD) around such blind curves is insufficient, according to the CALTRANS and local traffic manuals and regulations, such that vehicles traveling around such blind curves do not have adequate time to stop to avoid colliding with other vehicles.

F. There is, and was, insufficient shoulder areas for vehicles thereby eliminating the emergency recovery space for vehicles that might lose control, and leaving no shoulder space let alone the shoulder space required by the CALTRANS and local traffic manuals and regulations, for emergency recovery.

G. The shoulder areas and thus the emergency recovery space for vehicles traveling on the SUBJECT ROADWAY disappear, without warning signs required by State, Local and National Standards, and without any other warning, to advise drivers of the lack of shoulder space.

H. There are no warning signs and/or not even any markings or arrows on the road or
pavement, advising vehicle drivers that the road will suddenly disappear around the blind curve, without warning and become a "trap" to motorists traveling on the SUBJECT ROADWAY.

I. There is an absence of sufficient roadway width and shoulder areas to safely accommodate the direction, movement and flow of traffic using the SUBJECT ROADWAY, such that the SUBJECT ROADWAY constitutes a "trap" for drivers using the SUBJECT ROADWAY.

J. Inappropriate dirt shoulder, at an improper slope away from the main traveled lanes, not prepared properly, and improperly maintained such that the shoulder is not up to grade, and constitutes a "trap" for vehicles that end up in the shoulder area because of the lack of a sufficient recovery zone next to the highway

   (1) There is an improper height differential between the shoulder and the road;

   (2) The shoulder is improperly prepared in that it is not paved out to sufficient width and/or there is no warning that the shoulder is "soft;"

   (3) The road and shoulder are improperly maintained as proper maintenance would have required the GOVERNMENT ENTITIES to bring the shoulders up to grade;

   (4) The soil which constitutes the dirt shoulder area is improperly compacted or not compacted at all;

   (5) There are no warning signs advising drivers that the shoulders are soft, such as "soft shoulder" or words to that effect, so that the drivers will know that there is a limited ability to recover in that area.

K. The absence of adequate roadway markings, warnings, striping, lane delineations, lane designations, barriers, roadway dividers and/or signs to warn vehicles of either the fact that there is an insufficient recovery zone next to the highway, and/or that the shoulder becomes a sand or gravel, dirt or soft "trap," at a downward slope from the edge of the pavement.

L. The absence of required, adequate or any roadway markings, controls, signs or lighting
to warn drivers of the dangerous condition.

M. The absence of proper roadway markings, warnings, traffic controls, striping, and/or signs to warn drivers on the road that the shoulder will become a "trap" to motorists using the street or roadway with due care.

N. The absence of traffic controls, marked lanes and/or escape areas.

O. The absence of adequate or any roadway markings striping, controls, signs, reflectors or lighting to identify lanes of travel to motorists and to warn them that the shoulder will end and become dirt, with a differential friction.

P. The deteriorated condition of the roadway surface and its markings and controls.

Q. The SUBJECT ROADWAY and shoulder are improperly maintained, inspected, surfaced, striped, contoured, signed, regulated, monitored, and/or controlled by defendants' employees, thereby interfering with the safe operation of motor vehicles.

R. The absence of any required or adequate warnings of the aforementioned conditions.

Claimants allege that the dangerous and unsafe condition of the SUBJECT ROADWAY was manifest and obvious, and had been confirmed by other severe automobile accidents at the SUBJECT ROADWAY, during the time period prior to the SUBJECT ACCIDENT, such that the GOVERNMENT ENTITIES and each of them had been placed on notice thereof, and as a result the severe personal injuries sustained by the decedent and claimant in the SUBJECT ACCIDENT were, at all times relevant and prior to the SUBJECT ACCIDENT, reasonably foreseeable to the GOVERNMENT ENTITIES and each of them in the exercise of due care.

8. As of the date of this Claim, Claimant LISA MARTIN has suffered the following damages in the sum of at least $25,000,000.00:

(a) expenses for the funeral and burial of her husband, Rickey Martin;

(b) past and future loss of the household services of her husband, Rickey Martin;

(c) future loss of the financial support of her husband, Rickey Martin;

(d) past and future loss of the love, companionship, comfort, care, assistance, protection, affection, society, and moral support of her husband, Rickey Martin;

(e) past medical expenses in excess of $50,000;
(f) future medical expenses, presently unascertained;
(g) past and future loss of earnings and loss of earning ability; and
(h) past and future general damages, including physical and emotional pain and
   suffering; disability, and other species of damage.

9. As of the date of this Claim, Claimant STACEY MARTIN has suffered the
   following damages in the sum of at least $25,000,000.00:
   (a) expenses for the funeral and burial of her father, Rickey Martin;
   (b) past and future loss of the household services of her father, Rickey Martin;
   (c) future loss of the financial support of her father, Rickey Martin;
   (d) past and future loss of the love, companionship, comfort, care, assistance, protection,
       affection, society, and moral support of her father, Rickey Martin;
   (e) past medical expenses in excess of $25,000;
   (f) future medical expenses, presently un-ascertained;
   (g) past and future loss of earnings and loss of earning ability; and
   (h) past and future general damages, including physical and emotional pain and
       suffering; disability, and other species of damage.

10. As of the date of this Claim, Claimant NICK AVILA, JR., has suffered the
    following damages in the sum of at least $5,000,000.00:
    (a) past medical expenses in excess of $15,000;
    (b) future medical expenses, presently un-ascertained;
    (c) past and future loss of earnings and loss of earning ability; and
    (d) past and future general damages, including physical and emotional pain and
        suffering; disability, and other species of damage.

   Dated: July 7, 2008

   JOHN V. BELL
   Attorneys for Claimants
PROOF OF SERVICE BY OVERNIGHT EXPRESS DELIVERY SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am a resident of and employed in the aforesaid county, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 1301 Dove St., Suite 120, Newport Beach, California.

On July 7, 2008, I served the foregoing GOVERNMENTAL CLAIM FOR PERSONAL INJURIES on the interested parties BY OVERNIGHT PRIORITY MAIL WITH NEXT DAY DELIVERY GUARANTEED by placing a true copy thereof, in an sealed envelope to the addressee(s) below, and depositing the same into the OVERNIGHT EXPRESS mail drop at the address located set forth hereinabove, with carriage pre-paid:

CITY CLERK OF THE CITY OF PORTERVILLE
291 N. Main St.
Porterville, CA 93257

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: July 7, 2008

Edward G. Spilsbury
COUNCIL AGENDA: SEPTEMBER 2, 2008

SUBJECT: AUTHORIZATION TO NEGOTIATE A CONTRACT AND ADVERTISE FOR BIDS – MURRY PARK RESTROOM PROJECT

SOURCE: Parks and Leisure Services Department / Public Works Department

COMMENT: The Public Works Department, working in conjunction with the Parks and Leisure Services Department, prepared plans and project manual for the Murry Park Restroom project. The project consists of constructing a new restroom at Murry Park along with all necessary site improvements to replace the existing restroom building. The existing restroom will be demolished upon completion of the new restroom.

Due to the critical timeline on this project and to keep building costs down, the restroom building is proposed to be purchased directly through a supplier utilizing the California Multiple Award Schedule (CMAS) list.

On August 8, 2008, staff received proposals and building design layouts for the Murry Park Restroom Project from CXT, Inc. (Spokane, WA), RFL, Ltd. (Reno, NV), and Romtec, Inc. (Roseburg, OR). All of the pre-manufactured building suppliers are included in the CMAS list. The complete proposal packages were presented to the Parks and Leisure Services Commission at their August 14, 2008 meeting and the commission recommended proceeding with a CXT building. The quality and durability of a CXT building was a deciding factor in choosing this supplier.

After further review, several revisions were requested from CXT, Inc. to achieve a theme at Murry Park that replicates the architecture of the old Leslie Flour Mill. On August 22, 2008, City staff received the modified proposals and agreed with the changes provided. CXT, Inc. advised staff that purchases should be made prior to September 12, 2008, as a price increase of ten percent (10%) will apply after this date due to increased operating costs by their company.

The Murry Park Restroom project is funded by CDBG entitlement funds. The CDBG process requires that prevailing wage be implemented as part of the work at Murry Park. The budget allocated for this project is $246,000. $43,249.64 has been spent for the Murry Park Playground Replacement project already in progress. This leaves a budget amount of $202,750.36.

Tabulated below are the total costs for two restroom building options. The first option is a building that will be a “replacement in kind” (8 stalls total) for the existing restroom, and will require additional funding because of the size of the building. The additional funding is available through unallocated carryover funds. It is the recommendation of the Parks and Leisure Services Commission and Staff’s that the 8-stall unit be pursued as Murry Park does experience heavy usage.

Dir 28 Appropriated/Funded CM 3 Item No.
The second option is for a building that has one stall less on each side (6 stalls total) but can be constructed within the existing budget. The major drawback is that fewer stalls will be available to keep up with the heavy demand that already exists. The costs shown for each option cover the purchase of the restroom building, associated site improvement costs, testing and staff time, along with the demolition of the existing restroom building.

<table>
<thead>
<tr>
<th>Option:</th>
<th>Cost:</th>
<th>Budget:</th>
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</thead>
<tbody>
<tr>
<td>1. Taos w/ Porch (8 stalls)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Site Improvements</td>
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<td>b. Soils Investigation and Staff Time</td>
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<td>$269,956.29</td>
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<td>Add'l funding required:</td>
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2. Taos (6 stalls)
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<th>Cost:</th>
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<td>TOTAL:</td>
<td>Remaining budget:</td>
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Plans and Project Manual for the site improvement portion of the project are available in the La Barca Conference Room for Council’s review.

The estimate of probable cost for site improvements for the 8-stall restroom is $43,600 with $4,360 required for the construction contingency (10%). An additional $2,180 is required for construction management, quality control and inspection. The total estimated cost associated with the 8-stall restroom site improvements is $50,140.

The estimate of probable cost for the 6 stall site improvements is $37,100 with $3,710 required for construction contingency (10%). An additional $1,855 is required for construction management, quality control and inspection. The total estimated cost associated with the 6-stall restroom site improvements is $42,665. Both Estimates of Probable Cost are attached for Council’s review.

