CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
OCTOBER 7, 2008, 6:00 P.M.

Call to Order
Roll Call

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

JOINT CITY/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Members

ORAL COMMUNICATIONS

This is the opportunity to address the City Council and/or Redevelopment Agency on any matter scheduled for Closed Session.

REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:

Adjourned during Closed Session to a meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY AGENCY/COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Felipe Martinez
Invocation

PROCLAMATIONS
   Porterville Municipal Library’s Centennial – Month of October
   Silver Star Banner Day – May 1, 2009

PRESENTATIONS
   Employee of the Month – Debbie Salter
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 – Ramona Gray
Re: Considering rejection of a claim in an amount of $680.18 for vehicle damage that allegedly occurred when a branch from a City tree fell onto the Claimant’s unoccupied vehicle while it was parked at 303 N. D Street on August 15, 2008.

3. Authorization to Advertise for Bids – Fire Station No. 2 (Sewer Connection) Project
Re: Considering approval of staff’s recommended plans and project manual for the project consisting of the installation of 4” sanitary sewer pipeline, manhole connection, trench patch, concrete replacement and related appurtenances along the east side of Newcomb Street at the entrance of Fire Station No. 2.

4. Award of Contract for Assistance with the Update to the City of Porterville’s Housing Element
Re: Considering granting authorization to negotiate a contract with Veronica Tam and Associates for services needed in the preparation of the Housing Element Update for the planning period of September 1, 2009 through June 20, 2014.

5. Award of Contract – Murry Park Restroom Project
Re: Awarding contract to Bates Construction of Porterville in the amount of $25,945.00 for the project consisting of the preparation of a building pad and extension of utilities for the precast restroom building at Murry Park.

6. Award Contract – Digester Cleaning Services
Re: Awarding contract to North America Digester Cleaning Services of Portland, OR in the amount of $34,000.00 for the project consisting of cleaning Digester #1 and Digester #2 with a start date in late March or early April, 2009.

7. Authorization to Proceed with Jaye Street/Montgomery Avenue Roundabout Design
Re: Considering approval of Omni-Means’ and staff’s recommended Roundabout design alternative for the Jaye Street and Montgomery Avenue intersection.

8. This item was removed.

9. Status Report – Success Dam Remediation Effort
Re: Acceptance of a status report on the Corps of Engineers’ (COE) efforts to remediate the Success Dam.

10. Seafood Café/El Reventon Update
Re: Acceptance of an update of ABC, police, and building permit activity for the Seafood Café/El Reventon establishment since the July 1, 2008 City Council Meeting.
11. Request for a City Council Study Session to Review the Latest Developments with the Comprehensive Zoning Ordinance Update
Re: Authorizing staff to schedule a study session to review the latest developments with the zoning ordinance.

12. Law Enforcement Joint Use Helicopter Program
Re: Acceptance of an informational report from the Police Department regarding the Blue Sky Aviation, Inc.’s proposal to partner with law enforcement agencies of Tulare County to provide a safe, reliable and cost-effective helicopter program to support agency needs.

13. Youth/Family Intervention Program
Re: Considering approval of the employment of Mr. Bob Perez as a part-time Community Services Officer II, to be paid utilizing Measure H funds, for the implementation of the Youth/Family Intervention Program.

14. Annual Library Food for Fines Campaign/Library Centennial Celebration Fine Forgiveness Day
Re: Authorizing the second Annual Food for Fines Campaign from October 13 through December 13, 2008, and designating October 11, 2008 as Fine Forgiveness Day.

15. Authorize Staff to Proceed with OHV Facility Development Grant Activities
Re: Authorizing staff to proceed with OHV facility development grant activities for the development of an improved OHV riding facility, which will include the assignment of a project manager and the preparation of project manuals.

16. Approval of Annual Transportation Agreement with Tulare County
Re: Considering approval of successor Agreement with the County of Tulare for Fiscal year 2008-2009 to provide service to County residents within the Service Area Boundary Map.

17. Information Concerning the Valley Innovative Energy Watch Partnership
Re: Acceptance of an informational report regarding the establishment of partnerships between regulated energy utilities and local governments, as directed by the California Public Utilities Commission, to accomplish local cost-effective energy reduction and demand savings that will benefit the local government and local utility customers.

Re: Approving event to take place on Friday October 17, 2008, from 5:00 a.m. to 3:00 p.m. at Zalud Park, subject to the stated conditions.

Re: Approving annual 5K and 10K runs to take place on Tuesday, November 11, 2008, from 5:00 a.m. to 10:00 a.m., in the Downtown area, subject to the stated conditions.

20. Approval of Community Civic Event – Veterans’ Homecoming Committee Veterans’ Day Parade – November 11, 2008
Re: Approving annual event to take place on Tuesday, November 11th, from 5:00 a.m. to 12:00 p.m., along Main Street from Danner Avenue to Orange Avenue, subject to the stated conditions.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible
SECOND READINGS
21. Ordinance 1747, Hillside Development Ordinance
   Re: Giving Second reading and adopting Ordinance No. 1747, Adding A Hillside Development
   Ordinance to the Municipal Code.

SCHEDULED MATTERS
22. Resolution Approving Amendment 1 to Measure R Expenditure Plan
   Re: Considering request from the Tulare County Transportation Authority to approve by resolution, the
   six (6) changes listed in the “Summary of 2008 Measure R Amendment Requests”, and the approval and
   adoption of a Bike Plan that demonstrates the use of the $2,000,000 bike fund.

   23. Appoint Council Representative to the Ad Hoc Library Facility Planning Committee
   Re: Appointment of a Council Member to the ad hoc Library Facility Planning Committee in accordance
   with City Council policy.

   24. Proposal for Recreational Facilities Grants, and Options for Grant Programs and Management
   Re: Considering options proposed by Mr. Steve Samuelian of California Consulting LLC for the pursuit
   of grant monies to be used toward the development of the Heritage Center softball complex and other
   recreational facilities.

   25. Consideration of Calling Study Sessions with the Park(s) & Leisure Services Commission, Library Board
       of Trustees, and the Transaction and Use Tax Oversight Committee (Measure H TUTOC)
       Re: Considering approval to schedule study sessions with the Parks and Leisure Services Commission,
       Library Board, and the Measure H Oversight Committee to evaluate and improve the effectiveness
       of each entity.

   26. Consideration of Establishing City Email for Council Members
       Re: Consideration of options regarding the establishment of city-based e-mail for Council Members.

   27. Request by Council Member – Enforcement of Prohibition of Parking Trucks on Olive Avenue
       Re: Considering a request to consider the enforcement of prohibition of parking trucks on Olive Avenue.

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 October 15, 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 at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Mayor Hamilton
Absent: Council Member Hernandez

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Three Cases.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Lew reported that no action had been taken.

Pledge of Allegiance Led by Council Member Pedro R. Martinez
Invocation – One individual participated.

PROCLAMATIONS
Child Abuse Prevention Month – April 2008
Arbor Day – April 25, 2008
Iris Festival Day – April 26, 2008
Cinco de Mayo Week – May 1-7, 2008
Letter Carriers Food Drive Day – May 10, 2008

PRESENTATIONS
City Manager’s Featured Projects
A.T. Still Medical School University
Outstanding Business – Beckman Coulter
WRAP Award – Wild Places, Inc.
ORAL COMMUNICATIONS

- Ben Harvey, Ohio Street, spoke favorably of the City’s Code Enforcement Officers, particularly as to their efforts related to itinerant vendors, and thanked the Council for enforcing the Municipal Code.
- Charles Webber, 346 Ohio Street, noted the lack of progress on the parking lot project at the Heritage Center, and requested that the Council look into its status.
- Greg Shelton, 888 North Williford, requested that he have the opportunity to speak on Item Nos. 11 and 15. With regard to Item 11, he spoke against the demolition of the two pavilions at Murry Park, suggesting it was too drastic of measure. He requested that staff instead look into rehabbing the structures utilizing the fees raised through pavilion rentals.
- Martin Conner, 869 W. Belleview, came forward on behalf of Relay for Life and requested that the City allow them to place ribbons along Main Street on May 31, 2008 to promote the Relay for Life event.
- Greg Woodard, spoke regarding Item No. 8. He inquired why the development had not been annexed into the City, in light of the fact that it was utilizing City water and sewer, and noted that the City would then benefit from the collection of property taxes.
- Don Howard, Rollin Relics Car Club, requested the Council’s consideration in adding an urgency item to the Agenda so that the Council could consider approving the Rollin’ Relics Car Show event application to take place on May 3rd. He indicated that the organization inadvertently failed to submit its application in time to be placed on that evening’s Agenda.

The Council discussed Mr. Howard’s request to add an urgency item to the Agenda. City Attorney Lew advised that a unanimous vote would be required to add the item onto the Agenda in light of Council Member Hernandez’s absence.


COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve the addition of the item “Approval for Community Civic Event: Rollin’ Relics Car Club – Rollin’ Relics Car Show – May 3, 2008 to the Agenda.

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

Disposition: Approved

CONSENT CALENDAR
Item Nos. 6 and 11 were removed for further discussion.

1. CITY COUNCIL MINUTES OF SEPTEMBER 18, 2007 AND APRIL 8, 2008

Recommendation: That the Council approve the Minutes of September 18, 2007 and April 8, 2008.

Documentation: M.O. 02-041508
Disposition: Approved

2. BUDGET ADJUSTMENTS FOR THE 2007-08 FISCAL YEAR

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

Documentation: M.O. 03-041508
Disposition: Approved

3. AWARD OF CONTRACT – FIRE STATION #2 TRAINING ROOM

Recommendation: That the City Council:
1. Award the Fire Station #2 Training Classroom Project to Dayco Construction, Inc. in the amount of $141,271.11;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 04-041508
Disposition: Approved

4. PURCHASE OF NEW K-9

Recommendation: That the City Council:
1. Approve the purchase of a new police service dog from Master K-9, Inc.; and
2. Authorize Police Captain Eric Kroutil to enter into an agreement with Master K-9, Inc. to purchase a new police service dog and associated training.

Documentation: M.O. 05-041508
Disposition: Approved

5. ACCEPTANCE OF THE RIVERWALK MARKETPLACE (BID PACKAGE 1 AND BID PACKAGE 2 ONLY)
Recommendation: That the City Council:
   1. Accept the project BP-1 and BP-2 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. 06-041508
Disposition: Approved

7. AUTHORIZATION TO AUGMENT CONSOLIDATED TESTING LABORATORY CONTRACT – AIRPORT REMEDIATION PROJECT

Recommendation: That the City Council:
   1. Approve the augmentation of CTL’s purchase order in an amount “not to exceed” $87,850;
   2. Direct the Public Works Director to negotiate and initiate a separate Amendment to the existing Purchase Order to accurately reflect the scope of services expected of Consolidated Testing Laboratory; and
   3. Authorize the City Manager to execute the Amendment to Consolidated Testing Laboratory’s existing Purchase Order.

Documentation: M.O. 07-041508
Disposition: Approved

8. REIMBURSEMENT FOR THE CONSTRUCTION OF MASTER PLAN FACILITIES – CHELSEA GLEN, TRACT 781 SUBDIVISION (BENNY MARTINEZ)

Recommendation: That City Council:
   1. Accept the Master Plan public improvements of Chelsea Glen, Tract 781 Subdivision for maintenance; and
   2. Approve reimbursement to Mr. Benny Martinez per Section 25-32.3c and 25-45.1c of the City of Porterville Municipal Code. The total reimbursement amount to be disbursed shall not exceed $177,041.73.

Documentation: M.O. 08-041508
Disposition: Approved

9. REGIONAL CALL-IN CENTER

Recommendation: That the City Council:
   1. Approve of the City of Porterville’s transfer of its share of the JARC/NF funding to the City of Visalia’s application for a Regional Transit Information Call Center; and
   2. Authorize staff to prepare the necessary documentation to complete
the approval, with the appropriate documents to be signed by the Mayor, or the City Manager as required.

Documentation: M.O. 09-041508
Disposition: Approved

10. AUTHORIZE IMPLEMENTATION OF A LIBRARY PROJECT WORK PLAN

Recommendation: That the City Council authorize the initiation of the activities outlined in the “Work Plan for a Modern Main Library Facility”, including the authorization for the Parks & Leisure Services Director, Librarian, Library Board Chair and Friends of the Library Chair to assemble a Planning Team.

Documentation: M.O. 10-041508
Disposition: Approved

12. ENGINEER’S REPORTS AND SETTING OF A PUBLIC HEARING FOR ESTABLISHING LIGHTING AND LANDSCAPE MAINTENANCE DISTRICTS AND TAX ASSESSMENTS FOR PARCELS WITHIN: BEVERLY GLENN SUBDIVISION, SIERRA ESTATES SUBDIVISION, SIERRA MEADOWS PHASE TWO SUBDIVISION, SUMMIT ESTATES PHASE ONE SUBDIVISION, AND NEW EXPRESSION PHASE FIVE SUBDIVISION

Recommendation: That the City Council adopt:
1. A Resolution Ordering the Proceedings for Formation of Landscape and Lighting Maintenance District number 41, 42, 43, 44, and 45, and ordering the preparation of the Engineer’s Reports;
2. A Resolution Giving Preliminary Approval to the Engineer’s Reports; and

Documentation: Resolution No. 32-2008
Resolution No. 33-2008
Resolution No. 34-2008
Disposition: Approved

13. AMENDMENT TO THE 3-12 ALTERNATIVE WORK SCHEDULES FOR POLICE OFFICERS

Recommendation: That the City Council ratify the proposed Memorandum of Understanding amending the 3-12 and 4-10 Alternative Work Schedules for Police Officers.

Documentation: M.O. 11-041508
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor
Pro Tem Felipe Martinez that the City Council approve Item Nos. 1 through 5, 7 through 10, 12 and 13.

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

6. AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT – JAYE STREET/MONTGOMERY AVENUE ROUNDABOUT PROJECT

Recommendation: That the City Council:

1. Authorize the Mayor to execute the Consultant Service Agreement with Omni Means at an agreed fee of $125,264 for the services described herein; and
2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts.

At Council’s request, no staff report was presented. Council Member McCracken explained that a subcommittee of the Council had not been involved in the evaluation process because the service fees were below $100,000 at the beginning of the process. The Mayor requested that the report provided to the Council regarding the evaluation process be made available to the public.

Mayor Hamilton then inquired about the use of a Consultant service as opposed to having the design done in-house. A discussion ensued regarding the complex nature of the roundabout, construction costs, and the use of Proposition 1B monies.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council authorize the Mayor to execute the Consultant Service Agreement with Omni Means at an agreed fee of $125,264 for the services described herein; and authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts.

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

Disposition: Approved

11. INFORMATION REGARDING REMOVAL OF MURRY PARK PAVILLION STRUCTURES #1 & #2

Recommendation: Information Only
At Council’s request, no staff report was presented. Council Member Pedro Martinez inquired about funding for the project. Deputy City Manager Lollis elaborated on the use of Risk Management funds, and Parks & Leisure Services Director Perrine indicated that replacement of the pavilion structures had been included within the budget requests for the upcoming 2008/2009 Fiscal Year.

After some discussion about pricing and other park projects, staff was directed to proceed with the demolition, and to bring back the actual costs for the construction of the new pavilions to Council on May 6, 2008.

Disposition:  Staff direction given.

20. AD HOC NON-DRIVEWAY PARKING COMMITTEE RECOMMENDATION FOR PROPOSED ORDINANCE

Recommendation: That the City Council consider the Ad Hoc Non-Driveway Parking Committee recommendation for a proposed ordinance, and provide further direction to staff.

Mayor Hamilton announced that Item 20 would be considered prior to the Public Hearings for members of the audience. Deputy City Manager John Lollis presented the item and staff report.

Mayor Hamilton invited comments from the members of the Committee.

- Ben Harvey, Committee Member, spoke in favor of the proposed ordinance, noting the negative impact parking on lawns had on the property values of adjacent properties.
- Greg Shelton, Committee Member, spoke against the proposed ordinance, suggesting that it was too harsh. He proposed that the issue be instead handled on a case-by-case basis.
- Jerry Eoff, Committee Member, spoke in favor of the ordinance.
- April McLaughlin, Committee Member, spoke in favor of the proposed ordinance.

Staff then presented a series of photographs of some incidents of vehicles parking on lawns throughout the City.

Council Member Pedro Martinez commented that the ordinance should regulate situations depicted in the photographs presented, and at the same time voiced concern over restricting or criminalizing other individuals who might temporarily park on their lawns to work on or wash their cars. He then spoke of situations in which multiple families lived under one roof and the limited space available to park their numerous cars. He then inquired as to how code enforcement would handle the one hour limitation for parking or storing a vehicle, as was proposed in the ordnance.

Mayor Hamilton proposed that the one hour limitation be removed.

The Council next discussed staff’s recommended amendment which provided for the
prohibition of parking or storing vehicles on blocks, jacks, or stands, and that such prohibition not be limited to non-driveway parking areas, but include appropriate parking or improved areas as well. It was stated that the proposed language related to the unsupervised storage of vehicles on blocks or jacks due to safety concerns. The Council agreed that this language should be included.

Mayor Pro Tem Felipe Martinez spoke of the fact that many older homes in Porterville did not have cement driveways. It was suggested that $25,000 worth of improvements could trigger the requirement for the property owner to install a driveway.

- Mary McClure, spoke in favor of the proposed ordinance, and against parking vehicles on lawns.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the Council approve the language of the draft ordinance, as amended to include grandfathering in homes without driveways, but requiring the installation of driveways upon $25,000 worth of improvements; to strike the one hour parking limitation; and to include staff’s recommended change to include the prohibition of parking or storing of vehicles on blocks, jacks, or stands, and that such limitation not be limited to non-driveway parking areas, but include appropriate parking or improved areas as well; and direct staff to make said changes and bring the item back to the Council for first reading.

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

Disposition: Approved, as amended.

(Added Item) APPROVAL FOR COMMUNITY CIVIC EVENT: ROLLIN RELICS CAR CLUB – ROLLIN RELICS CAR SHOW – MAY 3, 2008

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Rollin’ Relics Car Club, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve the Community Civic Event Application and Agreement submitted by the Rollin’ Relics Car Club.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Hernandez
PUBLIC HEARINGS

14. WATER CONSERVATION PLAN

Recommendation: That the City Council:
   1. Approve the revision to the Water Conservation Plan adding voluntary odd/even watering in Phase II; and
   2. Approve the City moving into Phase II as of May 1, 2008.

Deputy City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez presented the staff report.

The hearing opened to the public at 9:21 p.m. Seeing no one, the Mayor closed the public hearing at 9:22 p.m.

A discussion ensued with regard to the effect of water conservation on the water fund. Field Services Manager Bryan Styles indicated that a request for a rate increase pertaining to water meters would be part of the presented 08/09 budget. The increase, he explained, would support payment of the CIEDB loan and that would come before the Council during the budget process.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the City Council approve the revision to the Water Conservation Plan adding voluntary odd/even watering in Phase II; and approve the City moving into Phase II as of May 1, 2008.

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

SCHEDULED MATTERS

15. AN INTERIM ORDINANCE ADOPTING AN INTERIM ZONING MATRIX AND IMPLEMENTATION PLAN TO IMPLEMENT THE PORTERVILLE 2030 GENERAL PLAN

Recommendation: That the City Council adopt an Interim Urgency Ordinance for the implementation of the newly adopted 2030 General Plan by establishing zoning classification consistency.

Deputy City Manager Lollis introduced the item, and City Planner Ben Kimball presented a brief staff report.

Community Development Director Dunlap noted that there were mechanisms for Council
consideration, and that staff would be requesting an extension within forty-five days. A discussion ensued about the timeline for adopting and developing the ordinance.

- Greg Shelton, 888 N. Williford Drive, inquired about the need for the emergency ordinance, and stated that it appeared to be a solution for a problem that he did not see existing at the time.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the City Council adopt an Interim Urgency Ordinance for the implementation of the newly adopted 2030 General Plan by establishing zoning classification consistency.

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

The Deputy City Manager read the ordinance by title only.

Disposition: Approved

16. TULARE COUNTY REGIONAL BLUEPRINT

Recommendation: Informational.

At Council’s request, the staff report was waived.

Disposition: No action required.

17. AUTHORIZATION TO REORGANIZE THE FIELD SERVICES DIVISION – PUBLIC WORKS DEPARTMENT

Recommendation: That the City Council:

1. Approve the reorganization as outlined in the attachment “R-2” and adjust the position allocation schedule;
2. Approve the reorganization by promoting the Field Services Manager to Deputy Public Works Director/Field Services Manager;
3. Authorize the creation of Assistant Field Services Manager position to be consolidated with the existing Administrative Analyst II position;
4. Change the title and job description of the Laboratory Supervisor to Laboratory Superintendent;
5. Establish the Water Systems Specialist as a supervisor; and
6. Direct Human Resources to establish draft position descriptions and salary classifications for Council’s approval within budget parameters.
Deputy City Manager Lollis introduced the item, and Public Works Director Rodriguez presented the staff report. Mr. Rodriguez indicated that the reorganization would increase productivity, efficiency, and job retention.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve the reorganization as outlined in the attachment “R-2” and adjust the position allocation schedule; approve the reorganization by promoting the Field Services Manager to Deputy Public Works Director/Field Services Manager; authorize the creation of Assistant Field Services Manager position to be consolidated with the existing Administrative Analyst II position; change the title and job description of the Laboratory Supervisor to Laboratory Superintendent; establish the Water Systems Specialist as a supervisor; and direct Human Resources to establish draft position descriptions and salary classifications for Council’s approval within budget parameters.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton

NOES: None

ABSTAIN: None

ABSENT: Hernandez

Disposition: Approved

18. USE OF CMAQ FUNDS FOR VARIOUS CITY STREETS

Recommendation: That the City Council:

1. Direct the Public Works Director to continue reviewing the three candidate streets to determine if installation of concrete improvements will function properly and can possibly be used on more than one street; and

2. Direct the Public Works Director to bring the information to the May 6, 2008 Council meeting.

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

City Engineer Mike Reed indicated that all three candidate streets had appropriate drainage, which was previously in question.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council direct the Public Works director to continue reviewing the three candidate streets to determine if installation of concrete improvements will function properly and can possibly be used on more than one street; and direct the Public Works
19. SURPLUS OF DIESEL TRANSIT BUSES

Recommendation: That City Council:

1. Authorize staff to negotiate the sale of Vehicle No. 8158 to an appropriate agency approved by CalTrans and CARB for a sum as close to $10,000 as possible;
2. Approve and authorize and future sale of remaining MST’s which have not reached the expiration of their service life in the same manner remaining in conformance with CalTrans and the California Air Resources Board requirements;
3. Authorize staff to negotiate the sale of the available 1999 Ford Aerotech buses to an appropriate agency approved by CARB for a sum between $3,000 and $4,000 each;
4. Authorize that the funds received from the sale of these and any future transit vehicles be deposited into the Transit Account for transit operations, which is the procedure already adhered to for the sale of any transit-funded property; and
5. Direct staff as to Council’s preference in relation to the inquiry regarding the possible conversion of one of the 1999 Ford Aerotechs into a mobile library.

Deputy City Manager Lollis introduced the item, and Administrative Analyst II Linda Clark presented the staff report.

A discussion ensued regarding the idea of a mobile library and possible funding options.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council authorize staff to negotiate the sale of Vehicle No. 8158 to an appropriate agency approved by CalTrans and CARB for a sum as close to $10,000 as possible; approve and authorize and future sale of remaining MST’s which have not reached the expiration of their service life in the same manner remaining in conformance with CalTrans and the California Air Resources Board requirements; authorize staff to negotiate the sale of the available 1999 Ford Aerotech buses to an appropriate agency approved by CARB for a sum between $3,000 and $4,000 each, as amended to
retain one Aerotech bus for possible use as a mobile library; authorize that the funds received from the sale of these and any future transit vehicles be deposited into the Transit Account for transit operations, which is the procedure already adhered to for the sale of any transit-funded property; and direct staff to bring back staff report on May 20, 2008 regarding information on developing a mobile library.

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

Disposition: Approved

21. CONSIDERATION OF APPOINTMENTS TO THE TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE

Recommendation: That the City Council appoint five members of the public to fill five four-year term vacancies on the Transactions and Use Tax Oversight Committee; and direct the City Clerk to notify all interested individuals of the Council’s action.

Deputy City Manager Lollis introduced the item and presented the staff report. During the staff report Mr. Lollis indicated that the request to publish a notice in the Porterville Recorder regarding the vacancies was not met. He then recommended that Council could move forward with the re-appointment of the five members or postpone the item and extend the terms until the item is brought back for consideration.

Mayor Hamilton stated that the Council encouraged public involvement and he would prefer that the item be brought back after the Porterville Recorder successfully published the notice.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council extend the terms of the appointments to May 6, 2008; and continue to the item to the May 6, 2008 meeting.

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

Disposition: Continued to May 6, 2008.

