Call to Order
Roll Call

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

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – One Case.

7:00 P.M. RECONVENE OPEN SESSION

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

Pledge of Allegiance Led by Council Member Brian Ward
Invocation

**PROCLAMATIONS**
   Eliseo Guerrero

**PRESENTATIONS**
   City Manager’s Featured Projects
   Library Board of Trustees’ Semi-Annual Report
   Parks & Leisure Services Commission’s Semi-Annual Report
   CNG Introductory Report – Mary Beatie

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

**CONSENT CALENDAR**
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.
1. Approval of City Council Minutes of July 1, 2008, August 19, 2008 and September 30, 2008

2. Claim – Bryan Luccketta
Re: Considering rejection of a claim in an amount exceeding $25,000 in the unlimited jurisdiction of Tulare County Superior Court for personal injury, emotional distress and lost wages, allegedly sustained when Porterville Police Officers used excessive force and violated the Claimant’s civil rights when he was arrested on March 8, 2008 at 1750 W. Wall Avenue.

Re: Considering the ratification of a budget adjustment in the amount of $40,000 from unallocated General Fund reserves for the development of a relocation plan for the Tulare County Junior Livestock and Community Fair, Inc., and Comision Honorifica Mexicana Americana, Inc.

4. Repair of Air Conditioning Unit at Police Facility
Re: Authorizing the use of General Fund carryover funds to repair the A/C unit at the Police Facility.

5. Award of Contract – Transit Maintenance & CNG Fueling Facility Project
Re: Awarding contract to TTS Construction Corporation of Lodi, CA in the amount of $2,787,616 for the project consisting of the construction of a public access “fast fill” and private “time fill” compressed natural gas fueling facility, and transit maintenance facility improvements, at the City Corporation Yard.

6. Acceptance of Project - Heritage Center Ball Fields, Phase 1 Parking Lot & Picnic Area
Re: Accepting project as complete from Halopoff & sons, Inc., and authorizing the filing of the Notice of Completion for the project consisting of the construction of public improvements associated with the first phase of the Heritage Ball Fields.

7. Status Report – Hockett/Mill/Oak Parking Lot Reconstruction Project
Re: Acceptance of a status report for the project consisting of the complete reconstruction of the Hockett/Mill/Oak Parking Lot.

8. Water System Status / Phase II Water Conservation
Re: Scheduling of a public hearing for November 4, 2008 to return to Phase 1 of the Water Conservation Plan.

9. Enforcement of Commercial Truck Parking on West Olive Avenue
Re: Acceptance of an informational report regarding enforcement options of commercial truck parking on West Olive Avenue.

10. Short Range Transit Plan – Formal Approval
Re: Formal adoption of the City’s Short Range Transit Plan covering Fiscal Years 2008/2009 through 2012/2013 to allow the filing of an application for the City’s allocation of Proposition 1B funds.

11. Approval for Community Civic Event – Mariachi Academy Foundation – Fabulous Music Jam II
Re: Approving event to take place on Saturday, November 8, 2008, from 10:00 a.m. to 9:00 p.m., at the Centennial Plaza, subject to the stated conditions.
PUBLIC HEARINGS
12. Request to Approve Resolution Establishing Rates for Porterville Airport Hangar Facilities
Re: Considering approval of a resolution defining fees for Airport hangars and the naming the hangars.

13. Budget Adjustment/Citizens' Option for Public Safety (COPS) Program Funding
Re: Consideration of a budget adjustment authorizing the receipt and use of $100,000 in COPS Grant Program funds to offset costs for personnel assigned to the Police Department’s Patrol Division, including necessary training, equipment, and overtime costs.

SCHEDULED MATTERS
14. Amendment to Traffic Resolution 10-2001 – Designation of Beverly Street as a Through Street
Re: Considering approval of a proposed amendment to Traffic Resolution No. 10-2001 which would designate Beverly Street, from Pioneer Avenue to North Grand Avenue as a “through street”.

15. Selection of Jaye Street/Tule River Bridge Design Alternative
Re: Consideration of two bridge widening structures for the Jaye Street/Tule River Bridge design.

16. Request by the Burton School District and Porterville Sikh Center for Annexation and Access to City Services
Re: Considering requests by the Burton School District and the Sikh Center for annexation and connection to City services.

17. City of Porterville Grants Program
Re: Informational report about the City’s grant application efforts over the past 2.5 years.

18. Provision of Animal Control Services in the Community
Re: Authorizing the Police Department to begin performing animal control enforcement in Porterville, and the establishment of an Animal Control Officer classification.

19. Consideration of Liability Insurance Requirements for Community Civic Event – Veterans’ Day Homecoming Committee Veterans’ Day Parade
Re: Consideration of options regarding the liability insurance requirements for the Veterans’ Day Parade on Tuesday, November 11, 2008.

20. Council Member Appointment to Chamber Branding Stewardship Committee
Re: Considering a request to appoint a Council Member to serve on the Chamber Branding Stewardship Committee.

21. City Council Request to Consider Voluntary Drug Testing Program for Council and Commission/Committee Members
Re: Consideration of a draft voluntary drug and alcohol testing policy for Council and Commission/Board Members.

22. Council Member Request for an Agenda Item – Resolution and Ordinance Providing for the Regulation of Food Establishments and Food Facilities
Re: Consideration of a request to discuss and potentially act on a resolution and ordinance providing for the regulation of food establishments and food facilities.
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 November 4, 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.
CITY MANAGER’S FEATURED PROJECTS
FOR OCTOBER 2008

1. Redevelopment Bond Refinance
2. West Street Industrial Park
3. Hillside Development Ordinance
4. STIG/PAADA Non-Profit Established
5. Redevelopment Amendment – Economic Blight Assessment
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
JULY 1, 2008, 6:00 P.M.

Called to Order at 6:00 p.m.
Roll Call: Vice-Mayor McCracken, Council Member Pedro Martinez, Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

The Council adjourned to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency at 6:01 p.m.

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

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

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

A. Closed Session Pursuant to:

The Joint City Council/Redevelopment Meeting adjourned during Closed Session to a Meeting of the Porterville City Council.

CLOSED SESSION:

B. Closed Session Pursuant to:
   2-Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL OR AGENCY ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no action took place.

Pledge of Allegiance Led by Council Member Brian Ward

Page 1 of 15
Invocation – A moment of silence was observed.

PROCLAMATIONS
Elder Abuse Awareness Week – June 20 – July 5, 2008
Healthy Air Living Week – July 7-13, 2008

PRESENTATIONS
Employee of the Month – Nathan Delk
Police Department Briefing on Sector Program
Recognition of Art Cardell and Ken Goodwin

ORAL COMMUNICATIONS
- Luis Farias, 1091 W. Olive Avenue, spoke on behalf of El Reventon, LLC, owner of El Reventon, regarding Item No. 20. Mr. Farias spoke against the modification or revocation of the CUP.
- Martha Alcazar Flores, 249 So. Indiana, expressed concern with Item No. 20, speaking against any Council action to modify or revoke the CUP, and requested the right to speak during the Council’s consideration of the Item, should the need arise.
- Dick Eckhoff, business address 197 North Main Street, lauded the Police Department for their hard work and increased presence downtown; and spoke of Item No. 20, voicing concerns with the violations enumerated in the staff report.

CONSENT CALENDAR
Item No. 3 was removed for further discussion.

Documentation: M.O. 01-070108
Disposition: Approved

2. AWARD OF CONTRACT – POLICE DEPARTMENT SPRAYED POLYURETHANE ROOFING PROJECT
Recommendation: That the City Council:
1. Award the Police Department Sprayed Polyurethane Roofing Project to George Roofing, Inc. in the amount of $71,825.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs. OR
4. Reject all bids and authorize staff to re-advertise the project.
Documentation: M.O. 02-070108
Disposition: Approved
4. APPROVAL OF ON-CALL SERVICE AGREEMENT CONTRACT

Recommendation: That the City Council:
   1. Authorize the Mayor to sign the service agreement with Provost and Pritchard; and
   2. Authorize staff to negotiate a service agreement with URS, second-ranked consultant, should the need arise.

Documentation: M.O. 03-070108
Disposition: Approved

5. THIS ITEM HAS BEEN REMOVED.

6. THIS ITEM HAS BEEN REMOVED.

7. ACCEPTANCE OF PROJECT – FIRE STATION NO. 2 TRAINING ROOM

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

Documentation: M.O. 04-070108
Disposition: Approved

8. ACCEPTANCE OF PROJECT – AIR CONDITIONING REPLACEMENT PROJECT

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

Documentation: M.O. 05-070108
Disposition: Approved

9. EMERGENCY REPAIR OF FIRE DEPARTMENT APPARATUS

Recommendation: That the City Council ratify the action of the City Manager.

Documentation: M.O. 06-070108
Disposition: Approved
10. **ROYAL OAKS VESTING TENTATIVE SUBDIVISION MAP – EXTENSION OF TIME**

Recommendation: That the City Council adopt the draft resolution approving a twelve (12) month extension of time for the Royal Oaks vesting tentative subdivision.

Documentation: Resolution 57-2008

Disposition: Approved

11. **PRELIMINARY ANNUAL ENGINEER’S REPORT OF ASSESSMENTS FOR LIGHTING & LANDSCAPE MAINTENANCE DISTRICTS AND SETTING A PUBLIC HEARING**

Recommendation: That the City Council:

1. Adopt Resolutions:
   a. Ordering the preparation of an Engineer’s Report for the Landscape and Lighting Maintenance Districts for the fiscal year 2008-2009;
   b. Giving preliminary approval to the Engineer’s Report for the Landscape and Lighting Maintenance Districts for fiscal year 2008-2009;
   c. Declaring the intent to levy and collect assessments for fiscal year 2008-2009, and offering a time and place for hearing objections thereto; and

2. Further, that the City Council set a public hearing for 7:00 PM on July 15, 2008 regarding the Engineer’s Report and proposed assessments for the Landscape and Lighting Maintenance Districts for fiscal year 2008-2009.

Documentation: Resolution 58-2008
Resolution 59-2008
Resolution 60-2008

Disposition: Approved

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council approve Item Nos. 1, 2, and 4 through 11. The motion carried unanimously.

3. **APPROVAL OF AMENDMENT TO COMPREHENSIVE ZONING ORDINANCE UPDATE CONTRACT TO INCLUDE A DOWNTOWN OVERLAY AND AN AIRPORT OVERLAY ZONING DISTRICT**

Recommendation: That City Council authorize the Mayor to sign the service agreement amendment to add the Downtown Overlay and Airport Overlay Zoning Districts to the Dyett and Bhatia service agreement.
City Manager Longley introduced the item, and the staff report was waived at the Council’s request.

Mayor Hamilton expressed his concerns with setting a Downtown “D” Overlay for the entire Downtown area. Community Development Director Dunlap explained that the Downtown “D” Overlay would establish architectural themes, building mass, streetscape and pedestrian linkages, etc., and was being proposed in lieu of the Courthouse Commons Master Plan to accomplish the same things. Mayor Hamilton inquired about the borders, and stated that his parents may own property within the area. After receiving confirmation that his parents’ property was within the borders, Mayor Hamilton stated that he would be abstaining from further discussion of the item due to a perceived conflict of interest. The City Attorney noted that the Mayor did not have a conflict of economic interest.

City Manager Longley indicated that the proposed amendments would allow staff to conduct an analysis that would create standards and requirements for the two areas, which could later be presented to the Council for consideration of adoption. Community Development Director Dunlap noted that the process for developing the overlays would involve public input, and spoke briefly of the benefits of establishing standards. He added that the cost to the City was about a third of the price it would be for the Courthouse Commons Master Plan.

Council Member Felipe Martinez made a motion to accept staff’s recommendation. The motion died for lack of a second.

Council Member Pedro Martinez expressed his reservations with the implementation of a Downtown Overlay. In response, City Manager Longley indicated that approval of the item would give the City the opportunity to work through the issues being raised by the Council.

Council Member Felipe Martinez spoke in favor of the item and renewed his motion to accept staff’s recommendation. Vice-Mayor McCracken seconded the motion for discussion. After some discussion about considering the Downtown and Airport Overlays separately, Council Member Felipe Martinez withdrew his motion.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice-Mayor McCracken that the City Council separate for consideration the Downtown Overlay and Airport Overlay Zoning Districts.

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

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice-Mayor McCracken that the City Council authorize the Mayor to sign the service agreement amendment to add the Downtown Overlay District to the Dyett and Bhatia service agreement.
AYES: McCracken, F. Martinez, P. Martinez, Ward
NOES: None
ABSTAIN: Hamilton
ABSENT: None

City Manager Longley explained the purpose of the Airport Overlay Zoning District.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council authorize the Mayor to sign the service agreement amendment to add the Airport Overlay Zoning District to the Dyett and Bhatia service agreement

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

Disposition: Approved, as amended.

PUBLIC HEARINGS
12. CONDITIONAL USE PERMIT 6-2008 (VILLA SIENA FAMILY APARTMENTS)

Recommendation: That the City Council approve Conditional Use Permit 6-2008 subject to conditions of approval.

City Manager Longley introduced the item. Vice-Mayor McCracken and Council Member Felipe Martinez recused themselves due to having businesses within 500 feet and left the Council Chambers. Associate Planner Jose Ortiz presented the staff report.

The hearing opened to the public at 8:06 p.m.

- Tara Soukis, MacFarlane Costa Housing Partners, developer, spoke in favor of the item.
- Karen Smith, 184 W. Putnam, spoke of concerns with parking in the area.

The hearing closed to the public at 8:10 p.m.

A discussion ensued about the amenities available, and parking for office and visitor use. Community Development Director Dunlap then explained that efforts had been made to avoid problems that had occurred at another complex.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council approve Conditional Use Permit 6-2008 subject to conditions of approval.

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

Disposition: Approved

13. ZONE CHANGE AMENDMENT 2-2008

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

City Manager Longley introduced the item. Council Member McCracken conferred with the City Attorney regarding a potential conflict of interest, and it was determined that there he had no conflict. Mayor Hamilton recused himself due to a perceived conflict of interest. City Planner Ben Kimball presented the staff report.

The hearing was opened to the public at 8:27 p.m.

- Dick Eckhoff, 197 N. Main Street, spoke in favor of the item; spoke of economic challenges downtown; and implored City Council to make downtown redevelopment a priority.

- Rodney Martin, 146 S. Villa, voiced caution with implementing an overlay district, and spoke of similar experience with a negative outcome.

- Mary McClure, 23149 Josef Court, discouraged the implementation of a “D” Overlay, and spoke of a lack of clear direction.

Community Development Director Dunlap briefly spoke of the architectural styles of the downtown area and the guidelines for preserving and enhancing the buildings.

- Anabel Gobel, 33270 Meadow, inquired about the historical period of time from which the downtown theme was based.

Council Member Pedro Martinez indicated that he would like to hear from more business owners and community members, and made a motion to continue to the public hearing to the next City Council meeting. Mr. Dunlap noted that all property owners within the area and the 300 feet surrounding the area were notified.

Staff was directed to make design guidelines easily available to the public, and to provide comparative information of the impact of “D” overlay districts utilized in other cities.

Mr. Dunlap indicated that staff would require a month’s time, and Council Member Pedro Martinez amended his motion to continue the public hearing to the meeting of August 5, 2008.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council continue the public hearing to the August 5, 2008 meeting.
AYES: McCracken, P. Martinez, F. Martinez, Ward
NOES: None
ABSTAIN: Hamilton
ABSENT: None

Disposition: Public Hearing continued.

14. ZONE VARIANCE 1-2008 – TENTATIVE PARCEL MAP 1-2008 – DAVID PHILLIPS

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Zone Variance 1-2008; and

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

The hearing opened to the public at 9:04 p.m.

• Douglas Phillips, 816 N. Division Street, property owner, spoke in favor of the item.

The hearing closed to the public at 9:06 p.m.

COUNCIL ACTION: MOVED by Vice-Mayor McCracken, SECONDED by Council Member Resolution 62-2008 Felipe Martinez that the City Council adopt the draft resolution approving Resolution 63-2008 the Zone Variance 1-2008; and adopt a draft resolution approving Tentative Parcel Map 1-2008. The motion carried unanimously.

Disposition: Approved

SECOND READINGS

15. ORDINANCE 1741, NON-DRIVEWAY PARKING

Recommendation: That the Council give Second Reading to Ordinance No. 1741, waive further reading, and adopt said Ordinance.

City Manager Longley introduced the item, and no staff report was presented.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council give Second Reading to Ordinance No. 1741, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 18-25 OF CHAPTER 18, ARTICLE 1 OF THE PORTERVILLE MUNICIPAL CODE REGARDING NON-DRIVEWAY PARKING. The motion carried unanimously.
The City Manager read the ordinance by title only.

Disposition: Approved

16. ORDINANCE 1742, DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES

Recommendation: That the Council give Second Reading to Ordinance No. 1742, waive further reading, and adopt said Ordinance.