RECOMMENDATION:

That the City Council:

1. Authorize reappropriation of unallocated carryover funds in the amount of $70,000 to cover the increased costs necessary to replace the existing Murry Park restroom in kind with corresponding architectural features;

2. Authorize staff to negotiate a contract with CXT, Inc. through the California Multiple Award Schedule (CMAS) to purchase the pre-manufactured restroom building;

3. Authorize the City Purchasing Agent to authorize the purchase order;
4. Approve staff’s recommended plans and project manual;

5. Authorize staff to advertise for bids for the Murry Park Restroom Site Improvements; and

6. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

ATTACHMENTS:
- Murry Park Restroom Locator Map
- CXT Taos w/ Porch (8-stall unit) Layout
- CXT Taos (6-stall unit) Layout
- Historical Pictures of Leslie Flour Mill used for Murry Park architecture
- Sample Renderings of Proposed Restroom Colors and Textures
- Example Pictures of Taos w/ Porch (8-stall unit) and Taos (6-stall unit)
- Estimate of Probable Cost, Taos w/ Porch (8-stall) Site Improvements
- Estimate of Probable Cost, Taos (6-stall) Site Improvements
MURRY PARK

PROPOSED RESTROOM LOCATION

EXISTING RESTROOM TO BE DEMOLISHED UPON COMPLETION OF NEW RESTROOM
TAOS, 6 STALL UNIT

BLDG. COST = $137,317.32

NOTES:
1. SEE DRAWING TA-27 FOR SIZE AND LOCATION OF FLOOR BLOCKOUTS.
# MURRY PARK RESTROOM PROJECT

**Building Site Improvements - Taos w/ Porch (8 stall unit)**

City of Porterville
Engineer's Estimate

<table>
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<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QUANTITY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
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Sub Total: $43,600.00
10% Contingency: $4,360.00
5% Staff and Testing: $2,180.00

Total: $50,140.00

---

Project Manager: [Signature] 8/26/08
City Engineer: [Signature] 8-24-08
Public Works Director: [Signature] 8/26/08
City Manager: [Signature] 08/27/08
# MURRY PARK RESTROOM PROJECT

## Building Site Improvements - Taos (6 stall unit)

City of Porterville  
Engineer's Estimate

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<td>Install Concrete Entry Ramp</td>
<td>100</td>
<td>SF</td>
<td>$10.00</td>
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<td>14</td>
<td>Demolish Existing Restroom</td>
<td>1</td>
<td>LS</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
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Sub Total $37,100.00  
10% Contingency $3,710.00  
5% Staff and Testing $1,855.00  

Total $42,665.00
SUBJECT: CONSOLIDATED WASTE MANAGEMENT AUTHORITY MEMBERSHIP AGREEMENT PAYMENT

SOURCE: Public Works Department - Field Services Division

COMMENT: On December 8, 1999, the Cities of Visalia, Porterville, Lindsay, Dinuba and Tulare entered into a Joint Powers Agreement forming the Consolidated Waste Management Authority (CWMA). By this Agreement, a Joint Powers Authority was created to act as a regional agency and independent public agency to comprehensively plan, develop, operate, and manage the transformation, diversion, recycling, processing and disposal of solid waste within the members' jurisdictions. On November 26, 2002, the cities of Exeter, Farmersville and Woodlake joined the CWMA.

On November 17, 2005, the CWMA Board approved Tulare County joining and on January 26, 2006, formally accepted the City of Woodlake's withdrawal. On April 14, 2006, the City Council authorized the mayor to sign the new agreement with the CWMA with these changes. With the CWMA carryover funds decreasing, and the City of Porterville's population increasing, the City of Porterville's contribution share for 08/09 is $52,604. The City's membership fee is paid from the Solid Waste Fund.

On August 12, 2008, the California Department of Conservation awarded a total of $117,112 to the Consolidated Waste Management Authority members. The City of Porterville received a "DOC/Recycling" check for $13,502 as its portion of the awarded funds. These funds are used to finance the CWMA recycling education, community awareness, and clean-up programs within these eight agencies and should be forwarded to CWMA.

RECOMMENDATION: That City Council:

1. Authorize issuance of checks to CWMA for the following:
   a. Payment of $52,604 for the City's membership contribution; and
   b. Forward $13,502 for the City's portion of CWMA's awarded funds received from California Department of Conservation.

ATTACHMENT: CWMA Proposed Budget

P:\pubworld\Engineering\Council Item\CWMA Membership Agreement Payment - 2008-09-02.doc

Dir Appropriated/Funded ___ CM ___ Item No. 4
## BOTTLE BILL FUND

<table>
<thead>
<tr>
<th>REVENUES</th>
<th>Fiscal Year 2008-09</th>
<th>FY 2008-09 PROPOSED BUDGET</th>
<th>EXPENDITURES</th>
</tr>
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<td><strong>$457,853</strong></td>
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<tr>
<td>Administrator Services</td>
<td>47,250</td>
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<tr>
<td><strong>OPERATIONS</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Conference &amp; Travel</td>
<td>2,000</td>
<td>2,257</td>
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<td>Training</td>
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<tr>
<td>Education and Public Awareness</td>
<td></td>
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<tr>
<td>Cash for Trash</td>
<td></td>
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<tr>
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<td><strong>BOTTLE BILL FUND</strong></td>
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## MEMBER FUND

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<th>FY 2008-09 PROPOSED BUDGET</th>
<th>EXPENDITURES</th>
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<td>2,000</td>
<td>2,257</td>
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<td>1,076</td>
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<td>1,500</td>
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<td>1,500</td>
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<td><strong>Operations Total</strong></td>
<td><strong>9,200</strong></td>
<td><strong>9,038</strong></td>
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<td>Information booklet</td>
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<td>Promotional Items</td>
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<td>Recycling Wheels</td>
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<td>WRAP Awards</td>
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<td>Miscellaneous</td>
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<td><strong>$260,260</strong></td>
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</tbody>
</table>

### Additional Notes

- The calculations for the Excess Revenue/Expenditures are as follows:
  - **BOTTLE BILL FUND:** $287,000 - $337,078 = $54,011
  - **MEMBER FUND:** $654,040 - $437,040 = $217,000

- The budget for Waste-to-Energy is not specified.

- The percentages for 2008-09 POP. SPLIT are as follows:
  - **Dinuba:** 20,582 / 21,087 = 98%
  - **Exeter:** 11,041 / 10,705 = 104%
  - **Farmsville:** 10,770 / 10,572 = 101%
  - **Lindsey:** 11,486 / 11,596 = 100%
  - **Porterville:** 52,580 / 51,863 = 101%
  - **Tulare:** 57,857 / 55,690 = 103%
  - **Visalia:** 121,359 / 121,488 = 100%
  - **County Tulare:** 148,273 / 144,719 = 101%
  - **TOTAL:** 433,840 / 427,730 = 100%
SUBJECT: ACCEPTANCE OF PROJECT – EFFLUENT PIPELINE AND LAND LEVELING

SOURCE: Public Works Department - Engineering Division

COMMENT: Guinn Construction has completed the Effluent Pipeline and Land Leveling Project per plans and specifications. This project was required under the City’s Cease and Desist Order issued by the Regional Water Quality Control Board. The project consists of the following:

- Leveling Areas #1, #2, #3, #4, and #5 of the Underhill and Hunsaker Property
- Two Check Structures
- Installing Effluent Pipeline for Irrigation Purposes

City Council authorized an expenditure of $948,661.45 for construction. Final construction cost is $942,890.16. Funding for this project is from the Wastewater Treatment Facility Capital Reserve which was approved in the 2007/2008 Annual Budget and will be reimbursed through the CIEDB loan.

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

RECOMMENDATION: That City Council:

1. Accept the project as complete; and

2. Authorize the filing of the Notice of Completion.

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

ATTACHMENT: Locator Map

P:\publicworks\Engineering\Council Item\Acceptance of Project - Effluent Pipeline and Land Leveling - 2008-09-02.doc

[Signature] Appropriated/Funded CM Item No. 5
COUNCIL AGENDA: SEPTEMBER 2, 2008

SUBJECT: ACCEPTANCE OF PROJECT – WEST STREET INDUSTRIAL PARK

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff and Sons, Inc. has completed the construction of public improvements associated with the West Street Industrial Park. The project consisted of the installation of necessary infrastructure for an industrial park located on the east side of West Street between Tea Pot Dome Avenue and Scranton Avenue (south of and adjacent to the TREDC Airport Industrial Park).

City Council authorized expenditure of $1,840,291.69. Final construction cost is $1,833,675.28. Funding sources for this project include water & sewer revolving funds, storm drain fund, local transportation funds and from the sale of the southern half of the industrial property to Edison.

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

RECOMMENDATION: That City Council:

1. Accept the West Street Industrial Park Project as complete;

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

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

ATTACHMENT: Locator Map

P:\pubworks\Engineering\Council Items\Acceptance of Project - West Street Industrial Park - 2008-09-02.doc

Dir Appropriated/Funded CM Item No. 60
COUNCIL AGENDA: SEPTEMBER 2, 2008

SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP – SUNRISE VILLA, PHASE TWO & THREE (Gary Smee)

SOURCE: Public Works Department - Engineering Division

COMMENT: The subdivider, Gibbons 20, LLC, has submitted the final map of the subject project for Council approval. The subdivider is requesting approval prior to the acceptance of the required improvements.

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

The final map is in conformance with the approved tentative map and City Council Resolution No. 146-2005. The improvement plans, specifications, dedications and the final map have been approved by the Public Works Director and City Engineer and all other requirements have been met.

RECOMMENDATION: That City Council:

1. Approve the final map of Sunrise Villa, Phase Two & Three Subdivision;

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

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

ATTACHMENT: Final Map – Sunrise Villa, Phase Two & Three

P:\PUBWORKS\ENGINEERING\COUNCIL ITEMS\ACCEPTANCE OF FINAL SUBDIVISION MAP - SUNRISE VILLA, PH. 2 & 3 - 2008-9-02.DOC

Dir Appropriated/Funded CM Item No.
SUBJECT: GOLF COURSE STATUS REPORT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The golf course is into the third year of stable activity since Jeff Gilwitz became the Head Pro. Attached is statistical information on the activity, as well as revenue and expenditure comparisons. The revenue and expenditure information for the fiscal year ending June 30, 2008 is only preliminary at this time. The year-end closing adjustments to be done in the coming months will provide a better comparison to previous years. The final month of utility expenses and the annual depreciation charges are expected to add about 15% onto the preliminary operations expenditure total.

There was a separate allocation of $37,000 provided for the irrigation of the driving range. Staff was able to complete this project during the year and the preliminary year-end figures indicate that $6,246 remains un-expended. Once this number is confirmed, with any late expense adjustments being made, the remaining general fund carryover will be available for further consideration. Mower implement attachments for care of the driving range and a pavement overlay of the parking lot are preferences that staff would suggest for funding consideration. The cost for the mower implements is $2,836. The estimated cost of paving materials for the parking lot overlay is $9,225. City labor and equipment expenses for the overlay work are estimated at $5,544.

RECOMMENDATION: That the City Council:
1. Request the audit report for FY 07/08 provide specific reference to the golf course enterprise, and;
2. Provide direction for the use of any remaining carryover from the driving range irrigation project.