22. REQUEST BY COUNCIL MEMBER – CONSIDERATION OF LETTER OF SUPPORT FOR AB 2254
Deputy City Manager Lollis introduced the item. After a brief discussion, Council directed that the item be continued to the May 6, 2008 City Council Meeting.

Disposition: Continued to May 6, 2008.

**ORAL COMMUNICATIONS**

- Greg Shelton, address on record, reiterated his concerns with the demolition of the pavilions at Murry Park, and spoke against removing them and not replacing them. Mayor Hamilton clarified that the Council had directed staff to bring back actual costs for construction at the next meeting.

- Mary McClure, 2319 Josef Court, 1) requested that the City fix the handicap ramp and sidewalk in the location of Liho and Bellevue, stating that the ramp was to have been completed utilizing Core monies; 2) voiced concern with the condition of Main Street north of Westfield, and requested that the City address it, noting safety concerns; and 3) requested that the City trim its trees.

**OTHER MATTERS**

- Council Member Pedro Martinez noted the Senior Prom event to take place on Saturday, April 19th. He then complimented City staff on the work they did.

- Mayor Hamilton:
  1. Complimented Parks & Leisure Services staff for their successful Fishing Derby event held the prior weekend;
  2. Spoke of a memorandum provided to the Council regarding the VITA program and the request for $1,000 financial participation in the program. He requested that the Council Members advise him or John as to how they would like to proceed with the request.
  3. Spoke of curb and gutter work to have been completed as a part of the Core project, and inquired as to the delay. A discussion ensued, during which Public Works Director spoke of delays with regard to Core Areas 2 and 4.

- Mayor Pro Tem Felipe Martinez thanked those who participated in the drive-thru dinner fundraiser for the Buck Shaffer Clock, and advised that $5,800 had been raised.

**ADJOURNMENT**

The Council adjourned at 10:20 p.m. to the meeting of May 6, 2008 at 6:00 p.m.
Cameron Hamilton, Mayor
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
JUNE 3, 2008, 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton
Absent: Council Member Pedro Martinez

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Mayor Pro Tem Felipe A. Martinez
Invocation – One individual participated.

PROCLAMATION
Earl E. Smith Jr.

PRESENTATION
Employee of the Month – Ben Mendoza

ORAL COMMUNICATIONS
- Daniel Ortega, 1517 Westside, spoke of his need to park his one-ton flat bed pickup truck at his residence and of the recent warning by the City’s code enforcement officer as to the prohibition of same. He requested the Council’s assistance in resolving the issue.
- Boyd K. Leavitt, spoke of the issue of bats, and inquired as to the status of the construction of bat houses as approved by the Council two years prior.
CONSENT CALENDAR

1. CITY COUNCIL MINUTES OF OCTOBER 2, 2007 AND MAY 6, 2008

Recommendation: That the City Council approve the Minutes of October 2, 2007 and May 6, 2008.

Documentation: M.O. 01-060308
Disposition: Approved

2. CLAIM – PAUL DAVID VERA, JR.

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. 02-060308
Disposition: Approved

3. ACCEPTANCE OF PROJECT – RIVERWALK MARKETPLACE (STATE ROUTE 190 & SOUTH JAYE STREET ONLY)

Recommendation: That City Council:
1. Accept the project State Route 190 and South Jaye Street construction project contract 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. 03-060308
Disposition: Approved

4. AUTHORIZATION TO AMEND AGREEMENT WITH CAROLLO ENGINEERS TO PROVIDE ENGINEERING STUDY SERVICES

Recommendation: That City Council:
1. Authorize the Mayor to execute Addendum No. 7 to PO No. 012302 for services by Carollo Engineers; and
2. Appropriate $80,063 from the Waste Water Capital Reserve Fund for these services.

Documentation: M.O. 04-060308
Disposition: Approved

5. AUTHORIZATION TO AMEND CONTRACT WITH CHABIN CONCEPTS, INC.

Recommendation: That City Council:
1. Approve Amendment No. 1 to the Chabin Concepts Service Agreement for the Analysis of Market and Industry Trends for Planning of Entrepreneurial Training and Business Incubator Assessment in the amount of $12,999; and

2. Authorize the Mayor to sign all necessary documents

Documentation: M.O. 05-060308
Disposition: Approved

6. REQUEST FOR A CITY COUNCIL STUDY SESSION TO REVIEW THE URBAN DEVELOPMENT BOUNDARY, URBAN AREA BOUNDARY, AND SPHERE OF INFLUENCE BOUNDARY AMENDMENTS

Recommendation: That the City Council authorize staff to schedule a study session to provide direction to staff on the preparation of the City’s boundary amendments.

Documentation: M.O. 06-060308
Disposition: Approved

7. RENEW AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF JUSTICE

Recommendation: That City Council approve the proposed agreement and authorize the Mayor to sign on behalf of the City of Porterville.

Documentation: M.O. 07-060308
Disposition: Approved

8. INTENT TO SET PUBLIC HEARING FOR REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY – DATE AVENUE RECONSTRUCTION PROJECT – MAIN STREET TO CORNELL STREET

Recommendation: That the City Council:
1. Set a Public Hearing for June 17, 2008 according to the Mitigation Fee Act, for the establishment of the concrete reimbursement fee; and
2. Authorize staff to notify all affected property owners of the Public Hearing, via certified mail, including the concrete reimbursement amount.

Documentation: M.O. 08-060308
Disposition: Approved

9. INTENT TO VACATE A 25 FOOT EMERGENCY ACCESS EASEMENT RELATED TO THE RIVERWALK MARKETPLACE SHOPPING CENTER (ENNIS COMMERCIAL PROPERTIES, LLC)
Recommendation: That City Council:
1. Pass a Resolution of Intent to Vacate a 25 foot emergency access easement dedicated to the City of Porterville as Document No. 95-009544, recorded February 15, 1995, in the Office of the Tulare County Recorder; and
2. Set the Council Meeting of July 1, 2008, or as soon thereafter, as the time and place for a public hearing.

Documentation: Resolution No. 47-2008
Disposition: Approved

10. REIMBURSEMENT FOR STREET IMPROVEMENTS AND UNDERGROUND UTILITIES RELATED TO THE RIVERWALK MARKETPLACE COMMERCIAL CENTER AND JAYE STREET CROSSINGS COMMERCIAL CENTER

Recommendation: That the City Council establish, by resolution, that before benefiting/adjacent properties are permitted to develop, their proportionate share of the reimbursement amount shall be collected and reimbursed to City of Porterville. The total reimbursement amount to be collected shall not exceed $1,135,242.04 or proportional share thereof.

An amended resolution was presented for Council consideration via memorandum that read as follows:


WHEREAS, Ennis Commercial Properties, LLC and the City of Porterville, hereinafter referred to as “Developers” agreed to share financially for the public street improvements and underground utilities associated with the development of Riverwalk Marketplace Commercial Center and Jaye Street Crossings Commercial Center outlined in their respective Environmental Impact Documents. The improvements will serve all properties on both sides of Jaye Street generally between Springville Avenue and State Route 190 in the City of Porterville, County of Tulare, State of California, as shown on the locator map (Exhibit “A”) attached hereto and hereby made a part hereof; and

WHEREAS, Developers have a financial interest in the property along the east side of Jaye Street between Springville Avenue and State Route 190; and

WHEREAS, Developers have paid the entire cost of said street improvements
and underground utilities serving the commercial property east of Jaye Street between Springville Avenue and State Route 190 as shown in the tabulations contained in Exhibit “B”, which is attached hereto and made a part hereof; and

WHEREAS, said street improvements and underground utilities have been constructed and completed in conformity with all agreements, laws, regulations, and ordinances of the City of Porterville and the same has been constructed and completed in such a manner that the same will serve present and future owners of the property adjacent to said street improvements and underground utilities as indicated on Exhibit “A”, in the City of Porterville, County of Tulare, State of California; and

WHEREAS, John S. Hale, Michael R. Tolladay and CZEM, LLC (“Owners”) own the approximately 10 acre portion of land generally located east of Jaye Street between State Route 190 and Springville Avenue (Assessor Parcel Numbers 260-300-008 and 260-300-017) (the “Property”); and

WHEREAS, the Owners have applied to develop the Property as a retail center known as the Jaye Street Crossings Commercial Center (the “Project”); and

WHEREAS, the Owners have not paid, assumed or discharged any of the costs in connection with the construction of the street improvements and underground utilities listed on Exhibit “B” that are needed in connection with development of the Project;

NOW THEREFORE, BE IT RESOLVED, that at the time of issuance of a building permit for development of the Property, the Owners, or their successor(s), shall pay the proportional cost of an amount not to exceed $1,135,242.04 for the improvements listed in Exhibit “B” based on the acreage of the Property then proposed for development.

ADOPTED this 3rd day of June, 2008

Documentation: Resolution No. 48-2008
Disposition: Approved, as amended by staff via memorandum.


Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Barn Theater, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 09-060308
Disposition: Approved
12. TRANSACTION AND USE TAX OVERSIGHT COMMITTEE – PUBLIC SAFETY SALES TAX (MEASURE H) ANNUAL REPORT

Recommendation: That the City Council accept the Annual Report of the Transactions and Use Tax Oversight Committee – Public Safety Sales Tax (Measure H).

Documentation: M.O. 10-060308
Disposition: Approved

13. ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

Recommendation: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City budget.

Documentation: M.O. 11-060308
Disposition: Approved


The item was removed from the Agenda.

Disposition: No action required.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve Item Nos. 1 through 13.

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

Disposition: Approved

SECOND READING
15. ORDINANCE 1739, APPROVING ZONE CHANGE AMENDMENT 1-2008

Recommendation: That the Council give Second Reading to Ordinance No. 1739, waive further reading, and adopt said Ordinance.

City Manager John Longley introduced the item and presented the staff report.
**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the City Council give Second Reading to Ordinance No. 1739, waive further reading, and adopt said Ordinance, 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 1-2008 FROM R-2 (FOUR FAMILY RESIDENTIAL) ZONE TO PD (R-2) (PLANNED UNIT DEVELOPMENT-FOUR FAMILY RESIDENTIAL) ZONE FOR THOSE ELEVEN (11) LOTS ORIGINALLY APPROVED FOR RIVER VIEW ESTATES PHASE THREE LOCATED ON THE NORTH AND SOUTH SIDES OF ROBY AVENUE.

**AYES:** McCracken, F. Martinez, Hernandez, Hamilton

**NOES:** None

**ABSTAIN:** None

**ABSENT:** P. Martinez

The City Manager read the ordinance by title only.

**Disposition:** Approved

**SCHEDULED MATTERS**

16. PROPOSAL OF PARTNERSHIP WITH GRANITE HILLS HIGH SCHOOL “GRIZZLY GAZETTE” TO PROVIDE AUDIO-VISUAL INTERNET BROADCAST OF CITY COUNCIL MEETINGS

**Recommendation:** That the City Council provide direction to City staff concerning the proposals made by the “Grizzly Gazette”.

City Manager Longley introduced the item, and Deputy City Manager John Lollis presented the staff report.

Staff from the Grizzly Gazette came forward to introduce themselves, and make a short presentation. Following the presentation, staff was directed by the Council to draft a Memorandum of Understanding for consideration by the new Council.

**Disposition:** The item was continued, and staff direction given.

17. REQUEST CONNECTION TO CITY WATER IN COUNTY

**Recommendation:** If the Council determines to apply the “Wholesale Water Policy to single ownerships, staff recommends the following:

1. Set the minimum parcel size for private ownership or ownership in aggregate at one acre;
2. If annexation is not achieved, limit water use to the existing structure with an agreement to disconnect if the condition is violated. Additions, modifications and other minor alterations to the existing structure would not be considered a violation;
3. Connection shall be allowed only if adequate line capacity is demonstrated; and
4. Authorize the Public Works Director to enhance, by one degree, conservation requirements as a condition of connection.

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

City Attorney Lew elaborated on concerns with regard to providing services to areas outside of City limits, which included the possibility of triggering the prevailing wage law. A discussion ensued regarding water district formation.

- Donna Shinley, Roberts Engineering, came forward to address inquiries about the formation of a district.

After some discussion, Council requested that City Attorney Lew research the impact of the Porter Vista issue, and the item was continued to the July 1, 2008 meeting.

Disposition: The item was continued, and staff direction given.

18. DESIGN “D” OVERLAY REVIEW 2-2008 – JAYE STREET CROSSING

Recommendation: That the City Council adopt the draft resolution containing findings and conditions in support of approval of Design Overlay Review 2-2008.

City Manager Longley introduced the item, and City Planner Kimball presented the staff report.

- John Hale, applicant, spoke in favor of the item; confirmed that the Council had received the latest version; and thanked staff.

COUNCIL ACTION: RESOLUTION 49-2008

MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the City Council adopt the draft resolution containing findings and conditions in support of approval of Design Overlay Review 2-2008.

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

Disposition: Approved
19. REVIEW OF REGULATIONS PERTAINING TO THE SALE OF ALCOHOLIC BEVERAGES AND ISSUANCE OF LETTERS OF PUBLIC CONVENIENCE OR NECESSITY

Recommendation: For informational purposes only.

City Manager Longley introduced the item, and City Planner Ben Kimball presented the staff report.

A discussion ensued about the reasoning behind the request to review the regulations. Council Member McCracken made a motion to thank staff for their efforts and move onto next item. The motion died for lack of a second.

Staff was directed to draft new regulations requiring a Conditional Use Permit for all off-sale permits, and bring back to Council when other ordinance amendments were presented.

Disposition: Staff direction given.

20. PROPOSED CITY ORDINANCES REGARDING REGULATION OF PARKING ON LAWNS AND UNIMPROVED SURFACES

Recommendation: That the City Council:
1. Consider the draft regulations and provide any additional direction; and
2. Set a public hearing for June 17, 2008 for the consideration of public testimony concerning the draft ordinances.

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

Mayor Hamilton indicated that he was pleased with the draft regulations.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council set a public hearing for June 17, 2008 for the consideration of public testimony concerning the draft ordinances.

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

Disposition: Approved

21. APPOINTMENT TO MOSQUITO ABATEMENT STUDY GROUP
Recommendation: That the City Council select a representative of the Council to serve on the Mosquito Abatement Study Group.

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

**COUNCIL ACTION:** MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council appoint Council Member McCracken to serve on the Mosquito Abatement Study Group.

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

Disposition: Approved

22. CONSIDERATION OF MEMBERSHIP ON STIG

Recommendation: That the City Council consider the City’s membership on the Southeastern Tulare County Intergovernmental Coordinating Committee.

City Manager Longley introduced the item.

City Attorney Lew noted that there was a Council Member that had a potential conflict of interest, and that the purpose of the item was to consider whether the Council wished to appoint another Council Member who would be able to attend the meetings. She then clarified that the Council Member could vote on the new appointment because it did not pertain to matters before the committee.

**COUNCIL ACTION:** MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council appoint Mayor Hamilton to serve on the STIG Committee.

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

Disposition: Approved

23. REQUEST BY COUNCIL MEMBER – CONSIDERATION OF THE DEVELOPMENT OF A PROPERTY MAINTENANCE ORDINANCE

Recommendation: None.

City Manager Longley introduced the item.
After a brief discussion, staff was directed to include property maintenance as an element in the zoning ordinance amendments to be brought to the Council.

Disposition: Staff direction given.

**ORAL COMMUNICATIONS**

- Jerry Eoff, 752 E. Putnam Avenue, thanked the Council for its work and direction on the proposed “No Parking on Lawns” ordinance.

**OTHER MATTERS**

- Council Member Hernandez thanked everyone who voted that day.
- Mayor Pro Tem Felipe Martinez thanked staff for their hard work.
- Mayor Hamilton:
  1. Requested that staff look into Mr. Ortega’s situation of parking his one-ton flatbed pickup truck at his residence; and
  2. Spoke of correspondence received from Mr. Ennis with regard to the vacation of easements, and of the situation regarding the timing of the public hearing notice falling immediately after the next regular meeting. He indicated that Mr. Ennis had requested Council’s consideration prior to the first meeting in July. Staff acknowledged the situation, and indicated that an adjourned meeting for Council reorganization might be held during the last week of June which could possibly accommodate Mr. Ennis’ item.

**ADJOURNMENT**

The Council adjourned at 8:35 p.m. to the meeting of June 10, 2008 at 6:00 p.m.

Full Seals and Signatures

Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Mayor
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
SEPTEMBER 16, 2008, 6:00 P.M.

Call to Order at 6:05 p.m.
Roll Call: Vice-Mayor McCracken, Council Member Pedro Martinez, Council Member Ward, Mayor Hamilton
Absent: Council Member Felipe Martinez

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Lew reported that no action had been taken in Closed Session.

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation – One individual participated.

PROCLAMATIONS
Filipino-American Cultural Week – September 27 – October 4, 2008

PRESENTATIONS
Employee Service Awards
Introduction of New City Employees
City Manager’s Featured Project
**ORAL COMMUNICATIONS**

- Kim Latham, Porterville Emblem Club, introduced members in attendance and stated that she was available for questions regarding Item No. 13.
- Greg Shelton, 888 N. Williford Drive, requested the opportunity to comment on Item Nos. 20 and 22 during Council consideration of the items.
- Dick Eckhoff, 197 N. Main Street, requested the opportunity to comment on Item 20 during Council consideration of the item.
- Greg Woodard, 1055 W. Morton Avenue, requested permission to comment on Item 20 during its consideration.

**CONSENT CALENDAR**

Item Nos. 13 and 14 were pulled for further discussion.

1. **CITY COUNCIL MINUTES OF SEPTEMBER 2, 2008**

   Recommendation: That the City Council approve the Minutes of September 2, 2008.

   Documentation:   M.O. 01-091608
   Disposition:     Approved

2. **TRANSIT CLAIM – KEVIN SWANEY**

   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. 02-091608
   Disposition:     Approved

3. **CLAIM – TERESA CARRANZA**

   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. 03-091608
   Disposition:     Approved

4. **CLAIM – JOSEPH WITTMAN**

   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. 04-091608
   Disposition:     Approved
5. AWARD OF CONTRACT – ROCHE SEWER PROJECT – MORTON AVENUE (ROCHE SCHOOL TO HENRAHAN STREET)

Recommendation: That City Council:
1. Award the Roche Sewer Project - Morton Avenue (Roche School to Henrahan Street) to 99 Pipeline, Inc. in the amount of $38,965.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 05-091608
Disposition: Approved

6. AWARD OF CONTRACT – NEWCOMB STREET TRENCH PATCH & CONCRETE REPLACEMENT PROJECT (WESTFIELD AVENUE TO SAN LUCIA LANE)

Recommendation: That City Council:
1. Award the Newcomb Street Trench Patch & Concrete Replacement Project to 99 Pipeline, Inc. in the amount of $39,649.50;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 06-091608
Disposition: Approved

7. ACCEPTANCE OF PROJECT – GRANITE HILLS MICRO SEAL

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

Documentation: M.O. 07-091608
Disposition: Approved

8. ACCEPTANCE OF PROJECT – MORTON AVENUE CHIP SEAL

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

Documentation: M.O. 08-091608
Disposition: Approved

9. ACCEPTANCE OF FINAL SUBDIVISION MAP – GARDEN COURT VILLAS
Recommendation: That City Council:
1. Approve the final map of Garden Court Villas Subdivision; and
2. Authorize the City Clerk to file said map with the County Recorder.

Documentation: M.O. 09-091608
Disposition: Approved

10. CALLING A PUBLIC HEARING TO SET RENTAL RATES FOR CITY OWNED HANGARS AT THE PORTERVILLE AIRPORT

Recommendation: That the City Council set the date for the public hearing on hangar rental rates for October 21, 2008.

Documentation: M.O. 10-091608
Disposition: Approved

11. AUTHORIZATION TO EXTEND CONTRACT WITH SOUTHERN CALIFORNIA GAS COMPANY FOR A TEMPORARY CNG FUELING STATION

Recommendation: That City Council:
1. Authorize staff to negotiate with Southern California Gas Company for a minimum 6-month lease agreement at $1,200 per month and a $680 per week maintenance component; and
2. Authorize staff to negotiate a month to month lease agreement with Southern California Gas Company until completion of the permanent CNG facility.

Documentation: M.O. 11-091608
Disposition: Approved

12. URBAN BOUNDARIES AMENDMENT UPDATE

Recommendation: For information purposes only.

Disposition: No action required.

15. APPROVAL OF COMMUNITY CIVIC EVENT – EXCHANGE CLUB OF PORTERVILLE – ROCK, PAPER, SCISSORS CONTEST

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Exchange Club of Porterville, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 12-091608
Disposition: Approved
16. RENEWAL OF PERSONNEL EXAMINING SERVICES AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND COOPERATIVE PERSONNEL SERVICES

Recommendation: That the City Council approve the draft resolution authorizing renewal of the Test Security Agreement with Cooperative Personnel Services, and authorize the City Manager or his designee to sign on behalf of the City.

Documentation: Resolution No. 84-2008
Disposition: Approved

COUNCIL ACTION: MOVED by Vice-Mayor McCracken, SECONDED by Council Member Pedro Martinez that the City Council approve Item Nos. 1 through 12, 15 and 16.

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

13. CONSIDER APPROVAL OF A PERMANENT MEMORIAL TO BE INSTALLED IN VETERANS PARK

Recommendation: That the City Council approve the request of Porterville Emblem Club #82, allowing the installation of a permanent memorial in Veterans Park subject to an agreement between the City and the Emblem Club that provides one year for the installation work to be completed, acknowledges the ongoing responsibility of the Emblem Club for maintenance, and provides for the Director of the Parks & Leisure Services to approve the final location, installation manner, fencing design, and any inscription wording.

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

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council approve the request of Porterville Emblem Club #82, allowing the installation of a permanent memorial in Veterans Park subject to an agreement between the City and the Emblem Club that provides one year for the installation work to be completed, acknowledges the ongoing responsibility of the Emblem Club for maintenance, and provides for the Director of the Parks & Leisure Services to approve the final location, installation manner, fencing design, and any inscription wording.

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

Disposition: Approved

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the state requirements contained in Exhibit “A”.

City Manager Longley introduced the item, and Deputy City Manager Lollis presented the staff report. He then asked Police Captain Silver Rodriguez to brief the Council on the issue of the bingo permit. Captain Rodriguez indicated that the applicant had withdrawn the request for a bingo permit, and it was understood that no money would be charged to play or be given as a prize.

COUNCIL ACTION: MOVED by Vice-Mayor McCracken, SECONDED by Council Member Ward that the City Council approve the Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the state requirements contained in Exhibit “A”, with the exclusion of the bingo permit.

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

Disposition: Approved

PUBLIC HEARINGS

17. MEADOW BREEZE, PHASE 3 TENTATIVE SUBDIVISION MAP (SMEE BUILDERS)

Recommendation: That the City Council adopt the draft resolution approving Meadow Breeze Phase 3 Tentative Subdivision Map subject to conditions of approval.

City Manager Longley introduced the item, and Associate Planner Jose Ortiz presented the staff report.

The hearing opened to the public at 7:39 p.m.

- Jim Winton, 150 W. Morton, spoke in favor of the item, and stated that he was available for questions.

The hearing closed to the public at 7:41 p.m.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council adopt the draft resolution approving Meadow Breeze Phase 3 Tentative Subdivision Map subject to conditions of
18. REQUEST TO AMEND FEE SCHEDULE TO ESTABLISH FEES FOR SERVICE FOR 300 FOOT RADIUS MAPS AND LABELS FOR NOTICING OF PUBLIC HEARINGS

Recommendation: That the City Council:
1. Approve the resolution adopting the service fee for 300-foot radius maps and mailing labels as proposed; and
2. That the effective date shall be September 17th, 2008.

City Manager Longley introduced the item, and Associate Planner Jose Ortiz presented the staff report.

The hearing opened to the public at 7:46 p.m.

- Jim Winton, address on record, stated that the service would eliminate problems, and inquired about fees for postage.
- Greg Shelton, address on record, expressed concern with the service being mandatory.

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

Community Development Director Brad Dunlap requested that point No. 5 of the resolution be removed, and indicated that the service would not be mandatory.

COUNCIL ACTION: MOVED by Vice-Mayor McCracken, SECONDED by Council Member Ward that the City Council approve the resolution adopting the service fee for 300-foot radius maps and mailing labels, as amended to remove point No. 5; and that the effective date shall be September 17th, 2008.

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

Disposition: Approved

19. 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 City Planner Ben Kimball presented the staff report. During his presentation, Mr. Kimball requested that Sections 242.01.A.3, 242.01.C, and Figure 242.01E regarding super slopes be removed.

The hearing opened to the public at 7:59 p.m.

- Greg Woodard, address on record, stated that staff did an outstanding job, and spoke in favor of the ordinance.
- Jim Winton, address on record, stated that he would like to meet with staff again, and that he still had concerns with the ordinance.
- Greg Shelton, address on record, spoke in opposition, and stated that it would make building less feasible.