City Manager Longley introduced the item, and no staff report was presented.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council give Second Reading to Ordinance No. 1742, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING APPENDIX A (ZONING), ARTICLE 26, SECTION 2621 OF THE PORTERVILLE MUNICIPAL CODE REGARDING DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

17. ORDINANCE 1743, ESTABLISHING A ROTATION LIST FOR TOWING SERVICES

Recommendation: That the Council give Second Reading to Ordinance No. 1743, waive further reading, and adopt said Ordinance.

City Manager Longley introduced the item, and no staff report was presented.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council give Second Reading to Ordinance No. 1743, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE VII, ROTATIONAL TOW SERVICES, TO CHAPTER 15 OF THE PORTERVILLE MUNICIPAL CODE REGARDING THE ESTABLISHMENT OF A ROTATION LIST FOR TOWING SERVICES. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved
The Council recessed for five minutes.

**SCHEDULED MATTERS**

18. **THIS ITEM HAS BEEN REMOVED.**

19. **RE-CONSIDERATION TO ALLOW 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. Act on recommendations 3, 4, 5 and 6 upon written notification that the PVPUD will not challenge or in any way dispute the City’s right to provide water service within the District area;
2. Act on recommendations 3, 4, 5 and 6 upon written declaration that providing water service to the County will not initiate payment of prevailing wage on future City water projects;
3. Set the minimum parcel size for private ownership or ownership in aggregate at 1 acre;
4. 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;
5. Connection shall be allowed only if adequate line capacity is demonstrated; and
6. Authorize the Public Works Director to enhance, by one degree, conservation requirements as a condition of connection.

City Manager Longley introduced the item, and noted that the item was a request that was carried over as opposed to a “re-consideration” as stated on the agenda. At Council’s request, the staff report was waived.

Public Works Director Baldo Rodriguez indicated that there had been no significant changes in the staff report since its previous presentation. He stated that the residences were in Porter Vista District, and that the manager he spoke to was unable to tell him if they would object to the granting of the request. He then confirmed that the owner/applicant had not been able to put a district together.

City Attorney Julia Lew indicated that some proposed legislation could affect the triggering of prevailing wages on water and sewer works projects.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council direct staff to bring the item back for consideration if/when legislation regarding prevailing wages is passed. The motion carried unanimously.

Disposition: Direction given.
20. REQUEST TO SET A PUBLIC HEARING TO CONSIDER MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 5-2007 (SEAFOOD CAFÉ/EL REVENTON)

Recommendation: That the City Council direct staff on how to proceed.

City Manager Longley introduced the item, and Mayor Hamilton and Council Member Felipe Martinez recused themselves due to conflicts of interest and left the Council Chambers. City Attorney Lew indicated that three Council Members had previously conflicted out of the item, and Council Member Pedro Martinez had been called back by rule of necessity. She noted for the record that Council Member Pedro Martinez no longer had a conflict of interest in the matter.

Associate Planner Ortiz presented the staff report, which included the following options for Council direction.

OPTIONS: 1. Set a Public Hearing to consider modification or revocation of CUP 5-2007. Following the Public Hearing, the City Council would choose whether or not to impose new conditions of approval, revoke the CUP, or allow the CUP to remain.

2. Take no action. The Conditional Use Permit would remain in effect. Any other legal or administrative review processes would continue.

A discussion ensued regarding the issues the status of prior conditional use permit violations. Mr. Ortiz indicated that there were no outstanding violations, and that the Alcohol Beverage Control (ABC) would notify the City of any future citations.

Council Member Pedro Martinez requested that staff continue monitoring the establishment, and provide the Council with status reports.

Council expressed concern with the presence of minors within the establishment, and recommended that the employees who serve alcohol complete the ABC sanctioned training.

Council Member Ward expressed concern with the deception of police officers and public safety.

- Luis Farias, owner of El Reventon, addressed concerns with underage drinking.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council take no action, and direct staff to bring back the item for Council consideration in the event that any future violations of the Conditional Use Permit occur.

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

21. ORDINANCE SETTING LIMITS FOR CITY EXPENDITURES, INDEBTEDNESS, AND REVOLVING CASH FUND

Recommendation: That the City Council consider the limits to be provided and give first reading to the ordinance amending Chapter II, Article VII in accordance with Section 48 of the City's Charter.

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

COUNCIL ACTION: MOVED by Vice-Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council give first reading to the ordinance amending Chapter II, Article VII in accordance with Section 48 of the City's Charter, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER II, ARTICLE VII, “EXPENDITURES, INDEBTEDNESS, AND REVOLVING CASH FUND”, SECTIONS 2-35 THROUGH 2-37, and order the ordinance to print. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

22. SETTING PROCESS FOR CITY BUDGET PROCESS RATIFICATION

Recommendation: Direct the City Manager to bring the Budget to the next regular Council meeting as a scheduled matter to consider its ratification. This review should include detailed and specific information regarding the Water Fund and potential future additional indebtedness.

City Manager Longley introduced the item and presented a brief staff report. He was then directed by the Council to meet with Council Member Ward for a budget study session prior to the consideration of the Budget for ratification.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council direct the City Manager to bring the Budget Review as a scheduled matter on the July 15, 2008 Agenda to consider its ratification; and to meet with Council Member Ward prior to that meeting for a budget study session. The motion carried unanimously.

Disposition: Approved.
23. REDEVELOPMENT ADVISORY COMMITTEE MEMBERSHIP

Recommendation: That the Mayor:

1. Reappoint for a three-year term ending July 10, 2011, the seven members consenting to continue serving on the Redevelopment Advisory Committee for Project Area #1; and

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

COUNCIL ACTION: MOVED by Vice-Mayor McCracken, SECONDED by Mayor Hamilton that the City Council reappoint for a three-year term ending July 10, 2011, the seven members consenting to continue serving on the Redevelopment Advisory Committee for Project Area #1; and appoint Richard Eckhoff and Janice Castle to the Redevelopment Advisory Committee for a three-year term ending July 10, 2011. The motion carried unanimously.

Disposition: Approved

24. COUNCIL MEMBER APPOINTMENTS ON VARIOUS BOARDS & COMMITTEES

Recommendation: That the City Council appoint Council members to fill any existing vacancies, or change appointments, at the discretion of the Council.

City Manager Longley introduced the item, and provided a brief staff report.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Pedro Martinez that the City Council appoint Council Member Ward as the Consolidated Waste Management Authority alternate.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council appoint Council Member Ward to the Hillside Development Ordinance Committee. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice-Mayor McCracken that the City Council appoint Council Member Pedro
Martinez to the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Development Authority. The motion carried unanimously.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council appoint Council Member Ward to the Joint City/School Committee. The motion carried unanimously.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council appoint Council Member Ward to the Council of Cities. The motion carried unanimously.

Disposition: Approved

25. **AB1234 TRAINING**

Recommendation: That the City Council consider the report and provide direction.

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

Council directed that the City Manager’s secretary contact all Council members to schedule the training.

Disposition: Direction given.

**ORAL COMMUNICATIONS**

- Dick Eckhoff, address on record, 1) spoke regarding Item 13, suggesting that cities with flourishing downtowns were those that had the most restrictive design guidelines; and 2) commented on Item 20, inquiring as to the violations cited in the staff report and how the number compared to other similar businesses in town.

**OTHER MATTERS**

- Council Member Felipe Martinez:
  1. Invited all to the fireworks exhibition, sponsored by the Exchange Club and the Tule River Tribe, to take place on July 4th at Porterville College; and
  2. Spoke of the “Fabulous Music Under the Stars” fundraising event to take place at the Porterville Fairgrounds on July 19th, and invited all to attend.

- Council Member Pedro Martinez:
  1. Requested that he, Council Member Ward, and City Manager Longley meet to discuss the issue of re-establishing the Planning Commission;
  2. Thanked the Police Department for their work and anticipated efforts during the July 4th holiday;
  3. Regarding comments made on Item 20, clarified for the record that while minors were found in El Reventon, the report did not indicate the minors
were consuming alcohol; and
4. Requested that Mr. Farias of El Reventon be advised of training available for his staff, as had been discussed.

- Council Member Felipe Martinez inquired as to the status of the arbors at Murry Park. Mr. Longley advised of the progress, indicating that the plan would be provided to the Council the following week.
- Vice-Mayor McCracken spoke of the requirements of a Type-47 license issued by the ABC, indicating that food must be served when serving alcohol. He surmised that the issue with El Reventon’s license suspension was likely not due to minors, but rather that the kitchen had been closed. City Attorney Lew agreed, and elaborated that the lack of service of food had likely been the impetus of the problem.

**ADJOURNMENT**

The Council adjourned at 10:22 p.m. to the meeting of July 15, 2008 at 6:00 p.m.

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Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Mayor
Call to Order at 6:00 p.m.
Roll Call: Vice-Mayor McCracken, Council Member Pedro Martinez (arrived late), Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   5- Government Code Section 54957 - Public Employee Appointment: Title: City Manager.

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

Pledge of Allegiance Led by Council Member Brian Ward
Invocation – A moment of silence was observed.

PRESENTATIONS
   ➢ Featured Project of the Month – Police Department Reorganization
   ➢ Outstanding Business – La Fuente Mexican Restaurant and Don Vino’s Italian Kitchen
   ➢ Library Services
   ➢ Introduction of New City Employees
      1. Armando Da Silva, Leisure Services Coordinator
      2. Janice Celinder, Administrative Analyst
      3. Javier Sanchez, Assistant City Engineer

ORAL COMMUNICATIONS
Dick Eckhoff, business address at 197 North Main Street, inquired whether the proposed staff changes in Item No. 9 were funded by Measure H, to which Mr. Longley responded they were not; spoke in favor of the Ordinance establishing the Downtown “D” Overlay Zone scheduled for Second Reading (Item No. 11); and requested that he have the opportunity to speak on Item No. 13 when the Council addressed the Item.

Boyd K. Leavitt, 457 Oak Avenue, inquired as to the new building with the appearance of a castle at the corner of Indiana Street and Olive Avenue.

Willie Carrillo, Leadership Porterville Class of 2008, commented that he was in attendance as a part of the Leadership Porterville curriculum, and extended invitations to the Council Members to attend an upcoming Tule River Indian Tribe event with Pete Rose.

Donnette Silva Carter, Porterville Chamber of Commerce, spoke of the upcoming 5th Annual Sierra Business Conference to take place September 19, 2008 at the Galaxy Theater, and invited all to attend.

CONSENT CALENDAR


Recommendation: That the City Council approve the Minutes of December 18, 2007 and January 15, 2008.

Documentation: M.O. 01-081908
Disposition: Approved

2. CLAIM – DANIEL CEBALLOS

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. 02-081908
Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS – TRANSIT MAINTENANCE & CNG FUELING FACILITY 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.

Documentation: M.O. 03-081908
Disposition: Approved

4. ACCEPTANCE OF PROJECT - NEWCOMB STREET SHOULDER STABILIZATION PROJECT

Recommendation: That the City Council:
1. Accept the project as complete; and

Page 2 of 11
2. Authorize the filing of the Notice of Completion.

Documentation: M.O. 04-081908
Disposition: Approved

5. ACCEPTANCE OF PROJECT – POLICE DEPARTMENT SPRAYED POLYURETHANE ROOFING PROJECT

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

Documentation: M.O. 05-081908
Disposition: Approved

6. REIMBURSEMENT FOR THE CONSTRUCTION OF MASTER PLAN IMPROVEMENTS – SUNRISE VILLA, PHASE TWO & THREE SUBDIVISION (GARY SMEE)

Recommendation: That the City Council:
  1. Accept the Master Plan public improvements Sunrise Villa, Phase Two & Three Subdivision for maintenance; and
  2. Approve reimbursement to Mr. Gary Smee 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 $345,148.60.

Documentation: M.O. 06-081908
Disposition: Approved

7. AMENDMENT TO HERITAGE BALLFIELDS PHASE 1 PARKING LOT PROJECT

Recommendation: That City Council:
  1. Approve a budget adjustment to reallocate the Section 108 funds to the landscape and irrigation project; and
  2. Approve an amendment with Halopoff & Sons, Inc. for the installation of landscaping and irrigation at the entry of the Heritage Center and the installation of artificial turf in the common area of the Heritage Center/Santa Fe Elementary School complex in an amount not to exceed $145,000, exclusive of contingency and administration.

Documentation: M.O. 07-081908
Disposition: Approved
8. CITY OF PORTERVILLE CONFLICT OF INTEREST CODE – BIENNIAL REPORT AND AMENDMENT

Recommendation: That the City Council accept the Conflicts and Disclosure Monitor Agency 2008 Biennial Report.

Documentation: M.O. 08-081908
Disposition: Approved

9. PROPOSED CHANGES IN THE TABLE OF ORGANIZATION WITHIN THE PARKS & LEISURE SERVICES AND POLICE DEPARTMENTS

Recommendation: That the City Council:
   1. Adopt the proposed draft resolution authorizing changes in the Table of Organization and amending the Positions Allocation Schedule of the City’s Employee Pay and Benefit Plan;
   2. Authorize a budget adjustment in the amount of $52,489 between the Parks & Leisure Services and Police Departments to account for salary and benefit costs; and
   3. Authorize the Mayor to execute these and other documents necessary to implement the provisions hereof.

Documentation: Resolution 78-2008
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve Item Nos. 1 through 9. The motion carried unanimously.

PUBLIC HEARINGS
10. REQUEST FOR A CONDITIONAL USE PERMIT 7-2008 TO ALLOW A TYPE 20, BEER AND WINE OFF-SALE LICENSE AND A LETTER OF PUBLIC CONVENIENCE OR NECESSITY IN CONJUNCTION WITH THE MINI-MART AND GASOLINE PUMPS, LOCATED AT 244 NORTH “D” STREET (CHEVRON FOOD MART)

Recommendation: That the City Council approve Conditional Use Permit 7-2008 to allow a Type 20 beer and wine off-sale license and Letter of Public Convenience or Necessity for the Chevron mini-mart and gasoline pumps.

City Manager Longley introduced the item. Vice-Mayor McCracken and Council Member Felipe Martinez recused themselves due to being within 500 feet of the location and left the Council Chambers. City Planner Ben Kimball presented the staff report.

Council Member Ward inquired about significant changes that had occurred since the previous ruling. Mr. Kimball indicated that it had been a Council determination and the applicant
had stated that there was a significant change in the business climate downtown.

The hearing opened to the public at 7:48 p.m.

- Boyd K. Leavitt, 457 E. Oak Ave., spoke in favor of approval.
- Dick Eckhoff, address on record, spoke in favor of approval.
- Chris Sanders, 450 Colby, spoke on behalf of the applicant and in favor of approval.
- Donnette Silva Carter, Porterville Chamber of Commerce, spoke in favor of approval.

The hearing closed to the public at 7:58 p.m.

A discussion ensued regarding Council Member Ward’s concern of an overconcentration of Conditional Use Permits (CUPs) per census tract. Staff explained that the amount of licenses allowed per census tract was dependent on population density, so commercial areas may have more than the allotted number of CUPs, while residential areas would have substantially less than the maximum allowed.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council approve Conditional Use Permit 7-2008 to allow a Type 20 beer and wine off-sale license and Letter of Public Convenience or Necessity for the Chevron mini-mart and gasoline pumps.

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

Disposition: Approved

SECOND READINGS
11. ORDINANCE 1745, DOWNTOWN “D” OVERLAY ZONE

Recommendation: That the City Council give Second Reading to Ordinance No. 1745, waive further reading, and adopt said ordinance.

City Manager Longley introduced the item and presented the staff report. Vice-Mayor McCracken and Council Member Felipe Martinez recused themselves due to conflicts of interest.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Brian Ward that the City Council give Second Reading to Ordinance No. 1745, 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 2-2008 TO ESTABLISH A “D” OVERLAY ZONE TO THE PROPERTIES LOCATED IN DOWNTOWN PORTERVILLE, BETWEEN MORTON AND OLIVE AVENUES AND SECOND AND HOCKETT STREETS.

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

The City Manager read the ordinance by title only.

Disposition: Approved

12. ORDINANCE 1746, DESIGNATING TRANSIT PARKING IN HOCKETT/OAK LOT

Recommendation: That the City Council give Second Reading to Ordinance No. 1746, waive further reading, and adopt said ordinance.

City Manager Longley introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council give Second Reading to Ordinance No. 1746, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING A SECTION OF CHAPTER 17, ARTICLE XI – STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS AND PUBLIC PARKING LOT. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

The Council recessed for ten minutes.

SCHEDULED MATTERS

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

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

City Manager Longley introduced the item and presented the staff report. He introduced Ted Smalley, Executive Director for the Tulare County Association of Governments (TCAG). Mr. Smalley and Mr. Allen Ishida, District 1 Supervisor, made a presentation to the Council regarding the proposed Measure R Amendment and the efforts to preserve rail right-of-way. Mike Ennis, District 5 Supervisor, followed, speaking of the importance of keeping the rail, and of AB32.

Following the presentation, a discussion ensued about the ownership of right-of-way. Mr. Ishida stated that the purchase of land and right-of-ways from railroad companies was not a simple process, and that the maintenance of the right-of-way was the main goal at that time. He indicated that the railway would be owned and controlled by an association of Council of Governments (COGs) in the future, and spoke of the approval process for the re-appropriation of Measure R funds.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council adopt the draft resolution to indicate support of using Measure R funds to preserve existing rail lines. The motion carried unanimously.