ATTACHMENTS: Golf Course User Statistics
Golf Course Revenue & Expenditure Comparisons

Director / Appropriated/Funded / City Manager

ITEM NO.: 8
PORTERVILLE GOLF COURSE USER STATISTICS

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<tr>
<td>Repeat 9-hole</td>
<td>715</td>
<td>705</td>
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<tr>
<td>18-hole</td>
<td>1,764</td>
<td>1,605</td>
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<tr>
<td>~50% Weekend/Holiday-Summer</td>
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<tr>
<td>~60% Weekend/Holiday-Winter</td>
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<td><strong>Junior rounds / Weekday</strong></td>
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<td>ACTUAL FY 2004/05</td>
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<td>033 4999 Other Revenues</td>
<td>218</td>
<td>110</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>408,971</td>
<td>387,435</td>
</tr>
<tr>
<td><strong>GOLF COURSE REPLACEMENT FUND</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>091 4601 Interest on Investments</td>
<td>2,919</td>
<td>2,918</td>
</tr>
<tr>
<td>091 4897 Interdepartmental Serv Charges</td>
<td>33,895</td>
<td>41,328</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>36,814</td>
<td>44,246</td>
</tr>
</tbody>
</table>
## CITY OF PORTERVILLE

**GOLF COURSE EXPENDITURE BUDGET**

### GOLF COURSE OPERATIONS

<table>
<thead>
<tr>
<th></th>
<th>FY 2004/05</th>
<th>FY 2005/06</th>
<th>FY 2006/07</th>
<th>FY 2007/08</th>
<th>08/09 BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>033-5050-070-010 Salaries, Regular</td>
<td>72,019</td>
<td>77,089</td>
<td>89,925</td>
<td>89,402</td>
<td>95,847.00</td>
</tr>
<tr>
<td>033-5050-070-020 Salaries, Part-time</td>
<td>6,463</td>
<td>10,847</td>
<td>-</td>
<td>10,020</td>
<td>9,870.00</td>
</tr>
<tr>
<td>033-5050-070-030 Salaries, Overtime</td>
<td>3,245</td>
<td>1,397</td>
<td>1,240</td>
<td>1,419</td>
<td>1,820.00</td>
</tr>
<tr>
<td>033-5050-070-090 Benefits</td>
<td>26,259</td>
<td>31,074</td>
<td>41,888</td>
<td>36,234</td>
<td>35,712.10</td>
</tr>
<tr>
<td>033-5050-070-110 Vehicle Maintenance</td>
<td>38,277</td>
<td>37,115</td>
<td>39,051</td>
<td>33,930</td>
<td>34,000.00</td>
</tr>
<tr>
<td>033-5050-070-120 Building/Grounds Maint</td>
<td>26,826</td>
<td>34,062</td>
<td>26,214</td>
<td>19,966</td>
<td>24,500.00</td>
</tr>
<tr>
<td>033-5050-070-190 Other Equipment Maint</td>
<td>20,596</td>
<td>16,872</td>
<td>12,104</td>
<td>12,303</td>
<td>10,500.00</td>
</tr>
<tr>
<td>033-5050-070-210 Advertising</td>
<td>4,873</td>
<td>8,058</td>
<td>11,395</td>
<td>5,913</td>
<td>5,000.00</td>
</tr>
<tr>
<td>033-5050-070-220 Printing/Copying</td>
<td>80</td>
<td>973</td>
<td>-</td>
<td>367</td>
<td>-</td>
</tr>
<tr>
<td>033-5050-070-230 Professional/Temp Service</td>
<td>58,569</td>
<td>87,979</td>
<td>69,996</td>
<td>68,588</td>
<td>70,000.00</td>
</tr>
<tr>
<td>033-5050-070-260 Rent of Property &amp; Equipmnt</td>
<td>1,073</td>
<td>861</td>
<td>1,130</td>
<td>701</td>
<td>400.00</td>
</tr>
<tr>
<td>033-5050-070-280 Administrative Expense</td>
<td>24,451</td>
<td>28,209</td>
<td>27,752</td>
<td>23,981</td>
<td>26,125.00</td>
</tr>
<tr>
<td>033-5050-070-350 Tools/Equipment (under $1,000)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>033-5050-070-410 Meeting Expense</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>033-5050-070-420 Utilities</td>
<td>51,692</td>
<td>49,059</td>
<td>52,700</td>
<td>39,235</td>
<td>47,000.00</td>
</tr>
<tr>
<td>033-5050-070-430 Uniform Allowance</td>
<td>877</td>
<td>527</td>
<td>917</td>
<td>594</td>
<td>750.00</td>
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<tr>
<td>033-5050-070-440 Training Expense</td>
<td>10</td>
<td>30</td>
<td>30</td>
<td>75</td>
<td>150.00</td>
</tr>
<tr>
<td>033-5050-070-450 Publication and Dues</td>
<td>250</td>
<td>150</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>033-5050-070-520 Insurance, Liability</td>
<td>8,114</td>
<td>8,114</td>
<td>8,925</td>
<td>8,925</td>
<td>8,925.00</td>
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<tr>
<td>033-5050-070-650 Depreciation Expense</td>
<td>42,211</td>
<td>46,046</td>
<td>41,510</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>033-5050-070-660 Other Expense</td>
<td>396</td>
<td>1,881</td>
<td>2,989</td>
<td>3,188</td>
<td>3,400.00</td>
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<tr>
<td>033-5050-070-690 Loss on Disposal of Assets</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>033-5050-070-730 Other Mach/Equip (over $1,000)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>385,302</td>
<td>440,343</td>
<td>427,513</td>
<td>354,821</td>
<td>375,999.10</td>
</tr>
</tbody>
</table>

### GOLF COURSE REPLACEMENT FUND

<p>| | | | | | |</p>
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>091 5030-095-720 Automotive Equipment</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>091 5030-095-730 Other Machinery/Equipment</td>
<td>64,765</td>
<td>-</td>
<td>-</td>
<td>91,395</td>
<td>15,750</td>
</tr>
<tr>
<td>091 5030-095-740 Computer Equipment</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>15,750</td>
<td>-</td>
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<tr>
<td>091 5030-095-810 Non-Fixed Asset Capital Outlay</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>64,765</td>
<td>-</td>
<td>91,395</td>
<td>15,750</td>
<td>-</td>
</tr>
</tbody>
</table>
SUBJECT: NEW PUBLIC SAFETY FACILITY PROJECT UPDATE

SOURCE: FIRE DEPARTMENT

COMMENT: FOR INFORMATION ONLY

In April of 2007, the Porterville Fire Department completed a Station Location Analysis identifying general fire station locations to be incorporated into the City of Porterville, General Plan Update, which was adopted by Council on March 4, 2008. Identified areas included consideration of existing City and County fire stations, the location of target hazard occupancies, emergency response history, projected growth areas, transportation and natural barriers, flood zones, and projected impact on reduction of emergency response times.

The general area of Jaye Street and Highway 190 was identified as the preferred location for construction of the next fire station. The Fire Department has identified four properties in that area that may be suitable for a Public Safety Facility and is currently evaluating each of those properties for feasibility of acquisition.

In April of 2008, Chief Garcia and Battalion Chief Irish attended a three day, Station Style Conference in Phoenix, Arizona. Information provided during the conference included current methodologies and techniques utilized in facilities design, including sustainability, controlling costs, and building green.

A Public Safety Facility Project Committee was established in June of 2008, and includes members of the Fire and Police Departments, as well as one member of the City Council. During the first meeting held July 1, 2008, members were presented with a project overview and planning model.

The Fire Department also filed an application in June of 2008, with Southern California Edison to enroll the project in the Savings By Design Program. Members of the project committee met with SCE representatives in August of 2008 to confirm acceptance of the application and discuss program benefits and incentives.
Projects participating in Savings By Design receive services including design assistance, owners incentives and design team incentives. Design assistance can range from simple plan review and efficiency upgrade recommendations to complete computer simulation analysis comparing a number of alternative systems and integrated building design options. Financial incentives, to help offset increased design interaction and potential costs of construction, are available for projects that exceed thresholds established by the program.

During September of 2008, the project committee has scheduled tours of recently constructed Public Safety facilities in Bakersfield, Paso Robles, and Visalia. Each of the five facilities includes both Fire and Police Department elements within a common building.

Upon completion of facility tours, committee members will begin the process of performing departmental needs assessments. Identified needs will be further defined into a project guide to be used when acquiring professional services for conceptual project design in the latter portion of the 2008/2009 budget year.

RECOMMENDATIONS:  Informational Report Only
SUBJECT: CITY OF PORTERVILLE CONFLICT OF INTEREST CODE - AMENDMENT NO. 7

SOURCE: ADMINISTRATION/CITY CLERK DIVISION

COMMENT: Government Code Section 87306.5 requires that local agencies submit to their code reviewing body a biennial report identifying needed changes in their Code, or a statement that changes in its Code are not necessary. The City Council accepted the Conflicts and Disclosure Monitor Agency Biennial Report for 2008 at its regular meeting of August 19, 2008. The Report made the determination that amendments to the Code were in fact required.

The City Clerk has reviewed the City of Porterville's current Conflict of Interest Code and has drafted an amendment to include the necessary changes. The revisions pertain to changes to designated employees as set forth in Exhibit A, specifically adding new positions, revising the titles of current positions to reflect recent reclassifications, and deleting positions which have been eliminated.

The Code revision has been reviewed and approved by the City Attorney.

RECOMMENDATION: That the City Council adopt the draft resolution approving the revised City of Porterville Conflict of Interest Code.

ATTACHMENTS: 1. Draft Resolution of Adoption.
2. Amended Conflict of Interest Code
RESOLUTION NO. _____-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING A REVISED CONFLICT OF
INTEREST CODE FOR THE CITY OF PORTERVILLE

BE IT HEREBY RESOLVED by the City Council of the City of Porterville that the
attached Conflict of Interest Code for the City of Porterville is hereby adopted, and the City
Manager, as Administrative Supervisor, is hereby authorized to execute said document.
ADOPTED this ______ day of September, 2008.

_____________________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

_____________________________________________________
Patrice Hildreth, Chief Deputy City Clerk
CONFLICT OF INTEREST CODE OF THE
"CONFLICTS AND DISCLOSURE MONITOR AGENCY" OF THE
CITY OF PORTERVILLE

SECTION 1. Establishment. The City Council of the City of Porterville has heretofore established a Conflicts and Disclosure Monitor Agency (hereinafter "Agency") having jurisdiction as set forth herein over all officers, officials, and employees of the City. The City Manager shall be the Administrative Supervisor of such Agency with authority to act for and on behalf of such Agency. Such Agency shall not affect the duties, responsibilities, or chain of command of any Department, Board, or Commission except to administer and enforce the requirements, rules, and regulations set forth herein. The City Council shall be deemed the "Code Reviewing Body" of said Agency pursuant to the provisions of Section 87300 et seq. of the Government Code.

SECTION 2. Purpose. The Conflicts and Disclosure Monitor Agency of the City of Porterville hereby adopts this document as its "Conflict of Interest Code" in accordance with the requirements of the Political Reform Act of 1974.

SECTION 3. Designated Positions. The positions listed on Exhibit "A" attached hereto are designated positions. Officers and employees holding those positions are designated employees and are deemed, for the purposes of this Code, to make, or participate in the making of, decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employees by virtue of his or her position.

SECTION 4. Disclosure Statements. Each such designated employee shall file disclosure statements disclosing reportable investments, business positions, interests in real property, and income, to the extent required by the Act, and on forms prescribed by the Fair Political Practices Commission and supplied by the City Clerk.
SECTION 5. **Place and Time of Filing.**

A. All designated employees required to file disclosure statements shall file same with the City Clerk, as Secretary to the Code Reviewing Body.

B. A designated employee required to submit a disclosure statement shall file their initial statement within thirty (30) days after the effective date of this Code disclosing reportable investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12-months before the effective date of the Conflict of Interest Code.

C. Individuals hereafter appointed to designated positions shall file his or her initial statement within thirty (30) days after assuming office disclosing reportable investments, business positions, and interests in real property held on, and income received during the twelve (12) months before, the date of assuming office.

D. After the initial filing, each person holding a designated position, shall, on or before the first day of March of each calendar year, file an annual disclosure statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the previous calendar year, or since the date the designated employee took office if during the calendar year. Such annual statements shall cover the period of the preceding calendar year.