The hearing closed to the public at 8:09 p.m.

COUNCIL ACTION: MOVED by Vice-Mayor McCracken, SECONDED by Council Member Pedro Martinez that the City Council approve the proposed Hillside Development Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING A HILLSIDE DEVELOPMENT ORDINANCE TO THE MUNICIPAL CODE, as amended to remove Sections 242.01.A.3, 242.01.C, and Figure 242.01E; and give first reading to the ordinance.

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

The City Manager read the ordinance by title only.

Disposition: Approved

The Council recessed for 10 minutes.

SCHEDULED MATTERS

20. RELOCATION OF THE MINT CARD ROOM

Recommendation: That the City Council consider the issuance of a Card Room License to applicant; approving his move and card room operation at 34 E. Garden in Porterville.

City Manager Longley introduced the item, and Police Captain Rodriguez presented the staff report.
- Dick Eckhoff, address on record, requested more time to look into the placement of the establishment in the downtown area.
- Greg Shelton, address on record, referenced sections of the City’s Code relative to card rooms;
raised questions about and expressed concern with the alleged involvement of the Tribe and Council Member Felipe Martinez; stated he was not against a card room downtown, but that he was opposed to disinformation; and urged the Council to proceed with caution.

- Greg Woodard, address on record, stated that he was concerned with approving a downtown location, and questioned the suitability of a card room.
- Jim Podergois, applicant, stated that he had followed procedure and met all the City’s requirements; he provided clarification on the proposed location; and indicated that he would be available for questions.

A discussion ensued about the placement of the card room, and its consistency with the direction that the Council had envisioned for the Downtown area. The Council spoke of past efforts to improve the area and future plans for redevelopment on Main Street and surrounding areas; and questioned the appropriateness of a card room.

Mayor Hamilton stated that he had read in the newspaper that the applicant had plans to pursue five tables instead of three. Mr. Podergois confirmed the information to be true. A discussion ensued with regard to the number of tables allowed within the City. The City Attorney indicated that the Card Room Ordinance set the city limit for tables at nine, and Police Captain Rodriguez noted a limit of three tables per establishment. The City Attorney explained that any additional tables would require the Council to amend the ordinance.

Mayor Hamilton stated that the issue had been clouded by the transaction with the Tribe, and that it concerned several people in the community. He then asked Mr. Podergois if he had any intention of selling the license to the Tribe.

- Mr. Podergois stated that he had not had any contact with the Tribe since the Commission meeting on July 26th, and that the license would remain in his ownership until he had found a suitable buyer. In regard to his request for additional tables, the applicant noted that there was a moratorium on additional gaming licenses until 2015, and spoke of business competition in the area.

The City Attorney confirmed, at the City Manager’s request, that the Council could increase the amount of tables allowed per establishment, but that it would require an amendment to the ordinance.

- Jim Podergois, applicant, informed the Council that he had already rented the location, completed upgrades, and put out a sign.
- Greg Shelton, address on record, again referenced sections of the City’s Code relative to card rooms, and expressed concerns about legal risks to the City.

The City Attorney indicated that any transfer of the state license ownership would require re-consideration by the Council, so it would be premature to make an issue of it during the consideration of the current request. She added that there would probably be some immunity issues that would be triggered for the City decisions in the matter, because the City only reviews what comes before them. Vice-Mayor McCracken noted, for clarification, that someone other than Mr. Podergois could not operate the card room without coming before Council for approval of a new city license.

Mayor Hamilton stated he would like to have two more weeks to discuss some additional questions with staff.
COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Ward that the item be continued to the October 7, 2008 meeting.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council deny the request for issuance of a Card Room License to the applicant for a card room operation at 34 E. Garden in Porterville.

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

Disposition: Denied

21. KINGS/TULARE CONTINUUM OF CARE ON HOMELESSNESS REQUEST FOR FUNDING 10 YEAR PLAN

Recommendation: That the City Council approve the expenditure of $5,000 in CDBG Administration funds to the Kings/Tulare Continuum of Care on Homelessness to assist in the preparation of a 10-year Plan to End Homelessness.

City Manager Longley introduced the item, and Development Associate Denise Marchant presented the staff report.

Council Member Ward inquired about the existence of other organizations that may seek funds from the City to help the homeless. Mrs. Marchant indicated that Kings/Tulare Continuum of Care on Homelessness was the body that was the consortium of all the different government and non-profit agencies addressing the homeless issue.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the City Council approve the expenditure of $5,000 in CDBG Administration funds to the Kings/Tulare Continuum of Care on Homelessness to assist in the preparation of a 10-year Plan to End Homelessness.

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

Disposition: Approved
22. CONSIDER PLAYGROUND BARRIER FOR VETERANS PARK

Recommendation: That the City Council direct staff to install approximately 220 feet of 3-foot-high, heavy gauge galvanized chain-link playground barrier fence at Veterans Park at a location approximately 15-feet from the playground, and that staff seek community organization to plant shrubs along the canopy of trees.

City Manager Longley introduced the item, and Parks & Leisure Services Director Perrine presented the staff report.

Mayor Hamilton questioned why staff had only contacted one vendor for a price estimate, and expressed concern with the disparity between the quote provided in the staff report and information that he received from Greg Shelton.

City Manager Longley stated that it was normal practice to contact a single vendor to prepare a proposal, but agreed that the estimate work could have been done better.

Council Member Pedro Martinez voiced his frustration with the amount of time that the project had taken.

City Manager Longley requested that the Council give direction and allow staff to work with a couple of Council members to get the project completed.

Council Member McCracken stated that the figures provided by Mr. Shelton suggested that the amount of fencing could be increased, and indicated that he preferred the fence with the shrubbery. A discussion ensued with regard to the choice of fencing and direction previously given to staff.

COUNCIL ACTION:

MOVED by Vice-Mayor McCracken, SECONDED by Mayor Hamilton that the City Council assign Council Member Ward to work with staff on the completion of the playground barrier for Veterans Park.

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

Disposition: Direction given to staff.

23. REPORT ON COUNCIL 2008 PRIORITY PROJECTS AND SETTING DATE FOR MEETING TO ESTABLISH 2009 PRIORITIES

City Manager Longley introduced the item, and presented the portion of the staff report regarding the 2008 Priority Projects. Deputy City Manager Lollis presented the portion regarding improved project review and reporting, and the annual priority project/goal setting review.

The Council directed staff to schedule the meeting date.
COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council approve the continued use of the current method of priority project review/goal setting.

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

Disposition: Approved

The Council adjourned at 9:34 p.m. to a joint meeting of the Porterville City Council and the Porterville Redevelopment Agency.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
• Dick Eckhoff, address on record, inquired about the start date for the Hockett/Mill Parking Lot Reconstruction Project, and thanked staff and Council for moving forward on the project.

REDEVELOPMENT SCHEDULED MATTER
PRA-1. AWARD OF CONTRACT – HOCKETT/MILL PARKING LOT RECONSTRUCTION

Recommendation: That the Porterville Redevelopment Agency:
1. Award the Hockett/Mill Parking Lot Reconstruction Project to JWT General Engineering, Inc. in the amount of $372,489.20; and
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and $19,000 for construction management, quality control testing and inspection; and
4. Authorize payment of approximately $18,000 to Edison for perimeter street light installation.

That the Porterville City Council:
1. Award the Hockett/Mill Parking Lot Reconstruction Project to JWT General Engineering, Inc. in the amount of $372,489.20; and
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and
4. Authorize payment of approximately $18,000 to Edison for perimeter street light installation; and
5. Approve the transfer of the Community Development Block Grant funds to the Murry Park Restroom project in lieu of the unallocated carryover previously approved by Council.

Vice-Mayor/Vice-Chair McCracken recused himself due to his business being within 500 feet of the project area.

Agency Secretary Longley introduced the item, and Development Associate Linda Wammack presented the staff report.

Mayor Hamilton requested that staff look at the Engineer’s estimates due to the number of bidders that came in below the Engineer’s estimate of probable cost and the disparity.

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Ward that the Porterville Redevelopment Agency award the Hockett/Mill Parking Lot Reconstruction Project to JWT General Engineering, Inc. in the amount of $372,489.20; authorize progress payments up to 90% of the contract amount; authorize a 10% contingency to cover unforeseen construction costs and $19,000 for construction management, quality control testing and inspection; and authorize payment of approximately $18,000 to Edison for perimeter street light installation.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council award the Hockett/Mill Parking Lot Reconstruction Project to JWT General Engineering, Inc. in the amount of $372,489.20; authorize progress payments up to 90% of the contract amount; authorize a 10% contingency to cover unforeseen construction costs and $19,000 for construction management, quality control testing and inspection; authorize payment of approximately $18,000 to Edison for perimeter street light installation; and approve the transfer of the Community Development Block Grant funds to the Murry Park Restroom project in lieu of the unallocated carryover previously approved by Council.

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

Disposition: Approved
The Council adjourned the Joint City Council/Redevelopment Agency meeting at 9:41 p.m. to a meeting of the Porterville Public Improvement Corporation.

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Roll Call: Vice-President McCracken, Director Pedro Martinez, Director Ward, President Hamilton
Absent: Director Felipe Martinez

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
• Greg Shelton, address on record, inquired about the purpose of the Public Improvement Corporation.

PUBLIC IMPROVEMENT SCHEDULED MATTER

PIC-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Recommendation: That the City Council, sitting as the Porterville Public Improvement Corporation;
1. Approve the election of officers as indicated in the draft resolution;
2. Accept public comment; and
3. Approve the 2008 Status Report for Certificates of Participation Projects.

Secretary John Longley introduced the item, and Community Development Director Dunlap presented the staff report.

President Hamilton opened the floor to public comment.

• Greg Shelton, address on record, encouraged the Corporation to proceed.
• Dick Eckhoff, address on record, spoke of a recent complaint about trash and the expeditious action of Code Enforcement to remedy the situation.

CORPORATION ACTION: MOVED by Director Pedro Martinez, SECONDED by Vice-President McCracken that the City Council, sitting as the Porterville Public Improvement Corporation; approve the election of officers as indicated in the draft resolution; and approve the 2008 Status Report for Certificates of Participation Projects.

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

Disposition: Approved

The Council adjourned the Porterville Public Improvement Corporation meeting at 9:45 p.m. to a
meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
- Greg Shelton, address on record, Parks and Leisure Services Commissioner, spoke about the Veteran’s Park Playground fencing project; and stated that the Parks and Leisure Services Commission’s recommendations were not being properly communicated to the Council.
- Mary McClure, 23149 Josef Court, commented on the fencing at Murry Park; expressed concern with staff communication regarding her building permit; and spoke of the need for grading along both sides of North Main Street.

**OTHER MATTERS**
- Council Member Pedro Martinez:
  1. Requested that a plant be sent to the family of the Council Member in Reedley who had recently passed away;
  2. Commented on concerns regarding staff performance related to Item No. 22; and
  3. Noted that the Lindsay Safety Chief had retired, and a new Chief was sworn in.
- Council Member Ward:
  1. Spoke of the need to enforce truck parking on Olive; and
  2. Thanked private citizens who participate in City Government.

**ADJOURNMENT**
The City Council Meeting adjourned at 9:57 p.m. to the meeting of October 7, 2008 at 6:00 p.m.

______________________________
SEAL        Luisa Herrera, Deputy City Clerk
______________________________
Cameron Hamilton, Mayor
SUBJECT: CLAIM – RAMONA GRAY

SOURCE: Administration

COMMENT: Ms. Ramona Gray has filed a claim against the City in an amount of $680.18 for damages allegedly sustained when a branch from a City tree fell onto Claimant’s unoccupied vehicle while it was parked at 303 N. D Street on August 15, 2008.

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.
CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant's Name: RAMONA GRAY
DOB: [redacted]

Claimant's Address: 971 E. DATE AVE # C Porterville

Claimant's Telephone No. (Home) 310-5938 (Work)

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

Date of incident/accident: 8-15-2008

Date injuries, damages, or losses were discovered: 8-15-2008 7:30Am

Location of incident or accident: 303 N. D St. Royal Oak apt.

What did entity or employee do to cause this loss, damage, or injury? PART OF THE OAK TREE BROKE OFF & FELL ON MY 2000 EXPLORER THAT WAS PARKED IN THE DRIVEWAY.

What are the names of the entity's employees who caused this injury, damage, or loss (if known): OAK TREE

What specific injuries, damages, or losses did claimant receive? PAINT ON EXPLORER

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

See attach $680.18

How was this amount calculated (please itemize): See attach

Date Signed: 8-19-2008 Signature: RAMONA GRAY

If signed by representative:
  Representative's Name Telephone:

Address e # Relationship to Claimant
MILINICH BODY WORKS  
License #: AM 106736  
PORTERVILLE’S QUALITY BODY REPAIR FOR 50 YEARS.  
631 N. SUNNYSIDE  
PORTERVILLE, CA 93257  
(559) 784-8827 Fax: (559) 784-2972

PRELIMINARY ESTIMATE

Written By:  
Adjuster:  

| Insured: | RAMONA GRAY |  |
| Owner: | RAMONA GRAY |  |
| Address: | 971 DATE ST | PORTERVILLE, CA 93257 |
| Day: |  |
| Evening: |  |
| Inspect Location: |  |
| Insurance Company: |  |

2000 FORD EXPLORER 4X4 XLT 6-4.0L-FI 4D UTV Int:  
VIN: 1FMDu73E2YB57005 Lic: 5YTU180 CA Prod Date:  

| Air Conditioning | Rear Defogger | Keyless Entry |
| Cruise Control | Intermittent Wipers | Dual Mirrors |
| Rear Window Wiper | Body Side Moldings | Luggage/Roof Rack |
| Console/Storage | Overhead Console | Power Steering |
| Fog Lamps | Clear Coat Paint | Power Locks |
| Power Brakes | Power Windows | AM Radio |
| Power Driver Seat | Power Mirrors | Search/Seek |
| FM Radio | Stereo | Driver Air Bag |
| CD Player | Anti-Lock Brakes (4) | Cloth Seats |
| Passenger Air Bag | 4 Wheel Disc Brakes | Overdrive |
| Automatic Transmission | 4 Wheel Drive |  |
| Aluminum/Alloy Wheels | |  |

<table>
<thead>
<tr>
<th>NO.</th>
<th>OP.</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>EXT.</th>
<th>PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>LIFT GATE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2*</td>
<td>Rpr</td>
<td>Gate shell 4 door</td>
<td>0</td>
<td>0.00</td>
<td>1.0</td>
<td>2.8</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Add for Clear Coat</td>
<td>0</td>
<td>0.00</td>
<td>0.0</td>
<td>1.1</td>
<td></td>
</tr>
<tr>
<td>4#</td>
<td>R&amp;I</td>
<td>Nec trim</td>
<td>0</td>
<td>0.00</td>
<td>1.0</td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>QUARTER PANEL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6*</td>
<td>Rpr</td>
<td>LT Quarter panel XL &amp; XLT</td>
<td>0</td>
<td>0.00</td>
<td>0.5</td>
<td>2.1</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Overlap Major Adj. Panel</td>
<td>0</td>
<td>0.00</td>
<td>0.0</td>
<td>-0.4</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>Add for Clear Coat</td>
<td>0</td>
<td>0.00</td>
<td>0.0</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>REAR LAMPS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>R&amp;I</td>
<td>LT Combo lamp assy</td>
<td>0</td>
<td>0.00</td>
<td>0.3</td>
<td>0.0</td>
<td></td>
</tr>
<tr>
<td>11#</td>
<td></td>
<td>COVER CAR</td>
<td>1</td>
<td>5.00</td>
<td>X</td>
<td>0.3</td>
<td>0.0</td>
</tr>
</tbody>
</table>

Days to Repair:

Tilt Wheel
Keyless Entry
Dual Mirrors
Luggage/Roof Rack
Power Steering
Power Locks
AM Radio
Search/Seek
Driver Air Bag
Cloth Seats
Overdrive
**PRELIMINARY ESTIMATE**

2000 FORD EXPLORER 4X4 XLT 6-4.0L-FI 4D UTV Int:

<table>
<thead>
<tr>
<th>NO.</th>
<th>OP.</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>EXT. PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
</tr>
</thead>
<tbody>
<tr>
<td>12#</td>
<td></td>
<td>HAZARDOUS WASTE REMOVAL</td>
<td>1</td>
<td>3.00</td>
<td>0.0</td>
<td>0.0</td>
</tr>
</tbody>
</table>

Subtotals => 8.00 3.1 5.9

Parts
Body Labor 3.1 hrs @ $ 55.00/hr 170.50
Paint Labor 5.9 hrs @ $ 55.00/hr 324.50
Paint Supplies 5.9 hrs @ $ 28.00/hr 165.20
Sublet/Misc. 8.00

SUBTOTAL 668.20
Sales Tax $ 165.20 @ 7.2500% 11.98

GRAND TOTAL $ 680.18

ADJUSTMENTS:
Deductible 0.00

CUSTOMER PAY $ 0.00
INSURANCE PAY $ 680.18

THIS DAMAGE IS BASED ON OUR INSPECTION AND DOES NOT COVER ANY ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK IS OPENED UP. OCCASIONALLY AFTER THE WORK HAS STARTED, WORN OR DAMAGED PARTS ARE DISCOVERED WHICH ARE NOT EVIDENT ON FIRST INSPECTION.
FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM:

ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED: MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART A=APPROXIMATE PRICE LABOR TYPES: B=BODY LABOR T=DIAGNOSTIC E=ELECTRICAL F=FRAME G=GLASS M=MECHANICAL P=PAINT LABOR S=STRUCTURAL T=TAXED MISCELLANEOUS X=NON TAXED MISCELLANEOUS PATHWAYS: ADJ=ADJACENT ALGN=ALIGN A/M=AFTERMARKET BLND=BLEND CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION D&R=DISCONNECT AND RECONNECT EST=ESTIMATE EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY INC=INCLUDED MISC=MISCELLANEOUS NAGS= NATIONAL AUTO GLASS SPECIFICATIONS NON-ADJ=NON ADJACENT O/H=OVERHAUL OP=OPERATION NO=LINE NUMBER QTY=QUANTITY QUAL=QUALITY RECY=QUALITY RECYCLED PART QUAL REPL=QUALITY REPLACEMENT PART COMP REPL PARTS=COMPETITIVE REPLACEMENT PARTS RECOND=RECONDITION REFIN=REFinish REPL=REPLACE R&I=REMOVE AND INSTALL R&R=REMOVE AND REPLACE RPR=REPAIR RT=RIGHT SECT=SECTION SUBL=SUBLT=LEFT W/O=WITHOuT W=WITH/

SYMBOLS: #:MANUAL LINE ENTRY *=OTHER [IE..MOTORS DATABASE INFORMATION WAS CHANGED] **=DATABASE LINE WITH AFTERMARKET N=NOTES ATTACHED TO LINE. MQVP=MANUFACTURER'S QUALIFICATION AND VALIDATION PROGRAM. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT. NWCPP=NATIONWIDE CRASH PARTS PROGRAM.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide D23MF035, CCC Data Date 08/01/2008, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2006 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.
50 Years in Business

P R I D E

Milinich Body Works
Ron Milinich - Owner

631 N. Sunnyside Street
Porterville, CA 93257
Phone (559) 784-8827
FAX # (559) 784-2972
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – FIRE STATION NO. 2 (SEWER CONNECTION) PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Fire Station No. 2 (Sewer Connection) Project. The project includes installation of 4" sanitary sewer pipeline, manhole connection, trench patch, concrete replacement and related appurtenances along the east side of Newcomb Street at the entrance to Fire Station No. 2.

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

The Estimate of Probable Cost is $16,164.50 with $1,616 required for the construction contingency (10%). An additional $808 is required for construction management, quality control and inspection (5%). The total estimated cost associated with the project is $18,588.50. An Estimate of Probable Cost is attached for Council's review.

Funding is provided by the carry over of unused monies related to Phase One (training room facility) and Local Transportation Funds will finance the concrete improvements associated with the project.

RECOMMENDATION: That City Council:

1. Approve staff's recommended plans and project manual; and

2. Authorize staff to advertise for bids on the project.

ATTACHMENTS: Estimate of Probable Cost
Locator Map

Dir Appropriated/Funded CM Item No. 3
# FIRE STATION NO. 2 SEWER

9/29/08

City of Porterville
Fire Sta No. 2 Sewer

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization and Demobilization</td>
<td>LS</td>
<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>2</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Install 4&quot; SDR 35 Sewer Pipe</td>
<td>LF</td>
<td>44</td>
<td>$40.00</td>
<td>$1,760.00</td>
</tr>
<tr>
<td>4</td>
<td>Connect to Existing Sewer Drop Manhole</td>
<td>LS</td>
<td>1</td>
<td>$1,200.00</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>5</td>
<td>Install Trench Patch Per Detail</td>
<td>SF</td>
<td>98</td>
<td>$10.00</td>
<td>$980.00</td>
</tr>
<tr>
<td>6</td>
<td>Remove Concrete Apron and Install Pavement Section (3&quot;AC/6&quot; CL II AB) Per Detail</td>
<td>SF</td>
<td>332</td>
<td>$10.00</td>
<td>$3,320.00</td>
</tr>
<tr>
<td>7</td>
<td>Remove and Replace Concrete Curb and Gutter</td>
<td>LF</td>
<td>40</td>
<td>$40.00</td>
<td>$1,600.00</td>
</tr>
<tr>
<td>8</td>
<td>Remove and Replace Concrete Sidewalk w/A.D.A. Ramped Concrete Per Detail</td>
<td>SF</td>
<td>45</td>
<td>$10.00</td>
<td>$450.00</td>
</tr>
<tr>
<td>9</td>
<td>Remove and Replace Depressed Concrete Curb</td>
<td>LF</td>
<td>11</td>
<td>$20.00</td>
<td>$220.00</td>
</tr>
<tr>
<td>10</td>
<td>Remove and Replace Concrete Driveway Approach</td>
<td>SF</td>
<td>135</td>
<td>$15.00</td>
<td>$2,025.00</td>
</tr>
<tr>
<td>11</td>
<td>Remove Portion of Existing Concrete &quot;V&quot; Gutter and Install Concrete &quot;V&quot; Gutter</td>
<td>LF</td>
<td>16</td>
<td>$40.00</td>
<td>640.00</td>
</tr>
</tbody>
</table>

Subtotal $14,685.00

10% Estimating Contingency $1,469.50

TOTAL $16,164.50

Project Manager
9-29-08

Public Works Director

City Engineer
9-30-08

City Manager

Date
COUNCIL AGENDA: OCTOBER 7, 2008

SUBJECT: AWARD OF CONTRACT FOR ASSISTANCE WITH THE UPDATE TO THE CITY OF PORTERVILLE’S HOUSING ELEMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The current Housing Element for the City of Porterville was adopted and certified by the California Department of Housing and Community Development (HCD) in 2004. The next Housing Element update is due on August 31, 2009 and will cover the planning period of September 1, 2009 through June 30, 2014. It is anticipated that City staff will be able to perform many of the tasks required for the update, but it is also anticipated that staff will need assistance in the following areas:

- ensuring that the new state legal requirements are integrated into the update;
- addressing special needs populations;
- developing the housing constraints and resources analysis;
- reviewing staff’s draft Housing Element; and
- serving as the main contact with HCD in working through the approval process which can be quite onerous.

On September 2, 2008, a Request for Proposal (RFP) for Assistance in Updating the City of Porterville’s Housing Element was issued by City staff. The RFP requested a fixed cost for the above mentioned tasks and then a comprehensive fee schedule for all personnel, equipment and indirect costs related to additional services that may be required. Funding for the project is available in Community Development operating budgets. On September 19, 2008, staff received three (3) proposals for providing these services. The submitted consultant qualifications were rated as follows:

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veronica Tam and Associates</td>
<td>170.5</td>
</tr>
<tr>
<td>VRPA Technologies, Inc.</td>
<td>167.5</td>
</tr>
<tr>
<td>Hogle-Ireland, Inc.</td>
<td>162</td>
</tr>
</tbody>
</table>

D.D. Appropriated/Funded       C.M.  Item No. 4
Funding for assistance in updating the City of Porterville’s Housing Element in the amount of $30,000 will be derived from Home Program Income and Community Development Block Grant funds.

RECOMMENDATION:

That City Council:

1. Authorize staff to negotiate a contract with the number one (1) rated consultant and if a contract cannot be negotiated, then allow staff to negotiate a contract with the second ranked consultant;

2. Authorize the Mayor to sign said contract for assistance in updating the City of Porterville’s Housing Element; and

3. Authorize staff to make payments, upon satisfactory completion of the contracted work, up to 100%.
SUBJECT: AWARD OF CONTRACT – MURRY PARK RESTROOM PROJECT

SOURCE: Public Works Department – Engineering Division

COMMENT: On October 1, 2008, staff received three (3) bids for the Murry Park Restroom Project. The entire project consists of creating a new restroom at Murry Park. However, this bid is specific only to the necessary site improvements to serve the new precast restroom, which includes the preparation of a building pad and extension of utilities. The precast restroom building will be delivered and installed by CXT, Inc. and was paid through a separate purchase order utilizing the CMAS list.