**Disposition:** Approved

14. CITY WEBPAGE RE-DESIGN

**Recommendation:** That the City Council designate two (2) Council members to serve on the ad hoc Webpage Design Committee.

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

After a brief discussion, the Council designated Council Member Ward and Vice-Mayor McCracken to serve on the ad hoc Webpage Design Committee.

**Disposition:** Appointments designated

15. CONSIDERATION OF LEGISLATIVE ISSUES: 2008-09 STATE BUDGET; AB 1884; PROPOSITION 7 (2008)

**Recommendation:** That the City Council:

1. Authorize the proposed letter be sent to the Governor, State and Assembly leaders, and our Legislative representatives regarding the State Budget;
2. Authorize the proposed letter be sent to the Governor regarding AB 1884; and
3. Consistent with the League of Cities, recommend a NO vote on Proposition 7.
City Manager Longley introduced the item and presented the staff report. Council Member Felipe Martinez indicated that he had a conflict of interest on recommendation No. 2, and requested that it be considered separate from Nos. 1 and 3.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council authorize the proposed letter be sent to the Governor, State and Assembly leaders, and our Legislative representatives regarding the State Budget; and consistent with the League of Cities, recommend a NO vote on Proposition 7. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice-Mayor McCracken that the City Council authorize the proposed letter be sent to the Governor regarding AB 1884.

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

Disposition: Approved

16. REQUEST TO CONSIDER MOBILE COMPUTER LAB

Recommendation: If the Council wishes to pursue the project and define a source of funding, direction should be given and the matter returned at a subsequent Council meeting.

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

After a brief discussion, the Council formed a committee that to address the issue. The committee consisted of: Council Members Ward and Pedro Martinez, City Manager Longley, Parks & Leisure Services Director Perrine, and City Librarian Cervantes.

Disposition: Staff direction given.

The Council adjourned at 9:13 p.m. to a meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
August 19, 2008

Roll Call: Vice-Chairman McCracken, Member P. Martinez, Member F. Martinez, Member Ward, Chairman Hamilton
WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PRA-1. AMENDING RESOLUTION NUMBERS 2008-05 AND 2008-06
ADOPTED ON JULY 15, 2008, APPROVING THE ISSUANCE AND
SALE OF REDEVELOPMENT PROJECT AREA NO. 1 TAX
ALLOCATION REFUNDING BONDS

Recommendation: That the Porterville Redevelopment Agency:

1. Adopt the draft resolution amending the issuance and sale by the
Porterville Redevelopment Agency of its Redevelopment Project
Area No. 1 Tax Allocation Refunding Bonds 2008 Series A
(redevelopment projects) and its Redevelopment Project Area No.
1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment
projects) to finance and refinance redevelopment activities
within, or of benefit, to Porterville Redevelopment Project Area
No. 1 approving the form and authorizing the execution of related
documents and approving related actions;

2. Adopt the draft resolution amending the issuance and sale by the
Porterville Redevelopment Agency of its Redevelopment Project
Area No. 1 Tax Allocation Refunding Bonds 2008 Series C
(housing projects) and its Redevelopment Project Area No. 1
Taxable Tax Allocation Bonds 2008 Series D (housing projects)
to finance and refinance low and moderate income housing
activities within, or of benefit, to Porterville Redevelopment
Project Area No. 1 approving the form and authorizing the
execution of related documents and approving related actions;
and

3. Authorize the Chairman to sign all necessary documents.

Agency Secretary Longley introduced the item. Chair Hamilton, Vice-Chair McCracken,
and Member Felipe Martinez indicated that they each had a conflict of interest. Chair Hamilton
remained by Rule of Necessity to consider the item. Community Development Director Dunlap
presented the staff report. Following the staff report, Ben “Bud” Levine, bond underwriter, Wulff
Hansen & Co., elaborated on the amendments being requested.

AGENCY ACTION: MOVED by Agency Chair Hamilton, SECONDED by Agency Member
PRA 2008-07 Ward that the Agency adopt the draft resolution amending the issuance
and sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) to finance and refinance redevelopment activities within, or of benefit, to Porterville Redevelopment Project Area No. 1 approving the form and authorizing the execution of related documents and approving related actions; adopt the draft resolution amending the issuance and sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) to finance low and moderate income housing activities within, or of benefit, to Porterville Redevelopment Project Area No. 1 approving the form and authorizing the execution of related documents and approving related actions; and authorize the Chairman to sign all necessary documents.

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

Disposition: Approved

The Agency adjourned the Redevelopment Agency meeting at 9:27 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
➢ Council Member Ward requested a Proclamation in support of Proposition 8.
➢ Council Member Felipe Martinez:
   1. Reported on his attendance on behalf of the City at the Board of Governors’ Meeting recently held in Union City;
   2. Requested that an item be placed on the next agenda regarding the installation of misters in the City Park arbors;
   3. Requested that staff look into the costs for constructing a new “shed” in the matter of the fairgrounds relocation.
➢ Council Member Ward inquired as to the status of compiling information on installing fencing/barriers – either natural, artificial, or both – at the Veterans’ Park playground. It was requested that the item come back at the second meeting in September.

ADJOURNMENT
The meeting adjourned at 9:39 p.m. to the meeting of September 2, 2008 at 6:00 p.m.
Call to Order at 6:04 p.m.
Roll Call:   Vice-Mayor McCracken, Council Member Pedro Martinez (arrived late), Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

Pledge of Allegiance led by Mayor Cameron Hamilton
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:

RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
It was reported that no action took place.

ADJOURNMENT
The Council adjourned at 7:03 p.m. to the Council Meeting of October 7, 2008.

Patrice Hildreth, Chief Deputy City Clerk

SEAL

Cameron Hamilton, Mayor
SUBJECT: CLAIM – BRYAN LUCKETTA

SOURCE: ADMINISTRATION

COMMENT: Mr. Bryan Luccketta has filed a claim against the City in an amount exceeding $25,000 in the unlimited jurisdiction of Tulare County Superior Court for personal injury, emotional distress and lost wages. Claimant alleges that Porterville Police Officers used excessive force and violated his civil rights when he was arrested on March 8, 2008 at 1750 W. Wall Avenue.

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 PUBLIC ENTITY

(GOVERNMENT CODE SECTIONS 905, 905.2, 910, 910.2)

TO: CITY OF PORTERVILLE, CITY CLERK

Bryan Luccketta hereby makes a claim against the City of Porterville, and the Porterville Police Department, for the conduct of its employees, including, but not limited to, police officers Steve Ward and Steve McGuire, and makes the following statements in support of the claim:

1. Claimant’s name: Bryan Luccketta.

2. Claimant’s DOB: [redacted]

3. Claimant’s address: 587 Mathew St., Porterville, CA 93257.


5. Notices concerning the claim should be sent to the above address.

6. The date giving rise to this claim is on or about March 8, 2008, at which time claimant was at a friend’s home located at 1750 Wall Lane in Porterville, CA, attending an anniversary celebration. The police were called to the residence due to the volume of the music being played by a DJ, not the claimant, who was hired for the event. The police requested parties, not the claimant, to lower the volume of the music and the parties complied. After the police left, however, the volume was increased. The police were gone only a few minutes before returning to the home. Upon returning the police and other parties engaged in an altercation, other officers arrived and the altercation escalated. Claimant was a bystander at all times. Officers Ward and McGuire approached claimant from behind and using force, struck claimant between the shoulder blades, knocking claimant to the ground. Claimant was able to stand up and being both surprised and injured by the assault and after asking
what was going on, claimant was at that time handcuffed and placed under arrest for
battery on a police officer.

As a result of this conduct to Claimant, Claimant has been caused to suffer the following
injuries:

ASSAULT AND BATTERY

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

7. Claimants' injuries are caused by the negligent acts and the intentional acts of
   Officers Steve Ward and Steve McGuire, police officers for the Porterville Police
   Department and the City of Porterville.

8. Claimant has suffered physical injury in the form of a re-injury of claimant's back.
   Claimant has lost wages and future income due to the injury. The incident has caused
   emotional distress to the claimant including, but not limited to sleep loss, nightmares,
   deteriorating health, being unable to eat, and nervousness.

9. Claimant’s claim, as the date of execution of this document, is an amount that would
   place it within the jurisdiction of the Superior Court, as a non-limited civil case. This
   claim is based on injuries, damages, and/or losses in an amount according to proof at
   time of trial.

10. Claimant reserves the right to amend the amount of his claim for damages upon
    ascertaining additional information. Claimant also reserves the right to amend their
    claim to name defendants as they become known. Claimant reserves the right to
    amend to plead causes of action arising out of the referenced incidents as they
    become know to claimant.
11. The names of the public employers are the City of Porterville and the Porterville Police Department.

Dated: September 3, 2008

Claimant: [Signature]

Bryan Luccketta
SUBJECT: RATIFICATION OF BUDGET ADJUSTMENT FOR RELOCATION PLAN FOR TULARE COUNTY JUNIOR LIVESTOCK AND COMMUNITY FAIR, INC., AND COMISION HONORIFICA MEXICANA AMERICANA, INC.

SOURCE: Administration

COMMENT: As a component of the proposed location and construction of a new Courthouse at the current Fairgrounds and Municipal Ballpark site, City staff recommends the ratification of a budget adjustment in the amount of $40,000 from unallocated General Fund reserves for the development of a relocation plan for the Tulare County Junior Livestock and Community Fair, Inc., and Comision Honorifica Mexicana Americana, Inc. The General Fund reserves shall be replenished in the amount of $40,000 from proceeds upon the sale of the site to the State.

RECOMMENDATION: That the Council ratify the proposed budget adjustment from unallocated General Fund Reserves, to be replenished from proceeds upon the sale of the property to the State.
SUBJECT: Repair of Air Conditioning Unit at Police Facility

SOURCE: Police Department

COMMENT: The air conditioning unit at the Police Facility is an aging system that has required higher costs for maintenance and repair service in recent years. During a recent quarterly maintenance check and service, the technician identified several components of the A/C system needing repairs and/or replacement. These repairs are necessary and vital to the proper and efficient operation of the air conditioning unit at the Police Facility.

The city has a Service Agreement with Air Control Services of Bakersfield for repairs and quarterly maintenance service of the air conditioning unit at the Police Facility. They propose to perform the following repairs of the A/C Unit:

- Repairs to Condensate Drains .......................................................... $932.00
- Economizer and Inlet Vein Repairs .............................................. $4,323.00
- Discharge Air Controller ............................................................... $2,780.00
- Repairs to Air Compressor ............................................................. $2,676.00
- Calibration of Pneumatic Controls .............................................. Time & Materials

Total Costs: $10,711 plus additional unknown costs for pneumatic controls.

During the 2007-2008 budgeting process, $100,000 was set aside from General Fund carryover to fund a Polyurethane Roofing Project at the Police Facility. That project was completed in July 2008, with a final construction cost of $73,325.00. Staff is seeking to use remaining funds set aside for the roofing project, to fund the much needed repairs to the air conditioning unit.

RECOMMENDATION: That City Council:

1) Authorize the performance of proposed repairs of the A/C unit at the Police Facility by Air Control Services;

2) Authorize the use of General Fund carryover funds to make the repairs.

Item No. 4
PORTERVILLE POLICE DEPARTMENT INTEROFFICE MEMO

September 26, 2008

TO: Chuck McMillan, Chief of Police
FROM: Silver Rodriguez, Captain, Services Division
SUBJECT: Repairs of Air Conditioning Unit at Police Facility

The police department has a Service Agreement with Air Control Services of Bakersfield, for repairs and quarterly maintenance checks of the air conditioning unit atop our facility. During the last maintenance check and inspection, they found several parts needing repair. Despite the condition of these items, our A/C unit continues to function. However, neglecting to repair these can result in significant damage to the whole unit. Replacement of the air conditioning unit is estimated at $60,000. Air Control Services has provided a proposed cost of $10,711 to make the needed repairs and get our unit functioning properly.

In late July 2008, the police facility underwent a Sprayed Polyurethane Roofing Project at a cost of $73,325.00. Funding for this project came from General Fund carryover and was approved in the 2007/2008 Annual Budget. During the budgeting process, $100,000 of carryover funds was set aside for this project. The broken or non-functioning parts of the A/C were unforeseen and the repair costs could have a detrimental impact on the department budget. An ideal solution is to expend unused amounts of carryover funds from the roofing project, to pay for the needed repairs. While the broken parts do not at this time rise to the level of an “emergency” if the unit were to stop working, the environment in the police building could be intolerable for employees and damaging to critical computer equipment. Hence, there is some urgency to act and to make these repairs.

The repairs needed and estimated costs are as follows:

**Subject: Repairs to Condensate Drains**

Remove broken condensate drain from small Trane unit
Install new condensate drain on small Trane unit
Re pip condensate drain for small Trane unit
Install T-stand bracket for condensate drain on large Trane unit

**Price ................................................................. $932.00**

**Subject: Economizer and Inlet Vein Repairs**

Remove economizer mod motor and inlet vein mod motor from large Trane unit
Install mod motor and inlet vein motor
Install new potentiometer for minimum position of economizer
PORTERVILLE POLICE DEPARTMENT INTEROFFICE MEMO No. S-016
Repair of Air Conditioning Unit at Police Facility
Page 2

Install new differential pressure switch for inlet veins
Install new compressor lock out thermostat
Install new enthalpy control
Clean OSA section, blower section, blower wheels and inlet veins
Clean OSA damper and return air damper
Lubricate all inlet veins, OSA damper and return air damper
Start up and verify proper operation of economizer and inlet veins

Price..................................................................................$4,323.00

Subject: Discharge Air Controller

Remove failed discharge air controller from large Trane unit
Install new discharge air controller with new discharge air sensor
Start up and verify proper operation

Price..................................................................................$2,780.00

Subject: Repairs to Air Compressor

Remove bad air drier, bypass valve and PRV station
Install new air drier, bypass valve and PRV station
Configure piping to match new and existing components
Start up and verify proper operation of equipment

Price..................................................................................$2,676.00

Subject: Calibration of Pneumatic Controls

Calibrate all VAV boxes (Quantity: 28)
Calibrate pneumatic control panel
Start up and verify proper operation of all pneumatic controls

*Note: VAV boxes consist of pneumatic thermostat, reset volume controller and reversing relay. Pneumatic control panel consists of all transmitters, receiver controller and diverting relays.

Price..................................... Job will be performed at Time & Material
SUBJECT: AWARD OF CONTRACT – TRANSIT MAINTENANCE & CNG FUELING FACILITY PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On October 14, 2008, staff received five (5) bids for the Transit Maintenance & CNG Fueling Facility Project. The Base Bid includes construction of a public access “fast fill” and private “time fill” compressed natural gas fueling facility and transit maintenance facility improvements that include parking canopies and a bus wash at the City Corporation Yard.

Modifications to the horse shoe recycle center are included to accommodate the public access fast fill island while continuing to allow for recycle drop off. Ten (10) time fill posts are proposed in the project with piping for ten (10) future time fill posts for transit CNG buses, future refuse trucks and City owned vehicles. Two additional parking canopies for the Field Services Division are included in the base bid.

The project includes add alternates.
- Add Alternate A - Additional paving area south east of the transit/time fill canopies.
- Add Alternate B - A suction side gas dryer to replace the base bid cartridge discharge gas dryer.
- Add Alternate C - Signing, striping and pavement marking which City forces will complete if not awarded.

Funding was approved in the 08/09 Annual Budget for CNG Facility - $1,550,000 (Special Gas Tax/CMAQ), Bus Maintenance Facility - $725,000 (Section 5307 Federal Funding & LTF), PTMISEA Funds - $434,207, General Fund Carry Over - $135,000 and Sewer Revolving Fund - $265,000 for a total project budget of $3,109,207.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>1. TTS Construction Corporation</td>
<td>Base Bid = $2,684,139.00</td>
</tr>
<tr>
<td>Lodi, CA</td>
<td>Add Alt. A = $37,686.00</td>
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<tr>
<td></td>
<td>Add Alt. B = $65,791.00</td>
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<tr>
<td></td>
<td>Add Alt. C = $7,075.00</td>
</tr>
<tr>
<td>2. TNT Industrial Contractors Inc.</td>
<td>Base Bid = $2,939,962.06</td>
</tr>
<tr>
<td>Sacramento, CA</td>
<td>Add Alt. A = $70,344.50</td>
</tr>
<tr>
<td></td>
<td>Add Alt. B = $105,395.00</td>
</tr>
<tr>
<td></td>
<td>Add Alt. C = $25,000.00</td>
</tr>
</tbody>
</table>

Dir Appropriated/Funded CM

Item No. 5
3. Dawson-Mauldin Construction Inc.  
   Selma, CA  
   Base Bid = $3,068,361.30  
   Add Alt. A = $46,532.20  
   Add Alt. B = $140,000.00  
   Add Alt. C = $20,500.00  

4. American Incorporated  
   Visalia, CA  
   Base Bid = $3,283,028.12  
   Add Alt. A = $40,652.00  
   Add Alt. B = $82,775.00  
   Add Alt. C = $2,922.00  

The fifth bid received from E.T. Environmental California of Valencia was deemed non responsive due to an incomplete submittal.