E. Every designated employee who leaves office shall file, within thirty (30) days of leaving office, a statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

F. Any designated employee who resigns their position within twelve (12) months following initial appointment or within thirty (30) days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by
virtue of being appointed to the position. Within thirty (30) says of the date of a notice mailed by the filing officer, the individual shall do both of the following:

1. File a written resignation with the appointing power.
2. File a written statement with the filing officer on a form prescribed by the Commission and signed under the penalty of perjury stating that the individual during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

G. A designated employee required to file a statement of economic interest with any other public agency whose disclosure requirements are comparable hereto, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with such other agency, in lieu of an entirely separate statement.

SECTION 6. Contents of Disclosure Statements. Disclosure statements shall be submitted on forms supplied by the City Clerk, and shall contain the following information:

A. Disclosure of Investment or Interest in Real Property.
   1. When an investment or an interest in real property is required to be disclosed the statement shall contain:
      a. A statement of the nature of the investment or interest;
      b. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
      c. The address or other precise location of the real property;
      d. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars ($2,000) but does not exceed ten thousand dollars ($10,000), whether it exceeds ten thousand dollars ($10,000) but does not exceed one hundred thousand dollars ($100,000), whether it exceeds one hundred thousand dollars ($100,000) but does not exceed one million dollars ($1,000,000), or whether it exceeds one million dollars ($1,000,000);
e. In the case of a statement filed under Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

f. For purposes of disclosure, interest in real property does not include the principal residence of the filer or any other property which the filer utilizes exclusively as a personal residence of the filer.

B. Disclosure of Income.

1. When income is required to be reported the statement shall contain, except as provided in subdivision (b):

   a. The name and address of each source of income aggregating five hundred ($500) or more in value, or fifty dollars ($50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

   b. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred ($500) but did not exceed one thousand dollars ($1,000), whether it was in excess of one thousand dollars ($1,000) but not greater than ten thousand dollars ($10,000), whether it was in excess of ten thousand dollars ($10,000) but not greater than one hundred thousand dollars ($100,000), or whether it was greater than one hundred thousand dollars ($100,000);

   c. A description of the consideration, if any, for which the income was received;

   d. In the case of a gift, the amount and the date on which the gift was received;

   e. In the case of a loan, the annual interest rate and the security, if any, given for the loan, and the term of the loan.

2. When the filer's pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported, the statement shall contain:

   a. The name, address, and a general description of the business activity of the business entity;
b. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000) during a calendar year.

3. When a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interest. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.

4. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, or as to which he or she is a paid consultant, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity. If the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or has done business, or plans to do business in the jurisdiction at any time during the two years prior to the date of the statement, it is required to be filed.

5. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired to disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal;

SECTION 7. **Prohibition on Receipt of Honoraria.** No member of the City Council or candidate for the office of City Council shall accept any honorarium. No designated employee shall accept any honorarium from any source if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. Subdivisions (b) of Government Code Section 89502 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments,
advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

SECTION 8. Prohibition on Receipt of Gifts of $250 or More. No member of the City Council, candidate for the office of City Council, or designated employee shall accept any gifts with a total value of more than two hundred fifty dollars ($250) in a calendar year from any single source. Subdivision (b) of Government Code Section 89503 shall apply to this section.

SECTION 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the employee or a member of his or her immediate family or on:

A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars ($2,000) or more;

B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars ($2,000) or more;

C. Any source of income, other than gifts or loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars ($500) or more in value provided to, received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made;

D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars ($250) or more in value provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.
F. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

G. For purposes of this Section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

1. Notwithstanding subdivision (c) of Section 87103, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to an official who owns a 10-percent or greater interest in the entity if the retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer is not distinguishable from the amount of income received from its other retail customers.

SECTION 10. Manner of Disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor. This notice shall be forwarded to the Administrative Supervisor, who shall record the employee's disqualification. Upon receipt of such statement, the Administrative Supervisor shall immediately arrange for the matter to be reassigned to another employee.

SECTION 11. Interpretation. In the event of any ambiguity in these rules as to interpretation, construction, or applicability, the Administrative Supervisor shall, by written instrument, clarify such ambiguity. Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114,
or from the City Attorney, provided that nothing in this section requires the attorney for the City to issue any formal or informal opinion.

SECTION 12. Violation. Violation of any provision of this Code, including: (1) willful failure to file, or timely file, any requisite Disclosure Statement, (2) willful failure to disclose any financial or other interest required to be disclosed in such Disclosure Statement, or (3) filer's willful failure to disqualify himself or herself as required herein, shall be grounds for discipline or removal from office, pursuant to Government Code Section 91003.5. Upon ascertaining any such violation, the Administrative Supervisor shall report the same to the appointing official for appropriate proceedings. Such violation shall not, however, invalidate or otherwise affect any decision or action to which such violations might relate. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Act, Government Code Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

SECTION 13. Effective Date. The City of Porterville Conflict of Interest Code, and any amendments to said Code, shall become effective immediately upon passage and approval by the City Council.

Adopted this _____ day of September, 2008.

CONFLICTS AND DISCLOSURE MONITOR AGENCY

By________________________________________

John Longley, Administrative Supervisor
DESIGNATED EMPLOYEES
EXHIBIT "A"

A. ADMINISTRATION:
   1. Deputy City Manager

B. DEPARTMENT DIRECTORS:
   1. Community Development Director
   2. Fire Chief
   3. Parks and Leisure Services Director
   4. Police Chief
   5. Public Works Director

C. DEPARTMENTAL EMPLOYEES AS FOLLOWS:
   1. Administrative Services Department
      a. Purchasing Agent

   2. Community Development Department:
      a. City Planner
      b. Development Associate
      c. Project Manager

   3. Fire Department:
      a. Chief of Fire Operations
      b. Battalion Chief/Fire Marshall
      c. Battalion Chief of Operations

   4. Public Works Department
      a. Chief Building Official
      b. City Engineer
      c. Field Services Manager
      b. Deputy Public Works Director/City Engineer
      c. Deputy Public Works Director/Field Services Manager

D. CONSULTANTS: Consultants shall disclose pursuant to the broadest disclosure category
in the Code subject to the following limitations:

The Administrative Supervisor may determine in writing that a particular consultant,
although a "designated position", is hired to perform a range of duties that is limited in
scope and thus is not required to fully comply with the disclosure requirements described in
this section. Such written determination shall include a description of the consultant's
duties and, based upon that description, a statement of the extent of disclosure
requirements. The Administrative Supervisor's determination is a public record and shall
be retained for public inspection in the same manner and location as this Conflict of Interest
Code.

* This designation does not include the following City officials or employees required to report their
financial interests pursuant to Article 2 of Chapter 7 of the Act, Government Code Sections 87200,
et seq.:
   a. City Council Members
   b. City Manager
   c. City Attorney
   d. Administrative Services Manager (In lieu of Finance Director)
   e. Chief Financial Officer (In lieu of Treasurer)
CITY COUNCIL AGENDA: SEPTEMBER 2, 2008

PUBLIC HEARING

SUBJECT: HILLSIDE DEVELOPMENT ORDINANCE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: At the August 5, 2008 City Council meeting the Council reviewed the administrative draft of the proposed Hillside Development Ordinance. The purpose of the Hillside Development Ordinance is to facilitate the orderly development of property within the hillside areas through a set of hillside development goals and standards aimed at protecting the public health, safety and welfare; protecting and preserving natural and biological resources for the long-term benefit of the Porterville community and the broader community; recognizing the inherent value in the properties subject to this ordinance; allowing size, type, location, density, and intensity of development based on available infrastructure, the geographic steepness of terrain, presence of unique geographic conditions and constraints, presence of environmentally sensitive areas; and optimizing the use of sensitive site design, grading, landscape architecture, and architecture, all to achieve the City’s objectives.

At the August 5, 2008 City Council meeting a number of concerns were raised by Jim Winton, a local Civil Engineer who has represented a number of clients proposing development in the hillside areas. Mr. Winton’s concerns were predominantly related to submittal requirements for subdivision maps.

Staff was instructed to meet with Mr. Winton to discuss his concerns and refine the Ordinance if needed. Staff has met with Mr. Winton and discussed his concerns with him and is currently in the process of analyzing numerous issues raised with the ordinance.

Staff believes that in order to properly analyze the concerns, and address any needed changes, more time is required. Staff is therefore requesting that the Council continue this item to the September 16, 2008 City Council meeting in order to allow time for the needed analysis and changes.

RECOMMENDATION:

That the City Council continue this item to the September 16, 2008 regular City Council meeting.

ATTACHMENTS:

None
SCHEDULED MATTER

SUBJECT: REQUEST TO ESTABLISH AN "AREA OF INTEREST" FOR THE PROPERTIES LOCATED ALONG BOTH SIDES OF STATE HIGHWAY 65 BETWEEN AVENUE 196 AND AVENUE 182, AND ROAD 224 AND ORANGEBELT DRIVE.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Staff is recommending that the City Council establish an official “Area of Interest” for the properties located along both sides of State Highway 65 between Avenues 196, and 182 and Road 224 and Orangebelt Drive.

This corridor lies on the north side of Porterville, adjacent to the proposed Urban Area Boundary and constitutes the principal entrance area into the community. The California Department of Transportation has jurisdiction over the Highway Right of Way and the County has jurisdiction over the other roads and private properties within the proposed areas. The area is predominantly agricultural in nature with a small number of businesses, residences, and schools scattered throughout and mostly located along the highway intersections and Orangebelt Drive.

Because this area is the principal gateway into the community and has a significant amount of through traffic, development activity that may occur in this area is of interest to the City. Land use decisions for development in this area have the potential to impact the City of Porterville in a significant way. Development here could affect the following:

1. Public perception of Porterville with a first impression.
2. Future growth and placement of business.
3. Aesthetics
4. Property values
5. Traffic patterns and levels of service
6. Other Environmental factors
7. Public safety

By establishing an “Area of Interest” with the County, the City of Porterville would expect to be notified of all proposed development within this area and be given an opportunity to provide comments. The County would then be able to decide whether or not they wanted to incorporate our comments.
RECOMMENDATION: That the City Council establish an “Area of Interest” by adopting the attached draft resolution.

ATTACHMENTS

1. Location Map
2. Draft Resolution
Proposed Area of Interest Location Map

Legend
- Streams
- Highways
- Parcels

Proposed Area of Interest
Proposed Urban Area Boundary

City of Porterville

Area within Additional UAB: 48,087,416 square feet
1,104 acres

Attachment 1
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING AN AREA OF INTEREST FOR THE PROPERTIES LOCATED ALONG BOTH SIDES OF STATE HIGHWAY 65 BETWEEN AVENUE 196 AND AVENUE 182, AND ROAD 224 AND ORANGEBELT DRIVE.