The estimate of probable cost for the site preparation portion of the project is $43,600.00. The low bid although 40.5% below the Engineer’s estimate, is in line with industry standards as the other two bids clearly demonstrate.

An additional $2,594.50 is required for the construction contingency (10%) and an additional $1,297.25 is required for construction management, quality control and inspection (5%). This restroom project is a portion of the Murry Park Improvement Project, which was approved in the 2008/2009 Annual Budget, and the funding source is CDBG (Community Development Block Grant).

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bates Construction</td>
<td>$25,945.00</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>2. Granite Construction</td>
<td>$57,755.00</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>3. FM Diaz Construction</td>
<td>$75,320.00</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION: That the City Council:

1. Award the Murry Park Restroom Project to Bates Construction in the amount of $25,945.00;

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

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

ATTACHMENT: Locator Map

P:\pub\world\Engineering\Council Items\Award of Contract - Murry Park Restrooms - 2008-10-07.doc

Dir B:\ Appropriated/Funded CM F Item No. 5
SUBJECT: AWARD CONTRACT – DIGESTER CLEANING SERVICES

SOURCE: Administrative Services/Purchasing

COMMENT: Staff solicited bids for establishing an annual contract for the cleaning, pumping and crystal formation removal of one or more digesters annually at the City’s Wastewater Treatment Facility. The initial project will consist of cleaning Digester #1 and Digester #2 with a start date in late March or early April, 2009. In response to solicitation, two (2) bids were received as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North American Digester Cleaning Services</td>
<td>$34,000.00</td>
</tr>
<tr>
<td>Portland, OR</td>
<td></td>
</tr>
<tr>
<td>Wastewater Solids Management</td>
<td>$73,180.00</td>
</tr>
<tr>
<td>Yerington, NV</td>
<td></td>
</tr>
</tbody>
</table>

Bidders were required to state unit cost for each of the four digesters, and a total cost for purposes of evaluation. Staff has reviewed the bids and finds the low bidder to be responsive to the specifications. Contract term is for five (5) years, renewable annually upon mutually acceptable terms. A budget of $43,000 for the project was appropriated in the Sewer Department’s Capital Account.

RECOMMENDATION: That Council awards the annual contract to clean the digesters at the City’s Wastewater Treatment Facility to North American Digester Cleaning Services of Portland, OR, in the initial amount of $34,000, or $8,500 per digester. Further, that Council authorizes payment upon satisfactory completion, and authorizes staff to exercise annual renewals as necessary.
SUBJECT: AUTHORIZATION TO PROCEED WITH JAYE STREET / MONTGOMERY AVENUE ROUNDBOUD DESIGN

SOURCE: Public Works Department – Engineering Division

COMMENT: The Public Works Department – Engineering Division has been working in conjunction with Omni-Means, Ltd, the selected consultant for this project, to design a roundabout for the Jaye Street and Montgomery Avenue intersection. The project will improve traffic conditions in the immediate area by addressing mobility and safety issues and also provides sufficient capacity for future traffic growth.

On August 20, 2008, staff received a draft report from Omni-Means describing their research methodology, existing conditions, future projections, and proposed design layouts for the new roundabout. Based on this analysis and their evaluation, Omni-Means recommended an alternative and asked staff to review their findings.

On September 2, 2008, a meeting was held between Engineering staff and Omni-Means to decide on the design layout that would best fit the existing and future conditions at the Jaye Street / Montgomery Avenue intersection. After discussing each option, the layout chosen was Alternative 3. It is advised by both Omni-Means and staff that Alternative 3 be pursued as it provides the best balance between capacity, cost, circulation, access, safety, and aesthetics when compared to the other two alternatives.

Upon Council’s decision, the public involvement and community outreach phase of the project will be arranged through several meetings that will include affected business owners and residents.

RECOMMENDATION: That the City Council:

1. Approve Omni-Means’ and staff’s recommended Roundabout design alternative and commence the public involvement and community outreach phase of the project.

ATTACHMENTS: Jaye St / Montgomery Ave Roundabout, Project Location Map
Jaye St / Montgomery Ave Roundabout, Recommended Design
Jaye St / Montgomery Ave Roundabout, Landscape Conceptuals
THIS ITEM HAS BEEN REMOVED FROM THE AGENDA
SUBJECT: STATUS REPORT – SUCCESS DAM REMEDIATION EFFORT

SOURCE: Public Works Department - Engineering Division

COMMENT: On September 23, 2008, a stakeholder’s meeting was held at the Corps of Engineer’s (COE) office at Success Dam. The purpose of the meeting was to provide an update on the COE efforts to date to remediate the Success Dam.

Present at the Dam meeting were Colonel Tom Chapman, COE technical staff, Mayor Hamilton, City Manager Longley, Public Works staff, Water Master Dick Schafer and other principals representing irrigation company interests.

In summary, the COE offers two alternatives for final consideration by a panel of experts comprised of the COE leadership and private engineering parties. **Alternative No. 1**, referred to as the “upstream/downstream” alternative, includes the buttressing of the existing dam by extending the upstream dam by a significant amount as shown in Exhibit A. In addition, placement of material to the downstream shell will also be required to fully remediate the dam.

**Alternative No. 2** is essentially a new dam and core constructed “against” the downstream shell as shown in Exhibit B. Both alternatives have a current engineer’s estimate of approximately $500,000,000 (five hundred million).

Timelines as presented by the COE are included in Council’s packet. Significant dates are:

1. **October 2008** – Recommendation to COE leadership by COE technical staff on preferred alternative. COE technical staff indicated that Alternative No. 2 is the preferred choice.

2. **November 2008** – Invitation to stakeholders to meet with COE in Sacramento to participate in discussions related to the selected alternative.

3. **August 2009** – Execute (sign) the “Record of Decision” (ROD) document. This act signifies that the project has been approved for construction and authorizes the COE to appraise, acquire properties and relocate citizens impacted by the project.
4  **February 2011** – Complete real estate acquisition and relocation of displaced citizens.

5  **August 2011** – Award construction contract. It is expected that the project will take three (3) years to complete regardless of the alternative selected.

It should be noted that an environmental assessment has not been performed on Alternative No. 1. If this alternative is selected, the environmental process will set the above schedule back approximately 9 months.

**RECOMMENDATION:** None - information only.

**ATTACHMENTS:**
- Tentative Schedule for the Downstream Modified Alternative
- Exhibit A – Alternative No. 1 aka “Upstream/Downstream”
- Exhibit B – Alternative No. 2
Stakeholder’s Meeting
23 October 2008

Tentative Schedule for the Downstream Modified Alternative (Add 9-Months for US/DS Alt.)

Alternative Selection Recommendation to SPK Leadership
Start Risk Assessment on Existing Project
Start 30-day Final EIS EPA Agency Review
Panel of Experts Meeting on Alternative Selection
Alternative Selection ITR
Complete Risk Assessment on Existing Project
External Independent Review?
Submit Final Letter Report for ITR
Submit Final Letter Report for SPD Approval
Sign ROD (SPD Approval)
Start R.E. Acquisition & Relocation Actions (18 months)
Start 90% DDR ITR
Start 50% P&S ITR
Start 90% P&S ITR
Complete Real Estate Acquisition & Relocation Actions
RTA
Construction Remediation Award

October 2008
October 2008
November 2008
November 2008
November 2008
February 2009
February 2009
April 2009
June 2009
August 2009
August 2009
September 2009
March 2010
October 2010
February 2011
March 2011
August 2011
## FLAC 6 & C++ Version of UBCSAND

<table>
<thead>
<tr>
<th>MCE Time History Number</th>
<th>Horizontal Displacement U/S Toe</th>
<th>Horizontal Displacement U/S Shoulder</th>
<th>Downward Vertical Displacement at Crest</th>
<th>Horizontal Displacement D/S Toe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Node: 28,22</td>
<td>70,39</td>
<td></td>
<td></td>
<td>126,49</td>
</tr>
<tr>
<td>a</td>
<td>b</td>
<td></td>
<td></td>
<td>a</td>
</tr>
<tr>
<td>MCE 14 - N</td>
<td>3.4</td>
<td>3.7</td>
<td>9.1</td>
<td>10.7</td>
</tr>
<tr>
<td>MCE 11 - N</td>
<td>1.1</td>
<td>2.4</td>
<td>3.0</td>
<td>3.0</td>
</tr>
<tr>
<td>MCE 8 - N</td>
<td>1.6</td>
<td>3.0</td>
<td>3.8</td>
<td>3.7</td>
</tr>
<tr>
<td>MCE 4 - P</td>
<td>1.2</td>
<td>2.0</td>
<td>2.7</td>
<td>2.7</td>
</tr>
<tr>
<td>MCE 1 - N</td>
<td>1.2</td>
<td>2.1</td>
<td>2.5</td>
<td>2.4</td>
</tr>
</tbody>
</table>

Notes:  
- The shell material with $N_{L,th} = 26$ (shown on the plot above with dark red and yellow) was considered liquefiable and modeled with UbcSand during shaking.  
- The shell material with $N_{L,th} = 26$ was considered non-liquefiable and modeled with Mohr-Coulomb.

**ALTERNATIVE No. 1**  
**EXHIBIT A**
### Success Dam (Downstream Remediation) - Sta. 28+50 - Seismic Displacements (feet)

<table>
<thead>
<tr>
<th>MCE Time History Number</th>
<th>Maximum Distortion (U/S Toe)</th>
<th>Horizontal Displacement U/S Shoulder</th>
<th>Settlement Crest</th>
<th>Juncture Old Horizontal Displacement</th>
<th>Juncture Old New Fill Vertical Displacement</th>
<th>Downward Vertical Displacement US edge New Crest U/S Axis D/S Edge</th>
<th>Horizontal Displacement D/S Toe</th>
</tr>
</thead>
<tbody>
<tr>
<td>MCE 14 - N</td>
<td>820</td>
<td>68.4</td>
<td>6.5</td>
<td>10.1</td>
<td>10.2</td>
<td>150.48 154.48 158.48</td>
<td>230.20</td>
</tr>
<tr>
<td>MCE 11 - N</td>
<td>758</td>
<td>62.2</td>
<td>6.5</td>
<td>1.1</td>
<td>1.0</td>
<td>2.7 2.3 1.9</td>
<td>0.06</td>
</tr>
<tr>
<td>MCE 8 - N</td>
<td>748</td>
<td>61.9</td>
<td>7.0</td>
<td>2.1</td>
<td>1.9</td>
<td>0.3 0.4 0.1</td>
<td>0.10</td>
</tr>
<tr>
<td>MCE 4 - P</td>
<td>758</td>
<td>61.9</td>
<td>9.3</td>
<td>1.8</td>
<td>1.6</td>
<td>0.7 0.7 0.5</td>
<td>0.07</td>
</tr>
<tr>
<td>MCE 1 - N</td>
<td>727</td>
<td>60.0</td>
<td>11.6</td>
<td>5.0</td>
<td>7.1</td>
<td>0.4 0.4 0.2</td>
<td>0.06</td>
</tr>
</tbody>
</table>

**ALTERNATIVE No. 2**

**EXHIBIT B**
SUBJECT: SEAFOOD CAFE/EL REVENTON UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – Planning Division

COMMENT: On July 1, 2008 the City Council considered a request for Public Hearing to modify Conditional Use Permit 5-2007. The issues in the agenda item addressed a concern that the Seafood Café/El Reventon was not in compliance with Conditional Use Permit 5-2007 and the Department of Alcohol and Beverage Control (ABC) conditions of approval. The City Council voted not to modify the Conditional Use Permit and instead directed staff to initiate a monitoring program to oversee all ABC, police, and building permit activity for the Seafood Café/El Reventon establishment.

The Community Development Department has established a monthly program to monitor the progress of the Seafood Café/El Reventon. In this program a monthly report (see Attachments 1, 2, & 3) is printed from ABC, the Police Department and the Building Division. The reports are reviewed for all activity throughout that month. Since the July 1, 2008 City Council meeting there have been no violations with ABC, a total of 25 site visits to the business by the Police Department, and no requests for building permits. The police visits range from traffic stops, patrol checks, and walk-throughs, to battery (fight/physical dispute-parties involved did not press charges) and one auto-theft.

Due to the history, sensitive nature of the business, public concern, and safety, staff will present a quarterly update to the City Council. Staff will continue to monitor and file monthly progress reports from ABC, the Police Department, and Building Division. These reports have assisted in providing information in determining a current “Good Business Practice” by the Seafood Café/El Reventon.

Recommendation: Informational

Appropriated/Funded

Item No. 10
# California Department of Alcoholic Beverage Control

**License Query System Summary**  
**as of 9/25/2008**

## License Information

<table>
<thead>
<tr>
<th>License Number</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>433294</td>
<td>ACTIVE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Primary Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>FARIAS GRACIELA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ABC Office of Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>FRESNO</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>...No Active DBA found...</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1091 W OLIVE AVE</td>
</tr>
<tr>
<td>Census Tract: 0036.02</td>
</tr>
<tr>
<td>City: PORTERVILLE</td>
</tr>
<tr>
<td>County: TULARE</td>
</tr>
<tr>
<td>State: CA</td>
</tr>
<tr>
<td>Zip Code: 93257</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Licensee Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensee: FARIAS GRACIELA</td>
</tr>
</tbody>
</table>

## License Types

1) **License Type: 47 - ON-SALE GENERAL EATING PLACE**

<table>
<thead>
<tr>
<th>License Type Status</th>
<th>Status Date</th>
<th>Term</th>
<th>Original Issue Date</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTIVE</td>
<td>24-JUL-2008</td>
<td>Month(s)</td>
<td>29-DEC-2005</td>
<td>30-NOV-2008</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Master</th>
<th>Duplicate</th>
<th>Fee Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y</td>
<td>0</td>
<td>P40</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPERATING RESTRICTIONS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>License Type was Transferred On: From</th>
</tr>
</thead>
<tbody>
<tr>
<td>41133A</td>
</tr>
</tbody>
</table>

2) **License Type: 30 - TEMPORARY PERMIT**

<table>
<thead>
<tr>
<th>License Type Status</th>
<th>Status Date</th>
<th>Term</th>
<th>Original Issue Date</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ISSUE</td>
<td>20-DEC-2005</td>
<td>Month(s)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Master</th>
<th>Duplicate</th>
<th>Fee Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y</td>
<td>1</td>
<td>NA</td>
</tr>
</tbody>
</table>

## Current Disciplinary Action

...No Active Disciplinary Action found...

## Disciplinary History

<table>
<thead>
<tr>
<th>Violation Date</th>
<th>Reg. Number</th>
<th>Cleared On</th>
<th>Reporting Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-NOV-2005</td>
<td>08067830</td>
<td>06-JUN-2008</td>
<td>ABC - NORTHERN DIVISION</td>
</tr>
</tbody>
</table>

1) **Charge Date: 01-NOV-2005**  
   **Section Violated: 24200 (a)&(b)**  
   **Charge:** GROUNDS FOR ACTION

2) **Charge Date: 01-NOV-2005**  
   **Section Violated: 23300, 23355**  
   **Charge:** VIOL. OF LICENSE PRIVILEGES

3) **Charge Date: 01-NOV-2005**  
   **Section Violated: 23396**  
   **Charge:** SALE OF A&B FOR CONSUMPTION ON PREM. W/O PROPER LIC.

4) **Charge Date: 01-NOV-2005**  
   **Section Violated: 24200 (c)**  
   **Charge:** MISREPRESENTED MATERIAL FACTS ON APPL.

5) **Charge Date: 01-NOV-2005**  
   **Section Violated: CC 51, 51.5, 51.6**  
   **Charge:** OTHER

<table>
<thead>
<tr>
<th>Proceeding Status</th>
<th>Decision</th>
<th>Suspension Days</th>
<th>POIC/Fine</th>
<th>Suspension Start Date</th>
<th>Suspension End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMPLETE</td>
<td>INDEF. SUSP.</td>
<td>15 Stayed Days</td>
<td></td>
<td>04-JUN-2008</td>
<td>19-JUN-2008</td>
</tr>
</tbody>
</table>

## Hold Information

...No Active Holds found...

## Escrow

<table>
<thead>
<tr>
<th>Escrow Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>TULARE COUNTY ESCROW CD 308 W OAK AVE VISALIA, CA 93291</td>
</tr>
</tbody>
</table>

---End of Report---

For a definition of codes, view our glossary.
<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Permit #</th>
</tr>
</thead>
<tbody>
<tr>
<td>PWP</td>
<td>PWP-03-08-2802</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>1091 W OLIVE AVE</td>
<td>PORTERVILLE</td>
<td>CA</td>
<td>93257</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Permit Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master Permit</td>
</tr>
<tr>
<td>PUBLIC WORKS</td>
</tr>
<tr>
<td>Description</td>
</tr>
<tr>
<td>Submitted</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name</td>
</tr>
<tr>
<td>FARIAS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name</td>
</tr>
<tr>
<td>LAUBACHER CONSTRUCTION</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
CIN01003
PORTER

Address: 1091 W. OLIVE AV
Agency: Dates: 090108/092408

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type</th>
<th>NOI</th>
<th>Dispo</th>
<th>RC/DI</th>
<th>DI/AS</th>
<th>AS/CC</th>
<th>Incident</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>091308</td>
<td>2213</td>
<td>WRTARR TRAFFIC STOP</td>
<td>46</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>99:99 8PV0055951 1091 W. OLIVE AV</td>
<td>1091 W. OLIVE AV</td>
</tr>
<tr>
<td>091208</td>
<td>0147</td>
<td>PATCHK PATROL CHECK</td>
<td>05</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>15:57 8PV0055514 1091 W. OLIVE AV</td>
<td>1091 W. OLIVE AV</td>
</tr>
<tr>
<td>091108</td>
<td>2356</td>
<td>BARCHK BAR CHECK</td>
<td>05</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>48:03 8PV0055502 1091 W. OLIVE AV</td>
<td>1091 W. OLIVE AV</td>
</tr>
<tr>
<td>090608</td>
<td>0044</td>
<td>PATCHK PATROL CHECK</td>
<td>05</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>00:07 8PV0054214 1091 W. OLIVE AV</td>
<td>1091 W. OLIVE AV</td>
</tr>
</tbody>
</table>

DATE

REASON FOR VISIT.

* 4 VISITS FROM Sept. 1 → Sept. 24 BY POLICE OFFICERS.
CITY COUNCIL AGENDA: OCTOBER 7, 2008

SUBJECT: REQUEST FOR A CITY COUNCIL STUDY SESSION TO REVIEW THE LATEST DEVELOPMENTS WITH THE COMPREHENSIVE ZONING ORDINANCE UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT—PLANNING DIVISION

COMMENT: Staff has been moving forward on the creation of a comprehensive zoning and subdivision ordinance for the City of Porterville to implement the Porterville 2030 General Plan that was adopted in March 2008.

Dyett and Bhatia Urban and Regional Planners prepared the General Plan and are also working with staff to prepare the Zoning Ordinance. So far they have provided staff with a series of documents (Modules) containing important policy decisions and proposals for the organization of the ordinance and the development standards contained therein.

During the past several months, a Zoning Ordinance Update Committee, made up of the General Plan Steering Committee has been meeting with staff and reviewing these modules in order to provide our consultant with needed direction and comments. Additionally, a Zoning Ordinance Technical Committee has been meeting with staff for the same purpose to gain more technical feedback. Many good ideas have come from these meetings.

Staff would like an opportunity to present these ideas to the Council for further direction and feedback as they contain important policy decisions and have the potential to greatly affect the future development of the community.

RECOMMENDATION: That the City Council authorize staff to schedule a study session to review the latest developments with the zoning ordinance and provide comment to staff.
SUBJECT: LAW ENFORCEMENT JOINT USE HELICOPTER PROGRAM

SOURCE: Police Department

COMMENT: Currently, Tulare County does not have an air support program for law enforcement. We have relied on the CHP helicopter based out of Fresno or other neighboring counties that have air support divisions. Any request for air support is determined on the availability of the helicopter, which generally is committed to other incidents. For the most part, the police department receives air support normally during critical incidents. It is not usually something available or used proactively.

In January 2008, Ron Overacker of Blue Sky Aviation, Inc., based in Tulare, made a presentation to the Tulare County Chiefs’ Association (TCCA) regarding the feasibility of a joint use helicopter program. The initial proposal was for each agency to provide personnel to be trained as the flight observer during the use of the helicopter. This proposal was not feasible, because during the time that a helicopter would be needed, generally all manpower is committed at the incident.

In July 2008, the TCCA met with Blue Sky Aviation to review their new proposal for providing helicopter support service for Tulare County law enforcement agencies. Blue Sky Aviation designed their service to include all aspects of air support. Their company installed communication equipment in the helicopter allowing communications with each agency in Tulare County. Additionally, Blue Sky Aviation conducted a pilot program with Tulare Police Department by providing helicopter service on law enforcement incidents within the City of Tulare. Mr. Overacker offered to conduct a pilot program for the Porterville Police Department as well.

I met with Roger Hill, Chief of Police for Tulare Police Department, and discussed the pilot program and how beneficial it has been to his officers. Chief Hill related that Blue Sky Aviation has tracked arson suspects until ground units could arrive and apprehend the suspects, assisted in the search for a missing seven year old child, and assisted officers in locating robbery suspects who fled from officers. Chief Hill said he was committed to continuing to use the services of Blue Sky Aviation. He is also willing to assist in providing funds to purchase a search light for the helicopter to be more beneficial during night time hours.

Item No. 12
During August 2008, Blue Sky Aviation conducted training with Porterville Police Department Supervisors and dispatchers. Their personnel met with patrol sergeants to acclimate themselves to the City. Blue Sky Aviation began the pilot program with the Police Department on September 1, 2008. During the initial three weeks have assisted or identified the following:

September 4, 2008 – Patrolled the city for 1.2 hours at no cost to the City. This time was utilized to familiarize their personnel with Porterville and monitor police calls.

September 5, 2008 – Requested their assistance in the search for a missing three year old. Officers located the child prior to the helicopter’s arrival and cancelled air support. There was no charge.

September 6, 2008 – Responded to an alarm call at Porterville High School and observed several juveniles on the roof of the pool area. Directed responding officers to the location of the juveniles.

September 6, 2008 – Patrolled Granite Hills High School and observed juveniles in the pool, whom fled upon seeing the helicopter. Directed ground units to juveniles.

September 10, 2008 – Assisted police officers with a search for a parolee who ran from officers.

September 11, 2008 – Patrolled city and monitored police calls. There was no charge.

September 12, 2008 – Patrolled city and monitored police calls. There was no charge.

September 12, 2008 – Responded to apartment complex at Jaye and Springville and, while using a Porterville PD FLIR camera, they located a subject exiting an apartment window, as officers searched the area for an assault suspect.

During September 2008, Blue Sky Aviation patrolled the City of Porterville for a total of 12.7 hours. The cost to the police department was $800 for the services rendered on viewed or requested incidents. The police department continues to evaluate the program.

Blue Sky Aviation has offered to make a presentation to City Staff and City Council Members.

RECOMMENDATION: This is an informational report from the Police Department to the City Council Members.

Attachment: Blue Sky Aviation, Inc. Law Enforcement Joint Use Helicopter Program
Law Enforcement Joint Use Helicopter Program

Objective
Blue Sky Aviation would like to partner with the law enforcement agencies of Tulare County to provide a safe, reliable and cost-effective helicopter program to support the needs of the each agency.

Background
Tulare County agencies do not have access to a professional helicopter that can be used to support law enforcement activities. Instead, the California Highway Patrol (CHP) provides a helicopter based in Fresno to respond only to requests for assistance from local agencies when it is not supporting the State’s mission. Frequently the CHP helicopter is not available when a request is made by a local agency.

The costs of starting a helicopter program are very high. A helicopter requires both a substantial initial investment, as well as high costs in the form of recurrent maintenance, pilot training and insurance. It is well known that the municipalities do not have the tax base to support such an investment given the limited demand for each individual agency.

The crime rate in Tulare county cities, especially Visalia is rising compared to years past. The recent development and population increase over the past few years have contributed to the crime and gang problem. Visalia high schools are making front page news as gang brawls send teenagers to local hospitals with life threatening injuries. Over a year ago, police officers in Woodlake were ambushed and deliberately attacked while responding to a suspected arson fire. Even the community of Exeter was subject to a high profile bank robbery that resulted in a hostage situation and protracted stand-off with officers several years ago. The crime problem in Tulare County is changing and becoming more dangerous to the community as well as officers.

The Blue Sky Aviation police program allows all the agencies in Tulare County access to a law enforcement helicopter that they can use without the high start-up costs. The program is scalable as each agency can choose to use the helicopter for patrol, investigations or to support special missions. Blue Sky Aviation provides the helicopter, pilot and observer. The partner agency has the option of supplying a flight observer that communicates with ground units and becomes the eyes of the agency.