Staff has found the low bid acceptable.

The Engineer's Estimate for construction of the Base Bid is $2,835,017. The low bid is 5.3% below the Engineer's Estimate. Based on the available budget for the project staff recommends awarding the Base Bid and Add Alternates A and B for a total of $2,787,616.00. An additional $250,885.44 is required for construction contingency (9%), $50,000.00 for construction engineering, staff time and quality control testing and $15,361 for Fuel Solutions (CNG Consultant) construction assistance. The total estimated cost for construction as outlined is $3,103,862.44.

RECOMMENDATION: That City Council:

1. Award the Transit Maintenance & CNG Fueling Facility Project Base Bid and Add Alternates A and B to TTS Construction Corporation in the amount of $2,787,616.00; and

2. Authorize a 9% contingency to cover unforeseen construction costs.

ATTACHMENT: Locator Map

P:\pubworks\Engineering\Council Items\Award of Contract - Transit Maintenance & CNG Fueling Facility Project - 2008-10-21.doc
City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

LOCATED SOUTH OF GRAND AVENUE,
& WEST OF PROSPECT STREET.

TRANSIT MAINTENANCE &
CNG FUELING FACILITY PROJECT
SUBJECT: ACCEPTANCE OF PROJECT – HERITAGE CENTER BALL FIELDS, PHASE 1 PARKING LOT & PICNIC AREA

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff and Sons, Inc. has completed the construction of public improvements associated with the first phase of the Heritage Ball Fields. The project consisted of site entrance and utility improvements, parking improvements and an initial 15,700 square feet of landscaping. Council later approved a contract augmentation to complete the landscaping around the pavilion, which enhanced the focal entry area to the Heritage Center. A pedestrian pathway along the westerly portion of the site from the easterly extension of Walnut Avenue to Wallace Street was also constructed as part of the project.

City Council authorized expenditure of $667,679.44. Final construction cost is $628,238.83. Section 108 Loan is the funding source for this project and was approved as part of the 2008/2009 fiscal year budget.

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

RECOMMENDATION: That City Council:

1. Accept the Heritage Center Ball Fields, Phase One Project as complete;

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

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

ATTACHMENT: Locator Maps

P:\pubworks\Engineering\Council Items\Acceptance of Project - Heritage Center Ball Fields Phase 1 - 2008-10-21.doc

Dir /Appropriated/Funded / CM / Item No. 6
SUBJECT:  STATUS REPORT – HOCKETT / MILL / OAK PARKING LOT RECONSTRUCTION PROJECT

SOURCE:  Public Works Department - Engineering Division

COMMENT:  At the September 16, 2008 meeting, City Council awarded a contract to JWT General Engineering of Clovis for the Hockett/Mill/Oak Parking Lot Reconstruction Project. Complete reconstruction of the parking lot serving downtown includes new paving, curb & gutter, sidewalk, stamped concrete walkways, alley approaches, landscaping, irrigation, nostalgic interior parking lot and perimeter street lighting and trash enclosures.

On October 9, 2008 staff held a public meeting at City Hall to inform all interested parties of the upcoming schedule for construction and the impacts to downtown parking. Construction was scheduled to begin on October 13, 2008. Several business owners stated their displeasure with the timing of the project as it related to the holiday shopping season. All in attendance were enthusiastic about the project but stated that it must be delayed. Staff informed those in attendance that the contractor would be contacted the next day regarding the project schedule.

On Friday October 10, staff contacted the contractor and respectfully requested the project be postponed until after the first of the year. The contractor has agreed to postpone the project and to meet with staff after the holidays to prepare a revised construction schedule.

RECOMMENDATION:  None - information only.

ATTACHMENT:  Locator Map
City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 782-7462

THE AREA LOCATED SOUTH OF MILL AVENUE BETWEEN HOCKETT STREET AND DIVISION STREET.

PARKING LOT
RECONSTRUCTION
ATT & GUARDIAN
SUBJECT: WATER SYSTEM STATUS / PHASE II WATER CONSERVATION

SOURCE: Public Works Department – Field Services Division

COMMENT: With the change in the seasons upon us and temperatures on the way down, water usage has slightly declined giving us the opportunity to let some of our wells rest from the long summer run. The water system operated through the peak hot months exceptionally well with only a few minor pump malfunctions. The addition of the newest Well No. 29, on West Henderson Avenue, was a great addition to the system and an asset for sustaining satisfactory water pressure levels during peak demand times throughout the summer. The system once again operated exceptionally well with no low pressure and fewer affiliated complaints than in past years.

Phase II of the Water Conservation Plan was implemented May 1st of this year with the introduction of the new voluntary odd/even watering plan. A media campaign for the conservation plan began with radio and newspaper messages. Billing statements were also sent out with inserts explaining the new plan (odd addresses would water on Tuesday, Thursday and Saturday and even addresses would water on Wednesday, Friday and Sunday with NO watering on Mondays). Other programs promoted were May being declared water conservation month and promotion of water saving ideas at the Porterville Fair booth. There was an approximate 10% lower consumption in the months of June and July than the previous year. Porterville residents are commended for their conservation efforts.

RECOMMENDATION: That the City Council set a public hearing for November 4, 2008 to return to Phase I of the Water Conservation Plan.

ATTACHMENT: Production Graph
SUBJECT: ENFORCEMENT OF COMMERCIAL TRUCK PARKING ON WEST OLIVE AVENUE

SOURCE: Public Works Department

COMMENT: Public Works staff will be meeting shortly with appropriate county representatives regarding enforcement options of commercial trucks parking on West Olive Avenue.

Staff will provide the options to Council at the November 4, 2008 City Council Meeting.

RECOMMENDATION: None – Information Only
SUBJECT: SHORT RANGE TRANSIT PLAN – FORMAL APPROVAL

SOURCE: Administration (Transit)

COMMENT: On July 15, 2008, the City’s transportation consultant, Charles Clouse of TPG Consulting, Inc., presented the City’s Short Range Transit Plan (SRTP) covering Fiscal Years 2008/09 through 2012/13. The SRTP was reviewed, questions answered; however, no formal action was received by the City Council.

During the discussion on the Five-Year Equipment Purchase Program, it was stated that the focus was on upgrading the existing fleet to a healthier life cycle and adjusting the fleet to a size more appropriate for the current and planned service. It further indicated it was “imperative” that the vehicle acquisition schedule be stepped-up to strengthen the fleet’s reserve vehicle ratio, as well as providing adequate vehicles for daily pullout requirements.

Transit staff has been notified that additional Prop. 1B funding will be available for transit-related capital projects. However, a formal adoption of the latest Short Range Transit Plan is one of the requirements to meet the criteria for funding.

It would appear that the purchase of an additional CNG bus to augment the City’s transit fleet would be an appropriate project for submittal of a request for Prop. 1B funds. It is anticipated this will be one vehicle, if the funding is similar to the last cycle of funds appropriated.

RECOMMENDATION: That the City Council:

1. Formally adopt the City’s Short Range Transit Plan presented on July 15, 2008; and

2. Authorize staff to file an application for the City of Porterville’s allocation of Prop. 1B funds for use in procuring a CNG transit bus.

DD Appropriated/Funded CM

Item No. 10
COUNCIL AGENDA: OCTOBER 21, 2008

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
MARIACHI ACADEMY FOUNDATION-FABULOUS MUSIC JAM II

SOURCE: Administrative Services - Purchasing Division

COMMENT: The Mariachi Academy Foundation, along with the Time Marches On Committee, are requesting approval to hold an entertainment and music fund raiser event at the Centennial Plaza on Saturday, November 8, 2008 from 10 a.m. to 9 p.m. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended. In addition, it has been requested that the City serve as a Co-Sponsor of the event, with several contributions of services requested.

The application has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit “A.”

Staff recommends that the Council authorize the City to serve as a Co-Sponsor for the event as requested, with a couple of conditions: 1) The City’s Parks & Leisure Services Department has fifteen (15) tables available for use, not the twenty-five (25) requested; and 2) the City’s Police Department will provide Police Officer presence, however, the Foundation shall provide a minimum of two (2) security guards to adequately control the sale and consumption of alcoholic beverages at and around the beer garden.

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Mariachi Academy Foundation, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.


D.D. Appropriated/Funded C.M. Item No. 11
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: 9-28-08  Event date: 11-8-08
       9-29-08  Event time: 10am - 9pm

Name of Event: Fabulous Music Jam II

Sponsoring organization: Mortachi Academy Foundation  PHONE # 361-1689
Address: 11645 South Orange Belt Drive
Authorized representative: Johnny Orduna  PHONE # 361-1689
Address: 11645 South Orange Belt Drive
Event chairperson: Robert Roman  PHONE # 920-6481

Location of event (location map must be attached):
Centennial Plaza

Type of event: Public - Entertainment, Food & Craft Vendors, Beer Garden

Nonprofit status determination: EIN: 91-202719

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

Barricades (quantity): 4  Street sweeping  Yes √ No
Police protection  Yes √ No  Refuse pickup  Yes √ No
Other: See Attached Memo

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

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

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<tr>
<th>Approve</th>
<th>Deny</th>
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<td>Bus Lic Spvr</td>
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<td>Pub Works Dir</td>
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<td>Comm Dev Dir</td>
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<td>Field Svs Mgr</td>
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<td>Fire Chief</td>
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<td>Parks Dir</td>
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<td>Police Chief</td>
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<td>Deputy City Mgr</td>
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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." 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.

[Signature] 9-24-08

10/14/08 Called R. Roman regarding Ins. Cert and Daily License.
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: Fabulous Music Jam II

Sponsoring organization: Mariachi Academy Foundation

Location: Centennial Plaza Event date: 11-8-08 Event time: 10AM - 9PM

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. An official list will be submitted by October 31, 2008.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
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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: Fabulous Music Jam II

Sponsoring organization: Mariachi Academy Foundation

Event date: 11-8-08
Hours: 6am - 10pm

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>Thompson Avenue</td>
<td>Paterson Avenue</td>
<td>Public</td>
</tr>
<tr>
<td>Cleveland Avenue</td>
<td>Division Street</td>
<td>Second Street</td>
<td>Public</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Parking lots and</td>
<td></td>
<td>Location</td>
<td></td>
</tr>
<tr>
<td>spaces</td>
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</tbody>
</table>

4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

MARIACHI ACADEMY FOUNDATION

NOVEMBER 8, 2008

Business License Supervisor:
S. Perkins Hartman

Business License Department requires vendor list prior to event.

Public Works Director:
B. Rodriguez

Please see Mr. Styles response for comments on the “Time Marches On” request for city services from Attachment B.

Community Development Director:
B. Dunlap

Field Services Manager:
B. Styles

The city will co-sponsor this event. We will provide street sweeping, barricades and street closures services, four 4-yard refuse bins trash cans and liners.

Fire Chief:
M. G. Garcia

Approved. No comments.

Parks and Leisure Services Director:
J. Perrine

Recommend approval, subject to co-sponsorship approval or applicant providing all items/services not approved for co-sponsorship.

Police Captain:
S. Rodriguez

Please see conditions and requirements listed on “Attachment A”.

Deputy City Manager:
J.D. Lollis

Please see “Exhibit A”, page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Mariachi Academy Foundation
Event: Fabulous Music Jam II
Event Chairman: Robert Roman
Location: Centennial Plaza, Main Street
Date of Event: November 8, 2008
Time of Event: 10 a.m. to 9:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Mariachi Academy Foundation 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.

A. 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:
   Robert Roman
   14321 Blomino Drive, Springfield, CA
   Phone # 920-6481

2. Address where amplification equipment is to be used:
   Centennial Pizza
   Phone # N/A

3. Names and addresses of all persons who will use or operate the amplification equipment:
   Robert Roman, Javier Rodriguez, Johnny Sandoval, Frank Chavez
   844 North Main Street Suite #3, Porterville, CA

4. Type of event for which amplification equipment will be used:
   Public Event - Various Music Groups

5. Dates and hours of operation of amplification equipment:
   Saturday, November 8, 2008 - 10 AM - 9 PM

6. A general description of the sound amplifying equipment to be used:
   6 microphones, 24 speakers - 2 - 2,000 watt amplifiers
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]
Applicant

[Signature]
Chief of Police

9/12/08
Date

10/7/08
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
CITY OF PORTERVILLE  
Community Civic Event Application  
FABULOUS MUSIC JAM II - Nov. 8, 2008

Proposed Conditions/Requirements for Fabulous Music Jam II @ Centennial Park

➤ 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.

➤ In an effort to prevent minors from gaining and consuming alcohol at this event, organizers shall have a beer garden on site. Consumption of alcohol at this event shall be confined to the beer garden.

➤ Organization shall provide a minimum of two (2) security guards to adequately control the sale and consumption of alcoholic beverages at and around the beer garden.

➤ Organizers shall obtain an Outside Amplifier Permit pursuant to Porterville Municipal Code Section 18-14.

➤ Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.

Silver Rodriguez, Captain
Police Department
October 8, 2008

ATTACHMENT A
Memorandum

To: John Lollis, Assistant City Manager/Administrative Services Manager
From: Robert Roman, Chairperson of the Time Marches On Committee
Date: 9/12/2008
Re: City Sponsorship for “Fabulous Music Jam II” Event November 8, 2008

This information is to coincide with the Community Civic Event Application.

Beer Garden- Alcohol Sales:

Approval for a Beer Garden to be included in the event is requested. The Beer Garden is proposed to be operated within a portion of the closed Cleveland Avenue roadway, closer in proximity to Second Street than to Main Street. Requisite alcohol sales permits and insurance certificates will be obtained.

City Co-Sponsorship:

The Time Marches On Committee would like to request the City of Porterville co-sponsor the following items for the event:

✓ Use of Centennial Plaza from 6am – 10pm, including electrical power & gazebo lighting
✓ Use of all Parks & Leisure Services chairs (committee members will setup)
✓ Use of 25 Parks & Leisure Services tables if available (committee members will setup)
✓ Use of personnel to deliver tables and chairs before and remove after the event
✓ Use of personnel: 2 guards
✓ Use of personnel: clean up & sweeping the streets (committee members have volunteers who will maintain cleanliness of the park and surrounding areas throughout the event)
✓ Provide 4 Port-A-Potties for public use during the event
✓ Provide barricades for street closure and remove barricades
✓ Use of 4- 4yd RefuseBins
✓ Provide trash cans and liners
✓ Use of all mobile lighting units and personal to setup & breakdown
✓ Coordinate placement of Promotional Banners, prior to event on park site
**AILY LICENSE APPLICATION/AUTHORIZATION - Non Transferable**

Instructions: Complete all items. Submit with required fee (Cashier's Check or Money Order) payable to ABC. Once license is issued, fee cannot be refunded.

Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the license(s) described below.