WHEREAS, on September 2, 2008, the City Council of the City of Porterville, considered the adoption of a resolution establishing the properties located along both sides of State Highway 65, between Avenue 196, Avenue 182, Road 224, and Orangebelt Drive as an “Area of Interest” with the County of Tulare; and

WHEREAS, the City recognizes this corridor on the north side of the community and adjacent to the proposed Urban Area Boundary as a strategic corridor and a principal entrance into the community; and

WHEREAS, the City recognizes that this corridor carries significant traffic along the State Highway and other principal roads and has the potential to be the site of significant development in the future; and

WHEREAS, the City recognizes that development occurring in this area could have a significant effect on the rest of the City in the way of public perception of Porterville, future land use patterns, aesthetics, property values, traffic patterns, public safety, and other environmental issues; and

WHEREAS, it is the goal of the City to insure quality growth and efficient land use patterns, as stated in the recently adopted General Plan; and

WHEREAS, it is in the City’s best interest to be notified of future projects developed through the County in this area and have an opportunity to comment on such proposals.

NOW, THEREFORE, the City Council of the City of Porterville, California, does resolve, declare, determine and order as follows:

SECTION 1. That the properties located along both sides of State Highway 65 between Avenue 196, Avenue 182, Road 224 and Orangebelt Drive (Shown on Exhibit A and attached to this resolution) are hereby designated as an “Area of Interest” to the City of Porterville.

SECTION 2. That the City of Porterville hereby petitions the County of Tulare that the County notify the City of Porterville of all proposed development occurring within this area during the review process and that the City of Porterville be given the opportunity to comment on such development prior to approval by the County.
PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Porterville on this ___th day of September, 2008 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

______________________________
Patrice Hildreth, Deputy City Clerk
I, ____________, hereby certify that I am the duly appointed City Clerk of the City of Porterville and that the foregoing resolution was duly adopted at a regular meeting thereof held on the ___th day of August, 2008.

__________________________
City Clerk
SUBJECT: Options for Animal Control Services

SOURCE: Police Department

COMMENT: The City of Porterville has had an agreement with the City of Lindsay for the provision of animal control services in our community for several years. The most recent agreement has expired and the city continues to operate on a month to month basis. As our community continues to grow, so have the demands for animal control services. Should we extend our agreement with Lindsay Animal Control (LAC), the costs are expected to increase significantly. Preliminary estimates are for costs to exceed $250,000 per year.

The Police Department has explored other viable options for animal control services in the community. Those options and approximate yearly costs are:

1. Porterville provides own animal control function and rents space/pens at LAC for sheltering. \(\text{COST: $277,500}\)
2. Porterville contracts with Valley Oak SPCA for sheltering and care of animals. Porterville would have to provide animal control services and transportation. \(\text{COST: $213,500}\)
3. Porterville establishes animal control function and constructs shelter facility for the operation. This unit of the city would perform enforcement, licensing, redemption and adoption of animals picked up in the city. \(\text{COST: $215,000}\)

All three options include the purchase of an animal control vehicle as a one time cost. Selecting the option to establish a City of Porterville Animal Control function offers improved local control and a more effective unit dedicated to this service.

RECOMMENDATION: That City Council:
1) Review and consider the options related to animal control services in the community and give direction relative to this issue.
City of Porterville

STAFF REPORT: Options for Animal Control Services in Porterville

The City of Porterville has had a longstanding agreement with the City of Lindsay for the provision of animal control services. While this agreement has been renewed several times, it expired on June 30, 2008. We are presently continuing to operate under this agreement on a month to month basis for their services. A city of our size and population, with its rural base, places high demands on city government for animal control enforcement. In fiscal year 2007-2008, the department budgeted $135,191 for these services, however actual costs are estimated to reach approximately $166,000.

In recent discussions with City of Lindsay officials, they have expressed concern that they may be subsidizing the animal control program. In light of this, if we re-new the agreement with Lindsay Animal Control, there is an expectation that costs to our department will be significantly increased to approximately $250,000. It was also very clear that they had no interest in formulating a Joint Powers Authority for the provision of animal control services to our jurisdiction or others.

During the discussion with Lindsay officials, we discussed the possibility of renting or leasing a portion of the Lindsay shelter and staffing it with our personnel to care for animals picked up in Porterville. They seemed amenable to such an option and needed time to provide a cost estimate. LAC staff indicated we should plan on a yearly cost of $60,000. The approximate yearly costs for this option are:

- Upfront payment to LAC $75,000
- Purchase animal control vehicle $38,000
- Animal Control Officer/ field services $70,000
- Veterinary costs $19,500
- Vehicle (depreciation, insurance, fuel, etc.) $15,000
- Rental of LAC facility/pens $60,000
- **TOTAL** $277,500

Another option for animal control services in Porterville is contracting with SPCA-Valley Oak in Visalia. Director-Jerry Herman indicated they are in the process of building a new SPCA facility and are working through the site selection process. At present, they provide full animal control services to the City of Visalia. Additionally, they provide sheltering services for the cities of Tulare, Dinuba, Woodlake, Exeter and Farmersville. The governmental entities provide the enforcement or field services in their respective communities. The SPCA charges a set fee per animal delivered to their facility. If the animal is sick or injured, the agency has responsibility for providing it with veterinary care prior to delivery to the SPCA facility. Upon receiving the animal, SPCA assumes
all care redemption, adoption, and euthanizing if necessary. The approximate yearly costs for this option are:

- Animal Control Officer/ field services $70,000
- Veterinary costs $19,500
- Purchase animal control vehicle $38,000
- Vehicle (depreciation, insurance, fuel, etc.) $15,000
- Costs for animal sheltering $71,000
- TOTAL $213,500

Another option to consider involves establishing our own City of Porterville Animal Control operation. This would be a new service and function that we have not provided in the past to our residents. As a new service, there would be start-up costs for establishing this operation. Some of the needs for such an operation would include: animal control officer, animal control vehicle, shelter facility and staff to operate it. The approximate costs to implement our own Animal Control Unit are: (Does not include construction costs of shelter facility)

- Animal Control Officer/field services (salary & benefits) $70,000
- Purchase animal control vehicle $38,000
- Veterinary services and contract $32,000
- Vehicle (depreciation, insurance, fuel, etc.) $15,000
- Building Maintenance & Utilities $60,000
- TOTAL $215,000

The City of Porterville now encompasses over 16.6 square miles and has a population in excess of 54,000 people. Animal control is a service that should be provided by local city government. The citizens of Porterville deserve local control and effective service from their animal control services provider. Considering all facts and options, establishing our own Animal Control function appears to be the best course of action.

Establishing a City of Porterville Animal Control Services Unit will entail the construction of a facility for sheltering and caring of animals. There will be considerable costs involved with such a venture, primarily for design, land acquisition and construction. While the facility is being designed and built, the City of Porterville could enter into an agreement with the Valley Oak SPCA for the sheltering of animals picked up in our community. During this time, we would have to provide our own enforcement with an Animal Control Officer and enforcement vehicle. Additionally, it would be prudent to enter into an agreement with a local veterinarian for treatment and care of sick or injured animals. Further efforts to pursue these will be made upon direction from City Council.
CONSIDER LIBRARY BOARD OF TRUSTEES
APPOINTMENT OR RECRUITMENT

PARKS & LEISURE SERVICES DEPARTMENT

One position on the Library Board of Trustees has a term expiring in October 2008. The incumbent, Mr. Joe Moreno, has submitted a ‘Request for Appointment’ for a second full three-year term. Additionally, there are five individuals who submitted for appointment last year who have indicated an ongoing desire to serve.

It has been customary for the City Council to announce the pending term expirations and ask interested residents to submit to the City Clerk’s Office a ‘Request for Appointment.’ Normally there are multiple appointments to be made. This often results from incumbents having served their two-term limit and not being eligible for re-appointment. Typically the Council encourages interested individuals to apply. If this process is followed it is recommended that all submitted ‘Requests for Appointment’ be considered by the Council at the October 14, 2008, regular meeting.

As an alternative, the City Council could immediately consider the current list of interested individuals and forego the recruitment of additional ‘Requests for Appointment’ for the single available position. The current six interested individuals are:

    Joe Moreno
    Don Uttenreither
    Rebecca Carley
    Jane Caves
    Meg Hansen
    Margaret Stinson

RECOMMENDATION: Appoint an individual to the Library Board of Trustees for a term to expire in October 2011 from the list of current ‘Requests for Appointment’.

ATTACHMENT: Requests for Appointment

Director / Appropriated/Funded / City Manager

ITEM NO.: 14
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name:  **JOE L. MORENO**  
(Please Print)

Appointment to: **LIBRARY BOARD OF TRUSTEES**  
(Name of Board, Commission, or Committee)

☑ Reappointment; or IF NEW, please provide:

Street Address:

Mailing Address:

Name of Business:

☐ Own  ☐ Operate

Business Address:

Telephone:  
Home  
Work  
FAX  
E-mail

City of Porterville resident:  
☑ Yes  
☐ No  

Registered Voter:  
☑ Yes  
☐ No

Page 1 of 2
Qualifications: Presently a member of the library board, wish to continue for another term.

Resume attached on file.

Letter of request attached

Submitted By: Joe L. Moreno  August 18, 2008

Date

Received by: [Signature]

Forwarded to: City Clerk  City Council  City Manager  Applicable Dept.

Date:  8/19/08

Tentative Council Mtg Date: ________________

Page 2 of 2
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Donald C. Utterreither, PT, DSc, PT

(Please Print)

Appointment to: LIBRARY TRUSTEE

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 462 W. GARDEN AVE
PORTERVILLE, CA 93257

Mailing Address: Same

Name of Business: Don Utterreither Physical Therapy

✓ Own ☑ Operate

Business Address: 368 W. OLIVE AVE
PORTERVILLE, CA 93257

Telephone: Home 781-3089
Work 782-1501
FAX 782-3528
E-mail vudju7@ocnet.net

City of Porterville resident: Yes

☐ No

Registered Voter: Yes

☐ No
Qualifications: See attached CV

Resume attached

☑ Letter of request attached

Submitted by: Donald Cliffe-Mather

Date: 10/8/07

Received by: ________________________________

Forwarded to: City Clerk ☐ Date: ________________________________

City Council ☐ Date: ________________________________

City Manager ☐ Date: ________________________________

Applicable Dept. ☐ Date: ________________________________

Tentative Council Mtg Date: ________________________________

Page 2 of 2

P:\public\Admin Services\Appointee_Form.wpd
CURRICULUM VITAE

BIOGRAPHICAL

Name: Donald C. Uttenreither, PT, DScPT
Birth Date: 11-24-1947

Home Address:
462 West Garden Ave.
Porterville, CA 93257

Business Address:
368 West Olive Ave,
Porterville, CA 93257

Business Phone: 559-782-1501
Fax: 559-782-8528

E-mail Address:
vudu7@ocsnet.net
donutpt@ocsnet.net

Cellular Phone: 559-361-1771

EDUCATION

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<td>9/02-9/05</td>
<td>Doctor of Science in Physical Therapy (DScPT) July, 2005</td>
<td>University of Maryland School of Medicine</td>
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Other Licensure and Certification

Teacher Credential in Health & Physical Care Services, California Community Colleges: 1981, #208668
State of Colorado: Physical Therapist, 9/24/92, #4079-4
State of Idaho: Physical Therapist, 8/1/98, #RPT-744
State of Maryland: Physical Therapist, 10/1/70, #14032 (Inactive)
State of Michigan: Physical Therapist, 1/1/71, #5501000783 (Inactive)
State of Oregon: Physical Therapist, 4/1/93, #2490
State of Wisconsin: Physical Therapist, 10/21/76, #1655
State of Pennsylvania: Physical Therapist, 10/06/03, #PT016536

J-Tech Medical Industries: Functional Capacity Evaluation Certification, 10/24/99
Level 2 Certification, 08/20/00 & 11/04/01

IMPACC USA: Ergonomics & Prevention Specialist Certification, 04/04/00

J-Tech Medical Industries: Job Site Analysis Certification, 11/01/01

Credentialed for Preferred Therapy Providers, Inc. February 25, 2003 through:
CreDENTIALS/VeriPoint Service
22382 Mill Creek Drive, Ste 125
Laguna Hills, CA 92635

Clinical Instructor Education & Credentialing Certification,
American Physical Therapy Association, January 2004

**PROFESSIONAL EXPERIENCE**

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<td>Organization Name</td>
<td>Don Uitenreither Physical Therapy</td>
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<tr>
<td></td>
<td>Address</td>
<td>368 West Olive Ave.</td>
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<td>Supervisor Name/Telephone</td>
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**Full Work History**
May 16, 1994 to Present:
Owner and clinical physical therapist at private practice, DON UTENREITHER PHYSICAL THERAPY CENTER, 368 West Olive Avenue, Porterville, CA 93257; Telephone: 559-782-1501, Facsimile: 559-782-8528. E-mail: donuttpt@ocsnet.net

January 1981 to May 1994:
Worked as a free-lance traveling therapist at a number of different facilities and for several different companies. Facility types included acute care hospitals, skilled nursing facilities, private practices, rehabilitation facilities and temporary staffing agencies.