This program costs each participating agency nothing up-front as the agency is only charged when the helicopter is used to benefit the community.

Advantages
An officer on every block...
Many in the community unrealistically call for an officer on every block to curb crime. With the helicopter, this isn’t entirely impossible. The helicopter establishes a law enforcement presence on every city block for up to a 2 mile radius from the helicopter’s location. Every criminal that can see the helicopter is not sure whether the officers can see them which has a deterrent effect on crime. In the same way, a criminal is less likely to commit a crime if a patrol car is visible. In essence, we are placing a patrol car 500’ above the neighborhood which makes it visible to every criminal in a 2 mile radius, having the same effect of placing an officer on every street corner.

Tactical Support
Due to the helicopter’s unique observation capabilities, it can be used as an aerial platform and communications center. It can function as an observation and communications hub during emergency responses, searches, hostage and/or barricaded suspect situations and police pursuit. A helicopter can
Robinson R44 Raven 1

Specifications and Dimensions

Weights
Gross Weight 2,400 lb
Empty Weight Equipped (incl oil & avionics) 1,442 lb
Standard Fuel (30.6 gal) 184 lb
Auxiliary Fuel (18.3 gal) 110 lb
Passengers and Baggage w/standard fuel 774 lb

Performance
Cruise Speed 130 mph (113 kts)
Maximum Range (no reserve) approx 400 miles
Hover Ceiling IGE @ 2400 lb 6,400 feet
Hover Ceiling OGE @ 2200 lb 5,100 feet
Rate-of-Climb over 1,000 fpm
Maximum Operating Altitude 14,000 feet
POLICE DEPARTMENT AIR SUPPORT MODEL PROPOSAL

This proposal was prepared in February 1995 by Robert A. Gardner, CPP for the Police Department of a prominent Southern California City. The document was never brought before the City Council for approval. Leadership of the City involved does not believe that Police Aviation is appropriate for the City. Consequently, the Police Department never presented the proposal. This proposal was modified slightly for publication in the Virtual Security Library. Modifications were limited to changes necessary to protect the identity of the City.

Introduction

It's sometimes said that the only solution to crime may be to put "a cop on every corner." That makes sense. If every time a criminal looked up he saw a police officer, it is almost certain that few crimes would occur.

Of course we can't put "a cop of every corner." There are too many corners and police officers are expensive. So we settle for the next best thing. We put an officer in a patrol car and hope that while patrolling the city, he or she is occasionally on that figurative "corner" when someone bent on crime looks up.

What if we took that very same patrol car and placed it not at a corner, but 500 feet above it?

Now, criminals for a mile or so in every direction could look up, all at the same time, and see that one patrol car. Wouldn't we in effect have our "cop on every corner?" How many crime could be prevented? One police helicopter - a flying patrol car - can be more effective as a visual deterrent to crime than dozens of earth bound patrol cars driving the streets.

The following document is a model proposal for a police aviation program. It has as its foundation, staff reports and supporting documentation from more than a dozen police air support operations throughout California.

This proposal has been tailored to accurately reflect the specific interests and needs of one particular City. The demographic facts and financial figures contained within were accurate and current at the time the proposal was written in February 1995. Implementation options are geared towards providing the City with the most cost effective program possible.

This model could have just as easily been adapted to meet the needs of any small to medium sized city. Anyone involved in exploring the feasibility of a police air support program is encouraged to add this document to their research materials.

Background And Overview
impacted greatly by Air Support Programs in other cities throughout the country. Some of these cities are significantly smaller in population and size than this City.

Staff research has shown that in every instance where an adequately funded, properly managed air support program was instituted, it met or exceeded all performance expectations. Some Southern California cities that have proven the value and cost effectiveness of operating their own law enforcement aircraft include Pasadena, Glendale, Burbank, Baldwin Park, El Monte, Ontario, Riverside, Long Beach, Compton, Los Angeles, Pomona, Newport Beach, Costa Mesa, Anaheim, Lakewood, Santa Monica, Perris, San Diego and Huntington Beach. Ventura, Los Angeles, Orange, San Diego, San Bernardino, Riverside and Kern counties also operate air support units. In recent history only one Southern California city, Oceanside, has completely discontinued an air support program. That program was a victim of political in-fighting unrelated to the effectiveness of the program. In addition to the above, Santa Ana, Torrance, Montebello and Fresno are currently developing air support programs.

The City has reached the point where alternatives must be explored to keep pace with our ever changing community. The Police Department cannot afford to add manpower without augmentation traditional policing methodology with contemporary technology and equipment. Air Support for ground-based law enforcement resources can dramatically increase the safety of officers working in the streets, the effectiveness of the police response in fighting crime, and consequently, the security and well-being of the community.

Burglaries and robberies (both residential and commercial), and vehicle thefts are persistent problems. Traffic congestion is increasing to such a degree that metering for freeway access within the City limits will be operational in July 1995, and gang related incidents have become all too frequent. The Police Department has a compelling need to implement an Air Support Program. This program will utilize a helicopter to reduce the number of crimes occurring and improve response time to calls for service. Air Support is a cost-effective solution that will impact crime and enhance the safety of our residents and police officers.

The use of helicopters for police patrol began 28 years ago in Lakewood, California with the "Sky Knight" program. Flying 10 hours per day, this program reduced Part I crimes by 8.8% during the first year of operation. This test program, which was monitored by internal as well as independent evaluations, illustrated the direct impact of police helicopters on crime. "Sky Knight" and subsequent programs have been so successful that the use of helicopters has become a common tool for effective law enforcement in urban and suburban areas today.

This City will shortly be one of only a few only cities in the greater Los Angeles area, with a population over 90,000, that does not operate its own aircraft for public safety activities. In fact, several cities with populations under 90,000 are operating air support programs. In times of extreme need, the Police Department must contact either the County Sheriff's Department, or on rare occasions the Los Angeles Police Department and request the assistance of their helicopters. While they are willing to assist, oftentimes they are unable because of workload considerations and their responsibility to their own jurisdictions. This is particularly true during major incidents affecting multiple jurisdictions. In the case of the County Sheriff's Department, weather limitations also frequently affect their ability to respond.
- Reduce the number and duration of police pursuits thereby limiting the City's liability exposure and the risk to officers and innocent third parties

- Reduce man-hours spent conducting searches for missing persons and criminal suspects

- Facilitate traffic management

- Provide increased SWAT capabilities

- Facilitate patrol and off-road enforcement in the open areas surrounding the City

- Increase the level of fire protection

The use of helicopters in the City will assist police officers in attacking crime in a rapid and efficient manner. Helicopter response to crimes in progress or crimes that have just occurred is frequently measured in seconds. Rapid response is critical to effective law enforcement and a major justification for an Air Support Program. Police officers respond regularly to calls of burglary, robbery, theft, and assaults in progress or "just occurred". Often detailed suspect and/or vehicle descriptions are available. This information is useless to ground based units hampered by traffic congestion which obstructs their vision and mobility. As a result, their potential for locating and/or apprehending fleeing suspects is limited.

A helicopter has 30 times more observation capability than a ground based vehicle according to a report by the Schweizer Aircraft Corporation. It is not handicapped by traffic and can cover the same area, without loss of effectiveness, 15 times faster. Patrol car surveillance on a city street is limited to a small area approximately 100 feet wide and 400 feet ahead. While Air Support Programs cannot replace patrol officers, their effect as a "force multiplier" enhances the impact of existing patrol units and can reduce or eliminate the need to field more officers. The Los Angeles Police Department estimates that one helicopter provides a patrol and response capability equivalent to eight to ten patrol cars.

Air support gives ground officers an overwhelming advantage over their criminal opponents. The potential for rapid response and a "birds eye" view of any situation bestows a degree of superiority that few criminals can overcome.

**Demand For An Air Support Program**

As the size and population of the City have increased, the Police Department has taken an aggressive approach against crime. Almost daily, officers face life threatening situations where they must apprehend dangerous felony suspects. An added safety measure would be a helicopter orbiting the scene to observe the actions of suspects and protect the ground officers. The presence of a police helicopter increases suspect vulnerability and officer confidence. The helicopter is first on scene 90% of the time and can assess the situation from the air, positioning officers accordingly. With a helicopter on-scene, suspects are less likely to fight with officers and more apt to surrender peacefully. Suspects hiding in yards, on rooftops, in
isolated enough to be an attractive location for gang and narcotic activities. They also provide a large area of concealment for fleeing suspects. It is well known, particularly among juveniles, that officers can not see into the remote areas of most of our parks. On the occasions where officers do drive, ride or walk through the park, they are visible in plenty of time for suspects to hide their contraband or flee.

Undeveloped areas such as hillsides and open space, or construction sites are also potential areas for illegal dumping of hazardous waste. Theft of tools and materials or vandalism of equipment at construction sites are also ongoing problems. A helicopter could patrol these areas many times each shift to monitor activity and provide a visual deterrent.

Although actual times may vary, an airborne helicopter's response time to any location in the City is estimated to be 3 minutes or less depending on its location when the call is received. The response time of a ground based unit (marked or otherwise) can easily exceed 8 to 10 minutes or more in traffic. Peak traffic flow has grown to the point that emergency vehicles can find it difficult to penetrate gridlocked streets and intersections. If response times increase, instead of preventing a crime from taking place, or interrupting it before its completion, the only thing officers will be able to do is take a crime report.

According to the Schweizer Aircraft report:

"by reducing police response to 'in-progress' calls from four minutes to two minutes, the apprehension rate increases by nearly 100%." 

These figures have been validated repeatedly by Cities operating air support programs.

The helicopter's faster travel time means fewer suspects will escape. It also means that ground units may be canceled by the Air Support crew when these units are not needed. This results in ground units being free to answer other calls for service. Even when ground units are unavailable to immediately respond to a call, the helicopter may still be able to contain the scene until a ground unit is free.

Travel time by helicopter from the east end of the City to the west end, (a distance of about 10 miles), takes just over five minutes. Even traveling at potentially dangerous high speeds, a patrol car driving on surface streets, could take nearly twice that long in traffic to cover the same distance. A helicopter on patrol over the City would, in most instances, be able to respond to calls in under three minutes.

In the early 1970's, the City of Los Angeles participated in an extensive study conducted by the National Aeronautics and Space Administration (NASA) and the Jet Propulsion Laboratory (JPL) concerning helicopter use in public safety. This study found that there is a bonus to the deterrent effect of a police helicopter. The study found that:

"once the community becomes aware that a helicopter program exists, there is a tendency to associate every helicopter they see with the police. Thus, even civilian and military helicopters passing over the City become a crime prevention tool."
Vehicle Theft / Vehicle Burglary / Carjacking

The City is currently experiencing serious vehicle theft and vehicle burglary problems. City officers and officers in neighboring cities have been able to recover some of the stolen vehicles, but this usually occurs only after the vehicle has been stripped. Occasionally "in-progress" vehicle crimes are discovered by officers, with more and more of these resulting in dangerous vehicle pursuits. Air Support officers would be able to locate stolen vehicles more readily than ground units and, if the suspects attempted to flee, the vehicle could be followed by the helicopter instead of ground units pursuing. The air crew could then coordinate a safe apprehension of the suspects.

Technology such as the "LOJAC" vehicle locator system is available which would allow helicopters to locate and follow stolen vehicles without the suspect's knowledge. This would lead officers to locations where vehicles are being stripped or to sophisticated "chop shops". The Los Angeles Police Department has measurably reduced the number of vehicles stolen in their city as a result of this technology.

Fire roads and canyons in the hills surrounding the City are sometimes used by car thieves to "dump" stripped vehicles. Without the aid of an aircraft it is almost impossible to locate and recover these vehicles and any associated evidence leading to the thieves.

A relatively new and particularly frightening phenomena is carjacking. This type of violent vehicle theft is a form of robbery with potentially deadly consequences. Occupied vehicles in public places are commandeered by armed criminals and driven away. Fortunate victims are unharmed; the less fortunate may be shot or stabbed or worse. The presence of a police helicopter would serve as a deterrent to these crimes.

Using the crime reduction rates experienced by other cities with air support programs, This City could operate an air support unit for just 11% of the cost of the vehicles stolen each year in the City.

Robbery

Due to the helicopter's speed and aerial vantage point, robbery suspects can be more readily located and apprehended, particularly if an immediate broadcast is given. Several escape routes can be covered simultaneously by the helicopter and the ground units can be positioned using the helicopter as an aerial command post. This tactic increases the apprehension rate of robbery suspects, and decreases risk to citizens. A relatively recent example where a helicopter could have altered the outcome of events is the 1991 Liquor Store robbery/murder. Had a helicopter been available, the chances of the suspects escaping would have been virtually eliminated. This is especially true since the suspect vehicle was immediately engaged in a pursuit by responding officers. A helicopter could have easily contained the termination point of the pursuit and offered both illumination and visual support to ground officers searching for the suspects. As it turned out, the suspects escaped and have not yet been arrested.
Large scale cultivation of marijuana is a thriving cottage industry in Southern California. Open space such as that which surrounds this City is considered prime territory by clandestine growers. Often, the only means to locate these "grows" is aircraft. The helicopter will allow us to fight the narcotic problem on a new level. It could prove to be one of the Police Department's most cost effective, anti-narcotic tools.

**Traffic Management**

In recent years, the City has experienced a tremendous increase in the volume of traffic on local streets and highways. In addition, there are several shopping centers and "mini-malls" that operate 365 days a year. This puts a heavy strain on City streets at certain times of the day and even more so during certain times of the year. This congestion severely impacts the speed at which patrol units can respond to emergencies and calls for service. In many cases it also discourages officers from routine patrol on these streets, reducing effective police patrol and visibility in the area it is most often needed.

Throughout the year, the City is host to a number of 5K and 10K walks and runs as well as parades, carnivals, movie locations, street closures and detours. These events can create severe traffic problems. A helicopter will provide the Police Department with an increased ability to effectively manage traffic conditions. Air support officers can evaluate traffic situations quickly and recommend the proper resources to quickly resolve problems. The air unit can also direct emergency vehicles to the most expeditious route around congestion.

**Civil Disorders / Public Events**

Helicopters facilitate the direction and command of field personnel during civil disorders and public events. It is possible to view an entire event at once and direct necessary personnel to potential problem areas, thus averting congestion or major confrontations. Visual and video taped evidence of events can also be easily obtained from the air for use in prosecution and future tactical planning.

Depending on the nature of the event, a helicopter can provide excellent publicity or serve as an intimidating presence deterring unlawful activity.

The helicopter's public address capability and its high intensity searchlight are additional benefits in crowd situations. They provide a means to illuminate and address large crowds, reducing the anonymity of individuals. This acts as a powerful deterrent to those inciting unlawful action or violence.

An excellent example of the usefulness of helicopters occurred during the recent demonstrations at the Courthouse. To assist in crowd control, the Sheriff's Department deployed its Jetranger helicopter to serve as an aerial command/observation post. A television camera installed in the aircraft gave incident commanders in the City's Emergency Operations center a continuous live view of the activities taking place on the courthouse grounds.
polled, most stated that they had an increased feeling of security and felt crime was reduced by the presence of air units.

In the study conducted for Riverside, 85% of those surveyed were in favor of the helicopter program.

Similar studies with similar results have been done in a number of other Southern California jurisdictions and it can be reasonably expected that comparable results would occur in this City. Once operational, the Air Support Program would quickly gain public support and acceptance. The helicopter would be a positive factor in promoting the City as a modern, progressive community. This would also allow the City to continue attracting new businesses and industries by demonstrating that crime will not be tolerated.

The Air Support Program would enhance its role in the community with constant interaction between the flight crews and the various community organizations such as Chamber of Commerce, homeowner associations, youth organizations, and other civic groups. Tours of the helicopter unit and demonstrations at public events would be a positive factor in promoting the City's proactive image and public relations.

Copyright © 1996 by Robert A. Gardner, CPP
SUBJECT: YOUTH/FAMILY INTERVENTION PROGRAM

SOURCE: Police Department

COMMENT: The City of Porterville and the Porterville Unified School District recently engaged to develop a partnership to establish a Youth/Family Intervention Program. The prevention and intervention program is designed to intervene and address at-risk youths. Everyone speaks of reaching at-risk youths at the earliest age, but it seems that there is continued failure in reaching the most important component for at-risk youth success - the family. This program possesses a strong component for family contact and resource referrals.

In implementing the program, it was determined that first and foremost, an effective facilitator would be needed. This should be an individual that is both well-known and well-respected within the community. Mr. Bob Perez, who recently retired after many years of dedicated service with the school district and to the community of Porterville, was approached concerning the program and accepted the challenge. Since the recent implementation of the program, Mr. Perez has been in contact with identified youths and their families. Some of the assistive actions he has taken under this program include finding stable housing or employment to help the family in these trying economic times. Other approaches will take more time, but no one is more determined to succeed than Mr. Perez.

In support of the program, the Porterville Unified School District has provided office space, telephone service, and established a referral service protocol making Mr. Perez the point of contact. Police Department personnel have been identifying at-risk youths and families who are in need, and making referrals to Mr. Perez.

Though he has been operating on a volunteer basis, the Police Department proposes to compensate Mr. Perez by hiring him as a part-time Community Services Officer II with the Police Department. His salary is proposed to be paid utilizing Measure H funds, with a total hours-paid cap not to exceed 1,000 hours and/or a budget $20,000 per year.

Item No. 13

[Signatures and Funding notations]
RECOMMENDATION: That the City Council:

1) Approve the employment of Mr. Perez as a part-time Community Services Officer II; and
2) Authorize the expenditure of Measure H funds to fund the position not to exceed $20,000; and
3) Authorize the necessary adjustment to the Police Department's Measure H budget

Attachment: Memorandums from Chief McMillan and Captain Dempsie
PORTERVILLE POLICE DEPARTMENT INTEROFFICE MEMO

September 24, 2008

TO: John Longley, City Manager
    John Lollis, Deputy City Manager

FROM: Chuck McMillan, Chief of Police

SUBJECT: Youth/Family Intervention Program

There have been several approaches implemented by various communities in their efforts to intervene and address the increasing gang activity. Everyone speaks of getting to at-risk youths at a very young age, but it seems we continue to fail in reaching the most important component, the family.

Law enforcement has the primary function of enforcement and suppression. The Porterville Police Department has been very proactive in their efforts to impact the crime levels in our city. The issue that surrounds the enforcement and suppression effort feels like the criminal justice system is a revolving door and we have no way of measuring the success levels other than crime statistics. It never seems to stop; that is where a strong prevention and intervention program is vital to long range planning and success.

Some time ago, we discussed how to implement such a program and what type of resources would need to be utilized to foster this approach. We determined first and foremost, a facilitator would be needed; someone well known and well respected in the community. We identified that person as Bob Perez, who recently retired after many years of dedicated service with the Porterville Unified School District and to the community of Porterville.

Bob has a drive and passion for helping the at-risk youth in our community and is not afraid to work in an unstable environment. He knows the importance of getting into the families and working towards a solution, but most importantly, Bob knows about sensitivity to cultural, ethnic, age, and social diversity.

Captain Dempsie and I approached Bob and Porterville Unified School Administrators regarding the development of a partnership with the City of Porterville and community leaders in establishing a youth/family intervention program. I thought it might take some time to get Bob out of retirement, but once we talked about the family component, he was in for the duration.

We started the program and the Porterville Unified School District has provided Bob with an office, telephone service, and established a referral service with Bob being the point of contact. Police Department personnel have been identifying at-risk youths and families who are in need, and making referrals to Bob. Some of these referrals were made when the officers were called to the home and saw a need for intervention.
PORTERVILLE POLICE DEPARTMENT INTEROFFICE MEMO NO. A-308
YOUTH/FAMILY INTERVENTION PROGRAM
September 24, 2008
Page 2

I am pleased to say Bob has hit the ground running and each week we talk about the youths he has been in contact with and the families he has visited. Some of his services offered to make a difference were as simple as finding housing for the family, or finding employment to help the family in these trying times. Other approaches will take more time, but no one is more determined than Bob.

I have always stated that the missing component to a successful intervention/prevention program is getting into the families, and I am very supportive of the concepts and approaches of this program. The partnership is really working and I am excited about the future development of this program and how it impacts our community. I want to instill a couple of thoughts as I brief you on this program. It is a work in progress, and we must be willing to be open-minded and flexible. It will take strong leadership, direction, commitment, involvement, and the ability to think ahead. I personally think we are heading in the right direct and we have the right people on board.

Attached is a memorandum from Captain Dempsie that outlines some of the background and features of the program. It contains a compensation proposal for Bob, in which we would employ him as a part-time employee in the work classification of Community Services Officer at a fixed hourly rate, and a total hour cap not to exceed 1000 hours.

The annual cost incurred would be approximately $19,000.00 and Bob would work under the direction of the Police Department and Captain Dempsie. The program meets the requirements for expenditures from Measure H, and I propose to utilize that account as the funding source. I would like approval to draft a council agenda item for this program and get approval to employ Bob Perez as a part-time employee.

CM:js

Attachment
PORTERVILLE POLICE DEPARTMENT INTEROFFICE MEMO

September 8, 2008

TO: Chuck McMillan, Chief of Police

FROM: Chris Dempsie, Captain Investigations Division

SUBJECT: At Risk Youth Liaison Proposal

In recent years there has been a significant rise in gang related activity and crime throughout the city of Porterville. The Porterville Police Department recently conducted a six month investigation into the activities of just one of Porterville’s gangs and, with the assistance of a number of other state, county and local agencies, 47 known gang members were arrested for various crimes ranging from narcotics possession to auto-theft to conspiracy to commit murder.

It was learned through this highly successful operation just how structured and organized the street gangs of Porterville really are. Once young people decide to get involved in the gang lifestyle it is nearly impossible for them to get out. There has been little in the way of assistance for those who are at risk of joining a gang or for those who have been involved and would like to get out.

I propose a liaison that can provide resources and avenues of escape for these individuals and someone who can work with the police but is trusted by those young people most at risk. To be successful, this position must also have the cooperation of the schools as they will be best suited for recognizing those individuals at the highest risk.

Bob Perez is recently retired from the Porterville School District where he has spent over thirty years helping at risk youth and developing bonds with these young people. He has displayed an interest and a knowledge of young people caught up in the gang lifestyle. Mr. Perez has been successful in the past in his efforts to keep these young people in school, focused on the future and out of the gang lifestyle.

Officers of the Porterville Police Department as well as school officials have been provided with Mr. Perez’ number and encouraged to call him with information about at-risk youth. He has gone into their homes and met with their families and offered resources to help them avoid the pitfalls of going down the wrong path. Porterville Schools has provided Mr. Perez with an office near the campus of Porterville High School in order to facilitate meetings and activities of this nature. I propose that the City of Porterville pay Mr. Perez as a part-time employee as a liaison between the city, the schools and the families of the community. It is my belief that this effort may help steer at least some of the city’s young people away from a life of crime.
I recommend that Mr. Perez be paid an hourly rate of $19.04, the rate of a “C” step Community Service Officer II, for the time he invests in this venture as a liaison for the City. As a part-time employee Mr. Perez would receive no paid benefits and would work a maximum of 1000 hours a year leaving the cost to the city at no more than $19,040 a year. I further recommend these funds be paid from the Measure H budget as the efforts clearly meet the criteria for prevention of criminal activity as well as the literacy aspect of the Measure H funding.

Mr. Perez has already begun making visits at the request of officers and school officials and progress is being seen although he is not currently being compensated for his time. I feel strongly that this is a step that needs to be taken if the City is serious about making an impact on gangs as it has been proven that enforcement alone will not solve the problem.

I respectfully submit this proposal and welcome your input in making this proposal a reality.
SUBJECT: ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN/LIBRARY CENTENNIAL CELEBRATION FINE FORGIVENESS DAY

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Staff proposes to conduct the second Annual Food for Fines Campaign from October 13 to December 13, 2008, a nine-week period. The library benefits from this program by recovering lost library materials and from the clearing of fines on patron accounts.

Last year the campaign ran for two and one-half weeks, with 44 patrons returning overdue collection materials and paying other fines. During the implementation of the campaign staff collected 6 large boxes of food and waived $295.50 in fines. The Porterville Rescue Mission was the only organization to partner with the library last year. There also were patrons that inquired about their ability to reduce their fines last year after the short program ended. This year a greater effort will be placed on promoting the program and in recruiting additional food distribution organization partners.

PROGRAM OUTLINE:
➢ For every can of food submitted during the drive, $1 of overdue fees will be waived up to $10 per account.
➢ The cans of food and other non-perishables must not be damaged or expired.
➢ Staff will track transactions by how many food items were donated, how many library materials returned, the total fines waived, and additional fines paid.

LIBRARY CENTENNIAL CELEBRATION FINE FORGIVENESS DAY

Staff proposes a library fine forgiveness day of Saturday, October 11, 2008 in connection to the library centennial celebration.