<table>
<thead>
<tr>
<th>ORGANIZATION'S NAME</th>
<th>CONDITIONS REQUIRED</th>
<th>DIAGRAM REQUIRED</th>
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</thead>
<tbody>
<tr>
<td>Massacchi Academy Foundation</td>
<td>No</td>
<td>Yes</td>
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</table>

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<tr>
<th>LICENSE TYPE (Check appropriate license type AND organization type)</th>
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</thead>
<tbody>
<tr>
<td>Daily General ($25.00) (Includes beer, wine and distilled spirits)</td>
</tr>
<tr>
<td>Fraternal Organization in Existence Over Five Years with Regular Membership</td>
</tr>
<tr>
<td>Religious Organization</td>
</tr>
<tr>
<td>Vessel per Section 24045.10 B&amp;P ($50.00)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Special Daily Beer ($15.00)</th>
<th>Special Daily Beer &amp; Wine ($30.00)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charitable</td>
<td>Fraternal</td>
</tr>
<tr>
<td>Civic</td>
<td>Religious</td>
</tr>
<tr>
<td>Cultural</td>
<td>Amateur Sports Organization</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NUMBER OF LICENSES NEEDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Different privileges depending on statute)</td>
</tr>
<tr>
<td>Television Station per Section 24045.2 or 24045.9 B&amp;P</td>
</tr>
<tr>
<td>Nonprofit Corporation per Sections 24045.4 and 24045.6 B&amp;P</td>
</tr>
<tr>
<td>Person conducting Estate Wine Sale per Section 24045.8 B&amp;P</td>
</tr>
<tr>
<td>Women's Educational and Charitable Organization per Section 24045.3 B&amp;P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OTHER SPECIAL TEMPORARY LICENSES, PER SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>License number</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VENT TYPE</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dinner</td>
<td></td>
</tr>
<tr>
<td>Sports Event</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VENT LOCATION (Give county name, if any, street number and name, and city)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tulare, No. Main</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOCATION IS WITHIN THE CITY LIMITS</th>
<th>TYPE OF ENTERTAINMENT</th>
<th>SECURITY GUARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Live Music</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AUTHORIZED REPRESENTATIVE'S NAME</th>
<th>REPRESENTATIVE'S ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>JOHNNY ORTIZ</td>
<td>4445 S. DIANE BEAT DX, Porterville, CA. 93257</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NUMBERED REPRESENTATIVE'S SIGNATURE</th>
<th>PHONE NUMBER</th>
<th>PROPERTY OWNER SIGNATURE</th>
<th>DATE SIGNED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>9/17/08</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ENFORCEMENT APPROVAL BY (Name), IF APPLICABLE</th>
<th>PHONE NUMBER</th>
<th>LAW ENFORCEMENT SIGNATURE</th>
<th>DATE SIGNED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RENT OFFICE APPROVAL BY (Name)</th>
<th>ABC EMPLOYEE SIGNATURE</th>
<th>ISSUANCE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The above-named organization is hereby licensed, pursuant to the California Business and Professions Code Division 9 and California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above named location for the period authorized above. This license does not confer any additional privileges.
CITY OF PORTERVILLE
PARKS & LEISURE SERVICES DEPARTMENT
REQUEST FOR USE OF FACILITIES

PLEASE PRINT CLEARLY - PRESS HARD

FACILITY REQUESTED:
- Murry Park
- Library
- Sports Complex
- Municipal Ballpark
- Veterans Park
- Heritage Center
- Centennial Plaza
- Hayes Fields
- Zalud Ballfields
- Zalud Park
- Zalud Garden
- Pool
- Burton Ballfields
- Other

Area/Room: ALL
Nature of Use: Public Event
Date of Event: 11-8-08
Time: 6 PM To: 10 PM
Amplified Equipment/Music: Yes
Bounce House: Yes
Bounce House Company:
Set-up Time:
Estimated Attendance:
Will Alcohol be Served: Yes
Number of Drinking Adults ($2 per person):
Requested Requirements:

Organization: Time Marching on Committee
Name: Viva Ceramos
Mailing and/or Billing Address: 41 W. Thurman Avenue
Phone: 782-7495 Cell No.: Evening/Home:

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: [Signature]
DATE: 8-18-08

***FOR OFFICE USE ONLY***

APPROVED: [Signature]
POLICE DEPT.: DATE: [Signature]
RENTAL CHARGE: 455.00 DATE PAID: RECEIVED BY:
ALCOHOL PERMIT CHARGE: DATE PAID: RECEIVED BY:
SECURITY / KEY DEPOSIT: DATE PAID: RECEIVED BY:
ENTERTAINMENT CHARGE: DATE SUBMITTED: RECEIVED BY:
INSURANCE REQUIRED: DEPOSIT RETURNED:
SUPERVISOR FEE: [Signature]
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 atwww.ci.porterville.ca.us

SEE BACK PAGE FOR RULES, REGULATIONS AND POLICIES

COPY
### Applicant Information

**Name:** Mariachi Academy for Performing Arts Foundation  
**MAILING ADDRESS:** P.O. Box 2011, Porterville, CA 93257  
**ACCOUNTING RECORDS CONTACT:** Irene Certuche  
**PHONE:** 559-781-4964

### Premises Information

<table>
<thead>
<tr>
<th>LOC #</th>
<th>BLD #</th>
<th>STREET, CITY, COUNTY, STATE, ZIP+4</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>465 W. Olive Ave, Porterville, CA 93257</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Various Locations, See Add'l Insured Ends CA</td>
</tr>
</tbody>
</table>

### Nature of Business/Description of Operations by Premises

- Non-Profit Music Club - Youth Mariachi Musicians. Evening Lessons & Rehearsals at Local Schools in Preparation for Mariachi Festivals.  
- Non-Profit Music Club - Youth Mariachi Musicians. Evening Lessons & Rehearsals at Local Schools in Preparation for Mariachi Festivals.

### General Information

- **Interest:** Owner
- **Year Built:** 1950
- **# Employees:** 10
- **Annual Revenues:** $20,000
- **% Occupied:** 100%

#### Other Description

- **Business Type Other Description:** Holds annual fundraisers where alcohol is served, receipts less than 20,000.

**Remarks/Processing Instructions:**
- Attach additional sheet if more space is required.

---

None of the questions require an explanation.
August 24, 2008

Insured: Mariachi Academy for Performing Arts Foundation
c/o Irene Academy for Performing Arts
867 Park Place
Exeter, CA 93221

RENEWAL INSURANCE SUMMARY
Policy Dates 9/13/08-09

GENERAL LIABILITY COVERAGE:

General Aggregate Limit $1,000,000
Products & Completed Operation $1,000,000
Personal & Advertising Injury $1,000,000
Each Occurrence $1,000,000
Fire Damage Limit (any one fire) $ 100,000
Liquor Liability $1,000,000
Medical Expense (any one person) $ 5,000

Some Policy Exclusions:


PREMIUM:

Premium $1128.00
Liquor Liability $ 750.00
Additional Insured’s $ 200.00
Policy Fee & Taxes $ 229.94
Broker Fee (Turner & Associates) $ 100.00
Total Premium $2,407.94

DISCLAIMER: This form is for illustration purposes only. For exact terms & conditions, please refer to the proper policy forms.
COUNCIL AGENDA: October 21, 2008

SUBJECT: Request to Approve Resolution Establishing Rates for Porterville Airport Hangar Facilities

SOURCE: City Manager

COMMENT: The City has increased its hangar facilities over the past three years. Currently, the City has 5 hangars.

- Billingsley with 5 units
- Coulter with 10 units
- Craeger with 6 units
- Landon with 1 units
- Woodmansee with 5 spaces.

With 26 units/spaces, the space owned and operated by the City has increased four times from the 6 hangar units/spaces operated by the City previously. To address the increased administrative requirements, the City is undertaking the following:

- Adoption of a resolution setting rentals, to be adjusted annually based on CPI

- The City Manager proposes to present to the City Council and seek adoption of a form of agreement with hangar renters. The agreement would review all the terms and conditions of rental and is expected to be presented to the City Council in early 2009.

Before the hangar purchase program began, the City received just over $5,000 per year from hangar rentals. With the purchase of the new hangars, the yield has increased to nearly $41,000 based on 100% rental. Much of the money for hangar purchase came from land sales, though some is debt service funded by the State of California.

In addition to setting fees for hangars by resolution, the specific hangars would be conferred names based on prominent airport users. Three hangars (Coulter, Craeger, and Woodmansee) are named for previous owners and the names are in common usage, while two, Billingsley and Landon, are for two of the most prominent Porterville Airport pioneers.

RECOMMENDATION: Approve the resolution which has been presented defining fees for Airport hangars and naming the hangars.

Item No. 12
RESOLUTION NO. _____-2008

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE SETTING RENTALS
FOR THE USE OF CITY HANGARING FACILITIES

WHEREAS, the City of Porterville owns hangars at the Porterville Airport within which aircraft may be stored;

WHEREAS, the City of Porterville manages 27 hangar units and spaces,

WHEREAS, the City Council sets reoccurring rental amounts after considering a survey of similar rentals at Airports in the Kern, Tulare, Fresno, Kings County area;

WHEREAS, the proposed schedule of rentals has been posted at the Porterville Airport Terminal and made available to current tenants of the hangar facilities,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that fees for month-to-month tenancies in City hangars shall be as follows:

Billingsley City Hangars
5 units at $70 per month with maintenance by renter

Coulter City Hangars
10 units at $175 per month

Craeger City Hangars
2 smaller units at $125 per month
4 larger units at $150 per month

Landon City T-Hangar
1 unit at $70 per month with maintenance by renter

Woodmansee City Hangar
5 spaces at $75 per month

BE IT FURTHER RESOLVED as follows:

1. The City shall provide basic utilities with an allowance equal to 10% of the rental value. Should the City note extraordinary use of utilities beyond the allowance per month, notification to the owner may be provided and separate metering may be installed.

2. For month to month tenancies, the rental amounts defined above may be adjusted annually in January, by an amount equal to 100% of the average of the Los Angeles and San Francisco Consumer Price Indices for All Urban Consumers for the most recent twelve-month period that both indices are available.
3. The terms of this resolution may be modified in any respect by the approval of a multi-year agreement with a tenant approved by motion of the City Council.

4. This resolution and all of the terms and conditions contained herein shall expire on June 30, 2011.

APPROVED AND ADOPTED this ______ day of October, 2008.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________
By: Patrice Hildreth, Chief Deputy City Clerk
Hangar Rental Survey Sept. 2008

A. Open hangar (e.g., Merritt’s Canopy)
B. T hangar dirt floor (e.g., City’s Billingsley & Landon)
C. T hangar nested (e.g., City’s Colter)
D. Hangar open twin porta-port (e.g., City’s Craeger)
E. Hangar open porta-port (e.g., City’s Craeger)
F. Open Bay Hangar (e.g., City’s Woodmansee)
G. Bare ground

<table>
<thead>
<tr>
<th>Porterville</th>
<th>Hanford</th>
<th>Visalia</th>
<th>Bakersfield</th>
<th>Tulare</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. $ 55.00</td>
<td>A. $67.00</td>
<td>A. NA</td>
<td>A. $65.00</td>
<td>A. NA</td>
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<tr>
<td>B. $ 70.00</td>
<td>B. NA</td>
<td>B. NA</td>
<td>B. NA</td>
<td>B. NA</td>
</tr>
<tr>
<td>C. $175.00</td>
<td>C. $139.00</td>
<td>C. NA</td>
<td>C. NA</td>
<td>C. $142.00</td>
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<tr>
<td>D. $150.00</td>
<td>D. NA</td>
<td>D. $ 250.00</td>
<td>D. NA</td>
<td>D. $142.00</td>
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<tr>
<td>E. $ 125.00</td>
<td>E. NA</td>
<td>E. $200.00</td>
<td>E. NA</td>
<td>E. $ 114.00</td>
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<td>F. $ 75.00</td>
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</tr>
<tr>
<td>G. $.25 sq. ft. per year</td>
<td>G. $400.00</td>
<td>G. NA</td>
<td>G. $.40.00-$60.00</td>
<td>F. NA</td>
</tr>
<tr>
<td></td>
<td>$500.00</td>
<td></td>
<td></td>
<td>a month</td>
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</tbody>
</table>
SUBJECT:  BUDGET ADJUSTMENT/CITIZENS’ OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING

SOURCE:  Police Department

COMMENT:  For the past several years the City of Porterville has annually received funding from the State of California through the Citizens’ Option for Public Safety (COPS) Grant Program. The amount we are approved to receive this year from this grant is approximately $100,000 and a public hearing on the intent of the expenditures is required. In the past, the Police Department has used these funds in support of personnel assigned to the department’s Patrol Division, including all necessary training, equipment, and overtime costs. The expenditure of these funds in this manner is in proper adherence with the requirements as specified in the Assembly Bill.

RECOMMENDATION:  That the City Council:

1)  Conduct the public hearing to receive public comment; and
2)  Authorize use of these funds to offset costs for personnel assigned to the department’s Patrol Division, including necessary training, equipment, and overtime costs; and
3)  Approve an increase to the Police Department’s 2008-2009 budget, in the amount of $100,000.

Attachment:  Draft Resolution

Item No. 13
RESOLUTION NO. __________-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) GRANT FUNDS AND APPROVING A BUDGET ADJUSTMENT TO THE POLICE DEPARTMENT BUDGET

BE IT HEREBY RESOLVED by the City Council of the City of Porterville as follows:

1. That the City of Porterville accepts the 2008/2009 Citizens’ Option for Public Safety (COPS) Grant Funds; and

2. That the Police Department appropriation is increased by amount of the grant form COPS funds received for Fiscal Year 2008/2009 to allow for the expenditure of those Grant Funds in support of personnel assigned to the Patrol Division and their operational costs.

APPROVED AND ADOPTED this 21st day of October, 2008.

____________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 – DESIGNATION OF BEVERLY STREET AS A THROUGH STREET

SOURCE: Public Works Department – Engineering Division

COMMENT: Periodically, staff reviews Traffic Resolution No. 10-2001 to make recommendations to City Council for changes that will make the resolution consistent with recent developments.

The construction of the new Sequoia Middle School north of Castle Avenue, between Beverly Street and Prospect Street and the island annexation of the adjacent surrounding area have triggered staff to review traffic conditions along these streets. Currently, Traffic Resolution No. 10-2001, lists Prospect Street in this area as a “through street”, requiring stop signs at intersecting streets. A review of Beverly Street, between Pioneer Avenue and North Grand Avenue, warrants the same designation. Stop signs are currently controlling traffic at the connecting side streets along Beverly Street; the only exception appears to be Castle Avenue. Traffic in the vicinity of the new Sequoia Middle School warrants a stop sign for westbound Castle Avenue at Beverly Street.

RECOMMENDATION: That City Council approve the proposed amendment to Traffic Resolution No. 10-2001 by designating Beverly Street from Pioneer Avenue to North Grand Avenue to be a “through street”.

ATTACHMENTS: Resolution
Revised Resolution No. 10-2001 in Final Form

Dir Appropriated/Funded Item No. 14
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
AMENDING TRAFFIC RESOLUTION NO. 10-2001

WHEREAS, per Traffic Ordinance No. 1162, Traffic Resolution No. 10-2001 defines and establishes certain streets and parts of streets in the City of Porterville as one way streets, through streets, stop intersections, no parking areas, diagonal parking zones, no parking zones, truck routes and commercial vehicles prohibited streets; and WHEREAS, the Traffic Resolution needs to be amended;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the following change be made to Section 21 of Traffic Resolution No. 10-2001:

Section 21. Through Streets and Stop Intersections. Add to Section 21 the following:

21-36. Beverly Street from Pioneer Avenue to North Grand Avenue.

APPROVED AND ADOPTED this 21st day of October, 2008.

______________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

______________________________
By Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. 10-2001
THE TRAFFIC RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE

Defining and establishing certain streets and parts of streets in the City of Porterville as one way streets, through streets, stop intersections, no parking areas, diagonal parking areas, no stopping zones, truck routes and commercial vehicles prohibited streets.

Be it resolved by the City Council of the City of Porterville as follows:

Sec. 20. One Way Streets.

The streets or portions of streets in this City hereinafter described in sections numbered 20 in the first two digits are hereby defined and established as One-Way Streets and shall be governed by the provisions of Section 17-6. of Ordinance No. 1162.

20-1. Laurel Street, in an easterly to a westerly direction, from its intersection with North Main Street to its intersection with Sunnyside Avenue.
20-2. Sunnyside Avenue, in a northerly to a southerly direction from its intersection with Laurel Street to its intersection with Danner Street.
20-3. Hockett Street, in a southerly to a northerly direction, from its intersection with West Olive Avenue to its intersection with West Oak Avenue.
20-5. Putnam Avenue, in an easterly to westerly direction from its intersection with Hillcrest Street to Ruth Street.
20-6. Mill Avenue, in an easterly to westerly direction from its intersection with Hockett to "D" Street.
20-7. Alley west of Pearson Drive, in a southerly to northerly direction from its intersection with Cleveland Avenue.
20-8. Alley between Main and Second, in a northerly to southerly direction from its intersection with East Morton Avenue to East Olive Avenue.

Sec. 21. Through Streets and Stop Intersections

The streets or portions of streets, intersections or entrances thereto in this City hereinafter described in sections numbered 21 in the first two digits, are hereby defined and established as Through Streets and Stop Intersections and shall be governed by the provisions of Section 17-7.1(a) and 17-7.1(b) of Ordinance No. 1162.

21-2. Belleview from Villa Street to "E" Street.
21-3. "D" Street from Morton Avenue to Orange Avenue.
21-4. Date Avenue from Jaye Street to Park Street.
21-5. Grand Avenue from Prospect Street to "E" Street.
21-6. Henderson Avenue from Newcomb Street to Plano Street.
21-7. Hockett Street from Morton Avenue to Olive Avenue.
21-8. Indiana Street from Morton Avenue to North City Limits and from River Oak Avenue to SR190.
21-10. Main Street from North City Limits to South City Limits.
21-11. Mill Avenue from Third Street to Plano Street.
21-12. Morton Avenue from Newcomb Street to Crestview Street.
21-13. Mulberry Avenue from West City Limits to East City Limits.
21-14. Newcomb Street from Olive Avenue to North City Limits.
21-15. Olive Avenue from Westwood Street to Plano Street and from Ruth Street to Doyle Street.
21-16. Orange Avenue from Jaye Street to Plano Street.
21-17. Pioneer Avenue from West City Limits to East City Limits.
21-18. Plano Street from North City Limits to South City Limits.
21-19. Porter Road from Olive Avenue to Henderson Avenue.
21-20. Prospect Street from Morton Avenue to North City Limits.
21-21. Putnam Avenue from Porter Road to Crestview Street.
21-22. Second Street from Morton Avenue to Danner Avenue.
21-23. Sunnyside Street from Morton Avenue to Olive Avenue.
21-24. Third Street from Morton Avenue to Olive Avenue.
21-25. Villa Street from Olive Avenue to Henderson Avenue.
21-26. Westfield Avenue from Westwood Street to Main Street.
21-27. Westwood Street from Westfield Avenue to the Tule River.
21-28. Springville Avenue from Wisconsin Street to Jaye Street.
21-29. West Street from Scranton Avenue to South City Limits.
21-30. Newcomb Street from 600 feet North of Scranton Avenue to South City Limits.
21-31. Hope Avenue from Newcomb Street to the West end of Hope Avenue.
21-32. Parkway Drive from Indiana Street to Oak View Street.
21-33. North Grand within the City Limits from West City Limits line to North Main Street.
21-34. Mathew Street between Westfield Avenue and Castle Avenue.
21-35 White Chapel Avenue from Westwood Street to the West City Limits.
21-36 Beverly Street between Pioneer Avenue and North Grand Avenue.