January 1981 to January 1992:
Staff therapist for DON MACLAREN & ASSOCIATES, Porterville, CA; Acute general hospital, outpatient private office.

November 1978 to January 1981:
Director of Sensory-Motor program for GOOD SHEPHERD LUTHERAN HOMES OF THE WEST, Terra Bella, CA; Developmentally disabled residential home

May 1976 to October 1978:
Traveling therapist for GREAT NORTHERN REHAB, Ironwood, MI; Acute general hospital, SNF, outpatient office.

July 1973 to April 1976:
Assistant Chief Physical Therapist for MARQUETTE GENERAL HOSPITAL, Marquette, MI; Acute general, in-patient rehab.

September 1970 to July 1973:
Chief Physical Therapist for ST. LUKE’S HOSPITAL, Marquette, MI; Acute general hospital.

PROFESSIONAL DEVELOPMENT & POST-GRADUATE CONTINUING
EDUCATION
1999 to Present

FUNCTIONAL CAPACITY EVALUATION CERTIFICATION, 16 hours, J-Tech Medical Systems, Houston, TX; 10/23/99-10/24/99
DEVELOPING A PREVENTION AND ERGONOMICS CONSULTING PRACTICE, Northeast Seminars, 14 hours, Fresno, CA; 01/21/00-01/22/00
THE IMPACC ERGONOMICS & PREVENTION CERTIFICATION PROGRAM; WORK RISK ANALYSIS AND ERGONOMICS TRAINING, IMPACC, 40 hours, San Diego, CA; 03/31/00-04/04/00
FUNCTIONAL CAPACITY EVALUATION CERTIFICATION – LEVEL 2, 13 hours, J-Tech Medical Systems, San Francisco, CA; 08/19/00-08/20/00
ESSENTIAL CONCEPTS IN TREATMENT OF THE UPPER EXTREMITY, Clinical Specialty Seminars, 14.5 hours, Orange County, CA; 11/03/00-11/04/00
EFFECTIVE ORTHOPEDIC INTERVENTIONS–MANUAL TECHNIQUES, EXERCISE PROGRESSIONS, OUTCOME MEASURES, AND TREATMENT PROTOCOLS, Cutting Edge Orthopedics, 17 hours, Los Angeles, CA; 02/24/01-02/25/01
STRENGTH TRAINING SPECIALIST CERTIFICATION, Cert. # 025692, International Weight Lifting Association, 14.4 hours, Sacramento, CA; 09/16/01
ROTATOR CUFF LESIONS & REHABILITATION, American Physical Therapy Association, 3 hours, 10/21/2001
FUNCTIONAL CAPACITY EVALUATION CERTIFICATION LEVEL 3, J-Tech Medical Systems, Salt Lake City Utah, 22.75 hours, 11/02/01 through 11/04/01
JOB SITE ANALYSIS CERTIFICATION & INDUSTRIAL MEDICINE, J-Tech Medical Industries, 9.25 hours, Salt Lake City Utah, 11/03/01
FUNCTIONAL CAPACITY EVALUATION CERTIFICATION, J-Tech Medical Industries, 16 hours, Los Angeles, CA, 02/09/02 through 02/10/02
ADULT & CHILD CPR, AUTOMATED EXTERNAL DEFIBRILLATOR, BLOODBORNE PATHOGENS, STANDARD FIRST AID, Red Cross, 6 hrs. 10/26/2002
GET HIP TO HIPAA, American Physical Therapy Association, 7 hours, Los Angeles, CA, February 28, 2003
DOCTOR OF SCIENCE IN PHYSICAL THERAPY (DScPT) program at University of Maryland School, Department of Physical Therapy. 31 credits completed and awarded Doctor of Science in Physical Therapy degree, 7/29/2005
  Web-based Learning 1 credit, Fall 2002
  Epidemiology 3 credits, Fall 2002
  Radiology and Imaging 3 credits, Spring 2003
  Bioethics and Medical Law 3 credits, Spring 2003
  Pathological Movements 3 credits, Summer 2003
  Pharmacology 3 credits, Fall, 2003
  Biomechanical Evaluation & Differential Diagnosis of the Lumbar Spine/Pelvis 3 credits, Fall 2003
  Independent Study in Basic Science and Rehabilitation of Small Animals, 3 credits, Spring 2004
  Biomechanical Evaluation & Differential Diagnosis of the Lower Extremity 3 credits, Spring 2004
  Educational Theories and Methods, 3 credits, Summer 2004
  Capstone Project, 3 credits, Summer 2005
BASIC SCIENCE FOR ANIMAL PHYSICAL THERAPISTS, Orthopaedic Section, APTA, Inc, 30 hours, May 2004.
TAI CHI FOR BALANCE, FALL RISK REDUCTION AND REHABILITATION, Cross Country Education Inc, 7.2 contact hours, 0.6 CEU, Fresno, CA, February 13, 2005
CURRENT CONCEPTS IN ORTHOPEDIC MANAGEMENT, 0.6 CEU, Southern California Orthopedic Institute, Van Nuys, CA, June 1, 2006

Details of Professional Development and Continuing Education prior to 1999 are available upon request.

CLINICAL INSTRUCTION

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<td>1994 to present</td>
<td>Clinical Instructor, Fresno State University Physical Therapy Program</td>
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PUBLICATIONS

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<th>Title of Work</th>
<th>Basics of Functional Capacity Evaluations</th>
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<tr>
<td>Author</td>
<td>Donald C. Uttenreither, PT, DScPT</td>
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<td>Publication Date</td>
<td>Pending</td>
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<td>Bibliographic Reference/Brief</td>
<td>Five-hour web-based/cd program aimed at giving physical therapists, chiropractors, physicians and other related professionals an understanding of FCE basics prior to attending an on-site seminar.</td>
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PROFESSIONAL MEMBERSHIP & ACTIVITIES

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<td>Phi Kappa Phi Honor Society</td>
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UNIQUE QUALIFICATIONS

Active member in International Uechi-ryu Karate-do Kokusai Association.
Active Uechi-ryu Karate-do practitioner, teacher, school owner and international figure since 1976. Hold degree of Renshi-Rokudan (6th Dan) and Jun Shihan instructor degree.
Started Okinawan Karate School of Porterville in 1979, a school that is still open and teaching students the art and discipline.
Taught Okinawan karate at Porterville College from 1979 to 1983
Taught Okinawan karate for Porterville City Parks and Leisure Service from 1980 to 1988.
The parallel careers of Physical Therapy and Karate-Do have complimented and strengthened each other for over 30 years, providing unique insight into athletic injuries, bio-mechanics and movement, neurology and general patient care.
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Rebecca L. Carley

Appointment to: Library Board

☐ Reappointment; or IF NEW, please provide:

Street Address: 838 W. Cleo Avenue
                  Porterville, CA 93257

Mailing Address: Same

Name of Business:

☐ Own  ☐ Operate

Business Address:

Telephone: Home (559) 781-4061
          Work (559) 791-2319
          FAX
          E-mail rleary@gmail.com

City of Porterville resident: ☒ Yes
☐ No

Registered Voter: ☒ Yes
☐ No

Page 1 of 2
Qualifications: BS in Education with minors in Music and English. Taught 4-5 grade for 25 years. Taught adults in community education as well as at Fresno City College and the Institute of Technology for over 9 years. Working with the Porterville College Foundation has allowed me to work closely with community members and participate in the planning and execution of their major fundraiser the Wine Auction. I was employed by the Fresno County Library System while in high school and continued on to work in my college library for four years. As a voracious reader, I feel the public library system is indispensable and must continue to be available to and provide services for our community.

☑ Resume attached
☐ Letter of request attached

Submitted By: [Signature] 7-25-07 Date

Received by: [Signature] 7/25/07

Forwarded to: City Clerk  ☐ Date: ____________________________
   City Council   ☐ Date: ____________________________
   City Manager  ☐ Date: ____________________________
   Applicable Dept. ☑ Date: 7/25/07 [Signature]

Tentative Council Mtg Date: ____________________________
Rebecca L. Carley

Summary of Qualifications
- Strong teaching background in both public and private post-secondary vocation
- ACCSCT and BPPVE submission, documentation, and response authoring
- Administrative experience as a mentor instructor, dean, student success leader, and operations liaison in a private, post-secondary institution
- Wide-based computer skills encompassing both office and design applications

Application Knowledge
- MS Windows, All Versions.
- MS Office, All Versions and Programs
- Corel WordPerfect Suite
- Adobe Photoshop, 3.0 and higher
- Adobe Acrobat, 4.0 and higher
- Macromedia FreeHand MX
- Macintosh OS, 7.5 and higher
- Lotus 1-2-3, 5.0
- Corel Draw
- Adobe Illustrator, 7.0 and higher
- Macromedia Dreamweaver MX
- Macromedia Fireworks MX

Professional Experience

October 2005–Present

Porterville College Foundation

Administrative Secretary
- Participated in the planning, organization and execution of the annual Wine Auction fundraiser as well as maintaining and analyzing the financial records associated with the event
- Created graphic materials for the Wine Auction including mailers and the redesign and maintenance of the website
- Managed information pertinent to the scholarship award process including the criteria, student eligibility records and candidate pools
- Provided support for the SMART lab by liaising with schools, billing for visits, updating the website and keeping statistics to be provided to the Tulare County Office of Education
- Produced and distributed minutes and agendas for all of the Board Meetings

April 2005 – July 2005

Porterville Community College

CalWORKs Program Technician
- Designed and created an Access database to track students, employers, and job orders
- Aided students in preparation of resumes and cover letters
- Performed job searches using a variety of traditional and online resources
- Maintained a job board which utilized color-coding to identify jobs by location or type

Fall Semester, 2000 – Spring Semester 2004

Fresno City College

Adjunct Professor
- Associated with the FCC business department
- Taught classes in Internet use and research
- Taught basic operating systems and Microsoft Office

Mar 1998 – Feb 2005

Institute of Technology, Inc.

Instructor/Mentor Instructor
- Taught adult learners in both business and technical courses including Microsoft Office instruction, operating systems, computer support and web and graphic design concepts and applications
• Authored curriculum for both the computer support and web and graphic design programs
• Created a curriculum support delivery web site for use by the web and graphic design students
• Supported instructors in my department with teaching technique information including classroom management, records management, and content delivery methods
• Acted as a master mentor for all other mentor instructors in the technical department

Dean/College Director's Assistant
• Responsible for all supervisory tasks associated with the evening instructional staff including hiring, performance reviews and dismissals
• Performed academic and behavioral advising for at-risk students
• Supported College Director in managing all aspects of a private, post-secondary college

Student Success Leader
• Created and implemented programs to increase student retention including student-to-student mentoring and success training
• Taught a college survival skills class which encompassed study skills, life skills, and success skills to every entering cohort
• Aided at-risk students in obtaining aid from appropriate government or private programs to help them stay in school

Operations Liaison
• Created and participated in submissions and responses to both the ACCSCT and BPPVE
• Maintained electronic and paper records of all approvals from accrediting agencies
• Produced and updated the school catalog to reflect changes in programs, staffing, or student regulations
• Managed intranet content including curriculum, forms, and announcements
• Co-authored standards and procedures for campus departments
• Researched and maintained performance overviews for all campuses including admissions, retention, placement, outstanding cash, 90/10 and other compliance issues

June 1997 – November 1997
New Horizons Computer Learning Center
Senior Instructor
• Taught classes on a multitude of business-related software programs
• Maintained a student determined satisfaction standard of a 9.5 or higher on a scale of 10
• Developed classes based on student or software requirements

June 1995 to July 1997
Clovis Adult School
Certified Employee, Teacher
• Development and enhancement of curriculum for Word Power, a spelling and vocabulary class for adults
• Prepared lecture materials utilizing handouts and both visual and aural mediums

Aug 1993 – Feb 1995
St. Lucas Lutheran Church & School, Kewaskum, WI
Educator/Music Director/Church Organist
• Taught in multi-subject, multi-level classrooms
• Set objectives and evaluated student progress
• Developed curriculum
• Initiated a comprehensive choral program

Education
• BS in Education – Concentration in Music and English
  1987-1991, Dr. Martin Luther College, New Ulm, MN
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Jane Caves

Appointment to: Porterville City Library Board of Directors

☐ Reappointment; or IF NEW, please provide:

Street Address: 1394 N. Lime St.
Porterville, CA 93257

Mailing Address: Same as above

Name of Business:

☐ Own ☐ Operate

Business Address:

Telephone: Home 781-4649
Work —
FAX 781-5514
E-mail jrcaves@sbcglobal.net

City of Porterville resident: ☑ Yes
Registered Voter: ☑ Yes

☐ No

*Due to recent annexation, residence is located in a "county island" within the city limits.

Page 1 of 2

☐ Resume attached
☐ Letter of request attached

Submitted By: Jane Caves ______________________ Aug. 14, 2007 Date

Received by: ____________________________________________

Forwarded to: City Clerk ☐ Date: __________________________

☐ City Council Date: __________________________

☐ City Manager Date: __________________________

☐ Applicable Dept. Date: __________________________

Tentative Council Mtg Date: __________________________

Page 2 of 2

P:\public\Admin Services\Appointee_Form.wpd
Jane Caves  
1394 N. Lime Street  
Porterville, CA 93257

California Teaching Credentials:

Library Media Teacher, Clear Credential. Issued 1994  
Multiple Subject, Life Credential, Issued 1978

Education:

Library Media Credential Program: 1994  
Fresno Pacific College  
Fresno, CA

Masters of Education: 1988  
Fresno Pacific College  
Area of Emphasis: Math/Science/Computers

Bachelor of Science Degree: 1971  
Mansfield University  
Mansfield, PA  
Major: Elementary Education  
Minor: Mathematics

Work Experience:

2007 – present: Retired

1998 – 2007: Library Media Teacher, Monache High School  
Porterville Unified School District  
Porterville, CA

1990 – 1998: Library Media Teacher, K/8
1987 – 1990: Classroom Teacher, Grade 7/8
1981 – 1987: Classroom Teacher, Grade 5  
Burton Elementary School District  
Porterville, CA

1978-1981: Classroom Teacher, Grade 3  
Alta Vista Elementary School District  
Porterville, CA

1975 – 1976: Classroom Teacher, Grade 1  
1971 – 1973: Classroom Teacher, Grade 4  
Belmont Central School  
Belmont, New York
August 14, 2007

City of Porterville
Human Resources Dept.
291 N. Main St.
Porterville, CA 93257

To Whom It May Concern:

I am interested in serving on the Porterville City Library Board of Directors. I recently retired from the education field after serving 36 years, the last seventeen being in the position of Library Media Teacher in the Porterville area schools. My interest in serving on the Library Board of Directors focuses on improving the community access to information resources as well as improving the literacy levels of community members of all ages. I believe the City Library is one of the most important resources in the community and hope that my education and library background would help the City to make informed decisions regarding library issues. Therefore, I am submitting my request for appointment.

Sincerely,

Jane Caves

Attachments:
Request for Appointment
Resume
REQUEST FOR APPOINTMENT

Name: Mary M. (Meg) Hansen

Appoint to: Porterville City Library Board

Reappointment; or

IF NEW, please provide:

Street Address: 309 E. Mill Avenue
Porterville, CA 93257

Mailing Address: 

Name of Work: Self-Employed (Hansen Land Appraisal)

Work Address: 309 E. Mill, Porterville, CA

Telephone: Home 784-8087
Work Same
FAX 784-8950
E-mail mmhansen@sbcglobal.net

City of Porterville registered voter:
☑ Yes
☐ No

City of Porterville resident:
☑ Yes
☐ No

Date Submitted: 9/27/07 Council Mtg Date:

☑ Resume attached
☐ Letter of request attached

Note: I will be out of state from October 1st to the 15th. I can be reached on my cell phone @ 559-920-2848 or on email if you have any questions.
Meg Hansen
309 E. Mill Avenue
784-8087, mmhansen@sbcglobal.net

Objective
Application to be a member of the Porterville City Library Board

Background
Retired from the U.S. Forest Service, where I held the position of Lands Officer, responsible for the Lands Program of the Sequoia National Forest. This responsibility included negotiating rights-of-way, land purchases, and land exchanges with private landowners, and organizations such as Trust for Public Lands, The Nature Conservancy and Save the Redwoods.

After holding this position for several years, because of my land appraisal education and experience, I joined the U.S. Forest Service South Zone Land Adjustment Team, and became the Zone Appraiser, responsible for projects on seven National Forests in California.

After retirement in 1997, I joined the Friends of the Porterville Public Library, and have held the offices of Vice President and President (I am the current President).

Libraries have been an important part of my life since I was a very small child. My Father, being a member of the Springfield Missouri Friends of the Library, and a member of the Greene County Missouri Library Board, encouraged this interest.

As a member of the Friends of the Porterville Public Library I personally have been instrumental in the establishment and ongoing success of our bookstore, located in the Santa Fe Senior Center.

Monthly proceeds from this store have contributed greatly to helping our library and literacy center. Our most recent contribution was $25,000 to help facilitate the purchase of the automated self-checkout and security system.

I designed and composed our brochure, produce our newsletters, established and maintain our directory, and am a community advocate for the Friends of the Library.

Education
AA Degree in Social Psychology from Porterville College, plus additional courses in accounting, business, surveying, and real estate appraising.
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Margaret Stinson
(Please Print)

Appointment to: Library Board
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 1111 N. Patsy Dr.
Porterville, Ca 93257

Mailing Address: 1111 N. Patsy Dr
Porterville, Ca 93257

Name of Business:

☐ Own ☐ Operate

Business Address:

Telephone: Home 559-782-3512
Message: 559-789-7842
Fax
E-mail

City of Porterville resident: ☐ Yes ☐ No
Registered Voter: ☐ Yes ☐ No
Qualifications: Member Friends of the Library Porterville for 20 yrs. member S. El Monte Friends of Library President for 10 yrs. Founded and sponsored Junior Friends group. City Commissioner to Los Angeles County Library Board. Lobbyist in Sacramento for Libraries. Represented the Library at Coordinating Council was on board for eight years. Worked with various other groups in S. El Monte and Azusa and also city personnel both in planning and fund raising.

☐ Resume attached
☐ Letter of request attached

Submitted By: Ollie Margaret Stimson 01-10-07

Received by:

Forwarded to: City Clerk
☐ Date: __________________

City Council
☐ Date: __________________

City Manager
☐ Date: __________________

Applicable Dept.
☐ Date: __________________

Tentative Council Mtg Date: __________________

Page 2 of 2

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SUBJECT: EMPLOYMENT AGREEMENT - CITY MANAGER

SOURCE: CITY COUNCIL

COMMENT: After seven years of dedicated service to the City of Porterville, the City's current City Manager, John Longley, will be retiring in January. Attached is the proposed Employment Agreement between the City of Porterville and John D. Lollis as the new City Manager, to go into effect on January 14, 2009.

RECOMMENDATION: That the Council consider approval of the Employment Agreement.

Attachments: Employment Agreement Between the City of Porterville and John D. Lollis
EMPLOYMENT AGREEMENT

EMPLOYMENT AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND JOHN D. LOLLIS.

WHEREAS, the City of Porterville, hereafter referred to as “City,” desires to hire JOHN D. LOLLIS, as its City Manager;

WHEREAS, JOHN D. LOLLIS, desires to be employed as the City Manager of the City of Porterville;

WHEREAS, it is the desire and intent of the parties to create an employment agreement;

WHEREAS, the City desires to employ the services of Mr. Lollis, as City Manager of the City as provided by Section 17 of the Charter of the City of Porterville, upon the retirement of the City’s current City Manager, John R. Longley, as of January 14, 2009;

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment and to set working conditions of the City Manager; and

WHEREAS, it is the desire of the City Council to:

(1) Secure and retain the services of the City Manager and provide inducement for him to remain in such employment;

(2) To make possible full work productivity by assuring the City Manager's morale and peace of mind with respect to future security; and

(3) To provide a just means for terminating the City Manager’s services at such time as he may be unable to discharge his duties or when the City may desire to otherwise terminate his employ.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree to enter into this Employment Agreement, as follows:
Section 1. Compensation

Commencing January 14, 2009, and thereafter, City agrees to employ and pay the City Manager at the rate of the sum of $11,010.00 per month as compensation for the retention of the above mentioned services, and such compensation thereafter as the City Council may, from time to time, determine; provided that, at a minimum, after the first year of this Agreement, the City Manager shall receive an annual percentage increase equal to the average cost of living adjustment awarded to other city Department Directors for the preceding year; and provided further that City Manager may additionally request, on or about December 1 of each year (commencing on December 1, 2009), a performance based salary increase not to exceed five percent (5%) which the City Council may approve in whole or part within thirty (30) days of receipt of such request, after first conducting a written evaluation of City Manager’s work performance of the prior year. Said compensation shall be paid at the same times and in the same manner as other employees of the City are paid.

Section 2. Term of Service

The City Manager’s term of employment shall be through December 31, 2011. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of the City Manager at any time, provided that such termination shall be subject to the provisions of Section 3 herein below. The City Manager may be removed by a four fifths (4/5) vote of the total City Council members. Before voluntarily resigning his position, the City Manager agrees to give the City Council at least three (3) months notice in writing of his intention to resign stating the reasons therefore. It is specifically noted and agreed that City Manager’s employment with the City is in an “at will” capacity and as such, he may be terminated at any time, with or without cause. Any termination of City Manager shall be made by giving him written notice thirty (30) days in advance. Upon receipt of such notice, City Manager shall have the right to request the reasons for such termination be specified in writing and shall further have the right, if he so requests, to address the City Council, in a closed session, regarding his termination. Any such written explanation of the reasons provided for termination
shall be a confidential communication between employer and employee and shall not be disclosed to third parties.

**Section 3. Severance Pay**

In the event of involuntary separation of the City Manager, he shall be entitled to receive a lump sum payment as and for severance pay in an amount equal to twelve (12) months salary. In addition to any such salary, the City Manager shall be paid any other amounts that would be due to a City employee upon termination of employment with the City. The City and the City Manager understand that in the event of involuntary separation, the City Manager desires to obtain a position with the City similar to the position he held prior to the effective date of this Agreement. In the event he applies for and is hired for such a position during the twelve-month period following his separation as City Manager, he agrees that he will reimburse the City for the balance of the lump sum paid representing the remainder, if any, of said twelve-month period.

Notwithstanding the above provisions of this Section, in the event the City Manager is terminated and a court of competent jurisdiction finds and determines that he is guilty of an illegal act involving moral turpitude or personal gain, then, in that event, the City shall have no obligation to pay the aggregate severance sum designated herein above in this Section.

**Section 4. Dues, Travel and Conferences**

The City hereby agrees to annually budget and allocate sufficient funds to pay for the dues and expenses of the City Manager's necessary travel and living while representing the City at the Annual International City/County Management Association Conference, the Annual League of California Cities Conference, conferences of the City Manager's Department of the League of California Cities and conferences or meetings of state committees or commissions upon which the Manager serves as a member, said membership on said committees or commissions being subject to the approval of the Council, and for such other official conferences, meetings and/or travel as are reasonably necessary for the City Manager to carry out his professional responsibilities as the appointed executive of the City.
Section 5. Regular Benefits

All provisions of the City Charter and Code and Rules and Regulations of the City relating to vacation, sick leave, retirement and pension system contributions, holidays and other fringe benefits and working conditions as they now exist or hereafter may be amended shall apply to the City Manager as they would to other management employees of the City, in addition to any other benefits enumerated herein specifically for the benefit of the City manager, except as otherwise provided in this Agreement.

Section 6. Supplemental Benefits

In addition to the regular benefit provided for in Section 5 herein above, the City Manager shall be entitled to the following supplemental benefits:

a. He shall be enrolled in the PERS retirement system and the City shall pay the employer’s required contribution and he shall pay the employee’s required contributions to said Program;

b. He shall be provided, at City expense, a cellular telephone; provided that he shall be available and accessible to City Council members by means of these communication devices seven (7) days a week, twenty four (24) hours a day, unless he has first otherwise notified the Council of his unavailability for an approved reason or basis;

c. The City Manager shall be entitled to receive an annual physical from the Sansom Institute, paid by the City.

d. The City Manager shall be entitled to receive a laptop computer for City use, provided a program is developed for the provision of such computers (with internet and e-mail capabilities and systems) to City Council Members and other appointed or designated officials, for City use. The costs for the laptops will be amortized over the remaining term of the official’s contract or the terms for the elected Council Members. If the official resigns, leaves or is otherwise removed from employment/office,
for any reason, and wishes to retain the laptop, he will be responsible for paying the balance owed for the remainder of his contract/term.

Section 7. General Expenses

The City recognizes that certain expenses of a non-personal job related nature will be incurred by the City Manager while on City business. Such expenses include, but are not limited to, meals with potential tenants, developers, representatives of businesses interested in locating in the City, or already located in the City, and other federal, state and local agency officials. City agrees to reimburse or to pay said general expenses and the Finance Director is hereby authorized to disperse such money upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits. Such receipts and supporting documentation shall be made available to the Mayor and City Council, and the City Council may designate one of its members or another individual to audit the City Manager’s expenses.

Section 8. Automobile Allowance

The City agrees to provide the City Manager with a vehicle allowance in the amount of $400.00 per month. This allowance shall not be considered part of City Manager’s salary for the purposes of PERS final compensation.

Section 9. Other Terms and Conditions of Employment

The parties shall, by amendment to this Agreement, fix such other terms and conditions of employment from time to time as may be determined relating to the performance of the City Manager of the City, provided such terms and conditions are not inconsistent or in conflict with the provisions of this Agreement or City Charter.

Section 10. Annual Evaluation

The City Manager’s performance and compensation shall be evaluated on an annual basis on or about the month of December by the City Council. Said evaluation process shall include written goals and objectives for the City Manager being set for the next year by the City Council.
Section 11. General Provisions

If a provision or any portion thereof contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement or portion thereof shall be deemed to be severable, shall not be affected and shall remain in full force and effect.

DATED this _____ day of ________, 2008.

"CITY"

Cameron Hamilton
Mayor of the City of Porterville

"CITY MANAGER"

John D. Lollis

ATTEST: ________________________
City Clerk and Clerk of the
Council of the City of Porterville

APPROVED AS TO FORM:

______________________________
Julia M. Lew
City Attorney
SUBJECT: REQUEST BY COUNCIL MEMBER – CONSIDERATION OF INCLUSION OF COUNCIL MEMBERS, BOARD MEMBERS AND COMMISSIONERS IN CITY'S DRUG TESTING PROGRAM

SOURCE: ADMINISTRATION

COMMENT: A request was made by a Council Member to add this item onto the City Council Agenda.

RECOMMENDATION: That the Council provide direction to staff.

Item No. 16
SUBJECT: REQUEST BY COUNCIL MEMBER – CONSIDERATION OF RESOLUTION IN SUPPORT OF PROPOSITION 8

SOURCE: ADMINISTRATION

COMMENT: A request was made by a Council Member to add this item onto the City Council Agenda.

RECOMMENDATION: That the Council provide direction to staff.

ATTACHMENT: Proposition 8 Ballot Title and Summary
Draft Resolution

Item No. 17
Proposition 8
Eliminates Right of Same-Sex Couples to Marry. Initiative Constitutional Amendment.
Proponents: Dennis Hollingsworth; Gail J. Knight; Martin F. Gutierrez; Hak-Shing William Tam; and Mark A. Jansson

BALLOT LABEL

ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY. INITIATIVE CONSTITUTIONAL AMENDMENT.

Changes California Constitution to eliminate the right of same-sex couples to marry. Provides that only marriage between a man and a woman is valid or recognized in California. Fiscal Impact: Over next few years, potential revenue loss, mainly sales taxes, totaling in the several tens of millions of dollars, to state and local governments. In the long run, likely little fiscal impact on state and local governments.
Proposition 8
Eliminates Right of Same-Sex Couples to Marry. Initiative Constitutional Amendment.
Proponents: Dennis Hollingsworth; Gail J. Knight; Martin F. Gutierrez; Hak-Shing; William Tam; and Mark A. Janssen

BALLOT TITLE AND SUMMARY

ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY. INITIATIVE CONSTITUTIONAL AMENDMENT.

- Changes the California Constitution to eliminate the right of same-sex couples to marry in California.
- Provides that only marriage between a man and a woman is valid or recognized in California.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:

- Over the next few years, potential revenue loss, mainly from sales taxes, totaling in the several tens of millions of dollars, to state and local governments.
- In the long run, likely little fiscal impact on state and local governments.

SUBJECT TO COURT ORDERED CHANGES
RESOLUTION NO. _____-2008

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE IN SUPPORT OF PROPOSITION 8

WHEREAS, in 2000 over 61% of Californians voted in favor of Proposition 22 to reaffirm that only marriage between a man and a woman is valid or recognized in California; and

WHEREAS, because Proposition 22 language was not placed into the State Constitution when it was approved, four activist judges from San Francisco wrongly overturned the people’s vote; and

WHEREAS, in November 2008, Proposition 8 will provide California voters the opportunity to reverse the court’s decision and restore the will of the people by defining marriage as between a man and a woman in the State Constitution; and

WHEREAS, in health education classes, state law requires teachers to instruct children as young as kindergarteners about marriage, and Proposition 8 protects our children from being taught in public schools that same-sex marriage is the same as traditional marriage; and

WHEREAS, Proposition 8 protects marriage as an essential institution of society and safeguards the important role of a traditional family. While death, divorce or other circumstances may prevent the ideal, the best situation for a child is to be raised by a married mother and father; and

WHEREAS, Proposition 8 contains the same 14 words that were previously approved by the voters of California: “Only marriage between a man and a woman is valid or recognized in California,” and by placing these words directly into the State Constitution, activist judges cannot strike them down as unconstitutional.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby pledges support for Proposition 8 and urges Porterville voters to protect the sanctity of traditional marriage by voting yes on Proposition 8.

APPROVED AND ADOPTED this _____ day of September, 2008.

_____________________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

_____________________________________________________
By: Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA – SEPTEMBER 2, 2008

SUBJECT: REQUEST BY COUNCIL MEMBER – CONSIDERATION OF INSTALLING MISTER SYSTEMS IN CITY PARK PAVILIONS

SOURCE: ADMINISTRATION

COMMENT: A request was made by a Council Member to add this item onto the City Council Agenda.

RECOMMENDATION: That the Council provide direction to staff.

ATTACHMENT: Memorandum dated August 26, 2008

DCM Appro./ Funded CM

Item No. 18
MEMORANDUM

To: John Longley, City Manager
From: Jim Perrine, Director of Parks & Leisure Services
Date: August 26, 2008
Subject: Water Mister Systems for City Park Pavilions

You have requested general information on the cost for installation of water misters within the various park pavilions to provide a cooling environment for the public. Staff has estimated that the installation cost would be approximately $700 for each pavilion. Staff also suggests a slip-resistant coating of the concrete walking surfaces under water mister systems. The estimate for this coating is $300 per pavilion.

Staff estimates that ongoing annual maintenance of a pavilion mister system will be $500 for each location to deal with filter changes, vandalism, and plugged nozzles. The number of pavilions present in each City park is as follows:

<table>
<thead>
<tr>
<th>PARK</th>
<th>PAVILIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murry</td>
<td>1 (2 replacements scheduled)</td>
</tr>
<tr>
<td>Zalud</td>
<td>1 (to be replaced)</td>
</tr>
<tr>
<td>Veterans</td>
<td>3</td>
</tr>
<tr>
<td>Centennial</td>
<td>1</td>
</tr>
<tr>
<td>Heritage</td>
<td>1</td>
</tr>
</tbody>
</table>

Instead of immediately installing a mister system in all 9 pavilions, an option would be to install only 3 mister systems as a part of the current pavilion replacement projects at Murry and Zalud parks. With this option the systems could be evaluated prior to further installations.

Because the scope of the expectation is not fully understood no source of funding has been defined at this time.

Copy: John Lollis, Deputy City Manager