PROGRAM OUTLINE:
➢ Patrons returning overdue materials on this day will be allowed to have all fines waived on those specific items
➢ Materials returned must not be damaged
➢ Patrons library accounts cannot be in “sent to collections” status

RECOMMENDATION: That Council authorize the second Annual Food for Fines Campaign from October 13 through December 13, 2008, and designate October 11, 2008 as Fine Forgiveness Day.
SUBJECT: AUTHORIZE STAFF TO PROCEED WITH OHV FACILITY DEVELOPMENT GRANT ACTIVITIES

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City previously was awarded several grants related to Off Highway Vehicles and the city Off Highway Vehicle (OHV) Park. One of the recent grants is specifically for development of an expanded and improved OHV riding facility. The ATV track was to be completed, safety fencing installed and repaired, and paving of parking and/or driveway areas is to be accomplished. This "Development Grant" is in the amount of $49,000 and requires a local matching expenditure of $16,000. The grant work must be completed prior to December 31, 2010.

In May 2008, during the FY 08-09 budget study session staff reviewed the planned implementation of this work and how the expenditures were fully programmed within the FY 08-09 budget. The Council authorized including both the anticipated expenditure and revenue within the FY 08-09 budget, but directed that the activities not be initiated pending advancement of land negotiations related to the fairgrounds relocation.

It is staff's impression that the land negotiations have now advanced to a point that should provide adequate comfort for proceeding with the development grant activities. Once the City Council authorizes staff to proceed with activities related to this grant, a project manager will be assigned and the necessary design and project manuals will be prepared. A schedule for bidding the work and completing the grant obligations will be presented to the City Council as a part of the project implementation.

RECOMMENDATION: That the City Council authorize staff to proceed with OHV facility development grant activities.

ATTACHMENTS: State OHV Development Grant Project Agreement
California Department of Parks and Recreation

PROJECT AGREEMENT
Off-Highway Motor Vehicle Recreation
Act of 2003

PROJECT NUMBER: G07-03-24-D01
GRANTEE: Porterville, City of
TITLE: Porterville, City of Development

PROJECT PERFORMANCE PERIOD (Billing Period): FROM: 1/1/08 TO: 12/31/2010

Under the terms and conditions of this agreement, the Grantee agrees to complete the project as described in the Project Description; the OHV Grant Application and the General Provisions, which is hereby incorporated by reference; the Off-Highway Motor Vehicle Recreation Act of 2003 as amended, and Title 14, California Code of Regulations, Division 3, Chapter 15.5 Sections 4970.49-4970.72 - Off-Highway Motor Vehicle Recreation Grants and Cooperative Agreements Program Regulations.

PROJECT DESCRIPTION:
The proposed project includes two components: (1) development of an unused portion of the existing OHV park into an ATV track, and (2) construction of paved access/parking areas.

For a list of Project Deliverables see page(s) 2 of this agreement. Any Project Deliverables costs listed on the attached pages are estimates.

CONSERVATION ENFORCEMENT RESTORATION NON-CESA $49,000

By [Signature]
Grantee (Authorized Signature)

By [Signature]
State (Authorized Signature)

Title DIRECTOR Title Grants Manager, OHMVR Division

Date 2/15/08 Date 2/12/08

CERTIFICATION OF FUNDING

CONTRACT NO.: C32-06-103
AMOUNT: $49,000
FUND: Off-Highway Vehicle Trust Fund
APPROPRIATION: Local Assistance
INDEX: 1550 OBJECT: 702 PCA: 62663
VENDOR I.D.: 000000027 00 CHAPTER: 171/07
ITEM #: 3790-101-0263 STATUTES: 2007

I hereby certify upon my own personal knowledge that budgeted funds are available for this encumbrance.

[Signature]
DPR Accounting Officer

Date 3/24/08
**Project Cost/Deliverables (PC/D)**

(OHV Form J, Part 1, Deliverables)

**Applicant:** Porterville, City of

**Project Title:** Porterville, City of Development

<table>
<thead>
<tr>
<th>Project Type:</th>
<th>(Division use only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Acquisition</td>
<td>[ ] Conservation</td>
</tr>
<tr>
<td>[ ] OHV Safety and/or Education Program</td>
<td>[ ] Planning</td>
</tr>
</tbody>
</table>

**Synopsis: (Describe in fifty (50) words or less.)**

The proposed project includes two components: (1) development of an unused portion of the existing OHV park into an ATV track, and (2) construction of paved access/parking areas.

<table>
<thead>
<tr>
<th>#</th>
<th>Deliverable(s)</th>
<th>Estimated Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Develop ATV track</td>
<td>5/15/2009</td>
</tr>
<tr>
<td>2</td>
<td>Install additional barriers/fencing</td>
<td>5/31/2009</td>
</tr>
<tr>
<td>3</td>
<td>Pave entrance/parking areas</td>
<td>6/30/2009</td>
</tr>
</tbody>
</table>

Deliverables are specific tangible outcomes. Examples include the purchase of specified property, installation of water bars, construction of a restroom, OHV patrol, construction of fencing, production of maps, purchase of specified equipment, restoration of specific area, maintenance of a specific trail, completion of research resulting in written report, planning that results in specified documents.
A. Definitions

1. The term "State" as used herein means the California State Department of Parks and Recreation.

2. The term "Act" as used herein means the Off-Highway Motor Vehicle Recreation Act of 2003 as amended.

3. The term "Project" as used herein means the Project which is described on page 1 of this agreement and in the Project Application, which is hereby incorporated into this agreement by reference.

4. The term "Application" as used herein means the individual Project Application and its required attachments pursuant to the enabling legislation, regulations, and/or Grant program, which is incorporated into this agreement by reference.

5. The term "Project Agreement" as used herein means the Application and the Project Agreement General Provisions.

6. The term "Grantee" as used herein means the party described as the Grantee on page 1 of the Project Agreement.

B. Project Execution

1. Subject to the appropriation and availability of Grant funds in the state budget, the State hereby awards to the Grantee the sum of money (Grant money) stated on page 1 of the Project Agreement in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the Description of the Project on page 1 of the Project agreement and the terms and conditions set forth in this agreement.

   The Grantee assumes the obligation to furnish any additional funds that may be necessary to complete or carry out the Project as described. Any modification or alteration in the Project as set forth in the Application on file with the State must be submitted to the State for approval. State's obligation to make Grant payments is limited to the Project as provided for herein, or as modified with the approval of the State.

2. The Grantee agrees to complete the Project in accordance with the Project performance period set forth on page 1 of the Project Agreement, and under the terms and conditions of this agreement.

3. If the Project includes development, the development plans, specifications and estimates or Force Account Schedule shall be reviewed and approved by the State prior to Grantee proceeding with the Project. Unless the development plans, specifications and estimates are approved by the State, the State shall have no obligation to make Grant payments for the work.

   The Grantee shall comply with all applicable current laws and regulations affecting Development Projects, including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities. In addition, the Grantee shall complete the development work in accordance with the State approved development plans, specifications and estimates or Force Account Schedule. The Grantee shall make property or facilities acquired and/or developed pursuant to this agreement available for inspection upon request by the State to determine if development work is in accordance with the approved plans, specifications and estimates or Force Account Schedule, including a final inspection upon Project completion.

4. If the Project includes acquisition of real property, and the cost of which is to be reimbursed with Grant moneys under this agreement, shall as required thereby, comply with Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code and any other applicable federal, state, or local laws or ordinances. Documentation of such compliance will be made available for review by the State upon request. Eminent domain may not be used to acquire property using the Grant funds provided by this agreement.

5. If the Project includes acquisition of real property, the purchase price shall be the fair market value of such property as established by an appraisal completed according to established current appraisal practices and methods as approved by both the Grantee and the State. Grantee agrees to furnish the State additional supportive appraisal material or justification as may be requested by the State to complete its review and approval of the fair market value.
Nondiscrimination

1. The Grantee shall not discriminate against any person on the basis of sex, race, color, national origin, religion, ancestry, or physical handicap in the use of any property or facility acquired or developed pursuant to this agreement.

2. The Grantee shall not discriminate against any person on the basis of residence except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.

3. All facilities shall be open to members of the public generally, except as noted under the special provisions of this Project agreement.

J. Application Incorporation

1. The Application and any subsequent change or addition approved by the State is hereby incorporated in this agreement as though set forth in full in this agreement.

K. Severability

1. If a provision of this agreement or the Application thereof is held invalid, that invalidity shall not affect other provisions or applications of the agreement which can be given effect without the invalid provision or Application, and to this end the provisions of this agreement are severable.

L. Governing Law

1. This agreement shall be construed in accordance with and be governed by the laws of the State of California. Any legal action arising out of the terms of this agreement shall take place in the county wherein the Project funded by this agreement is located. If the Project is located in or among two or more counties, any legal action shall be taken in the county wherein the largest land area of the Project is located.
COUNCIL AGENDA: October 7, 2008

SUBJECT: APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT WITH TULARE COUNTY

SOURCE: Administration (Transit)

COMMENT: Since 1983, the City of Porterville has maintained annual agreements with the County of Tulare to provide contract transit service to residents within the unincorporated but urban areas of the community, as currently depicted by the attached Service Area Boundary Map. The last Agreement expired June 30, 2008, and it is proposed the attached successor Agreement be approved and maintained for FY 2008-2009.

Traditionally, the County has shared in the net operating cost of the system, i.e., total costs less fare box revenues, in proportion to the ridership percentage from the unincorporated area as experienced over the previous Agreement year. However, calculations have been modified over the last several years due to the inclusion of the City of Porterville in the Federal Transit Administration (FTA) Section 5307 program. Last year, the County reimbursed the City at a rate of 27.9% of net operating costs for the Demand-Response System, and at the rate of 30% of net operating costs for the Fixed Route System. This year, the County rate of reimbursement is 28.9% and 30%, respectively. The County contribution to City transit operations for the FY 2008/2009 Agreement will be $329,665, up from last year's compensation of $272,700. This total amount of compensation also takes into account a credit of $68,911, representing the City's fifth annual credit to the County of Tulare over a six-year period which differed from “budgeted”
amounts used to calculate the original compensation totals for the six years in question.

RECOMMENDATION: That the City Council enter into an Agreement with the County of Tulare for FY 2008-2009 to provide service to County residents within the Service Area Boundary Map, and authorize the Mayor to execute the Agreement on behalf of the City.

ATTACHMENTS:
1. City/County Transit Agreement
2. Service Area Boundary Map
3. Letter to Tulare County setting forth cost formula components
AGREEMENT

THIS AGREEMENT, is entered into as of this _____ day of ____________, 2008, by and between the COUNTY OF TULARE, hereinafter referred to as the “County”, and the CITY OF PORTERVILLE, hereinafter referred to as the “City”.

WITNESSETH:

WHEREAS, the County and the City desire to coordinate their respective public transportation systems in the Porterville Urbanized area; and

WHEREAS, there are and will continue to be citizens of the County who can reasonably be served by the City's transit system and there are and will continue to be citizens of the City who can reasonably be served by the County's transit system; and

WHEREAS, the County and the City recognize the goals of providing a transportation system to the general public at a reasonable fare and that of providing coordinated public transportation service within the Porterville Urbanized area; and

WHEREAS, the County and the City desire to provide for the Joint Exercise of Powers for the purpose of providing and maintaining public transportation systems in the Porterville Urbanized area;

NOW, THEREFORE, County and City mutually agree as follows:

1. **Scope of Work.** The County and City shall each control, manage, and operate a separate transit system. The City and County shall furnish each other thirty (30) days prior written notice of any and all service level and fare level changes.

   (a) **County.** The County shall provide transit service to those residents of the City desiring to use the regularly scheduled service of the County transit system. The County shall establish bus stop location(s) within the City which will interface with the City bus stop locations and facilitate system transfers. The County stop(s) shall be established at locations acceptable to the City. Approval on behalf of the City shall be given by the City Transit Coordinator.

   (b) **City.** The City shall establish a series of bus stop locations within the County. The City stops shall be established at locations acceptable to the County. Approval on behalf of the County shall be given by the Director of Transportation. The City shall provide transit service to County residents desiring transit service within the urbanized service area as set forth in Exhibit “A” which is attached hereto and made a part hereof by this reference.

2. **Management-County.** The County shall manage the County transit system in an appropriate manner, insuring cost effective operation, including marketing the system in a professional manner and collecting fares from riders on the County transit system.
3. Management-City. The City shall manage the City transit system in an appropriate manner, insuring cost effective operation, including marketing the system in a professional manner and collecting fares from riders on the City transit system.

4. Compensation. The County shall compensate the City for service to County residents living in the herein agreed upon service area. Compensation shall be limited to a percentage of the operating costs of the City's Transit System. The term "operating cost" as used in this Agreement shall be defined as all costs in the operating expense object classes of the Uniform Systems of Accounts for Public Transit Operators adopted by the State Controller pursuant to Public Utilities Code Section 99243.

   Compensation for the period July 1, 2008 through June 30, 2009, will be as follows:

<table>
<thead>
<tr>
<th>Demand Response</th>
<th>Route Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>County LTF (See Below)</td>
<td>$239,632</td>
</tr>
<tr>
<td>FTA Section 5307 Credit</td>
<td>($78,697)</td>
</tr>
<tr>
<td>Fare Box Credit</td>
<td>($8,171)</td>
</tr>
<tr>
<td>Annual Credit Adjustment (Fifth of Six equal credits)</td>
<td></td>
</tr>
<tr>
<td>T-PASS Adjustment for 06/07</td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>$4,335</td>
</tr>
<tr>
<td>Total Payment</td>
<td>$157,099</td>
</tr>
</tbody>
</table>

5. Authorization of Payment. FTA Section 5307 Funds will be claimed by the City on the County's behalf. The County by this Agreement authorizes the Tulare County Association of Governments to transfer $329,665 of State Transit Assistance Funds, and/or Local Transportation Funds from the County's 2008/09 Apportionment to the City of Porterville's Apportionment. The County further authorizes the City to claim said $329,665 as full payment for services under this Agreement. In case of termination of this Agreement prior to June 30, 2009, the County agrees to compensate the City for a proportional amount of the sum of $329,665 based upon the number of days the services were provided by the City during a 365 day period.

6. FTA Funds. Per the 2000 Census, the Porterville Urbanized Area has a population of 59,961; 39,615 (66.0%) of which are City residents, and 20,346 (34.0%) of which are County residents. The Porterville Urbanized Area is eligible to receive Federal Transit Administration (FTA) Funds from Section 5307. The City of Porterville will be the claimant of these funds. The City will, at the request of the County, claim and transmit up to 34% of said funds for use by the County for eligible purposes under FTA Section 5307. In no case shall the amount transmitted or credited to the County exceed 34% of the total available. Any Section 5307 Funds which are to be transmitted to the County shall be handled under a separate agreement.
7. **Renegotiation.** In the event a contract between the Federal Transit Administration and the City of Porterville is not executed by June 30, 2009 for the Section 5307 Funds specified in paragraphs 4, 5 and 6 or in the event that $195,750 exceeds 34% of the total FTA Section 5307 funds available to the Porterville urbanized area, this contract will be renegotiated to reflect this condition.

8. **Drivers.** The parties shall require that all transit drivers meet all licensing requirements of the State of California.

9. **Indemnification-City.** City shall hold harmless, defend and indemnify County, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, arising out of the activities of City or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against County by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

10. **Indemnification-County.** County shall hold harmless, defend and indemnify City, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, arising out of the activities of County or its agents, officers and employees under this Agreement, and any claims made against County alleging civil rights violations by City under Government Code section 12920 et seq. (California Fair Employment and Housing Act). This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

11. **Insurance-Liability.** The City and the County shall each provide comprehensive general public liability and comprehensive automotive liability insurance with single limit coverage of not less than $5,000,000 or equivalent self-insurance covering their activities under this Agreement. Prior to commencing operations, each party shall file with the Clerk of the other party certificates of insurance evidencing the coverage required herein and naming the other party, its officers, agents and employees as additional insured’s. Such certificates shall state that the named additional insured’s are not responsible for the payment of any premium or assessment and shall provide that in the event of a cancellation or material change of policy, the insurer shall give the named additional insured’s no less than thirty (30) days advance written notice of such cancellation or change. Upon request,
each party shall provide the other with a complete copy of the insurance policy or policies or evidence and terms of self-insurance as required herein.

The parties agree, during the term of the Agreement, to maintain at their own expense (or require of their independent contractors) all necessary insurance for their respective officers, employees, and agents, including but not limited to workers' compensation, disability and unemployment insurance in accordance with state statutory requirements and to provide certificates of such insurance or other evidence of compliance to the other party upon request. The insurance, and evidence thereof, required by this Agreement may be provided either directly by the parties or, if a party contracts with an independent contractor/operator to provide the services required by this Agreement, by the operator of that party's system as deemed appropriate by such party.

12. **Term of Agreement.** This Agreement shall become effective July 1, 2008 and shall continue in full force and effect until June 30, 2009 unless terminated earlier, as herein provided.

13. **Termination.** The right to terminate this Agreement under this provision may be exercised without prejudice to any other right or remedy to which the terminating party may be entitled at law or under this Agreement.

(a) **Without Cause.** Either party shall have the right to terminate this Agreement without cause by giving the other party SIXTY (60) days prior written notice of its intention to terminate pursuant to this provision, specifying the date of termination.

(b) **With Cause.** This Agreement may be terminated by either party should the other party:

(i) be adjudged a bankrupt, or

(ii) become insolvent or have a receiver appointed, or

(iii) make a general assignment for the benefit of creditors, or

(iv) suffer any judgment which remains unsatisfied for 30 days, and which would substantively impair the ability of the judgment debtor to perform under this Agreement, or

(v) materially breach this Agreement.

For any of the occurrences except item (v), termination may be effected upon written notice by the terminating party specifying the date of the termination. Upon a material breach, the Agreement may be terminated following the failure of the defaulting party to remedy the breach to the satisfaction of the non-defaulting party within FIFTEEN (15) days of written notice specifying the breach. If the breach is
not remedied within that FIFTEEN (15) day period, the non-defaulting party may terminate the Agreement on further written notice specifying the date of termination.

If the nature of the breach is such that it cannot be cured within a FIFTEEN (15) day period, the defaulting party may, submit a written proposal within that period which sets forth a specific means to resolve the default. If the non-defaulting party consents to that proposal in writing, which consent shall not be unreasonably withheld, the defaulting party shall immediately embark on its plan to cure. If the default is not cured within the time agreed, the non-defaulting party may terminate upon written notice specifying the date of termination.

(c) **Effects of Termination.** Termination of this Agreement shall not terminate any obligations to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports of pre-termination contract activities.

14. **Notices.** Any notices to be given shall be written and served either by personal delivery or by first class mail, postage prepaid and addressed as follows:

    County:  Director of Transportation
    Resource Management Agency
    5961 S. Mooney Blvd.
    Visalia, CA  93277

    City:  Transit Coordinator
    City of Porterville
    291 N. Main Street
    Porterville, CA 93257

15. **Integration.** This Agreement constitutes the sole and only Agreement between the parties hereto as to the services to be provided hereunder. Any prior agreements, promises, negotiations or representations as to such services not expressly referred to herein are of no force and effect.

16. **Modification.** The City and County shall furnish each other thirty (30) days prior written notice of any and all recommended service level and fare level changes. The City shall request and receive approval from the County Director of Transportation prior to any changes in service levels or fare levels in unincorporated areas of the service area. Except for said changes, this Agreement shall be modified or amended only with the prior written consent of both parties.

17. **Assignment.** Neither party shall assign or transfer any of the rights or privileges or any parts thereof of this Agreement without the other party's prior written consent.
18. **Records.** Each party agrees to maintain all books, records, documents, and other
evidence pertaining to this Agreement, any disputes surrounding the subject matter of this
Agreement, and any other related circumstances in accordance with generally accepted
accounting principles and practices. Each party shall allow the other party's agents or
representative's access to such records for inspection, audit, and copying during normal
business hours. Each party shall provide further facilities for such access and inspection.

19. **Surveys.** Either the City or the County may conduct periodic ridership surveys.
Said surveys shall not interfere with the operation of the system.

20. **Legal Operation.** City and County each shall carry out its obligations under this
Agreement in full compliance with all applicable federal, state and local laws, ordinances,
rules and regulations.

21. **Construction.** This Agreement reflects the contributions of both parties and
accordingly the provisions of Civil Code section 1654 shall not apply to address and
interpret any uncertainty.

22. **Governing Law.** This Agreement shall be interpreted and governed under the
laws of the State of California without reference to California conflicts of law principles.
Any litigation arising out of this Agreement shall be brought in Tulare County California.
City waives the removal provisions of California Code of Civil Procedure Section 394.

23. **Conflict with Laws or Regulations/Severability.** This Agreement is subject to
all applicable laws and regulations. If any provision of this Agreement is found by any
court or other legal authority, or is agreed by the parties, to be in conflict with any code or
regulation governing its subject, the conflicting provision shall be considered null and void.
The remainder of the Agreement shall continue in full force and effect.

24. **Headings.** Section headings are provided for organizational purposes only and do
not in any manner affect the scope, meaning or intent of the provisions under the headings.

25. **No Third Party Beneficiaries.** Unless specifically set forth, the parties to this
Agreement do not intend to provide any other party with any benefit or enforceable legal or
equitable right or remedy.

26. **Waivers.** The failure of either party to insist on strict compliance with any
provision of this Agreement shall not be considered a waiver of any right to do so, whether
for that breach or any subsequent breach. The acceptance by either party of either
performance or payment shall not be considered to be a waiver of any preceding breach of
the Agreement by the other party.

27. **Exhibits and Recitals.** The Recitals and the Exhibits to this Agreement are fully
incorporated into and are integral parts of this Agreement. Each Exhibit shall be initialed
by both parties to this Agreement.
28. **Further Assurances.** Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to effect the purposes of this Agreement.

29. **Assurances of Non-Discrimination.** City and County expressly agrees that it will not discriminate in employment or the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date first above written.

**COUNTY OF TULARE**

By_____________________________
Chairman, Board of Supervisors
"COUNTY"

ATTEST: JEAN ROUSSEAU,
County Administrative Officer/
Clerk of the Board of Supervisors.

By_____________________________
Deputy

**CITY OF PORTERVILLE**

By_____________________________
Mayor "CITY"

ATTEST: Clerk of City of Porterville

By_____________________________
Deputy

Approved as to Form,
County Counsel

By_____________________________
Deputy

Approved as to Form,
City Attorney

By_____________________________
City Attorney
August 14, 2008

Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Attention: Dan Fox, Transit Coordinator

Formula for Fiscal Year 2008/09 Transit Agreement Between
the City of Porterville and Tulare County

Dear Dan:

The following is a description of the cost formula components for the proposed FY 2008/09 transit agreement between our agencies.

**FY 2008/09 COLT/COUNTY SERVICE COST**
Compensation to the City for service to County residents is based on a percentage of the operating and capital costs of the transit system.

**OPERATING COST**
Operating Cost is defined as all costs in the operating expense categories of the Administration, Demand-Response and Fixed Route components. In accordance with this definition, and the adopted City of Porterville Annual Budget for FY 2008/09, the COLT operating cost is $2,036,572.

The compensation formula requires that transit system operating costs be allocated between the two service modes, Demand-Response and Fixed Route. The City’s transit budget is prepared in three segments: Administration, Demand-Response and Fixed Route. The only segment based on the proportion of service hours to be operated in each mode is the Administration segment, which segment has been apportioned to Demand-Response and Fixed Route based on the following percentages. The balance of the expense allocation in each service mode represents actual budget projections for that service mode. (Service hours based on actual revenue hours for FY 2007/08).

<table>
<thead>
<tr>
<th>Service Mode</th>
<th>Service Hrs.</th>
<th>% of Total</th>
<th>Expense Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demand-Response</td>
<td>7,002</td>
<td>25%</td>
<td>$ 592,269</td>
</tr>
<tr>
<td>Fixed Route</td>
<td>20,970</td>
<td>75%</td>
<td>$1,444,303</td>
</tr>
<tr>
<td>Total</td>
<td>27,972</td>
<td>100%</td>
<td>$2,036,572</td>
</tr>
</tbody>
</table>

City Manager’s Office
291 North Main Street Porterville, California 93257
(559) 782-7466 Fax (661) 362-4008 Email: mgr-Office@ci.porterville.ca.us
Resource Management Agency  
August 14, 2008  
Page Two

2008/2009 FAREBOX REVENUE
The compensation formula includes a credit to the County for fares collected from County residents. It is therefore necessary to allocate farebox revenues between the two service modes. The City of Porterville 2008/09 farebox revenue is estimated to be $325,000. Of this amount, it is projected that $28,275 (8.7%) will be collected on the Demand-Response service, and $296,725 (91.3%) will be collected from Fixed Route system passengers. This allocation is based on the proportion of fees collected on each service mode during FY 2007/08.

COMPENSATION FOR DEMAND-RESPONSE
Based on actual ridership data reported by Sierra Management during FY 2007/08, County residents consumed 28.9% of the total Demand-Response passenger trips. (Demand-Response trips totaled 20,124; County trips totaled 5,824). This percentage will be used for this year’s calculations.