*****

21-100. The intersection of Corona Avenue and Park Street.
21-101. The intersection of Douglas Street and Bellevue Avenue.
21-102. The intersection of Esther Street and Mill Avenue.
21-103. The intersection of Harrison Avenue and Fourth Street.
21-104. The intersection of Henderson Avenue and Plano Street.
21-105. The intersection of Isham Street and Corona Avenue.
21-106. The intersection of LaVida Avenue and Milo Street.
21-107. The intersection of Lime Street and Mulberry Avenue.
21-108. The intersection of Lime Street and Olivewood Avenue.
21-109. The intersection of Lime Street and Brightwood.
21-110. The intersection of Putnam Avenue and Crestview.
21-111. The intersection of School Avenue and Division Street.
21-112. The intersection of Scenic Drive and Mulberry Avenue.
21-113. The intersection of Oakmont Avenue and Village Green Street.
21-114. The intersection of Prospect Street and Pioneer Avenue.
21-115. The intersection of Bellevue Avenue and "E" Street.
21-116. The intersection of Orange Avenue and Jaye Street.
21-117. The intersection of Orange Avenue and Leggett Street.
21-118. The intersection of Orange Avenue and Western Street.
21-119. The intersection of Palm Place and Bellevue Avenue.
21-120. The intersection of Villa Street and Grand Avenue.
21-121. The intersection of Villa Street and Putnam Avenue.
21-122. The intersection of Henderson Avenue and Westwood Street.
21-123. The intersection of Cottage Place and Pioneer Avenue.
21-124. The intersection of Westfield Avenue and Indiana Street.
21-125. The intersection of East Jasmine Drive South and Hillcrest Street.
21-126. The intersection of Mathew Street and Westfield Avenue.
21-127. The intersection of Lu Ann and Westfield Avenue.
21-128. The intersection of Wall Avenue and Mathew Street.
21-129. The intersection of San Lucia Avenue and Mathew Street.
21-130. The intersection of Orange Avenue and Westwood Street.
21-131. The northernmost intersection of Oak Avenue and Crestview Street.
21-132. The intersection of Scranton Avenue and West Road.
21-133. The Intersection of Prospect Street and Orange Avenue.
21-134. The Intersection of Prospect Street and Forest Avenue.
21-135. The Intersection of Memory Lane and Balmoral Drive (North).
21-136. The Intersection of Memory Lane and Balmoral Drive (South).
21-137. The Intersection of White Chapel and Balmoral Drive.
21-138. The Intersection of White Chapel and Mathew Street.
21-139. The Intersection of Mathew Street and Monache Avenue.
21-140. The Intersection of Castle Avenue and York Street.
21-141. The intersection of Blue Heron Parkway and Worth Avenue.

Sec. 22. **No Parking Areas**

The streets or portions of streets in this City hereinafter described in sections numbered 22 in the first two digits are hereby defined and established as No Parking Areas and shall be governed by the provisions of Section 17-10.3(d) of Ordinance No. 1162.

22-1. It shall be unlawful to park any vehicle on Division Street from its intersection with Morton Avenue to its intersection with the bridge over Porter Slough.
22-2. It shall be unlawful to park any vehicle in the alley between Second and Main Streets from its intersection with Olive Avenue to its intersection with Morton Avenue.

22-3. It shall be unlawful to park any vehicle on Oak Avenue from its intersection with Main Street and Division Street.

22-4. It shall be unlawful to park any truck or trailer on the north side of Belleview Avenue between Main Street and Second Street in the area that is 150 feet west of the centerline of Second Street and 215 feet west of the center-line of Second Street.

22-5. It shall be unlawful to park any commercial vehicle, house car, trailer coach, or camper of which the overall length is in excess of 18 feet and 6 inches at any time on Main Street between Morton and Olive Avenues.

Sec. 23. Diagonal Parking Zones

The streets or portions of streets in this City hereinafter described in sections numbered 23 in the first two digits are hereby defined and established as Diagonal Parking Zones and shall be governed by the provisions of Section 17-11.4* of Ordinance No. 1162.

23-1. Motor vehicles parking on each side of Main Street from Morton Street to Olive Street shall use angular parking and shall be parked at the angle and within the markings established for such parking.

23-2. Motor vehicles parking on the west side of Hockett Street between Olive Avenue and Vine Avenue, except that portion of the west side of Hockett Street located between a point 293 feet south of the south right of way line of Olive Avenue and the north right of way line of Vine Avenue, shall use angular parking and shall be parked at an angle and within the marking established for such parking.

23-3. Motor vehicles parking on the south side of Mill Avenue between Hockett and "D" Streets shall use angular parking and shall be parked at the angle and within the markings established for such parking.

23-4. Motor vehicles parking on the west side of "F" Street between Vine and Walnut shall use angular parking and shall be parked at the angle and within the markings established for such parking.

23-5. Motor vehicles parking on the south side of Walnut Avenue between "F" and "G" Streets, except for one parallel space east of the alley, shall use angular parking and shall be parked at the angle and within the marking established for such parking.

23-6. Motor vehicles parking on the north side of Walnut Avenue between "C" Street and the alley to the east of "C" Street shall use angular parking and shall be parked at the angle and within the markings established for such parking.

23-7. Motor vehicles parking on the east side of "C" Street between Walnut Avenue and Vine Avenue shall use angular parking and shall be parked at the angle and within the markings established for such parking.
23-8. Motor vehicles parking on the west side of "C" Street from Locust to 250 feet south shall use angular parking and shall be parked at the angle and within the markings established for such parking.

23-9. Motor vehicles parking on the east side of "E" Street between Morton and Bellevue shall use angular parking and shall be parked at the angle and within the markings established for such parking.

23-10. Motor vehicles parking on the south side of Morton Avenue, from a point 45 feet east of the Roche Street curb return to a point 250 feet east, shall use diagonal parking and shall be parked at the angle and within the markings established by the City for such parking.

23-11. Motor vehicles parking on both sides of Walnut Avenue between Main Street and "C" Street shall use angular parking and shall be parked at the angle and within the markings established for such parking.

Sec. 24. Truck Routes

The streets or portions of streets in this City hereinafter described in sections numbered 24 in the first two digits are hereby defined and established as truck routes and shall be governed by the provisions of Section 17-13.1 of Ordinance No. 1162.

<table>
<thead>
<tr>
<th>Street/Limit</th>
<th>Time/Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-1. Henderson Avenue between Porter Road and 1000 feet East of Plano Street.</td>
<td>Unlimited exception Sundays and holidays 6:00 a.m. - 7:00 p.m.</td>
</tr>
<tr>
<td>24-2. Plano Street between Henderson Avenue and South City Limits.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-3. North Main Street between Henderson Avenue and North City Limits.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-4. North Grand Avenue between Main Street and State Route 65.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-5. South Main Street between Orange Avenue and South City Limits.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-6. Olive Avenue between &quot;E&quot; Street and West City Limits.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-7. &quot;E&quot; Street between Olive Avenue and Orange Avenue.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-8. Orange Avenue between &quot;E&quot; Street and Main Street.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-9. Jaye Street between State Route 190 and Olive Avenue.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-10. Springville Avenue between Jaye Street and &quot;E&quot; Street.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-11. &quot;E&quot; Street between Springville Avenue and Poplar Road.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>24-12. Poplar Road between 700 feet East of &quot;E&quot; Street and Jaye Street.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
</tbody>
</table>
24-13. Tea Pot Dome Avenue between State Route 65 and Newcomb Street. Unlimited exception Sundays and holidays
24-14. Newcomb Street between Tea Pot Dome Avenue and Hope Road. Unlimited exception Sundays and holidays

Sec. 25. Streets from Which Commercial Vehicles are Prohibited

The streets or portions of streets in this City hereinafter described in section number 25 in the first two digits are hereby defined and established as streets from which commercial vehicles are prohibited and shall be governed by the provisions of Section 17-13.3 of Ordinance No. 1162.

25-1. Hockett Street from its intersection with Orange Avenue to its intersection with Morton Avenue.
25-2. Division Street from its intersection with Willow Avenue and Hockett Street to its intersection with Morton Avenue.
25-3. Main Street from its intersection with Morton Avenue to its intersection with Orange Avenue.
25-4. "C" Street from its intersection with Orange Avenue to its intersection with Olive Avenue.
25-5. Second Street from its intersection with Olive Avenue to its intersection with Morton Avenue.

Sec. 26. Surface Transportation Assistance Act (STAA) Truck Routes

The streets or portions of streets in this City hereinafter described in sections numbered 26 in the first two digits are hereby defined and established as STAA Truck Routes and shall be governed by the provisions of Section 17-13.2 of Ordinance No. 1162.

<table>
<thead>
<tr>
<th>Street, Limit</th>
<th>Time/Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>26-1. Henderson Avenue between Porter Road and 1000 feet East of Plano Street.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>26-2. Plano Street between Henderson and State Route 190.</td>
<td>6:00 a.m. - 7:00 p.m.</td>
</tr>
<tr>
<td>26-3. Jaye Street between State Route 190 and Springville Avenue.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>26-4. Springville Avenue between Jaye Street and &quot;E&quot; Street.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>26-5. &quot;E&quot; Street between Springville Avenue and Poplar Road.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>26-6. Poplar Road between 700 feet East of &quot;E&quot; Street and Jaye Street.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
<tr>
<td>26-7. Jaye Street from SR 190 to Montgomery Avenue.</td>
<td>Unlimited exception Sundays and holidays</td>
</tr>
</tbody>
</table>
26-8. Montgomery Avenue from Jaye Street to "H" Street.
26-9. "H" Street from Poplar Road to 600 feet south of Montgomery Avenue.
26-10. Poplar Road (south of SR 190) from "H" Street to 300 feet east of "H" Street.

/s/
Gordon T. Woods, Mayor

ATTEST:

/s/
John Longley, City Clerk
SUBJECT: SELECTION OF JAYE STREET/TULE RIVER BRIDGE DESIGN ALTERNATIVE

SOURCE: Public Works Department – Engineering Division

COMMENT: The City's Jaye Street/Tule River Bridge design consultant, TRC, has completed the first significant phase of the design effort. The consultant has completed an analysis of two different bridge widening structures. The Highway Bridge Program (HBR) requires that the consultant also perform a life cycle analysis to determine if it is financially prudent to simply rehabilitate and widen the structure or does it makes more sense to remove and replace the entire structure.

FHWA asks that all bridge structures be analyzed based on a 100 year service life. The existing structure, constructed in 1970, was determined to have a 75 year service life. If the structure is widened, the original section of bridge will be rehabilitated and will have a remaining service life of 37 years. The current estimate to rehab and widen the existing structure is approximately $3.75 million.

A removal and replacement, 100 year service life, design will cost approximately $7.15 million. The $3.75 million and $7.15 million both include approximately $250,000 for construction management.

The life cycle analysis performed by TRC assumed a 7.0% construction cost inflation rate. In addition, TRC calculated that the breakeven point was 4.9%. In other words, if inflation averages more than 4.9%, then it makes sense economically to replace the bridge. If the inflation rate averages less than 4.9%, then rehabilitating and widening the existing structure makes the most economical sense.

If the rehab/widen choice is selected, it is expected that the original section of bridge will have to be removed and replaced in 37 years. The Present Value analysis, performed by TRC, concludes that it will cost the City over $10.2 million to get a 100 year structure under the rehab/widen scenario compared to the $7.15 million for the replacement project.

There are a few issues that staff feel requires input from the City Council.

Issue #1 - Is the 7% inflation rate reasonable? The consultant believes that the 7% inflation rate is justified; but, the consultant is aware that a recent report prepared by another consultant used a 3% inflation rate and this rate was accepted by Caltrans.
Issue #2 – The current Highway Bridge Rehabilitation & Replacement (HBRR) program requires that the City contribute 11.5% towards the total construction cost. The City has allocated approximately $980,000 towards its local share and therefore, under the current program the City can afford to rehab and widen or remove and replace the structure.

Issue #3 – The former HBRR program (prior to 2006) required participating agencies to contribute 20% towards the total construction cost. The Jaye Street Bridge project is expected to begin construction in 2010. If the HBR program reverts back to its original form (80% / 20%), the City can afford to pay its local share for the rehab/widen project, but will be approximately $500,000 short if the removal/replacement project is selected.

Staff was informed by our consultant that he cannot predict whether the HBR program will remain status quo or revert to its original form when the project goes to construction. The Caltrans HBR representative stated that he has not heard or been told that the HBR program is changing back to the 80% / 20% program anytime soon. It is staff’s opinion that the 88.5% / 11.5% program will remain in place for the foreseeable future and that the economically prudent course of action is to remove and replace the existing structure.

It should be noted that even if the City recommends that the Jaye Street Bridge be removed and replaced, Caltrans and FHWA must agree with the findings. Further, the City must secure a separate document (Exhibit 6A) from Caltrans affirming the City’s decision to proceed with a replacement project and must agree to pay the appropriate local share.

RECOMMENDATION: That the City Council:

1. Review the issues as presented in staff’s report;

2. Accept the consultant’s recommendation to remove and replace the Jaye Street/Tule River Bridge; or

3. Direct staff to communicate with the City’s Bridge Consultant and inform the Consultant that the City does not agree with the inflation rate and subsequent Present Value analysis; and

4. Ask staff to direct the Consultant to modify his analysis to reflect a Rehab/Widening project as the economically viable solution.
SUBJECT: Request by the Burton School District and Porterville Sikh Center for Annexation and Access to City Services

SOURCE: City Manager

COMMENT: The City is in receipt of correspondence from both the Burton School District and the Sikh Center, each requesting the City's consideration for annexation and access to City services, including refuse, sewer, and water. With time-sensitive commitments of State funding for school construction, the Burton School District requests the annexation of its proposed school site on Lombardi Street (soon to begin design and undergo construction), as well as its existing Redwood Academy campus (also to begin design and undergo expansion). The proposed Sikh Center project, located on North West Grand Avenue, seeks annexation and access to City services due to discovered exceedingly high water nitrate levels, as well as proximate access to City sewer and water along the southern border of the project property. Both requesting entities have indicated their commitment to pay for requisite annexation and service connection fees.

As the Council is aware, the City is currently coordinating with LAFCO and the County on the process to amend the Sphere of Influence, Urban Development Boundary (UDB), and Urban Area Boundary (UAB), each consistent with the adopted General Plan. Only the Sikh Center property is within the current UDB and would be eligible for immediate annexation. In conversations between City and County staff, the County has encouraged the City to extend services to the Sikh Center. Both of the school sites are outside the current UDB but within the proposed UDB. An amendment to the Sphere and UDB would be required prior to annexation. The current UDB, Sphere, and UAB amendment effort is not anticipated to be complete until mid- to late 2009.

The Council is aware that, consistent with recent determinations by the Department of Industrial Relations, the extension of City sewer and water services to users outside of City limits could expose all future City sewer and water projects to prevailing wage requirements. However, given the community purpose (as opposed to previously requested private purpose) of the proposed

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projects, as well as the commitments of the requesting entities to pursue annexation and pay all requisite service connection fees, staff believes the entities present a compelling case and recommend the Council consider approving the requests for services prior to annexation into the City.

RECOMMENDATION: That the City Council:

1) Approve the requests by the Burton School District and the Sikh Center to pursue annexation and connection to City services; and
2) Require the payment of all requisite annexation and service connection fees.

ATTACHMENTS: 1) Letter from Burton School District
2) Letter from Hillman Building Designers Inc.
October 9, 2008

Mr. John Longley, City Manager
City of Porterville
291 N. Main Street
Porterville, California 93257

Dear Mr. Longley,

Pursuant to our meeting on October 8, 2008 I am writing this letter to share that it is the Burton School District’s interest to provide connection to the city’s sewer and water service in support of two school sites that currently are located outside of the existing urban development boundary. Of particular interest is the connection for the future school site located on Lombardi Street in the Northern quadrant of our district boundary.

It is the district’s interest to seek annexation to the City of Porterville at the very earliest opportunity. As you might recall all of our schools, with the exception of Summit Charter Academy Redwood Campus and our future school on Lombardi Street, are currently within the city boundaries and benefiting from all of the services that the city provides.

We understand that a “letter of service” could be provided to the district insuring our access to a sewer connection but that the City Council would have to provide an allowance or exception of their current policy to provide such an assurance for our water interests. I am hopeful that you might allow this request to move forward to the next Council’s meeting, on October 21, 2008, where we might be able to formally request such an allowance. The Burton School District is on an urgent time-line in designing the school site on Lombardi Street. The design must include both on-site and off-site requirements, including how water and sewer will be handled for the site. Even a minor delay in securing annexation through the normal political process has the potential of eliminating the district’s ability to secure hardship funding for the project, effectively eliminating our ability to build this campus in support of the students in our community. The Council’s determination will be helpful in assisting the district and our architects in either designing a self-contained facility where we will provide our own water source or in moving forward with securing that service from the city connection.