Based on FY 2003/04 passenger mile information, County residents travel on average 1.42 times as far as the average Porterville resident. It was proposed that this figure be rounded to a distance factor of 1.4, which has been used in the compensation formula for FY 2004/05 through 2007/08. The purpose of this factor is to adjust for the greater number of vehicle miles traveled to provide a trip to a County resident. We will, once again, use this factor for the purpose of completing this year’s calculations.

With the above data, the proposed FY 2008/09 compensation for Demand-Response is calculated as follows:

Demand-Response
$ 592,269 x 28.9% x 1.4 = $239,632
$ 239,632 Total Payment
- 8,171 Farebox Credit (28.9% x 28,275)
$ 231,461
- 78,697 FTA Section 5307 Credit (34%)
$ 152,764 COUNTY LTF

FIXED ROUTE COMPENSATION FORMULA
The current agreement between the City and the County is based on a projection of service supplied to and consumed by County residents who utilize the eight routes serving the unincorporated areas. For FY 2008/09, the same basis is proposed as in previous agreements, which is 30% of said operating cost being attributed to the County.

Based on the above, the proposed Fixed Route compensation formula is as follows:
Resource Management Agency
August 14, 2008
Page Three

Fixed Route
$ 1,444,303 x 30% = $ 433,291
$ 433,291 Total Payment
- 89,018 Farebox Credit (30% of $296,725)
$ 344,273
- 117,053 FTA Section 5307 Credit (34%)
$ 227,220 COUNTY LTF

CAPITAL COST
Capital cost is defined as all depreciation expense attributed to all active City of Porterville Fixed Route and Demand-Response capital expense using the straight line of depreciation. To calculate depreciation expense attributed to County residents, it is proposed that we use the 28.9% factor from the Demand-Response operating expense calculation, and the 30% factor from the Fixed Route operating expense calculation. These factors can be applied to the total projected depreciation expense for the Demand-Response and Fixed Route capital as follows:

<table>
<thead>
<tr>
<th></th>
<th>Projected Deprec.</th>
<th>Operating Factor</th>
<th>County Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Route</td>
<td>$ 255,000</td>
<td>30%</td>
<td>$ 76,500</td>
</tr>
<tr>
<td>Demand-Response</td>
<td>$ 75,000</td>
<td>28.9%</td>
<td>$ 21,675</td>
</tr>
<tr>
<td></td>
<td>$ 330,000</td>
<td></td>
<td>$ 98,175</td>
</tr>
</tbody>
</table>

Based on the above, $ 98,175 is the proposed County share of projected depreciation expense. Eighty percent (80%) of capital expense is funded with FTA funds; therefore, only twenty percent (20%) needs to be funded through County LTF funds, being the sum of $ 19,635.

Total charge to County LTF is $399,619 ($152,764 + $227,220 + $19,635.) Back-up documentation for each of the Demand-Response and Fixed Route formulas is available, upon request. From this total, and per agreement with the County of Tulare, the City shall deduct $68,911, representing the City’s fifth annual credit to the County of Tulare over a 6-year period for prior years’ adjustments. An additional credit to the County of Tulare is required, for reconciliation of the Regional T-Pass, in the amount of $1,043. With these credits, the total charge for County LTF is $ 329,665. If you should have any questions, or would like to meet to discuss the proposed compensation formula, please call me at 782-7448.

Very truly yours,

Linda Clark
Administrative Analyst
LTF Agreement
City of Porterville/County of Tulare – Fiscal Year 2008/09

**2007/08 Revenue Hours**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Demand-Response</td>
<td>7,002</td>
</tr>
<tr>
<td>Fixed Route</td>
<td>20,970</td>
</tr>
<tr>
<td>Total Revenue Hours</td>
<td>27,972</td>
</tr>
<tr>
<td>Demand-Response</td>
<td>25% of Total Rev. Hrs.</td>
</tr>
<tr>
<td>Fixed Route</td>
<td>75% of Total Rev. Hrs.</td>
</tr>
</tbody>
</table>

**2008/09 Budget**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$ 431,542 (Operating Cost)</td>
</tr>
<tr>
<td>Demand-Response</td>
<td>$ 484,384 (Operating Cost)</td>
</tr>
<tr>
<td>Fixed Route</td>
<td>$ 1,120,646 (Operating Cost)</td>
</tr>
<tr>
<td>Total Operating Budget</td>
<td>$ 2,036,572</td>
</tr>
</tbody>
</table>

**Administrative Costs Divided Between Two Systems**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Demand-Response (25%)</td>
<td>$ 107,885</td>
</tr>
<tr>
<td>Fixed Route (75%)</td>
<td>$ 323,657</td>
</tr>
<tr>
<td>Total</td>
<td>$ 431,542</td>
</tr>
</tbody>
</table>

**Total Operating Costs**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Demand-Response</td>
<td>$ 592,269</td>
</tr>
<tr>
<td>Fixed Route</td>
<td>$ 1,444,303</td>
</tr>
<tr>
<td>Total</td>
<td>$ 2,036,572</td>
</tr>
</tbody>
</table>

**FY 2007/08 Farebox Revenue**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Demand-Response</td>
<td>$ 27,015 (8.7%)</td>
</tr>
<tr>
<td>Fixed Route</td>
<td>$ 284,862 (91.3%)</td>
</tr>
<tr>
<td>Total</td>
<td>$ 311,877</td>
</tr>
</tbody>
</table>

**County Trips**

Based on actual ridership data reported by Sierra Management, during FY 2007/08 County residents consumed 28.9% of the total Demand-Response passenger trips.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Demand-Response Trips</td>
<td>20,124</td>
</tr>
<tr>
<td>Total County Trips</td>
<td>5,824</td>
</tr>
<tr>
<td>Percentage of County Trips</td>
<td>28.9%</td>
</tr>
</tbody>
</table>

**Demand-Response**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 592,269 x 28.9% x 1.4 = $239,632</td>
<td></td>
</tr>
<tr>
<td>$ 239,632 Total Payment</td>
<td></td>
</tr>
<tr>
<td>- 8,171 Farebox Credit (28.9% x 28,275)</td>
<td></td>
</tr>
<tr>
<td>$ 231,461</td>
<td></td>
</tr>
<tr>
<td>- 78,697 FTA Sec. 5307 Credit (34%)</td>
<td></td>
</tr>
<tr>
<td>$ 152,764 COUNTY LTF</td>
<td></td>
</tr>
</tbody>
</table>

**Fixed Route**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 1,444,303 X 30% = $433,291</td>
<td></td>
</tr>
<tr>
<td>$ 433,291 Total Payment</td>
<td></td>
</tr>
<tr>
<td>- 89,018 Farebox Credit (30% of $296,725)</td>
<td></td>
</tr>
<tr>
<td>$ 344,273</td>
<td></td>
</tr>
<tr>
<td>- 117,053</td>
<td></td>
</tr>
<tr>
<td>$ 227,220 COUNTY LTF</td>
<td></td>
</tr>
</tbody>
</table>

**2000 Census Data**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population</td>
<td>59,961</td>
</tr>
<tr>
<td>City Population</td>
<td>66%</td>
</tr>
<tr>
<td>County Population</td>
<td>34%</td>
</tr>
</tbody>
</table>
The California Public Utilities Commission (CPUC) has directed that regulated energy utilities strive to establish partnerships with local governments. The CPUC objective is for these partnerships to accomplish local cost-effective energy reduction and demand savings that will benefit the local government and the local utility customers. The City of Visalia has initiated the local regional effort with the utility companies and the County of Tulare has joined. Other local agencies are considering participation. The local partnership has been titled Valley Innovative Energy Watch (VIEW) and has a goal to implement activities for an initial 2009 through 2011 period.

SCE is the largest utility within the Tulare County region and is tasked with facilitating the initial establishment of the VIEW Partnership. Under CPUC regulations, the level of funding support from SCE is dependent upon the demand-side management energy reductions that are locally achieved. A third-party quasi-governmental organization will likely be brought on to administer the VIEW Partnership as the efforts progress.

City of Porterville staff has attended two meetings to gather knowledge and background on the matter. Staff is still evaluating the information and studying the potential benefits that may accrue to the community if the city were to join the VIEW Partnership. The level of necessary city resource commitment and city expense is also being evaluated.

This is an informational item for the Council, with no action requested by staff at this time. Staff propose to return to the Council within the next two months with more specifics on the potential cost and benefits for council consideration of Porterville becoming a VIEW Partnership member.

RECOMMENDATION: Receive information only.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT — PORTERVILLE UNIFIED SCHOOL DISTRICT — BUTTERFIELD STAGE DAYS - OCTOBER 17, 2008

SOURCE: Administrative Services, Finance Division

COMMENT: Porterville Unified School District is requesting approval to hold an educational history event, Butterfield Stage Days, at Zalud Park on Friday, October 17, 2008, from 5:00 a.m. to 3:00 p.m. PUSD is requesting partial street closure of El Granito Street from Grand to the end of the cul-de-sac, use of the Zalud Park parking lots on El Granito Street and Henderson Avenue and partial sidewalk closures of Grand Avenue and El Granito.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the application, agreement and attached Exhibit “A.” The application, agreement, Exhibit “A,” vendor list and request for street closures/parking lots are attached.

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from Porterville Unified School District, subject to the Restrictions and Requirements contained in the application, agreement and Exhibit “A.”

ATTACHMENT: Community Civic Event Application, agreement, vendor list, request for closures, Exhibit “A,” outside amplifier permit application.

DD Appropriated/Funded CM Item No. 18
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 09/11/08
Event date: 10/11/08
Event time: 5am - 3pm

Name of Event: Butterfield Stage Days

Sponsoring organization: Porterville Unified School PHONE # 793-2451
Address: 100 W. Grand, Porterville
Authorized representative: Gary Ingraham PHONE # 793-2451
Address: 100 W. Grand, Porterville
Event chairperson: Gary Ingraham PHONE # 793-2451

Location of event (location map must be attached): Zalud Park - Entire facility

Type of event: Educational exhibits relating to early California and Tulare County history
Nonprofit status determination: Yes - Public school

City services requested (an fees associated with these services will be billed separately)

Barricades (quantity): 0
Police protection: Yes No
Refuse pickup: Yes No

Other:

Parks facility application required: Yes No Attached
Assembly permit required: Yes No Attached

STAFF COMMENTS (list special requirements or conditions for event):

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

1 of 4
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

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

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

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

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559.788.1199, or fax information to, 559.788.1313.

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Porterville Unified Schools [Signature] 9/3/08
(Name of organization) (Signature) (Date)
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Butterfield Stage Days

Sponsoring organization: Porterville Unified Schools

Location: Zelud Park Event date: 10/17/08 Event time: 

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Event - No Vendors</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CITY OF PORTERVILLE

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

Name of event: Butterfield Stage Days

Sponsoring organization: Porterville Unified Schools

Event date: 10/17/08 Hours: 5am-3pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Map Attached</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
</table>


REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE UNIFIED SCHOOL DISTRICT
BUTTERFIELD STAGE DAYS
OCTOBER 17, 2008

Business License Supervisor: 
S. Perkins

No business license requirements.

Public Works Director: 
B. Rodriguez

Community Development Director: 
B. Dunlap

Field Services Manager: 
B. Styles

Fire Chief: 
M.G. Garcia

Approved. No comments.

Parks and Leisure Services Director: 
J. Perrine

Recommend approval. Facility reservation has been completed.

Police Captain: 
S. Rodriguez

No comments, conditions or requirements from the Police Department.

Deputy City Manager: 
J.D. Lollis

See attached EXHIBIT “A”, page 2.

EXHIBIT “A,” Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Unified School District
Event: Butterfield Stage Days
Event Chairman: Gary Ingram
Location: Zalud Park
Date of Event: October 17, 2008

RISK MANAGEMENT: Conditions of Approval

That the Porterville Unified School District provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.

a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

b. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an “admitted” insurer in the State of California.
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:
   Porterville Unified Schools
   200 W. Grand Ave.
   Phone # 793-2451

2. Address where amplification equipment is to be used:
   None
   Phone #

3. Names and addresses of all persons who will use or operate the amplification equipment:
   None

4. Type of event for which amplification equipment will be used:
   None

5. Dates and hours of operation of amplification equipment:
   None

6. A general description of the sound amplifying equipment to be used:
   None
I hereby certify that all statements and answers on this registration form are true and correct.

Applicant

Silver Rodriguez /CAPTAIN
Chief of Police

Date

9-3-08

& SEPT. 3, 2008

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, juke box, record player, loudspeaker musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

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

cc:


3/27/01
Zalud Park

http://maps.google.com/maps?hl=en&tab=wl

9/3/2008
Please print clearly - press hard

Facility requested:

☐ Myrsky Park ☐ Library ☐ Sports Complex ☐ Municipal Ballpark
☐ Veterans Park ☐ Heritage Center ☐ Centennial Plaza ☐ Hayes Fields
☒ Zalud Park ☐ Zalud Garden ☐ Pool ☐ Burton Ballfields ☐ Other _________

Area/Room: Entire Park

Nature of Use: Educational Exhibit relating to early California and Tulare County History

Date of Event: 10/17/08 Time: 5 am To: 3 pm

Amplified Equipment/Music: ☑ Yes ☐ No ☐ limited

Bounce House: ☐ Yes ☑ No Bounce House Company: 

Set-up Time:

Estimated Attendance: 1200

Will Alcohol be Served: ☑ Yes ☐ No Number of Drinking Adults ($2 per person): 0

Requested Requirements:

* * * * * * *

Organization: Porterville Unified School District

Name: Gary Ingraham

Mailing and/or Billing Address: 1000 N. Grand

Phone: day/Work: 793-2451 Cell No.: Evening/Home: Email:

Applicant hereby agrees to hold the City of Porterville, their employees, agents and officers free and harmless from any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use or occupancy of said facilities. The applicant agrees to furnish such liability or other insurance for the protection of the public and the City, as the City shall require. Applicant agrees to leave the facility in the same condition as found before use. Any damages, misuse or destruction of City property or equipment is the responsibility of the applicant. Applicant agrees to reimburse City for all charges. The CITY OF PORTERVILLE does not provide accident, medical, liability or any other insurance for facility users. In the event staff is taking photos of the park and/or the recreational activities it affords on the day of my event, I give my permission for the City to use said photos in promotional materials. I have read, understand and agree to the rules and regulations that are listed on the back of this form.

Signature: ___________________________ Date: 9/3/08

***FOR OFFICE USE ONLY***

Date: 9/3/08

Police Dept.

Rental Charge:

Alcohol Permit Charge: 

Security/Key Deposit: 

Entertainment Charge: 

Insurance Required: 

Supervisor Fee: 

Special Department Notations:

PARK IN DESIGNATED AREAS ONLY

Distribution: Original – Dept.; Green – Parks; Blue – Police; Yellow – Applicant

256 East Orange Avenue, Porterville, CA 93257, Phone (559) 791-7695

Fax (559) 791-7699, Park/facility information available @www.ci.porterville.ca.us

See back page for rules, regulations and policies
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT — CITY OF PORTERVILLE’S PARKS & LEISURE SERVICES ANNUAL VETERANS’ DAY RUN - NOVEMBER 11, 2008

SOURCE: Administrative Services, Finance Division

COMMENT: The City of Porterville’s Parks & Leisure Services Department is requesting approval to hold its annual 5K and 10K runs on Tuesday, November 11, 2008, from 5:00 a.m. to 10:00 a.m. The 5K run will start at Main Street and Thurman Avenue, and go north to Henderson Avenue, east to Plano Street, south to Olive Avenue, west to Main Street, and finish at Thurman Avenue. The 10K run will start at Main Street and Bellevue Avenue, go north on Main Street to Reid Avenue, east to Plano Street, south to Olive Avenue, west to Main Street, and then north to Thurman Avenue. The runs are outlined on the attached map. The street closures will be in conjunction with the Veterans’ Day Parade.

This application is being submitted under the Community Civic Event Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and has been reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement and Exhibit "A."

RECOMMENDATION: That the Council approve the City of Porterville’s Parks & Leisure Services annual Veterans’ Day Run subject to the restrictions and requirements contained in the application, agreement and Exhibit “A” of the Community Civic Event application.

ATTACHMENTS: Community Civic Event application, agreement, request for street closure/usage, Exhibit “A”, map; and outside amplifier permit.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 9-16-08  Event date: 11-11-08
Event time: 7:00 AM

Name of Event: CITY OF PORTERVILLE VETERANS DAY RIDE

Sponsoring organization: PARKS & RECREATION SERVICES PHONE # 791-7695
Address: 291 N. MAIN

Authorized representative: DONNIE MOORE PHONE # 791-7697
Address: 291 N. MAIN

Event chairperson: DONNIE MOORE PHONE # 791-7697

Location of event (location map must be attached):

Type of event: ROAD RACE COORDINATION EFFORTS WILL BE MADE WITH VETERANS ORGANIZATION PARADE.

Nonprofit status determination:  

City services requested (an (fees associated with these services will be billed separately)

Barricades (quantity):  
Police protection Yes ☑ No  
Refuse pickup Yes ☑ No  
Other:  

Parks facility application required: Yes ☑ No  
Assembly permit required: Yes ☑ No  

STAFF COMMENTS (list special requirements or conditions for event):

Approve Deny

Bus Lic Spvr  
Pub Works Dir  
Comm Dev Dir  
Field Svcs Mgr  
Fire Chief  
Parks Dir  
Police Chief  
Deputy City Mgr
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

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

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

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

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559.788.1199, or fax information to, 559.788.1313.

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

(Name of organization)  
(Signature)  
9-16-08
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: ___________________________________________________________

Sponsoring organization: ________________________________________________

Location: ________________________  Event date: __________  Event time: ______

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3 of 4
CITY OF PORTERVILLE

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

Name of event: **CITY OF PORTERVILLE VETERANS DAY RUN**

Sponsoring organization: **CITY OF PORTERVILLE PARKS & LEISURE SERVICES**

Event date: **NOVEMBER 11, 2008**

Hours: **0500 - 1000**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

### Closed

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAIN STREET</td>
<td>THURMAN</td>
<td>CLEVELAND</td>
<td>STAGING</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front of City Hall</td>
<td>THURMAN</td>
<td>CLEVELAND</td>
<td>REGISTRATION</td>
</tr>
<tr>
<td>Front of Centennial Plaza</td>
<td></td>
<td></td>
<td>AWARDS - RESULTS</td>
</tr>
</tbody>
</table>

### Parking lots and spaces

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
</table>

4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
CITY OF PORTERVILLE PARKS & LEISURE SERVICES
ANNUAL VETERAN'S DAY RUN
NOVEMBER 11, 2008

Business License Supervisor:  
  S. Perkins

Public Works Director:  
  B. Rodriguez  
  Provide general clean up after event.

Community Development Director:  
  B. Dunlap  
  Approved by Planning Department.

Field Services Manager:  
  B. Styles  
  No comments.

Fire Chief:  
  M.G. Garcia  
  No comments.

Parks and Leisure Services Director:  
  J. Perrine  
  This is a great event.

Police Captain:  
  S. Rodriguez  
  All street closures require City Council approval. Ensure proper use of barricades to effectively warn motorists and keep them out of area. Coordinate assistance from motorcycle officers with PPD Traffic Unit Supervisor. Keep first aid/safety and water stations out of the roadway.

Deputy City Manager:  
  J.D. Lollis

EXHIBIT "A"
CITY OF PORTERVILLE
PARKS AND LEISURE SERVICES DEPARTMENT

VETERANS DAY RUN

LEGEND

10K RUN
START ON MAIN ST.
SOUTH OF BELLEVUE AVE.

5K RUN
START ON MAIN ST.
AND CLEVELAND AVE.
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:
   
   **Donnie Moore**  
   Phone # 791-7642  
   1268 N. ROBERTA WAY

2. Address where amplification equipment is to be used:
   
   **CENTENNIAL PLAZA**  
   Phone #

3. Names and addresses of all persons who will use or operate the amplification equipment:
   
   **Donnie Moore**  
   291 N. MAIN

4. Type of event for which amplification equipment will be used:
   
   **ROAD RACE**

5. Dates and hours of operation of amplification equipment:
   
   11/11/08  6:30 - 10:00 A.M.

6. A general description of the sound amplifying equipment to be used:
   
   **P.A.**
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]
Applicant

[Signature]
Chief of Police

9/16/08
Date

SEPT. 29, 2008
Date

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, juke box, record player, loudspeaker musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

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

cc:______________________________

________________________________

3/27/01
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
VETERANS' HOMECOMING COMMITTEE
VETERANS' DAY PARADE - NOVEMBER 11, 2008

SOURCE: Administrative Services, Finance Division

COMMENT: The Veterans' Homecoming Committee is requesting approval to hold its annual Veterans' Day Parade on Tuesday, November 11, 2008, from 5:00 a.m. to 12:00 p.m. They are requesting the closure of Main Street from Danner Avenue to Orange Avenue.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement and Exhibit "A" and a map showing the desired street closures is included.

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Veterans' Homecoming Committee, subject to the stated requirements contained in Exhibit "A."

CITY OF PORTERVILLE

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

Application date: 6-27-2008  Event Date: 11-11-2008

Name of Event: Veterans Day Parade

Sponsoring Organization: Veterans Homecoming Committee

Address: 1238 Linda Vista Ave, Porterville, CA. 93257

Authorized Representative: Don R. Dowling  Phone: 781-7759/920-2659

Event Chair-Person: Ed Flory, vendors  Phone: 784-0730

Location of Event: (location map must be attached) Main street Porterville

Type of event/method of operation: Parade

Nonprofit Status determination: Nonprofit

City Services requested (any fees associated with these services will be billed separately):

- Barricades (quantity): 50  Street Sweeping  yes X No
- Police Protection  Yes x No  Refuse pickup  yes x No

Other:

Parks facility application required: Yes No

Assembly permit required: Yes No

STAFF COMMENTS (list special requirements or conditions for event):

<table>
<thead>
<tr>
<th>Approve</th>
<th>Deny</th>
</tr>
</thead>
<tbody>
<tr>
<td>_______</td>
<td>______</td>
</tr>
<tr>
<td>_______</td>
<td>______</td>
</tr>
<tr>
<td>_______</td>
<td>______</td>
</tr>
<tr>
<td>_______</td>
<td>______</td>
</tr>
<tr>
<td>_______</td>
<td>______</td>
</tr>
<tr>
<td>_______</td>
<td>______</td>
</tr>
<tr>
<td>_______</td>
<td>______</td>
</tr>
<tr>
<td>_______</td>
<td>______</td>
</tr>
<tr>
<td>_______</td>
<td>______</td>
</tr>
<tr>
<td>_______</td>
<td>______</td>
</tr>
</tbody>
</table>
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

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

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

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

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559.788.1199, or fax information to, 559.788.1313.

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

[Signature]
(Name of organization)

(Date)
9-8-08
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A
PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC
PROPERTY

Name of Event: Veterans Day Parade

Sponsoring Organization: Veterans Homecoming Committee

Location: Main Street Porterville  Event Date: 11 November 2008

ED FLORY, CHAIR

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above named
event. **No permit will be issued without this information.** This form should be completed at the time of application,
but must be submitted one week prior to the event.

<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AT LEAST 30 VENDORS IN EACH CORNER</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


CITY OF PORTERVILLE

Request for street closures and public property usage in connection with the application and agreement for a permit to hold a community civic event or other activity to be held on public property

Name of event: _______________ Veterans Day Parade

Sponsoring Organization: _______________ Veterans Homecoming Committee

Event Date: _______________ 11 November 2008 _______________ Hours: _______________ 0500-1200 _______________

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Street</td>
<td></td>
<td>Orange</td>
<td>Parade</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Lots</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


## Requirements for Community Civic Event

**Veterans' Homecoming Committee**

**Veterans' Day Parade**

**November 11, 2008**

<table>
<thead>
<tr>
<th>Role</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business License Supervisor:</td>
<td>Vendor list required prior to event.</td>
</tr>
<tr>
<td>S. Perkins</td>
<td></td>
</tr>
<tr>
<td>Public Works Director:</td>
<td>Coordinate traffic control and clean up with Field Services.</td>
</tr>
<tr>
<td>M. Reed/acting</td>
<td></td>
</tr>
<tr>
<td>Community Development Director:</td>
<td>No comments.</td>
</tr>
<tr>
<td>B. Dunlap</td>
<td></td>
</tr>
<tr>
<td>Field Services Manager:</td>
<td>City sponsored parade.</td>
</tr>
<tr>
<td>B. Styles</td>
<td></td>
</tr>
<tr>
<td>Fire Chief:</td>
<td>Morton and Putnam need to be accessible for emergency through traffic. Do not allow vendors to block intersection</td>
</tr>
<tr>
<td>M.G. Garcia</td>
<td></td>
</tr>
<tr>
<td>Parks and Leisure Services Director:</td>
<td>Coordinate activities with Parks &amp; Leisure Services in conducting the 5K and 10K Run event prior to parade.</td>
</tr>
<tr>
<td>J. Perrine</td>
<td></td>
</tr>
<tr>
<td>Police Chief:</td>
<td>See list of conditions in Attachment &quot;A&quot;.</td>
</tr>
<tr>
<td>C. McMillan/S. Rodriguez</td>
<td></td>
</tr>
<tr>
<td>Deputy City Manager:</td>
<td>See attached EXHIBIT &quot;A&quot;, page 2.</td>
</tr>
<tr>
<td>J.D. Lollis</td>
<td></td>
</tr>
</tbody>
</table>

*EXHIBIT "A," Page 1*
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Veterans' Homecoming Committee
Event: Veterans' Day Parade
Event Chairman: Don R. Dowling
Location: Main Street from Danner Ave. to Orange Ave.
Date of Event: November 11, 2008

RISK MANAGEMENT: Conditions of Approval

1. The following street sections are not authorized for closure and shall remain open to vehicular traffic.
   a. Division Street and Hockett Street between Oak Avenue and Olive Avenue
   b. Oak Avenue from Division Street to “D” Street
   c. Streets adjacent to the Police Station and Fire Station No.1
   d. Orange Avenue, east and west traffic flow.