We understand that there is an existing provision to provide either funding (fees) or actual water service that would provide to the city 120% of our determined water usage. The district will comply

Board of Trustees
Mr. Eric Kroutil, President
Mr. Jay Rice, Vice President
Mr. Phillip Giannetto, Member

Mr. Devin Wilson, Clerk
Mrs. Lisa Ruffa, Member

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with any provision that the Council’s policy would require when we are given the permission to move forward with those connections.

I want to thank you again for the time you and your staff have given to the district as we consider how to move forward with our newest school project. I know from your comments that you wish these “hurdles” were at times easier to negotiate. In the end, it is the children of our community who gain from the cooperation that we have enjoyed over the years.

Sincerely,

Dr. Gary Mekeel
Superintendent
October 10, 2008

To: Mr. John Longley  
City Manager  
City of Porterville

Re: 1250 North West Grand

Mr. Longley,

Hillman Building Designers is the agent for a new church facility proposed in the County jurisdiction and within the City's Urban Development Boundary. The property in question is located at 1250 North West Grand Avenue. The church has applied for and obtained a C.U.P. (Conditional Use Permit) to construct the new facility at this location. It was during this process that the site’s well water nitrate levels were determined to be above those allowed by the state. As a result of this discovery, we have discussed several options to mitigate this problem and feel that the most appropriate solution would be to request City annexation. This was a natural conclusion given the fact that an existing water & sewer line runs along the southern property line of the proposed church.

At this time we would like to request that the City grant water service to the proposed property in question. This would allow the church project to proceed without interruption while the annexation process is filed. The Church proposes to pay all fees required for annexation and requests that construction be allowed to commence concurrently with the annexation process given the extended lead time for said process. If this proposal is deemed reasonable and approved by the City, the Church agrees herein to any fees associated with the City’s “wholesale water policy.” As previously stated, given the location of the subject property and the close proximity of City services, we feel that annexation is an appropriate course of action. Thank you for your time and consideration in this matter.

Respectfully submitted,

Mark Hillman

SPECIALIZING IN CUSTOM DESIGNS est.1970
COUNCIL AGENDA

October 21, 2008

SUBJECT: City of Porterville Grants Program Report

SOURCE: City Manager

COMMENT:

Working with the Department Directors, a report of grant application efforts over the past 2.5 years has been developed. The report includes:

- Discretionary grants
- Formula grants
- Low interest loans

The City of Porterville has been active in developing and presenting applications. Overall applications are prepared for about $10,000,000 per year. The effort required to prepare the applications consists of approximately 858 hours per year, which is equivalent to about 2/3rds of an individual if they were full-time writers. This is actual computer screen, pen-on-pencil time, ear-on-telephone time and does not include general research and overall program development.

An important point is that writing grants is just the beginning of the process. Significantly more time is spent in administering the grant once it is received. It is this aspect that must be carefully managed, because a failure of capacity leads to non-performance, failures in administration and reporting that can open the City up to significant financial liability. Also, grants must be carefully considered in terms of the community’s ability to support them year-after-year in terms of maintenance and replacement. Once the luster is gone, the commitment remains and is the thorn in the entire issue of “free money”.

Grants are of the greatest assistance when they address community needs and the planning establishes that there are resources to continue programs or projects once they are in place. In this regard, it is important to develop expertise in the specific areas of application. The utility of the City’s grant program is that specific expertise is available in the following general grant program areas:

CM DCM

Item No. 17
• Transit
• Housing
• Public Works
• Public Safety
• Airports
• Community/Economic Development
• Library
• Recreation

Each of these program areas has specific expertise and is supported by specific agencies. Normally, grants are compiled. Several individuals will contribute information required by the format and there is one editor, who compiles the information and prepares specific narrative. Success with grants in our experience depends upon building strong grant development teams that cooperate to anticipate programs and prepare applications consistent with specific needs within the city. Without this expertise in specific areas, the actual grant preparation would take considerably more time because there would be a tremendous learning curve to educate oneself in the subject at hand before an actual grant application could be prepared.

The amount of time needed to prepare applications varies greatly. Based on the 46 applications prepared and submitted in the last 2.5 years, the average time required is about 20 hours per application. The range is great, however, from 4 hours to 400. This depends directly upon the size, scope, and complexity of the application.

The City Council has expressed interest in expanding its efforts with the grant process. In this regard the following options are presented:

**Use Current Staff:** If a decision is made to utilize staff for grants efforts, it will detract from the ability to administer other budgetary priorities. In addition to the specific preparation documented in the exhibit, the personnel will have to become actively involved in tracking and acting upon funding opportunities. This in itself can involve significant effort and require time well beyond that contemplated in our calculations regarding preparation. It also modifies the City’s direction, which is to use grants within program areas to implement programs, rather than to pursue grants as a primary activity.

Therefore, in conclusion, the staff will obviously follow the Council’s priorities, but initiating a significantly larger grant program within the organization will utilize capacity now utilized to implement projects and programs. We have not found significant idle capacity in the organization. In fact, the effort over the past couple of years has been to bring back staffing for project management so that we can accelerate our accomplishments. We have many active projects and many more in the queue.
**Retain New Staff:** Initiating a new, larger program with great expectation is not a “tweak,” it is a new initiative. Similar to other new initiatives such as graffiti abatement and gang enforcement with which many have seen as successful, organizational capacity and new personnel are needed. This may be achieved through a contractor (such as the RFQ for Proposition 84 monies) or through staffing. If the Council wishes to focus specifically on grant efforts in the recreational area for new facilities and playing fields, a recruitment effort may be undertaken in this regard for an employee specifically dedicated to the effort. In a subsequent report, consideration may be given to the nature of the recruitment. With staffing, grant efforts should be integrated organizationally so that organizational priorities can be met within a relatively large organization.

In this regard, grants which are “targets of opportunity” may bring some money into the organization, but not advance overall goals and priority projects. This is the big question regarding organizational philosophy and culture which the staff asks. How do we focus on specified goals and projects, giving them our maximum effort and dedication, and at the same time change to a broader scan, opportunistic mode? It should take new staff member(s) to accomplish this.

**RECOMMENDATION:** The report is intended, consistent with City Council’s direction, to provide information in the Council’s determination of organizational goals and priorities.
## SUMMARY OF GRANT APPLICATION EFFORTS FOR
### 2.5 YEARS DURING 2006, 2007, 2008

<table>
<thead>
<tr>
<th>Grant Year</th>
<th>Application to Agency/Program</th>
<th>Award Amount Requested</th>
<th>Purpose</th>
<th>Est. Hours to Prepare</th>
<th>POC</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>CMAQ</td>
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<td>CNG Facility</td>
<td>30</td>
<td>Reed</td>
<td>Public Works</td>
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<tr>
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<td>Transit</td>
<td>40</td>
<td>Clark</td>
<td>Transit</td>
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<tr>
<td>2006</td>
<td>HOME</td>
<td>$1,000,000</td>
<td>Multi-Family Housing</td>
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<td>Marchant</td>
<td>Community Development</td>
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<td>2006</td>
<td>HOME</td>
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<td>First Time Homebuyer</td>
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<td>Rodriguez</td>
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<td>2006</td>
<td>Indian Gaming</td>
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<td>Public Safety</td>
<td>32</td>
<td>Clark</td>
<td>City Manager Office</td>
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<td>2006</td>
<td>Homeland Security</td>
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<td>SWAT Equipment</td>
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<td>Police</td>
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<td>2006</td>
<td>Assistance to Firefighters</td>
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<td>Jaws of Life</td>
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<td>OHV Facility &amp; Ops</td>
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<td>Mercado</td>
<td>Parks &amp; Leisure Services</td>
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<td>2007</td>
<td>EDA</td>
<td>$150,000</td>
<td>Entrepreneurship Program</td>
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<td>Wammack</td>
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<td>Equipment</td>
<td>100</td>
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### TOTAL FOR PERIOD

$25,304,065

### AVERAGE ANNUAL AMOUNT

$10,121,626

### Annual FTE for Writing

Based on 1,250 Impact Hours

0.69

### Annual Total Administering to Writing

Ratio is 2.5

1.7168
SUBJECT: PROVISION OF ANIMAL CONTROL SERVICES IN THE COMMUNITY

SOURCE: Police Department

COMMENT: At the September 2, 2008 City Council meeting, Council members directed staff to continue exploring other avenues for the provision of animal control services in the community. While we continue with the current agreement with the City of Lindsay on a month to month basis, there is a desire on both parties to terminate the agreement. Police Department staff has made a request to Tulare County Animal Control to consider providing animal sheltering services for Porterville. This request is under consideration by Animal Control of Tulare County. Should they be willing to provide this service, they desire to know if this is a short-term or long-term agreement. If Council desires to build an animal shelter in Porterville, this will require a commitment of money and resources.

In September 2008, staff requested sheltering services from Valley Oak SPCA in Visalia. The SPCA Board of Directors indicated they could not handle the additional animals that would be brought in by Porterville and declined to provide this service.

It is proposed that the animal control enforcement function be provided by city resources. This would require the addition of the job classification: “Animal Control Officer” within the Services Division of the Police Department. This approach to animal control allows the city to better allocate this resource and provide directed enforcement to meet the needs of the community and department. If approved, the Police Department could take over this function in December 2008.

To initiate the implementation of this function, staff has attached a job class description for Council’s consideration and adoption.

RECOMMENDATION: That City Council:

1) Authorize the Police Department to begin performing animal control enforcement in Porterville;
2) Authorize the establishment of an Animal Control Officer classification at salary range 142 ($2,706-$3,301).

Item No. 18
ANIMAL CONTROL OFFICER

DEFINITION
Under general supervision, performs a variety of duties involved in the enforcement and communication of State and local laws, codes, ordinances, and regulations pertaining to the care, keeping, treatment, and control of animals; to respond to calls and patrol the City for animal control related problems; and to prepare accurate records and reports pertaining to such activities.

REPRESENTATIVE DUTIES
The duties listed below are examples of the work typically performed by employees in this class. An employee may not be assigned all duties listed and may be assigned duties which are not listed below. Marginal duties (shown in italics) are those which are least likely to be essential functions for any single position in this class.

1. Patrol assigned areas; pursue animals by vehicle and on foot; capture and impound unlicensed, stray, and vicious animals; snare animals using special devices; cage or secure animals in Animal Control vehicles. Examine captured animals for illness or injury; handle and properly transport sick or injured animals to veterinarian for medical treatment; take proper measures to ensure that the animal will receive proper care and treatment.

2. Remove dead animals from roadways and other areas using special devices; properly dispose of dead animals. Investigate reports of complaints of animals creating nuisances and take appropriate actions; investigate reports of violations including inhumane care or neglect of and cruelty to animals, dog bite incidents, and vicious dog attacks; investigate the inhumane care of animals in homes, pet shops, exhibitions, or occult activity.

3. Issue citations and warnings to enforce State laws and City animal regulations. Conduct investigations, interview witnesses, victims and animal owners to determine if violations have occurred. Interact with the public to solve animal related problems.

4. Recognize and impound diseased animals; quarantine animals that are known or suspected of inflicting an animal bite on a person; impose quarantine procedures and provide follow-up contact to ascertain if the animal is showing any signs of sickness or rabies; file report with the Health Department.

5. Prepare reports and maintain accurate records, logs, and files of the animals and activities. Prepare cases and complaints for court action; testify in court.

6. Answer questions and provide public education regarding laws, enforcement procedures, humane animal care and services, and owner responsibilities. Assist Police Officers and other agencies in taking pets into protective custody resulting from a death, arrest, or other emergency. Capture and impound wildlife for relocation or euthanization.

7. Operate computers to input and retrieve data and information.

8. Safely operate and maintain the Animal Control vehicle and specialized equipment used in the capture, transport, and treatment of animals including tranquilizing equipment and traps. Perform related duties as directed.
EMPLOYMENT STANDARDS

Education and/or Experience
High School Diploma or GED; and two years of experience in customer service and animal care and handling are desirable; or an equivalent combination of education, training and experience.

Knowledge of:
Basic methods of animal collection, care, and disposal; occupational hazards and standard safety practices necessary in the area of animal capture and control; principles and procedures of record keeping; principles of basic report preparation; principles and practices used in dealing with the public; modern office practices, methods, and computer equipment; and safe driving principles and practices.
Skill in operating: modern office equipment, including computer equipment; necessary tools and devices to capture and immobilize animals; a radio; and a motor vehicle safely.

Techniques for communicating effectively orally, and through written expression, experience providing information, such as explaining rules and regulations to the public, preferably in the handling, care and control of animals. Applicable State and local laws, regulations and ordinances; the physical and behavioral characteristics of animals; breed identification; the symptoms of rabies and other common animal diseases; the safe and accurate handling of animal control equipment; the various techniques of safe and humane euthanasia of animals.

Ability to:
Learn and apply State and local laws, regulations, and ordinance pertaining to animals; obtain cooperation and compliance from members of the public; analyze a situation and adopt a course of action; exercise tact and independent judgment in dealing with the public; prepare clear and concise reports; present a positive public image; develop and maintain working relationships with co-workers, agencies and organizations; handle sick, injured, dangerous, or dead animals and decomposing animal carcasses in a safe and humane manner; euthanize dangerous, sick, or unwanted animals; understand and follow oral and written instructions; safely drive a vehicle; perform other tasks as assigned; and work independently. Work irregular days and hours and under inclement weather conditions; work standby assignments during off duty hours and be subject to call back.

Special Requirements
Possession of or ability to obtain a valid California Driver’s License;
Must be 18 years of age and be able to pass an extensive background check;
Ability to complete and obtain a certificate of completion of 832 PC Course- Basic laws of arrest

Physical Demands
While performing the essential functions of this job the employee is regularly required to stand, walk, reach with hands and arms, climb or balance; stoop, kneel, crouch, or crawl, and lift and/or move up to 100 pounds. While performing the essential functions of this position, the employee is frequently exposed to fumes, odors, or airborne particles, toxic or caustic substances, excessive noise, temperature extremes, vehicular traffic, dampness/humidity, confrontational persons, animals, and various forms of wildlife.

Working Conditions
Exposure to hostile or dangerous animals. Incumbents are expected to work in the field a majority of the time, and will spend an equal amount of time, standing, walking and sitting. Incumbents will be required to wear a uniform. Availability to work a flexible schedule including nights, weekends and/or holidays, and rotational stand-by duty as required.

Date Adopted:
SUBJECT: CONSIDERATION OF LIABILITY INSURANCE REQUIREMENTS FOR COMMUNITY CIVIC EVENT – VETERANS’ HOMECOMING COMMITTEE VETERANS’ DAY PARADE

SOURCE: Administration

COMMENT: At its last meeting on October 7, 2008, the City Council approved the Community Civic Event – Veterans’ Homecoming Committee Veterans’ Day Parade for Tuesday, November 11, 2008. In authorizing the event, the Council approved the staff recommendation to require $2,000,000 per occurrence in General Liability Insurance coverage. Representatives of the Veterans’ Homecoming Committee have approached City staff in regards to the per occurrence amount, claiming that the increase in coverage from $1,000,000 to $2,000,000 is cost prohibitive (approximately $750). Though self-insured, the City of Porterville belongs to a joint powers authority known as the Central San Joaquin Valley Risk Management Authority (CSJVRMA), which provides pooled liability coverage. Pursuant to CSJVRMA guidelines, parades are considered “Moderate Hazard” events and require a minimum of $1,000,000 per occurrence liability coverage of event sponsors, although $2,000,000 is suggested.

Given the situation explained above, staff presents two (2) options for the Council’s consideration: 1) Reduce the required per occurrence coverage amount to $1,000,000, consistent with the required RMA coverage amount, or 2) Maintain the $2,000,000 per occurrence coverage amount and approve the City as a Co-Sponsor of the event to financially assist in the purchase of Special Event coverage for the parade. Funds to purchase such Special Event coverage could be allocated from the Risk Management Fund.

RECOMMENDATION: That the Council provide direction to staff.

ATTACHMENT: None

D.D. [Signature] Appropriated/Funded C.M. [Signature] Item No. 19
COUNCIL AGENDA – OCTOBER 21, 2008

SUBJECT: COUNCIL MEMBER APPOINTMENT TO CHAMBER BRANDINo STEWARDSHIP COMMITTEE

SOURCE: ADMINISTRATION

COMMENT: In late 2006, the Chamber of Commerce, along with a number of other investors including the City of Porterville, engaged a consultant to explore the City's branding potential. The Chamber Branding Stewardship Committee was subsequently formed to move the program forward, on which Council Member Eddie Hernandez voluntarily served without official Council appointment. It is now requested that the Council formally appoint a member to fill the vacancy left by Council Member Hernandez.

RECOMMENDATION: That the Council appoint a member of Council to represent the City on the Chamber Branding Stewardship Committee.