2. That the Veterans' Homecoming Committee provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $2,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permitee’s operation and sponsorship of the aforementioned Community Civic Event.
   a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.
   b. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:XVII, and the insurance company must be an “admitted” insurer in the State of California.

3. The use of sidewalks, during this event, for any purpose other than normal pedestrian traffic, e.g., food booths, sales booths, displays, bleachers, etc., is prohibited within a ten-foot radius of all walk-up Versa-Teller operations.
CITY OF PORTERVILLE
Community Civic Event Application

VETERANS DAY PARADE- Nov. 11, 2008

Proposed Conditions/Requirements for Veteran’s Day Parade

➢ City Council approval is required for all street closures.

➢ Ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.

➢ Veteran’s Homecoming Committee should meet with street vendors to coordinate rules regarding their activities, such as:
  • Staying off the parade route and crossing in front of floats or groups
  • Shall not sell silly string, snap caps or party poppers
  • Ensure each vendor has properly obtained a City business license

➢ Food vendors should be situated where they minimally block the sidewalk.

➢ Food vendors should provide inspection certificates from the Tulare County Health Department to members of the Veteran’s Homecoming Committee, to ensure safe food products.

➢ Throwing candy from vehicles, floats, or any parade entry is prohibited. This results in children scampering to catch or find candy in a crowded environment, and causes others to run out into the street. This practice creates significant and unnecessary risk for parade goers. All registered parade entrants should be informed of this prohibition and efforts taken to cease this practice.

Silver Rodriguez, Captain
Police Department

ATTACHMENT "A"
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(CITY Ordinance #18-14 & 18-9)

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

1. Name and home address of the applicant:

   Don R. Dowling Phone# 920-2659

   1238 da Vista AVE, Porterville CA, 93257

2. Address where amplification is to be used:

   Main Street Porterville

3. Names and addresses of all persons who will use or operate the amplification equipment:

   Veterans Homecoming Committee

4. Type of event for which amplification equipment will be used:

   Veterans Day Parade

5. Dates and hours of operation of amplification equipment:

   November 11th 2008 from 1000 hours to 1200 hours.

6. A general description of the sound amplifying equipment to be used:

   Announcing equipment with amplifiers and a microphone.
I hereby certify that all statements and answers on this registration form are true and correct:

Don R. Dowling

June 27th 2008

Applicant

Date

Silver Rodriguez/Capt.

SEPT. 15, 2008

Chief of Police

Date

Section 18-14 City Ordinance Amplifiers; permit required.

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.

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

California Penal Code Section 415Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

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

Cc: ________________________________
    ________________________________
    ________________________________
ACORD™ CERTIFICATE OF LIABILITY INSURANCE

INSURED: Veterans Homecoming Committee
P.O. Box 1229
Porterville, CA 93258

COVERAGE:

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

<table>
<thead>
<tr>
<th>INSR NOD</th>
<th>INSUR</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE(MM/DD/YY)</th>
<th>POLICY EXPIRATION DATE(MM/DD/YY)</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>GENERAL LIABILITY</td>
<td>WTB14L02121702</td>
<td>09/16/2008</td>
<td>09/16/2009</td>
<td>EACH OCCURRE</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>DAMAGE TO RENTED PREMISES (EA occurrence)</td>
<td>$300,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MED EXP (Any one person)</td>
<td>$5,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PERSONAL &amp; ADV INJURY</td>
<td>Included</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>GENERAL AGGRATE</td>
<td>$2,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PRODUCTS - COMP/PROP AGG</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>

AUTOMOBILE LIABILITY

ANY AUTO
ALL OWNED AUTOS
SCHEDULED AUTOS
HIRED AUTOS
NON-OWNED AUTOS

PROPERTY DAMAGE (Per accident) $0

GARAGE LIABILITY

ANY AUTO

EXCESS/UMBRELLA LIABILITY

OCCUR CLAIMS MADE

DEDUCTIBLE
RETENTION $0

WORKERS COMPENSATION AND EMPLOYERS' LIABILITY

ANY PROPRIETOR/OWNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?
If yes, describe under SPECIAL PROVISIONS below

OTHER

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Proof of Coverage for Veterans Day Parade November 11, 2008

CERTIFICATE HOLDER

City of Porterville
Attn: Anita Gustuson
291 North Main Street
Porterville, CA 93257

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPTON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2001/08)

DS#6808975  701652

© ACORD CORPORATION 1998

Rev'd 9-22-08
IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.
SUBJECT: SECOND READING – ORDINANCE 1747, ADDING A HILLSIDE DEVELOPMENT ORDINANCE TO THE MUNICIPAL CODE

SOURCE: ADMINISTRATION/CITY CLERK DIVISION

COMMENT: Ordinance No. 1747, an Ordinance of the City Council of the City of Porterville Adding a Hillside Development Ordinance to the Municipal Code, was given First Reading on September 16, 2008, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1747, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1747

Item No. 21
ORDINANCE NO. 1747

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ADDING A HILLSIDE
DEVELOPMENT ORDINANCE TO THE MUNICIPAL CODE

WHEREAS: For over eight years, the City Council and City Staff have recognized a need to protect the hillside areas of Porterville from incompatible development; and

WHEREAS: During this time, a committee was created, including members of the Council and public at large to investigate strategies for encouraging development in the eastern portion of Porterville and protecting hillsides; and

WHEREAS: The Committee found that there was a current and immediate threat to the public health, safety, or welfare, arising from the lack of development standards to ensure that hillside development does not create a detrimental affect on the community through the establishment of grading and drainage problems a disconnected system of streets and infrastructure, unduly limiting development opportunities on adjacent properties by extending streets in wrong locations in the event there are natural features on an adjacent site, lack of accessibility to proximately located parks and recreation areas; and

WHEREAS: On September 6, 2005 the City Council adopted an Interim Urgency Ordinance regulating development for the protection of the hillside areas; and

WHEREAS: The Interim Urgency Ordinance was extended on October 18, 2005 and again on February 13, 2006; and

WHEREAS: With the assistance of TRG Land Inc., staff is prepared a hillside development ordinance that set out policies that will set forth definitions, procedures and standards concerning the zoning, permitting, and regulations of hillside development; and

WHEREAS: Significant efforts were made to involve the public in the creation of this ordinance; and

WHEREAS: A public hearing was held before the City Council on September 16, 2008, pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of the City; and

WHEREAS: Pursuant to State and local environmental regulations, a negative declaration of environmental impact was prepared for the project and duly noticed, a Notice of Determination was filed.
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend the Porterville Municipal Code to include in the Zoning Ordinance what is attached hereto and incorporated herein by reference as Exhibit A.

This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED APPROVED AND ADOPTED this 16th day of September, 2008.

_____________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _____________________________
Patrice Hildreth, Chief Deputy City Clerk
EXHIBIT "A" ON FILE
IN THE OFFICE OF CITY CLERK
SUBJECT: RESOLUTION APPROVING AMENDMENT 1 TO MEASURE R EXPENDITURE PLAN

SOURCE: Public Works Department - Engineering Division

COMMENT: In early summer 2008, the Tulare County Transportation Authority (TCTA) informed that some member agencies had expressed a desire to amend the Measure R Expenditure Plan to more accurately reflect the membership’s actual needs. The TCTA asked all member agencies to submit their list of changes supported by Council resolutions. On July 15, 2008, the Porterville City Council approved by resolution two changes in the Measure R Expenditure Plan.

Change #1 – That 60% of the annual Measure R Bike & Ped funds be distributed to the City’s Transit Fund.

Change #2 – That the description provided for the State Route (SR) 190 project from SR 65 to SR 99 be listed in Table 1, “Summary of Regional Projects” be changed from “Passing Lanes” to Operational Improvements”.

A third change listed as Change #6 in the attached “Summary of Measure R Amendment Requests”, supported by the Cities of Exeter, Lindsay and Porterville, creates a $2 – $3 million “Rail Preservation Fund” within the “Transit/Bike/Environmental” Projects Program. These funds can only be used for railroad right of way acquisition and can not be used for operational improvements.

At this time, the Tulare County Transportation Authority asks that all member agencies approve by resolution, the six (6) changes listed in the attached “Summary of 2008 Measure R Amendment Requests”. Further, specific to the City of Porterville, the TCTA asks that the City provide a bike plan that demonstrates the use/implementation of the $2,000,000 bike fund. A bike plan responsive to this request is included in Council’s packet and the bike routes within the plan, generally speaking, are as follows:

1. Extension of Rails to Trails – Olive Avenue to Date Street, $550,000.

2. Along the Tule River – Main Street to Plano Street, $492,000.

Dir Appropriated/Funded CM Item No. 22
3. Along the Tule River – SR 65 to Newcomb Street, $878,000.

RECOMMENDATION: That the City Council:

1. Affirm by Resolution the six (6) changes identified in the attached “Summary of 2008 Measure R Amendment Requests”;

2. Authorize the Mayor to sign the Resolution;

3. Direct the City Clerk to transmit the executed Resolution to the attention of Ted Smalley, Tulare County Transportation Authority;

4. Approve and adopt the Bike Plan as described and shown in the Bike Plan Attachment; and

5. Direct the Public Works Director to transmit the adopted Bike Plan to the Tulare County.

ATTACHMENT: Summary of Measure R Amendment Requests
Bike Plan
Resolution

P:\pubworks\Engineering\Council Items\Resolution Approval Amendment 1 to Measure R Expenditure Plan - 2006-10-07.doc
Tulare County Association of Governments
Summary of 2008 Measure R Amendment Requests

1. Request: Sixty percent of the City of Porterville Measure R Bike funds to be distributed to a “City of Porterville Transit Fund.” The amount of the transit fund would be $3,000,000.
Requesting Agencies: City of Porterville

Discussion: The City of Porterville has reviewed their respective transit and bike needs for the next thirty years. City of Porterville submitted this request to best serve the citizens of Porterville.

Staff Recommendation: Move forward with presenting the request to the Citizen’ Oversight Committee

The following requirement should be a part of the City of Porterville transit fund: The transit funding may only be used for transit expansion. This requirement is consistent with other Measure R transit funds.

City Manager/TAC Recommendation: Support with an additional requirement for the City of Porterville to provide a bike plan that demonstrates the use/implementation of the $2,000,000 bike fund.

2. Request: For the Phase 1 SR-190 regional project, change the description from “passing lanes” to “operational improvements”
Requesting Agencies: City of Porterville & County of Tulare

Discussion: The improvement of SR-190 will help redistribute traffic from County and city parallel facilities. Further, the change in description will provide the funding for TCTA to partner with Caltrans to deliver significant improvements on the SR-190 corridor.

Staff Recommendation: Move forward with presenting the request to the Citizen’ Oversight Committee

City Manager/TAC Recommendation: Support
3. Request: For the County “Regional Bike Path improvements” program add the words “or pedestrian.”

Requesting Agencies: County of Tulare

Discussion: The change in description provides more grant opportunities and is consistent with other agency programs in Measure R.

Staff Recommendation: Move forward with presenting the request to the Citizen’s Oversight Committee

The following requirement should be added to the County of Tulare Bike/Ped. Program: Pedestrian only improvements would be limited to 25% of the Bike/Ped fund.

City Manager/TAC Recommendation: Support with an additional requirement for that the 25% pedestrian funds be used for a match on grant requests.

4. Request: Creation of a $200k “City of Dinuba Bike/Ped improvement Fund” within the “Transit/Bike/Environmental Projects Program.” (Thirty-year amount)

Requesting Agencies: City of Dinuba

Discussion: The creation of a City of Dinuba Bike/Ped fund would provide an opportunity for the City of Dinuba to apply for numerous grants. The bike fund would also provide the opportunity for the City of Dinuba to assist with a regional implementation of the Tulare County Bike Plan.

Staff Recommendation: Move forward with presenting the request to the Citizen’s Oversight Committee

City Manager/TAC Recommendation: Create a Bike Fund Program in the amount of $2,000,000. The fund would be created in lieu of each year having a city/county present small bike projects for inclusion into the Expenditure Plan. Also, criteria would be prepared and adopted into the Measure R Policies and Procedures that outline program specifics such as an agency cap, eligibility, project cap, match requirements, etc. The Dinuba project would then be considered as part of the first round of the new program.
5. **Request:** For the City of Tulare revise the J Street RR Over-Crossing to the "Tulare UPRR Grade Separation: Program"

**Requesting Agencies:** Tulare

**Discussion:** There is renewed attention from both a statewide and national perspective on grade separation projects. Grade separation projects provide improvement for safety and goods movement. The change in description would create flexibility for the City of Tulare to obtain various grants.

**Staff Recommendation:** Move forward with presenting the request to the Citizen’s Oversight Committee

The following requirement should be added to the City of Tulare UPRR Grade Separation Program: The City of Tulare commits to implementing in the next thirty years the grade separation at Cartmill (J Street)/RR crossing as this was the project identified in the Measure R Expenditure Plan.

**City Manager/TAC Recommendation:** Support

6. **Request:** Creation of a $2 - 3 million “Rail Preservation Fund” within the “Transit/Bike/Environmental Projects Program.”

**Requesting Agencies:** Cities of Exeter, Lindsay, & Porterville

**Discussion:** The new rail preservation fund would allow for potential funding to preserve rail ROW/rights in Tulare County. The use of rail for goods movement has become increasing cost effective way of transporting goods in California. The result of not preserving rail ROW/rights and trying to acquire at a later date has not proven cost effective. The Rail Fund would be created as a result of increased revenues beyond original Measure R projections for the “Transit/Bike/Environmental” Program. The Rail Preservation Fund can be used for new Rail ROW acquisition including but not limited to Light Rail.

**Staff Recommendation:** If the “Rail Preservation Fund” is created then the following requirements should be added to the Measure R Expenditure Plan, Appendix A “other guidelines” on page 19 (as bullet 15):

- For Rail expenditures from the “Transit/Bike/Environmental Projects Program” funding may only be used for ROW acquisition and/or preservation of rail corridors. Preservation of rail corridors must include the underline right for operations not simply the physical material. The purpose of the requirement is to ensure that real-property interest (long term-lease/easement) is maintained for rail use. Operational improvements are specifically excluded as an eligible expense. The expenditure of Measure R funds would not result in a commitment of additional funds.
Prior to agency requesting rail funds from the "Transit/Bike/Environmental Projects Program," a plan must be submitted that demonstrates the viability of the corridor for which the funding is proposed.

City Manager/TAC Recommendation: If this program moves forward, that significant education/outreach is required to explain the relationship to the purpose of Measure R. Also, that detailed criteria be established for the allocation of funds.
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
APPROVING AMENDMENT 1 TO THE
MEASURE 4 EXPENDITURE PLAN

WHEREAS, member agencies have been given an opportunity to recommend changes to the Measure R Expenditure Plan; and

WHEREAS, the City of Porterville and other member agencies have proposed Amendment 1 that contains 6 changes to the Measure R Expenditure Plan as described in Exhibit 1 “Summary of 2008 Measure R Amendment Requests”; and

WHEREAS, all nine member agencies must present Amendment 1 to their respective Boards and Councils for approval; and

WHEREAS, the Tulare County Transportation Authority will present the membership’s Resolution to the Board of Supervisors for their approval;

NOW THEREFORE BE IT RESOLVED THAT:

The City Council of the City of Porterville approves Amendment 1 to the Measure R Expenditure Plan as described in Exhibit 1 “Summary of 2008 Measure R Amendment Requests”.

APPROVED AND ADOPTED this 7th day of October, 2008.

ATTEST:
John Longley, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk

Cameron Hamilton, Mayor
COUNCIL AGENDA: OCTOBER 7, 2008

SUBJECT: APPOINT COUNCIL REPRESENTATIVE TO THE AD HOC LIBRARY FACILITY PLANNING COMMITTEE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: A team of community members has been assembled to conduct the library facility planning effort. The team will operate as a committee and evaluate the needs and options for accomplishing the modernization of Porterville library facilities in accordance with the goals of the City General Plan. The committee will become familiar with current library operations, services, and facilities of the City as well as those of other modern libraries. The effort is envisioned to take twelve months and culminate in recommendations on projected community library services and a preferred method of providing the necessary facilities.

In accordance with City Council policy it would be appropriate for a member of the City Council to serve on this ad hoc committee.

RECOMMENDATION: That the City Council appoint a representative of the Council to the ad hoc Library Facility Planning Committee.

[Signatures]

ITEM NO.: 23
SUBJECT: Proposal for Recreational Facilities Grants, and Options for Grant Programs and Management

SOURCE: City Manager

COMMENT: With the proposed relocation of the Porterville Fairgrounds to the Sports Complex site, as well as unmet needs for both adult and youth softball playing fields in the community, the development of playing fields at the Heritage Center complex is a priority. In its design, the Heritage Center softball complex is proposed to include three (3) softball fields with utility for both youth and adults, at an estimated expense of $4.5 million. It has been the expressed interest of the Council that the City should pursue grant-funding opportunities toward the development of this site and other recreational facilities.

In regard to the pursuit of grant-monies for sports field development, the City is in receipt of a proposal from Mr. Steve Samuelian of California Consulting LLC. Founded in 2003 by former State Assemblyman Steve Samuelian, California Consulting represents more than forty agencies in the Central Valley in both grant writing and legislative advocacy, most of whom are municipalities. California Consulting proposes several options for City consideration toward the pursuit of grants:

Option 1:
For a single fee of $10,000, California Consulting proposes to make application for grant monies exclusively for ball field development through Proposition 84, Major League Baseball Tomorrow Fund, and California State Parks Land and Water Conservation Fund. Most notable is the pursuit of Prop. 84 monies, with approximately $50 million available for Central Valley projects, of which the Heritage Center softball complex would be an exemplary project. It is anticipated that Prop. 84 applications will be available in February 2009 and due shortly thereafter in April 2009.

Option 2:
This option is more broad in scope that, for a monthly fee of $2,500 (plus expenses), California Consulting will make application for an unlimited number of grants in whatever areas are defined as priority. This option would include State lobbying efforts as well.
Option 3:
A variation of the second option, California Consulting would charge a monthly fee of $1,000 (plus expenses) for the application of grant funds, and in addition would receive a bonus equal to ten percent (10%) of grants that are successfully funded.

It is the recommendation of staff to pursue “Option 1” as presented by California Consulting, initially focusing efforts in securing funding for the development of the Heritage Center softball complex. Funding to support contract services with California Consulting would be budgeted from unallocated General Fund reserves. With success in securing funds for the development of this project, staff would review with the Council the consideration of broadening the scope of services with California Consulting in pursuing additional grant opportunities.

RECOMMENDATION: That the City Council provide direction to staff in options toward the pursuit of grant monies.
SUBJECT: Consideration of Calling Study Sessions with the Park(s) and Leisure Services Commission, Library Board of Trustees, and Transaction and Use Tax Oversight Committee (Measure H TUTOC)

SOURCE: City Manager

COMMENT: The City of Porterville has various advisory bodies which provide assistance to the Council in the administration of different programs. Important in this regard are the Park(s) and Leisure Services Commission, Library Board of Trustees and the Transaction and Use Tax Oversight Committee (Measure H TUTOC). Though the City does receive recommendations from these bodies, there has not been a regular schedule of meetings. Questions have been received and opinions expressed as recently as the last Council meeting regarding how effectively the entities operate and the level of support members perceive receiving from City resources.

Because the bodies are citizen based, the expression has been that to evaluate their effectiveness, the perspectives of each member should be received. The most direct fashion to accomplish this would be through three study sessions, one with each of the entities.

The question before the City Council is whether to direct the City Manager to contact the Chair respectively of each body to specify a date at which a joint meeting could be conducted. The meeting would be at City Hall and would be fully advertised for public participation consistent with the Ralph Brown Act, as amended. A proposed agenda for each meeting is presented as follows:

1. Jointly convene
2. Council receives report on successful efforts of the body
3. Council receives and discusses goals of the body
4. Discussion of the effectiveness of the body’s organization
5. Discussion of support which would improve the body’s efforts

From the discussion it is anticipated that the level of communications with each Commission will improve and that a more consistent targeting of efforts can be accomplished. Staff should be encouraged to participate to accomplish a constructive result consistent with the city manager’s and staff member’s duty to provide a consistent administration of the City and specific departments and to have sufficient discretion to be reasonably responsible for results.

RECOMMENDATION: Determine whether to schedule meetings with the Park(s) and Leisure Services Commission, Library Board of Trustees and TUTOC
SUBJECT: Consideration of Establishing City Email for Councilmembers

SOURCE: City Manager

COMMENT: There recently has been discussion of establishing City email accounts for Council members. The City is ready to establish the account; however, it should be done consistent with City Council policy. In this regard, two primary options are presented.

(1) The first option is to install on City laptops held by Council members, a copy of software that will allow Council members to recover from the City’s server emails. The Councilmember would be issued a normal ci.porterville.ca.us email address. The positive about this is that this solution would be most direct. On the other hand, the use of the remote software can at times be complex. Also, there may be some difficulty regarding how archiving would be achieved and the ability through the system to monitor emails.

(2) The second option is to establish on Olsen servers, separate Council emails. The City owns the domain porterville ca.gov or cityofporterville.us. An email account could be issued to each Council member that could be accessed through the web. The positive regarding this is the ease of external access. The downside would be having the accounts on an external server and the possible limited expense required to support this.

(3) A third option is to continue private email as it currently exists. Various domains are available to Council members which can be accessed through City issued computers.

Beyond the options above, the Council should hear from the City Attorney a summary of the legal issues associated with email.

RECOMMENDATION: Define which option the Council should use regarding city-based email.

ATTACHMENT: Memorandum from City Attorney Re: Council Member E-mail and the Public Records Act

Item No. 210
MEMORANDUM
McCORMICK KABOT JENNER & LEW
A Professional Corporation
1220 West Main Street
Visalia, California 93291
Telephone: (559) 734-6729
Facsimile: (559) 734-8762

October 1, 2008

TO: Porterville City Council
cc: John Longley, John Lollis

FROM: Julia Lew

SUBJECT: Council Member E-mail and the Public Records Act

This is provided in response to public inquiries concerning whether e-mails from a Council Member’s private e-mail account are subject to disclosure under the California Public Records Act, and to what extent the City is responsible for maintaining control over these communications.

Pursuant to the State law, “Public Records” are defined as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” (Government Code Section 6252(e).) While e-mails are “writings” under the law, e-mails sent from and to elected officials’ personal computers are akin to notes of telephone conversations or entries into personal journals, and are not generally maintained or even used by the agency itself. There is no explicit requirement that the City maintain control over elected and appointed official’s personal e-mail accounts. Furthermore, e-mails to and from council members are protected by the deliberative process privilege – this exemption protects from disclosure communications that reflect an agency member’s preliminary positions and mental processes about how to exercise discretion on some policy matter. Exposing particular these processes would discourage candid discussions between council members and their constituents and can undermine the decision-making process and agency’s ability to perform its functions.

The above being stated, this does not mean that elected and appointed staff members, as well as City employees generally, can avoid public records act requirements by utilizing personal e-mail accounts. While council-member communications to members of the public are generally exempt from disclosure, communications that otherwise violate the law may not be. For example, a council member may be required to disclose an ex parte e-mail communication between a project applicant and the member if the communication relates to an administrative hearing before the entire City Council. Additionally, if the communications are forwarded to the City to be used or maintained concerning a specific issue, the record may (depending on its nature and any potential exemptions) become public. Furthermore, utilizing a private e-mail account in an attempt to insulate what would otherwise be a public record is also not allowed.

E:VULJAWMKJ\PORTERV\GENERAL\Meme-mail
COUNCIL AGENDA – OCTOBER 7, 2008

SUBJECT: REQUEST BY COUNCIL MEMBER – ENFORCEMENT OF PROHIBITION OF PARKING TRUCKS ON OLIVE AVENUE

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.