Item No. 20
CITY COUNCIL AGENDA: OCTOBER 21, 2008

TITLE: CITY COUNCIL REQUEST TO CONSIDER VOLUNTARY DRUG TESTING PROGRAM FOR COUNCIL AND COMMISSION/COMMITTEE MEMBERS

SOURCE: CITY ATTORNEY

COMMENT: On September 2, 2008, the City Council directed that this office develop a voluntary drug-testing program for City Council and Commission/Board Members. As we have previously discussed, both the U.S. Supreme Court and the California Supreme Court have weighed in and found unequivocally that suspicionless drug testing may not be mandated for elected officials, since they do not occupy high risk, safety sensitive positions or engage in high risk law enforcement related activities. Therefore, the courts have held there is no compelling governmental interest which would outweigh Constitutional search/privacy protections.

That being stated, the City Council can establish a process for Council Members and other officials appointed by the Council to serve on Commissions, Boards and Committees to voluntarily submit to a drug testing program. Although the Council can request that elected and appointed officials be tested, it cannot attach any type of penalty or stigma should they decline to do so. Furthermore, the Council cannot require the appointed or elected officials to disclose the results of any test to them or any other person. Finally, unless they agree to waive their privacy rights, the fact that a Member either agreed or refused to be tested cannot be publicly disclosed. So long as the Members voluntarily agree to take the test, volunteer to publicly disclose that they were (or were not) tested, and volunteer to publicly disclose the results, no privacy rights or Fourth Amendment violations are implicated.

Attached is a draft voluntary drug testing policy consistent with the legal guidelines outlined above. This policy has been modeled after the policy developed in the City of Burbank, and this is the only City currently known to have developed a testing program. This program would cover testing for marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). Additionally, the program provides for testing for alcohol above the legal limit for operating a motor vehicle. There would be two new testing pools formed - one for Council Members and one for Board/Commission Members. The names of two Council Members a number of Board/Commission Members (this needs to be determined) would be selected randomly for testing once every two months. Members who are selected but were testing in the prior two months shall be

Item No. 21
passed over and another name selected. Following this procedure would ensure that all Members would be tested at least once each year. This testing can be done more or less frequently. The Members will be notified by 11:00 a.m. on the day of testing that their name has been selected. If the selected Members volunteer for the testing protocol, they shall have until two hours prior to the Council Meeting to report to the designated testing clinic and submit the required samples. The testing shall follow DOT protocols. The drug testing process in all of its component parts must be a truly voluntary process, with an opportunity at each stage to agree or not agree to submit to the test and the release of information relating to this process.

In addition to what is proposed, the City Council may want to consider the following questions/alternatives:

a) Whether to expand the list of drugs to a 10 panel survey (includes testing for 5 additional categories of drugs including Barbiturates, Benzodiazepine, Methadone, Propoxphene, Matthaqualone). With this test, legally prescribed drugs show up as positives.

b) Whether to assign a different day of the week for testing (Tuesday/Council Meeting day was chosen as potentially the most practical for Council Members)

c) If voluntarily disclosed, what form should the disclosure take (e.g. a written document, form from testing laboratory, etc.)?

RECOMMENDATION: That the City Council consider the draft voluntary drug and alcohol testing policy of Council and Commission/Board Members and provide staff with appropriate direction.
DRAFT
City Council - City Committee and Commissions
Drug and Alcohol Testing Policy

I. STATEMENT:

In its efforts to maintain a drug free workplace the City of Porterville has implemented several programs to meet this objective. In keeping with these policies, this policy establishes a process for random drug and alcohol testing of all members of the City Council, and of all City Boards, Commissions and Committees appointed by the City Council. Due to legal considerations, participation in this policy is entirely voluntary.

II. DEFINITION:

For purposes of this policy, the following definitions shall apply:

"City Council Member" shall include those members elected at large by the qualified voters of the City, those members elected by special election to fill a vacancy and those members appointed by the remaining members of the City Council to fill a vacancy.

"Commission, Board or Committee Members" shall include ________.

"Controlled substance" refers to the following illegal drugs as defined in the California Health and Safety Code: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

III. PROCEDURE:

A. Random Selection of Members for Testing

1. The names of the members of the City Council and all Committee Boards and Commissions shall be entered into a commercially available computer program designed to randomly select individuals for testing. The City Council's pool shall be separate from the currently existing pool of City employees required to be drug tested pursuant to Department of Transportation mandates and separate from the Commission and Committee Member pool. Members will be added or deleted to these pools according to the start and end dates of their terms.

2. Testing of each pool shall be done once every two months beginning one month after the adoption of this policy. Two members shall be randomly selected from the Council pool, and ___ members from the Committee pool each time for
testing. Any member who has been selected for testing within the previous two-month period shall be passed and another name randomly selected.

3. Selection and testing shall occur only on a day on which a regular City Council meeting is scheduled. Members who are selected by the program will be notified by 11:00 AM on the day they are selected that they have been selected for testing and the location of the designated medical testing facility. If they choose to voluntarily submit to the testing, they will have until two (2) hours prior to the commencement of the City Council meeting on that day to report to the City designated medical facility to submit to a blood or urine test.

4. By volunteering to submit to the drug test as provided herein, the Member specifically waives his or her right of privacy with respect to the submission to the test.

5. Testing shall be conducted in accordance with the Department of Transportation protocols in existence at the time of the test. [Selected Council Members shall have the option of submitting to a blood, urine, or breath test.] Test results shall be provided directly to the Member, who shall have the sole option of publicly releasing them or not. The fact that a Member either volunteers to take the drug test or declines to volunteer to be tested upon the random selection of his or her name shall not be publicly disclosed without the express written consent of the Member.

B. Testing Criteria

1. For purposes of this policy, alcohol test results shall be reported to the Member if the test reveals the presence of 0.08 percent or more, by weight, of alcohol in a Member’s blood at the time of the test. Percent by weight, of alcohol in a person’s blood is based upon grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. Test results below that threshold shall be reported as “None Reportable”.

2. Test results for controlled substances as defined herein shall be reported to the Member if any amount of the controlled substance is detected in a Member’s blood or urine. Where no controlled substance is present, the test results shall be reported as “None Reportable”.
COUNCIL AGENDA: October 21, 2008

SUBJECT: COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM - Resolution and Ordinance Providing for the Regulation of Food Establishments and Food Facilities

SOURCE: Administration

COMMENT: A Council member has requested the above subject matter be added to the Agenda for discussion and potential action on the Resolution and consideration of the Ordinance.

RECOMMENDATION: None

ATTACHMENT: 1. A Resolution of the City Council of the City of Porterville Providing for the Regulation of Food Establishments and Food Facilities.

2. An Ordinance of the City Council of the City of Porterville Adding Article VIII Regulation of Food Establishments and Food Facilities, to Chapter 15 of the Porterville Municipal Code

Item No. 22
RESOLUTION NO. ____ - 2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE PROVIDING FOR THE REGULATION
OF FOOD ESTABLISHMENTS AND FOOD FACILITIES

Whereas, the city of Porterville, under Section 4 of the City Charter is empowered to:

“...shall have and may exercise all powers necessary or appropriate to a municipal
corporation and the general welfare of its inhabitants,” and,

Whereas, public safety and health are critical to the general welfare of its inhabitants, and

Whereas, a safe and sanitary food supply is essential for every inhabitant of the city of Porterville, and

Whereas, the County of Tulare, Environmental Health Services regularly inspects all
commercial food preparation facilities to ensure safe and sanitary handling of food and provides
a written report as to compliance with applicable standards for food safety, and

Whereas, every food preparation facility is required by State law to provide such report to
anyone asking to see the report, and

Whereas, not every inhabitant is willing or knowledgeable concerning the availability of
such report, and

Whereas, informing the inhabitants of Porterville as to the safety and sanitation of their
food sources is critical to their general welfare, and

Whereas, the average patron of a food preparation facility has neither the access nor the
skill and training to identify and evaluate a majority of the factors affecting food safety and
sanitation beyond the obvious, and

Whereas, requiring the posting of a “letter grade” corresponding to the rating scale of the
Tulare County Environmental Health Services Food Inspection Report will not impose new
regulations nor significant costs to existing and future food preparation facilities but simply
inform the public as to the results of existing Food Inspection Reports as compiled by the Tulare
County Environmental Health Services,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville,
that the city of Porterville adopt an ordinance requiring the posting of a “letter grade”
corresponding to the Tulare County Environmental Health Services Food Inspection Report
erating scale of inspection scores and posted immediately upon completion of any Food
Inspection.
BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions thereof.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ADDING ARTICLE VIII REGULATION OF FOOD
ESTABLISHMENTS AND FOOD FACILITIES, TO CHAPTER 15 OF
THE PORTERVILLE MUNICIPAL CODE

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

Section 1. Article VIII, Regulation of Food Establishments and Food
Facilities, is hereby added to Chapter 15 of the Porterville Municipal Code as follows:

CHAPTER 15
LICENSES AND BUSINESS REGULATIONS

ARTICLE VIII. REGULATION OF FOOD ESTABLISHMENTS
AND FOOD FACILITIES

SECTION:
15-110: Definitions.
15-111: Grading.
15-112: Inspections.
15-113: Permits
15-114: Criminal penalties.
15-116: Civil penalties.
15-117: Right of inspection.
15-118: Severability.

SECTION 15-110 Definitions.
The following definitions shall apply in the interpretation and enforcement of this
Chapter:

A. “Food Establishment” shall mean a food establishment as defined in the
California Uniform Retail Food Facilities Law, Section 113780 of the California Health
and Safety Code. These are commonly referred to as restaurants, markets, delis or
similar operations.

B. “Food Facilities” shall mean a food facility as defined in Section 113785 of
the California Health and Safety Code. These are commonly referred to as wholesale
food facilities, vehicles, vending machines, satellite food distribution facilities, open-air
barbecues, certified farmers markets, stationary food preparation units and mobile food
preparation units. This definition also includes commercial food establishments.
C. "Enforcement Officer" Shall mean Tulare County Director of the Department of Environmental Health Services and his or her duty authorized Environmental Health Specialist.

D. "Food Preparation" shall mean food preparation as defined in Section 113790 of the California Health and Safety Code.

E. "Food Inspection Report" shall mean the form provided by the Tulare County Department of Environmental Health Services.

SECTION 15-111  Grading.

A. All food establishments and food facilities shall be inspected and graded uniformly using an official form. The grade of each food establishment shall be determined by the Enforcement Officer using the scoring method provided on the Food Inspection Report. The grade of each food establishment shall be evidenced by the posting of a Grade Card bearing the letter, “A”, “B”, “C”, “D”, or “E”.

1. The letter “A” shall indicate a score of ninety-seven percent or higher, and indicates that the food establishment is deemed “Excellent” in passing the inspection by meeting those minimum health standards as set forth by the State of California in the California Retail Food Facilities Law, California Health and Safety Code, Chapter 4, Sections 113700, et seq., and interpreted by the Enforcement Officer. Grade “A” Cards shall be printed in blue on High-Impact White Styrene Plastic.

2. The letter “B” shall indicate a score of less than ninety-seven percent, but not less than ninety percent, and indicates that the food establishment is deemed “Good” in passing the inspection by meeting those minimum health standards as set forth by the State of California in the California Retail Food Facilities Law, California Health and Safety Code, Chapter 4, Sections 113700, et seq., and interpreted by the Enforcement Officer. Grade “B” Cards shall be printed in green on High-Impact White Styrene Plastic.

3. The letter “C” shall indicate a score of less than ninety percent, but not less than eighty-five percent, and indicates that the food establishment is deemed “Fair” in passing the inspection by meeting those minimum health standards as set forth by the State of California in the California Retail Food Facilities Law, California Health and Safety Code, Chapter 4, Sections 113700, et seq., and interpreted by the Enforcement Officer. Grade “C” Cards shall be printed in yellow on High-Impact White Styrene Plastic.

4. The letter “D” shall indicate a score of less than eighty-five percent, but not less than seventy-six percent, and indicates that the food establishment is deemed “Poor” in not passing the inspection and does not meet minimum health standards. Grade “D” Cards shall be printed in orange on High-Impact White Styrene Plastic.

5. The letter “F” shall indicate a score of less than seventy-six percent, and indicates that the food establishment is deemed “Fail” in not passing the inspection and has conditions existing which may pose a potential or actual threat to public health and safety. The facility may also be ordered closed, potential or actual threat to public health and safety. The facility may also be ordered closed, with its permit being suspended or revoked by the Enforcement Officer. Grade “F” Cards shall be printed in red on High-Impact White Styrene Plastic.
B. The Grade Card shall be provided by the Enforcement Officer and shall be nine inches by eleven in size. The grade letter shall not be more than five inches in height.

C. The Grade Card shall be posted in a conspicuous place selected by the Enforcement Officer, at or near each entrance to the food establishment used by its patrons, and shall be removed only by the Enforcement Officer.

D. It shall be unlawful to operate a food establishment unless the Grade Card is in place as posted by the Enforcement Officer.

E. Private schools and public schools shall not be required to post a Grade Card.

F. Food facilities and food establishments which are not engaged in food preparation shall not be required to post a Grade Card.

SECTION 15-112 Inspections.

A. The Enforcement Officer shall inspect each food facility and food establishment at regular intervals. All food establishments and food facilities shall comply with those requirements set forth in the California Uniform Retail Food Facilities Law, as amended and appearing in California Health and Safety Code Sections 113700 et seq.

B. A signed copy of the official Inspection Form shall be delivered to the owner, operator, or person in charge of the food establishment or food facility who shall sign in receipt thereof.

C. Any food establishment or facility that has received a “D” or “F” grade shall receive a re-inspection within five working days of the initial inspection, or as otherwise arranged with the facility operator, to assure that the violations have been corrected. The Grade “B” or “C” shall remain posted at the food establishment, indicating to the public that the particular food inspection performed by the Department of Environmental Health Services.

D. If, after a re-inspection of the food establishment or facility, the score is not ninety percent or higher, any or all of the following legal actions may occur.

1. Administrative hearing offered for the suspension or revocation of the license pursuant to Health and Safety Code Sections 113950, et seq.

2. Issuance of a citation.

3. Initiation of civil, criminal or other legal proceedings.

E. Notwithstanding the foregoing, the Enforcement Officer may order immediate closure of a facility or establishment pursuant to Health and Safety Code Section 113960 whenever the Officer reasonably believes the facility or establishment to present an immediate danger to the public health or safety.

F. Any re-inspections following legal actions, other than one re-inspection following an initial administrative hearing, will result in the operator being charged an hourly on-site fee.

SECTION 15-113 Permits.

No person shall operate a food establishment or facility without holding a valid permit issued by the Department of Environmental Health Services. Application for a permit shall be made to the Department of Environmental Health Services upon a form
provided by the Department, and shall be accompanied by a fee as established by resolution of the City Council. A permit shall be valid for not more than one year.

SECTION 15-114  Criminal penalties.
   A. Any person violating any provision of this Chapter shall be guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty or a separate offense for each day during which any violation of this Chapter is committed or allowed to exist.
   B. Any individual convicted of a violation of this Chapter shall be:
      1. Guilty of an infraction and punished by a fine of not less than fifty dollars, but not to exceed two hundred dollars for the first offense.
      2. Guilty of an infraction and punished by a fine of not less than one hundred dollars, but not to exceed two hundred dollars for the second offense.
      3. The third and any subsequent offense shall constitute a misdemeanor, and shall be punishable by a fine of not less than five hundred dollars, but not to exceed one thousand dollars and/or up to six month in the County Jail, or both.
   C. Notwithstanding the foregoing, a first or second offense may be charged and prosecuted as a misdemeanor.
   D. Payment of any penalty herein shall not relieve an individual from the responsibility of correcting the violations as noted on the Official Inspection Report Form.

SECTION 15-115  Public nuisance declaration.
   In addition, any violation of this Chapter is hereby deemed to be public health nuisance and may be abated by the Enforcement Officer, irrespective of any other remedy hereinabove provided.

SECTION 15-116  Civil penalties.
   Any person who willfully violates any provision of this Chapter, in addition to any criminal penalties, shall be liable for a civil penalty of between fifty dollars and two hundred fifty dollars for each day of violation. The enforcement agency shall be authorized to file and maintain an action in a court of appropriate jurisdiction to collect any such civil penalty arising under this section.

SECTION 15-117  Right of inspection.
   Pursuant to California Health and Safety Code Section 113925, the Enforcement Officer shall have the right to inspect any food facility or establishment, or any facility suspected of being a food establishment or facility, at any reasonable time. If inspection is refused, the permit may be suspended or revoked, and/or the owner or operator shall be guilty of an infraction or misdemeanor offense.

SECTION 15-118  Severability.
   In any provision, clause, sentence or paragraph of this Chapter, or the application thereof to any person or circumstances shall be held invalid; such invalidity shall not affect the other provisions or application of the provisions of this Chapter which can be
given effect without the invalid provision or application and, to this end, the provisions of this Chapter are hereby declared to be severable.

Section 2. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED APPROVED AND ADOPTED this ______ day of ____________, 2008.

________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk