Call to Order
Roll Call

Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation

**PROCLAMATIONS**

Freedom Days – June 14th - July 4th, 2009

**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. **City Council Minutes of April 21, 2009**

2. **Budget Adjustment in Support of Tulare County Workforce Investment Board Youth@Work Community Improvement Projects Program in the City of Porterville**
   Re: Considering ratification of a proposed budget adjustment in an amount of $50,000 to support the summer work program with expenditure from the City Council budget with funding from unallocated General Fund Reserves.

3. **Approval of Budget Amendment and Authorization to Advertise for Bids – Community Center Parking Lot Project**
   Re: Considering approval of staff’s recommended plans and project manual, and the appropriation of $42,985.38 from the City of Porterville refinance fund, to finance the construction of the project consisting of new paving, curb and gutter, sidewalk, drive approaches, and appurtenances at the Community Center building on Putnam Avenue.

4. **Award of Contract – Indiana Street Shoulder Stabilization Project (Olive Avenue to Putnam Avenue)**
   Re: Awarding contract in an amount of $78,468.82 to Halopoff & Sons, Inc. of Porterville, for the project consisting of the installation of new curbs, gutters, sidewalk, drive approaches and handicap ramps along Indiana Street between Olive Avenue and Putnam Avenue.

5. **Approval of Consulting Services Agreement for Library Services and Facilities Needs Assessment**
   Re: Considering approval of the Consultant Service Agreement with Page+Moris of San Francisco, CA, at a cost not-to-exceed $79,935 for the preparation of a needs assessment report and analysis relative to Porterville’s future library facility options.
6. **Program Supplement to the Local Agency-State Master Agreement – Indiana Street Shoulder Stabilization**
   Re: Considering approval of Program Supplement Agreement Number N035 submitted by the Department of Transportation for the installation of new curbs, gutters, sidewalk, drive approaches and handicap ramps along Indiana Street between Olive Avenue and Putnam Avenue.

7. **Amendment No. 1 to Agreement between the City of Porterville and Sunset Waste Paper, Inc.**
   Re: Considering approval of an amendment extending the present agreement between the City of Porterville and Sunset Waste Paper, Inc. for a period of one year for the curbside recycling program.

8. **Authorization to Execute a Consultant Service Agreement – Morton and Mathew Water Trunk Line Project**
   Re: Authorization to execute the Consultant Service Agreement with Dee Jaspar and Associates of Porterville at an agreed fee of $52,062 for the design of a domestic water trunk line on Morton Avenue between Westwood Street and Newcomb Street, and on Mathew Street between Morton Avenue and Olive Avenue.

9. **Airport Lease Renewal – Lot 34C**
   Re: Considering approval of an extension of the Lease Agreement between the City of Porterville and Mr. Gary Mussen of Exeter, CA, for Lot 34C at the Porterville Municipal Airport.

10. **Airport Lease Renewal – Lot 34E**
    Re: Considering approval of an extension of the Lease Agreement between the City of Porterville and Mr. Glenn Ricketson of Porterville, CA, for Lot 34E at the Porterville Municipal Airport.

11. **Airport Lease Renewal – Lot 34F**
    Re: Considering approval of an extension of the Lease Agreement between the City of Porterville and Mr. Steven Huth and Mr. Mike Quatacker of Porterville, CA, for Lot 34F at the Porterville Municipal Airport.

    Re: Authorization of a budget adjustment of $300,000 for the purchase of 3.45 acres from Grand Prospect Partners, L.P., California Limited Partnership, for the Animal Shelter and Dog Park Project.

13. **Authorization for Risk Assessment of Playground Equipment**
    Re: Authorizing a $5,850 expenditure from risk management to Bickmore Risk Services for a risk assessment/safety inspection of the newly installed playground equipment, at the recommendation of Central San Joaquin Valley Risk Management Authority, at Murry, Lions, Veterans and Zalud Parks.

14. **Purchase of Command Vehicle for Fire Department**
    Re: Authorizing the purchase of a 2009 4-wheel drive Ford Expedition using the State of California’s contract with Folsom Lake Ford in Folsom for a vehicle scheduled for replacement this fiscal year.
15. **Memorandum of Understanding to Participate in Bureau of Indian Affairs Indian Reservation Roads Program**
   Re: Considering MOU with the Tule River Indian Tribe and Bureau of Indian Affairs to identify routes within the City in proximity to Tribal property interests that would be eligible for potential funding for improvements.

   Re: Approval of an event to take place on Saturday, June 13, 2009, from 6:00 a.m. to 12:00 a.m. at the Porterville Municipal Airport.

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

**PUBLIC HEARINGS**

17. **Impact Fees Deferral Code Amendment – First Reading**
   Re: Considering approval of an ordinance amending sections of the Porterville Municipal Code relating to the deferral of certain developer impact fees.

18. **Water Conservation**
   Re: Considering approval of revisions to the Water Conservation Plan and moving into Phase II of the Water Conservation Plan.

19. **Conditional Use Permit 1-2009 – Uniform Sign Program (City of Porterville – Parks & Leisure Services)**
   Re: Considering adoption of a resolution approving Conditional Use Permit 1-2009 to allow for the construction of a post mounted sign and reader panel at Veteran’s Park along Prospect Street just south of the Corporation Yard and CNG Facility.

**SCHEDULED MATTERS**

20. **Request to Accept for First Reading an Ordinance Prohibiting the Flying of Radio Controlled Aircraft at Porterville Airport**
   Re: Considering approval of an ordinance prohibiting the flying of radio controlled airborne vehicles at the airport or on city property near the airport.

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

**ADJOURNMENT** - to the meeting of June 2, 2009 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 Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet. Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
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, and Mayor Hamilton

ORAL COMMUNICATIONS
None

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

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported on the following action:
A. Closed Session Pursuant to:

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve approved an amendment to
the extension of time for Airport Industrial, LLC to obtain a building permit extending the time period until June 30, 2010; and an amendment to the Repurchase Option for Airport Industrial, LLC to change the commencement date to July 1, 2010 and that the Repurchase Option will remain in effect until June 30, 2013. The motion carried unanimously.

Disposition: Approved

Pledge of Allegiance Led by Council Member Brian Ward

Invocation – a moment of silence was observed.

**PROCLAMATIONS**

“Iris Festival Day” – April 25, 2009
“Cinco De Mayo Week” – May 1–5, 2009

**PRESENTATIONS**

City Manager’s Featured Project – Acquisition of Fire Quick Attack Unit – Engine 371
Youth Committee Presentation on the Youth Voice Conference
VIEW Energy Partnership
Boys & Girls Club of Porterville

**ORAL COMMUNICATIONS**

- Jim Podergois, owner of The Mint, requested that the City Council consider amending the Municipal Code to increase the number of card tables allowed in the City.
- Nikki Edwards, 13096 Road 208, came forward on behalf of P.A.R.T. (“Porterville Animal Rescue Team”); thanked the City Council for approving the Porterville Animal Control Program; spoke of the challenges; requested that the permanent shelter be placed on the fast track; and requested support for a policy to require spaying and neutering prior to adoption.
- Gail (last name inaudible), inquired as to the licensing of animals.
- Dick Eckhoff, business address of 197 N. Main Street, 1) spoke in favor of the efforts of staff regarding animal control and agreed for the need to fast track the permanent animal shelter; 2) regarding Item 19, noted the lack of school opposition to alcohol license requests that come before the Council, and spoke in favor of allowing the market to regulate the matter; 3) regarding Item 4, suggested that the Council should have only approved $4,000, and commented that perhaps the previous Agenda should have provided more information. Mr. Eckhoff then proposed an annual consideration of potential funding for various local events.
- Geri Guinn, spoke of the contributions the Boys & Girls Club have made to the Porterville Community, and of the positive influence its activities has on children.
- Rocko (last name inaudible), 2027 W. Nancy Avenue, voiced frustration with his inability to reach Public Works staff regarding his recent water shut-off. At the Mayor’s request, staff assisted him.
- Barry Caplan, 1) voiced support for P.A.R.T. and animal control; 2) suggested that the problem of dogs at large contribute to the lack of cycling activities in the
community; 3) regarding Item 4, voiced concern that the item was on Consent Calendar, and requested that it be moved to Scheduled Matters and suggested that the Council’s action at the previous meeting on the item was likely due to the last minute request by the Exchange Club, which was unfair to the Council.

- Boyd K. Leavitt, requested that the Council reduce the UUT tax from 6% to 5% in light of the hard economic times.
- Martha Alcazar Flores, 249 South Indiana, 1) regarding Item 4, commented that more information should have been provided prior to Council action at the previous meeting, and suggested in the name of fairness, if one non-profit is supported, all should have an equal opportunity; and 2) spoke of efforts to establish the Youth Services Foundation in recent years and suggested that Council Member Pedro Martinez should look at that through the Youth Commission.

CONSENT CALENDAR

Item Nos. 1, 4, 6, 7 and 9 were removed for further discussion.

2. CLAIM – RUDY P. BELTRAN

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. 02-042109
Disposition: Approved

3. CLAIM – RICHARD HOLIFIELD

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

Documentation: M.O. 03-042109
Disposition: Approved

5. AWARD OF CONTRACT – OHV (OFF-HIGHWAY VEHICLE) PARK SPECTATOR AWNING PROJECT

Recommendation: That the City Council:
   1. Award the OHV Spectator Awning Project to Webb & Son in the amount of $28,491.00;
   2. Authorize progress payments up to 90% of the contract amount; and
   3. Authorize 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 04-042109
Disposition: Approved
7a. UPDATE ON CNG SHOP UPGRADE AND AUTHORIZATION TO EXPAND CNG FACILITY

Recommendation: That the City Council:

1. Authorize the Transit Manager to amend TPG’s contract to provide “Shop Upgrade” preliminary plans and specifications at a not to exceed $20,000;
2. Direct the Transit Manager to pursue additional funding (approximately $75,000) in the form of CMAQ or other grants to supplement the $101,600 FTA grant so that the Mechanic Shop can be upgraded compliant with 2007 California Building Code (CBC) and Fire Code for CNG vehicle maintenance use;
3. Direct the Public Works Director to secure funding from the Equipment Replacement Fund, specifically, to secure equipment replacement funds (approximately $75,000) from those vehicles that will be replaced with CNG vehicles;
4. Authorize the Public Works Director to augment TTS Construction’s (CNG Facility Contractor) contract in the amount of $26,996.55 to add five additional time fill stations;
5. Authorize the Public Works Director to augment TTS Construction’s contract in the amount of $21,777.36 to install a fully automated “card swipe” reading system that will identify and record the user of these new facilities; and
6. Instruct the Public Works Director to pay for items 4 and 5 from the 9% contingency authorized on October 21, 2008.

Documentation: M.O. 05-042109
Disposition: Approved

8. CONSIDER LETTER OF SUPPORT FOR APPOINTMENT OF DR. KARL LONGLEY TO THE STATE WATER QUALITY CONTROL BOARD

Recommendation: That the City Council authorize the Mayor to sign the draft letter and submit it to Governor Schwarzenegger.

Documentation: M.O. 06-042109
Disposition: Approved

10. PROPOSED CHANGE IN THE TABLE OF ORGANIZATION IN THE POLICE DEPARTMENT –SHELTER SUPERVISOR

Recommendation: That the City Council adopt the draft resolution authorizing a change in the Table of Organization in the Police Department, to add a Animal Shelter Supervisor classification at salary range 191 ($4,405-$5,376).
11. RETENTION AND DESTRUCTION OF DESIGNATED RECORDS IN ACCORDANCE WITH THE CALIFORNIA SECRETARY OF STATE LOCAL GOVERNMENT RECORDS MANAGEMENT GUIDELINES

Recommendation: That the Council adopt the draft resolution, A Resolution of the City Council of the City of Porterville Providing for the Retention and Destruction of Designated Records in Accordance with the California Secretary of State Local Government Records Management Guidelines.

Documentation: Resolution 29-2009
Disposition: Approved

12. APPROVAL FOR COMMUNITY CIVIC EVENT – ANNUAL PORTERVILLE FAIR – MAY 13-17, 2009

Recommendation: That the City Council:
   1. Approve the Community Civic Event Application and Agreement from the Porterville Community Fair Board, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit “A”; and
   2. Approve the use of the parking lot on the south side of Olive Avenue and bare ground south of that parking lot for fair patron parking and set up from May 13-17, 2009.

Documentation: M.O. 07-042109
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve Item Nos. 2, 3, 5, 7a, 8, and 10 through 12. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF FEBRUARY 3, 2009

Recommendation: That the City Council approve the Minutes of February 3, 2009.

City Manager Lollis introduced the item, and Council Member Felipe Martinez indicated that he would be abstaining from the item due to his absence from the meeting.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council approve the Minutes of February 3, 2009.
4. RATIFICATION OF BUDGET ADJUSTMENT IN SUPPORT OF FOURTH OF JULY COMMUNITY FIREWORKS SHOW AND CONSIDERATION OF ALTERNATIVE EVENT SITES

Recommendation: That the City Council ratify the proposed budget adjustment with expenditure from the Community Promotions budget with funding from unallocated General Fund Reserves.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Felipe Martinez recused himself due to being an Exchange Club Board Member and exited the chambers.

City Manager Lollis stated that the City of Porterville had received written correspondence from the Exchange Club indicating that they would not be accepting financial support from the City, and that the fireworks show would remain cancelled.

City Attorney Lew advised the Council to make a motion to decline to appropriate any funds.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Ward that the City Council not appropriate funds.

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

Mayor Hamilton expressed disappointment in the reporting by the Porterville Recorder, stating that it was a disservice to the City Council and the City of Porterville.

Council Member Pedro Martinez stated that he had initially requested the item be considered, and that he hoped a funding source could be identified.

Council Member Ward indicated that he shared Mayor Hamilton’s disappointment.

Disposition: Approved

6. AWARD OF PURCHASE ORDER FOR LEISURE UPDATE PRINTING
Recommendation: That the City Council authorize the issuance of a purchase order and payment to the Porterville Recorder for the annual Parks and Leisure Services ‘Leisure Update’.

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

Council Member Ward pointed out that there was only one responsive bid received, and inquired about competitive bidding. City Attorney Lew advised that the one responsive bid was sufficient, but that the Council had the authority to reject all bids and request a re-bid.

Parks & Leisure Services Director Jim Perrine addressed questions regarding the distribution frequency and cost of the mailers. A discussion then ensued regarding the time required to rebid and its effect on the distribution schedule.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council reject the bid for the Leisure Update printing and rebid.

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

Disposition: Approved

7. AUTHORIZATION TO NEGOTIATE NEW INTERIM FARM MANAGEMENT AGREEMENT

Recommendation: That the City Council:

1. Direct the Public Works Director to negotiate an Interim Farm Management Agreement with Jeff Sheets;
2. Instruct the Public Works Director to revise, modify or otherwise adapt the existing Farm Management Agreement to the changing circumstances;
3. That changes to the agreement maintain the same level of service as was required in the existing Farm Management Agreement and that the financial compensation remain the same or less than as stipulated in the original Farm Management Agreement; and
4. That the City Council authorize the Mayor to execute the new “Interim Farm Management Agreement”.

City Manager Lollis introduced the item, and indicated that staff had recommended there be no action on the item.

Disposition: No action required.
9. ANIMAL CONTROL SERVICES UPDATE

Recommendation: This agenda item is for informational purposes and no specific action is requested.

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

Council Member Pedro Martinez lauded the efforts of Rick Cooksey and Dawn Sepulski.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council accept the informational report as presented. The motion carried unanimously.

Disposition: Approved

SECOND READING

13. ORDINANCE 1751 – KEEPING OF RACING, HOMING, AND SPORTING PIGEONS

Recommendation: That the City Council give Second Reading to Ordinance No. 1751, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the City Council give Second Reading to Ordinance No. 1751, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING THE KEEPING OF RACING, HOMING, AND SPORTING PIGEONS TO THE MUNICIPAL CODE. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS

14. UPDATE – CALIFORNIA INFRASTRUCTURE & ECONOMIC DEVELOPMENT BANK WATER IMPROVEMENT LOAN

Recommendation: None, information only.

City Manager Lollis introduced the item, and Public Works Director Rodriguez presented the staff report.
Council Member Pedro Martinez inquired about an increase in fees relative to pursuit of the
loan. A discussion ensued regarding developer impact fees and customer rate fees and the types of
improvements each are allowed to fund. The City Attorney explained that developer impact fee
monies were to be used for growth related projects, while customer fee monies were to be used for
maintenance and improvements of the existing system.

Public Works Director noted that the water rates were last raised in 1996.

Disposition: No action required.

15. CONSIDER PARKS & LEISURE COMMISSION STUDIED AREAS FOR THE
PROP 84 DEVELOPMENT & COMMUNITY REVITALIZATION PROGRAM
STATEWIDE GRANT APPLICATION PROCESS

Recommendation: That the City Council receive the recommendation of the Parks & Leisure
Services Commission and provide staff the direction to initiate planning efforts for recommendation of 2 general locations and example types of
projects for Council consideration of preparing Prop 84 grant application(s).

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

Council Member Ward inquired about the possibility of speaking with the County about
applying for a project that may be within a County pocket that is slated to be annexed in the future. City Manager Lollis indicated that a joint application with the County or another agency could be
filed, and that option would be explored.

Council Member Felipe Martinez spoke about the importance of improving blighted areas.

City Council lauded the efforts of the Parks & Leisure Services Commission in identifying
options for the Council’s consideration.

Mayor Hamilton inquired about the area of Mulberry and Indiana, and staff indicated that the
area could be evaluated. A brief discussion ensued with regard to the criteria relative to school sites,
and land acquisition as a component of a project. Mayor Hamilton then requested that the area near
Lion’s Park also be reviewed for eligibility.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council
Member Pedro Martinez that the City Council direct staff to move forward
with the process relative to Option 1, Olive Street School (Date and
Villa).

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: Ward
ABSTAIN: None
The Council then directed staff to look into the areas of Mulberry & Indiana, and near Lion’s Park in addition to others.

Disposition: Approved

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

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

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

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Ward that the City Council adopt a resolution approving the application for State Off-Highway Vehicle Grant Funds. The motion carried unanimously.

Disposition: Approved

17. ADOPTION OF IDENTITY THEFT PREVENTION PROGRAM

Recommendation: That the City Council approve the draft resolution adopting the Identity Theft Prevention Program.

City Manager Lollis introduced the item, and Finance Director Bemis presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the City Council approve the draft resolution adopting the Identity Theft Prevention Program. The motion carried unanimously.

Disposition: Approved

18. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF FORMATION OF A MOSQUITO ABATEMENT DISTRICT

Recommendation: None.

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

Mayor Hamilton spoke of the need for a survey to determine interest in drawing up a district.
Vice Mayor McCracken spoke about the costs associated with the survey and indicated that he did not see enough interest in the community to warrant moving forward.

The Council concurred that there should be no action on the item.

Disposition: No action taken.

19. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF CITY’S POLICY REGARDING THE PERMITTING AND UPGRADING OF ALCOHOL LICENSES

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

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

Council Member Pedro Martinez requested that the Council consider formulating a policy based on Census Tract for all alcohol licenses.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Vice Mayor McCracken that the City Council appoint Council Members Felipe and Pedro Martinez to an ad hoc committee to look at formulating a policy regarding the permitting and upgrading of alcohol licenses.

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

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Mayor Hamilton that the City Council appoint Council Member Pedro Martinez and Council Member Ward to an ad hoc committee to look into formulating a policy.

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

Disposition: Ad hoc committee formed.

ORAL COMMUNICATIONS

- Greg Shelton, 888 North Williford Drive, spoke of the thought process behind the Parks & Leisure Services Commission’s recommendations with regard to Item 15, and spoke against limiting the selection to two additional project areas.
Barry Caplan, voiced concern with the Mayor’s comments and actions during Item 4, particularly as it related to bloggers. He suggested that the Mayor singled him out and thereby caused a chilling effect on his right to comment publicly. Mayor Hamilton clarified that he had not been referring to Mr. Caplan. A brief exchange next ensued with regard to whether a public official had a duty to read all emails.

Dick Eckhoff, address on record, 1) inquired as to what the Council decided on Item 15; 2) suggested that the Council had the right to read or not to read any emails; 3) commented on the cancellation of the Fireworks Show; and 4) voiced concern with the decision to re-bid the printing in Item 6.

**OTHER MATTERS**

- Council Member Pedro Martinez 1) requested that a letter be sent from the Council to the Exchange Club thanking them for 45 years of sponsoring the Fireworks Show; and 2) expressed an interest in bringing some youth to a legislative conference. Staff advised that the League of California Cities had a program for youth to attend the League’s Annual Conference.
- Council Member Felipe Martinez updated the Council on the efforts of the California Latino Water Coalition and of its recent march and rally, and thanked the Council for supporting his participation.
- Council Member Ward inquired as to whether Council Member Pedro Martinez wished to proceed with formally creating the Youth Commission. Council Member Martinez advised that he was working with the local schools to first amend their By-Laws.
- Mayor Hamilton 1) spoke of the Fishing Derby that weekend and thanked Parks & Leisure Services staff for their hard work; 2) spoke of the Dedication of the Battlefield Cross held at Veteran’s Park on Saturday; and 3) advised of a constituent’s request to amend the Code to allow the storage of boats in residential driveways, and requested that staff look into that.

**ADJOURNMENT**

The Council adjourned at 10:35 p.m. to the meeting of May 5, 2009 at 6:00 p.m.

______________________________  
Luisa Herrera, Deputy City Clerk

SEAL

______________________________  
Cameron Hamilton, Mayor

Page 12 of 12
SUBJECT: Budget Adjustment in Support of Tulare County Workforce Investment Board Youth@Work Community Improvement Projects Program in the City of Porterville

SOURCE: City Manager

COMMENT: From funds received through the American Recovery and Reinvestment Act (ARRA) of 2009, Community Services Employment Training, Inc. (CSET) has partnered with the Tulare County Workforce Investment Board (WIB) in putting at-risk youth to work this summer on projects in communities throughout the County, and has proposed to the City of Porterville the placement of up to 150 youth to work within the Porterville community. Staff has defined projects and identified necessary equipment and materials that will be needed to support the summer work program. Staff has also identified supervision capabilities for the youth, as CSET has funds available to commit to only four supervisors for the program. With the number of youth involved in the program, at least fifteen supervisors will be required for the program, most of which will come from current City staff. It is recommended that an expenditure budget in the amount of $50,000 in City funds be appropriated from General Fund unallocated reserves to support the program with equipment, materials, and some specialized part-time supervision (carpentry, concrete, etc). Similar to the establishment of the Freeze Relief program the City administered in 2007 in partnership with Proteus, it is recommended that the budget expenditure be contained within the City Council budget for expense accounting purposes.

RECOMMENDATION: That the Council ratify the proposed budget adjustment with expenditure from the City Council budget with funding from unallocated General Fund Reserves.
COUNCIL AGENDA: MAY 19, 2009

SUBJECT: APPROVAL OF BUDGET AMENDMENT AND AUTHORIZATION TO ADVERTISE FOR BIDS – COMMUNITY CENTER PARKING LOT PROJECT

SOURCE: Public Works Department / Parks and Leisure Services Department

COMMENT: The Public Works Department, working in conjunction with the Parks and Leisure Services Department, has prepared plans and project manual for the Community Center Parking Lot project. The project consists of new paving, curb & gutter, sidewalk, drive approaches, irrigation sleeves under hardscape areas, and appurtenances at the Community Center building on Putnam Avenue.

The Plans and Project Manual for the Community Center Parking Lot project have been completed and are available in the La Barca Conference Room for Council’s review.

The estimate of probable construction related cost for this project is $86,735.00 with $8,673.50, required for the construction contingency (10%). An additional $4,336.75 is required for construction management, quality control and inspection (5%). The total estimated construction related cost associated with the project is $99,745.25. An Estimate of Probable Construction Related Cost is attached for Council’s review.

Please note that the cost estimate is only for the construction of parking and hardscape improvements and removal of existing landscaping and irrigation systems. It does not include new irrigation systems or landscape planting, with these costs estimated at $32,915. La Comision Honorifica Mexicana Americana, Inc. (CHMA) has offered to provide donated services to cover the costs of these improvements and is prepared to enter into an agreement with the City to complete the required work in a timely manner, per the attached letter.

Funding is provided from General Fund Reappropriation and was approved in the 2008/2009 Annual Budget. Available funding for this project is approximately $56,759.87. An appropriation of $42,985.38 from the COP refinance fund will become necessary to cover the costs associated with the project.

RECOMMENDATION: That City Council:

1. Authorize staff to appropriate $42,985.38 from the COP refinance fund to finance the construction of the project;

2. Approve staff’s recommended plans and project manual; and

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

ATTACHMENTS: Locator Map – Community Center Parking Lot Project Estimate of Probable Construction Related Cost CHMA Letter, Proposal to Provide Donated Services

P:\pubwork\Engineering\Council Items\Authorization to Advertise for Bids - Community Center Parking Lot Project - 2009-05-19.doc

Dir B----- Appropriated/Fundedmo CM  Item No. 4
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<td>2</td>
<td>Clearing and Grubbing (including but not limited to concrete, dirt, asphalt, tree, landscaping removal and replacement, irrigation line removal and replacement)</td>
<td>1</td>
<td>LS</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Construct Curb and Gutter</td>
<td>170</td>
<td>LF</td>
<td>$24.00</td>
<td>$4,080.00</td>
</tr>
<tr>
<td>4</td>
<td>Construct Barrier Curb</td>
<td>530</td>
<td>LF</td>
<td>$20.00</td>
<td>$10,600.00</td>
</tr>
<tr>
<td>5</td>
<td>Construct Driveway</td>
<td>660</td>
<td>SF</td>
<td>$8.00</td>
<td>$5,280.00</td>
</tr>
<tr>
<td>6</td>
<td>Construct Sidewalk to include Detectable Warning Surfaces</td>
<td>1910</td>
<td>SF</td>
<td>$4.50</td>
<td>$8,595.00</td>
</tr>
<tr>
<td>7</td>
<td>Construct Bus Turnout</td>
<td>1100</td>
<td>SF</td>
<td>$7.00</td>
<td>$7,700.00</td>
</tr>
<tr>
<td>8</td>
<td>Install 1&quot; Domestic &amp; Landscape Water Meters, Meter Boxes, Manifold, Service Extensions &amp; Backflow Preventer</td>
<td>1</td>
<td>LS</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>9</td>
<td>Install 4&quot; Sch. 40 PVC Domestic &amp; Irrigation Lines</td>
<td>147</td>
<td>LF</td>
<td>$5.00</td>
<td>$735.00</td>
</tr>
<tr>
<td>10</td>
<td>Install 4&quot; C900 PVC Pipe Sleeves</td>
<td>199</td>
<td>LF</td>
<td>$5.00</td>
<td>$995.00</td>
</tr>
<tr>
<td>11</td>
<td>Install 60&quot; Square Neenah Tree Grating Covers</td>
<td>2</td>
<td>EA</td>
<td>$1,500.00</td>
<td>$3,000.00</td>
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<tr>
<td>12</td>
<td>6.5&quot; Excavation</td>
<td>178</td>
<td>CY</td>
<td>$30.00</td>
<td>$5,340.00</td>
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<tr>
<td>13</td>
<td>4&quot; Class II Aggregate Base</td>
<td>109</td>
<td>CY</td>
<td>$60.00</td>
<td>$6,540.00</td>
</tr>
<tr>
<td>14</td>
<td>2.5&quot; Asphalt Concrete</td>
<td>141</td>
<td>TN</td>
<td>$70.00</td>
<td>$9,870.00</td>
</tr>
<tr>
<td>15</td>
<td>Install Accessibility Railing</td>
<td>1</td>
<td>LS</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>16</td>
<td>Signage, Striping, and Pavement Markings</td>
<td>1</td>
<td>LS</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
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<tr>
<td>17</td>
<td>Relocate and Re-Install Bus Shelter</td>
<td>1</td>
<td>LS</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

Sub Total: $86,735.00
10% Contingency: $8,673.50
5% Staff and Testing: $4,336.75

Total: $99,745.25
May 05, 2009

City Council
City of Porterville
Porterville, CA

RE: COMMUNITY CENTER IMPROVEMENTS
HANDICAP PARKING LOT

Dear Council Members:

Our Comision Honorifica Mexicana Americana, Inc. (CHMA) Board of Directors wishes to thank you for the proposed property improvement at the CHMA Community Center. We are very pleased to learn that the City of Porterville will construct a parking lot that will accommodate the needs of handicap individuals who use the Community Center.

Our Board is prepared to enter into an agreement with the City of Porterville whereby we will contribute to the above effort by assuming responsibility for the landscaping related to the handicap parking construction. Upon entering into such an agreement, CHMA will launch a community fundraising campaign to procure the necessary funds, in-kind contributions and volunteers to properly landscape this portion of the property.

We look forward to meeting with you or your designee to specify the details of such an agreement. Once again, thank you for the handicap parking lot improvement - lots of folks will be very happy.

Sincerely

Fred Beltran, President

Teresa de la Rosa, Vice President

Grace Muñoz Rios, Secretary

Elva Beltran, Historian

Roberto de la Rosa, Member at-large
SUBJECT: AWARD OF CONTRACT – INDIANA STREET SHOULDER STABILIZATION PROJECT (OLIVE AVENUE TO PUTNAM AVENUE)

COMMENT: On May 7, 2009, staff received five (5) bids for the Indiana Street Shoulder Stabilization Project. The project consists of the installation of new curbs, gutters, sidewalk, drive approaches and handicap ramps along Indiana Street between Olive Avenue and Putnam Avenue.

The Engineer's estimate of probable cost for the project is $142,695.00. The low bid is 45% below the Engineer's estimate. An additional $7,846.88 is required for the construction contingency (10%). An additional $10,000 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $96,315.70.

Congestion Mitigation & Air Quality (CMAQ) grant and Surface Transportation Program (STP) are the funding sources for this project, as approved by the 2008/2009 Annual Budget.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Halopoff &amp; Sons, Inc.</td>
<td>$78,468.82</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>2. Sierra Range Construction</td>
<td>$105,587.34</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
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<tr>
<td>3. Granite Construction</td>
<td>$120,761.00</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>4. Victory Engineers</td>
<td>$124,388.00</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
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<tr>
<td>5. Mark Hoffman General Engr.</td>
<td>$126,843.32</td>
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<tr>
<td>Tulare, CA</td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION: That the City Council:

1. Award the Indiana Street Shoulder Stabilization Project to Halopoff and Sons in the amount of $78,468.82; and

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

ATTACHMENT: Locator Map

P:\pub\Work\Engineering\Council Items\Award of Contract - Indiana St Shoulder Stabilization - 2009-05-19.doc

Dir: Appropriated/Funded Item No. 4
SUBJECT: APPROVAL OF CONSULTING SERVICES AGREEMENT FOR LIBRARY SERVICES AND FACILITIES NEEDS ASSESSMENT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Library Facilities Planning Committee has spent several months getting acquainted with library services, touring libraries, and studying materials related to the planning of libraries as well as future technologies, services and facility concepts. The next step for determining Porterville's future library facility options is to conduct a Needs Assessment. A Request for Qualifications was prepared and distributed for experienced consultant services to assist with these efforts. Seven firms from throughout the nation responded. Through the efforts of the Administrative Work Group of the Library Facilities Planning Committee two of the firms were selected for interview. The same Administrative Work Group conducted the interviews and determined that the firm of Page+Moris was best qualified to provide the services needed by the City of Porterville.

Page+Moris is headquartered in San Francisco, specializes in library facility and services, and has experience with several valley library agencies. A specific scope of work and fee proposal has been negotiated with Page+Moris, and the Administrative Work Group is recommending to the City Council that the Consulting Services Agreement be approved. The services to be provided will be overseen by the Library Facilities Planning Committee and will include community outreach. A final Needs Assessment Report will result in approximately five months which will address space needs, and service and technology models. This will facilitate the ability of the Library Facilities Planning Committee to recommend a Library Plan of Service and Building program to the City Council.

The services of Page+Moris are to be provided on a time and materials basis for a not-to-exceed cost of $79,935. Funding is available in the capital projects budget for this work.

RECOMMENDATION: Approve the Consulting Services Agreement with Page+Moris, and authorize and direct the Mayor to execute same.

ATTACHMENTS: Consulting Services Agreement

[Signatures and dates]
CONSULTING SERVICES AGREEMENT

DATE: May 19, 2009

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Page+Moris, hereinafter referred to as "CONSULTANT".

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

Project Name: Library Services and Facilities Needs Assessment

Description of Project:
Work with City staff and the Porterville Library Facilities Planning Committee to prepare an assessment and conduct a SWOT analysis of current library services and facilities, and build upon the information in preparing a Needs Assessment Report for the year 2020 and beyond.

AGREEMENTS:

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

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as
CONSULTING SERVICES AGREEMENT
PAGE 2 OF 6

described in Exhibit "A", Proposed Work Plan and Fee Proposal, in connection with the above described project.

SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis, not to exceed seventy nine thousand nine hundred and thirty five Dollars, ($79,935).

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

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all "tasks" shall be completed by November 04, 2009.

The parties agree that time is of the essence under this contract. Inasmuch as it would be difficult to ascertain the actual amount of damages sustained by delay in performance of said contract, the amount of $250 per calendar day shall be deducted from the contract price for liquidated damages for each calendar day beyond the completion date listed above. Said deduction will not be made if CONSULTANT submits proof in writing that delay in completion was due to a cause beyond its control.
SECTION 4. FAMILIARITY WITH PROJECT: CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.

SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

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

(ii) Bodily injury and property damage insurance in the amount not less than One Million Dollars ($1,000,000) per occurrence; and

(iii) Automotive liability in the amount not less than One Million Dollars ($1,000,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including
employees of CITY and CONSULTANT. CONSULTANT agrees to indemnify, defend (at CITY'S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of CONSULTANT or any of its employees or agents.

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

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the parties that CITY has entered into this contract with the express understanding that CONSULTANT will perform all work. CONSULTANT shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.
SECTION 8. AFFIRMATIVE ACTION. CONSULTANT will not discriminate against any employee, or applicant for employment because of race, color, religion, gender, marital status, or national origin.

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

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

SECTION 10. TERMINATION: Either party for just cause may terminate this contract by giving seven (7) days written notice to the other party. Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. CONSULTANT may be entitled to just and equitable compensation for satisfactory work completed, except CITY can withhold damages incurred as a result of the termination.
SECTION 11. ENTIRE CONTRACT: It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys’ fees and costs.

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

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

CITY OF PORTERVILLE

By__________________________  
Cameron Hamilton, Mayor

CONSULTANT

By ____________________________  
Kathryn Page

Date__________________________  
Date 5/7/09
<table>
<thead>
<tr>
<th>Site Visits</th>
<th>When</th>
<th>Who</th>
<th>Tasks</th>
<th>P+M (KP)</th>
<th>IC</th>
<th>PM</th>
<th>Asst</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Prior to Wk 1</td>
<td>ALL</td>
<td>Project Kickoff / Site Visit #1</td>
<td>4</td>
<td>4</td>
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<td>0</td>
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<tr>
<td></td>
<td>Week 1</td>
<td>ALL</td>
<td>1.1</td>
<td>Prepare for project start-up</td>
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<td>0</td>
<td>0</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>1.2</td>
<td>Initial Project Team mtg (Jim P., Vikki C., others?) - see 6.2 below</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Review scope + schedule; discussion/confirm work of all 3 consultants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Review Library collection + usage data (assembled prior to mtg)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Week 1</td>
<td>ALL</td>
<td>1.3</td>
<td>Interviews with key stakeholders - CM, Vikki C., Jim P., City Planner, others</td>
<td>3</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Discussion/confirm pop projections, demographic data sources</td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td>Week 1</td>
<td>ALL</td>
<td>1.4</td>
<td>Meeting #1 with LFPC Committee - see Task 8.3 below</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Week 1</td>
<td>KP</td>
<td>1.5</td>
<td>Group Interviews with Library staff (assume 3 sessions)</td>
<td>3</td>
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<tr>
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<td>TASK 1.0 SUBTOTAL</td>
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<td></td>
<td>TASK 2.0 SUBTOTAL</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Wk 1</td>
<td>KP</td>
<td>2.1</td>
<td>Review existing planning documents (City General Plan, etc.)</td>
<td>2</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>2.2</td>
<td>Gather + analyze population + demographic data</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wk 1</td>
<td>KP</td>
<td>2.3</td>
<td>Gather + analyze Library usage + collection data</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wk 1</td>
<td>KP</td>
<td>2.4</td>
<td>Compare Porterville data to comparable/exemplary libraries data</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wk 5</td>
<td>KP</td>
<td>2.6</td>
<td>Prepare Info gathering summary (for LFPC Mtg #2)</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wk 6</td>
<td>KP</td>
<td>2.7</td>
<td>Present to project team - Mtg #2 - see Task 8.6 below</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>TASK 2.0 SUBTOTAL</td>
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<td>0</td>
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<td>0</td>
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<tr>
<td>3.0</td>
<td>Wk 1</td>
<td>KP</td>
<td>3.1</td>
<td>Work with Library to plan community library services survey (survey conducted + managed by Library)</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wk 1</td>
<td>KP</td>
<td>3.2</td>
<td>Work with Library to plan community focus groups (FGs scheduled + participants invited by Library)</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wk 1</td>
<td>KP</td>
<td>3.3</td>
<td>Work with Library to plan additional community members/stakeholder interviews (scheduled by Library)</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Week 6</td>
<td>KP</td>
<td>3.4</td>
<td>Conduct focus groups (assumes 6 sessions over 2 days, during same visit as LFPC Mtg #2; Library staff records each session)</td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wk 5 + 9</td>
<td>KP</td>
<td>3.5</td>
<td>Create + summarize results of survey (Library mails completed surveys to P+M)</td>
<td>2</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wk 5 + 10</td>
<td>KP</td>
<td>3.6</td>
<td>Write summaries of focus groups</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wk 7</td>
<td>KP</td>
<td>3.7</td>
<td>Present to project team - Mtgs #2 + #3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wk 6 + 10</td>
<td>KP</td>
<td>3.8</td>
<td>Present to LFPC Committee - Mtgs #2 + #3</td>
<td></td>
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<td></td>
<td>TASK 3.0 SUBTOTAL</td>
<td>21</td>
<td>0</td>
<td>2</td>
<td>12</td>
<td>1</td>
<td>0</td>
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### Exhibit A: Porterville Library
#### Proposed Work Plan and Fee Proposal

<table>
<thead>
<tr>
<th>Site Visits</th>
<th>When</th>
<th>Who</th>
<th>Tasks</th>
<th>P+M</th>
<th>RMA</th>
<th>LKC</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.0</td>
<td></td>
<td></td>
<td>Space Needs Assessment/System Design</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WK 2 - 5</td>
<td>KP</td>
<td>4.1</td>
<td>Assess current facility service level, identify facility-related service deficits</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WK 6 - 8</td>
<td>KP</td>
<td>4.2</td>
<td>Develop proposed library service levels (collection size, seating capacity, computers, programming space etc)</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WK 6 - 8</td>
<td>KP</td>
<td>4.3</td>
<td>Prepare space needs template with detailed outline of space components</td>
<td>6</td>
<td>12</td>
<td></td>
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<tr>
<td>WK 6 - 8</td>
<td>KP</td>
<td>4.4</td>
<td>Prepare memo summarizing current facility assessment + proposed service levels</td>
<td>4</td>
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<tr>
<td>WK 9</td>
<td>KP</td>
<td>4.5</td>
<td>Present to project team - Mtg #3 - see Task 8.10 below</td>
<td>see 8.0</td>
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<tr>
<td>WK 10</td>
<td>KP</td>
<td>4.6</td>
<td>Present to LFP Committee - Mtg #3 - see Task 8.10 below</td>
<td>see 8.0</td>
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<td></td>
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<td>TASK 4.0 SUBTOTAL</td>
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<td>12</td>
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<tr>
<td>5.0</td>
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<td></td>
<td>Visioning / Service Models / Budget Development</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WK 2 - 5</td>
<td>RM</td>
<td>5.1</td>
<td>Develop service response presentation, SWOT analysis exercise, service model scenarios</td>
<td>6</td>
<td></td>
<td></td>
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<tr>
<td>WK 2 - 5</td>
<td>KPRM</td>
<td>5.2</td>
<td>Prepare PPT slideshow of current library service + facility trends</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>WK 5</td>
<td>RM</td>
<td>5.3</td>
<td>Present to project team - Mtg #2 - see Task 8.6 below</td>
<td>see 8.0</td>
<td>see 8.0</td>
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</tr>
<tr>
<td>WK 8</td>
<td>RM</td>
<td>5.4</td>
<td>Present to LFP Committee - Mtg #2 - see Task 8.6 below</td>
<td>see 8.0</td>
<td>see 8.0</td>
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<tr>
<td>WK 7 - 8</td>
<td>KPRM</td>
<td>5.5</td>
<td>Develop service / organizational models (main + branch facilities)</td>
<td>2</td>
<td>8</td>
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<tr>
<td>WK 6 - 8</td>
<td>RM</td>
<td>5.6</td>
<td>Develop revenue projections</td>
<td>8</td>
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<tr>
<td>WK 6 - 8</td>
<td>RM</td>
<td>5.7</td>
<td>Develop service budgets</td>
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<tr>
<td>WK 9</td>
<td>RM</td>
<td>5.8</td>
<td>Present to project team - Mtg #3 - see Task 8.10 below</td>
<td>see 8.0</td>
<td></td>
<td></td>
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<tr>
<td>WK 10</td>
<td>RM</td>
<td>5.9</td>
<td>Present to LFP Committee - Mtg #3 - see Task 8.10 below</td>
<td>see 8.0</td>
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<td>TASK 5.0 SUBTOTAL</td>
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<tr>
<td>6.0</td>
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<td></td>
<td>Technology Review/Visioning</td>
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<tr>
<td>Pto w/ wk 1</td>
<td>LK</td>
<td>6.1</td>
<td>Project consultants' briefing</td>
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<td>Pto w/ wk 1</td>
<td>LK</td>
<td>6.2</td>
<td>Identify documents, measures, statistics to review for technology review</td>
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<td></td>
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<tr>
<td>Pto w/ wk 1</td>
<td>LK</td>
<td>6.3</td>
<td>Identify stakeholders + technology resource providers to interview + schedule interviews</td>
<td>2</td>
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<td>WK 1</td>
<td>LK</td>
<td>6.4</td>
<td>Provide technology content for LFP visioning workshop</td>
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<tr>
<td>WK 1</td>
<td>LK</td>
<td>6.5</td>
<td>Review foundation documents, technology measures, technology statistics</td>
<td>8</td>
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<tr>
<td>Stakeholder</td>
<td>LK</td>
<td>6.6</td>
<td>Stakeholder interviews</td>
<td>7</td>
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<td>IT staff Interview</td>
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<td>6.7</td>
<td>IT staff interviews</td>
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<tr>
<td>WK 6 - 8</td>
<td>LK</td>
<td>6.8</td>
<td>Write technology review/candidate projects list, first draft</td>
<td>18</td>
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<tr>
<td>3 WK 9</td>
<td>LK</td>
<td>6.9</td>
<td>Present draft report to project team - Mtg #3 - see Task 8.10 below</td>
<td>see 8.0</td>
<td>see 8.0</td>
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<tr>
<td>WK 10</td>
<td>LK</td>
<td>7.0</td>
<td>Present draft report to LFP Committee - Mtg #3 - see Task 8.10 below</td>
<td>see 8.0</td>
<td>see 8.0</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Collect feedback from stakeholders</td>
<td>4</td>
<td>see 8.0</td>
<td>see 8.0</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Coordinate work with other consultants</td>
<td>2</td>
<td>see 8.0</td>
<td>see 8.0</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Revise and refine technology report, final draft - for inclusion in needs assessment</td>
<td>6</td>
<td></td>
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<td></td>
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<td>TASK 6.0 SUBTOTAL</td>
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<tr>
<th>Percentage Breakdown</th>
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<th>IC</th>
<th>PM</th>
<th>Asst</th>
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<td>12</td>
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<td>Site Visits</td>
<td>When</td>
<td>Who</td>
<td>Tasks</td>
<td>P+M</td>
<td>RMA</td>
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<td>------------</td>
<td>-------</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Needs Assessment Report</td>
<td></td>
<td></td>
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<tr>
<td>Wk 11 - 13</td>
<td>KP</td>
<td>PRM 7.0</td>
<td>Align space needs + service models, based on LFPC Mtg #3 outcomes</td>
<td></td>
<td></td>
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<tr>
<td>Wk 11 - 13</td>
<td>KP 7.1</td>
<td>PRM</td>
<td>With needs assessment text + community context, service needs, space needs</td>
<td></td>
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<tr>
<td>Wk 11 - 13</td>
<td>RM 7.3</td>
<td>PRM</td>
<td>Complete hypothetical service plan + budget, following LFPC mtg #3</td>
<td></td>
<td></td>
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<tr>
<td>Wk 11 - 13</td>
<td>RM 7.4</td>
<td>PRM</td>
<td>Write narrative for service models</td>
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<tr>
<td>Wk 11 - 13</td>
<td>RM 7.5</td>
<td>PRM</td>
<td>Write summary of LFPC Committee work; complete service model + visualizing portions of needs assessment</td>
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<tr>
<td>Wk 11 - 13</td>
<td>LM 7.6</td>
<td>PRM</td>
<td>Write final draft technology review</td>
<td></td>
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<tr>
<td>Wk 15 7.7</td>
<td>PRM 8.0</td>
<td>KP</td>
<td>Present draft to project team - Mtg #4 - see Task 8.14 below</td>
<td></td>
<td></td>
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<tr>
<td>Wk 16 8.0</td>
<td>PRM 8.0</td>
<td>KP</td>
<td>Present draft report to LFPC Committee - Mtg #4 - see Task 8.14 below</td>
<td></td>
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<tr>
<td>Wk 17 8.0</td>
<td>ALL 8.0</td>
<td>PRM</td>
<td>Incorporate Project Team + LFPC Committee comments into report; re-submit to City/Library</td>
<td></td>
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<tr>
<td>Wk 18 8.0</td>
<td>KP 8.0</td>
<td>PRM</td>
<td>Make final revisions; print + submit final report</td>
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<td>TASK 7.0 SUBTOTAL</td>
<td>20</td>
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<tr>
<td>Prior to Wk 1</td>
<td>ALL 8.1</td>
<td>PRM</td>
<td>Library Facility Planning Committee / Project Meetings</td>
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<tr>
<td>1</td>
<td>ALL 8.2</td>
<td>PRM</td>
<td>Project Team Mtg #1 - Kickoff mtg at PFL</td>
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<tr>
<td>Week 1</td>
<td>ALL 8.3</td>
<td>PRM</td>
<td>Meeting #1 with LFPC Committee - introduce process, scope, schedule, answer questions</td>
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<tr>
<td>Week 5</td>
<td>KPRM 8.4</td>
<td>PRM</td>
<td>Project Team Mtg #2 - conference call</td>
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<tr>
<td>Week 5 8.5</td>
<td>PRM</td>
<td>KPRM</td>
<td>LFPC Mtg #2 Prep</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Week 6 8.6</td>
<td>KPRM</td>
<td>PRM</td>
<td>Meeting #2 with LFPC Committee - summarize info gathering + community input available to date, service response exercise, visioning + SWOT analysis, PPT slideshow re current service trends</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Week 6 8.7</td>
<td>KPRM</td>
<td>PRM</td>
<td>LFPC Mtg #3 Follow-up</td>
<td></td>
<td></td>
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<tr>
<td>Week 9</td>
<td>ALL 8.8</td>
<td>PRM</td>
<td>Project Team Mtg #3 - conference call</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Week 9 8.9</td>
<td>PRM</td>
<td>ALL</td>
<td>LFPC Mtg #3 Prep</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Week 10 8.10</td>
<td>ALL</td>
<td>BPRM</td>
<td>Meeting #3 with LFPC Committee - present community input findings, preliam space needs findings + recommendations; present service model overview, revenue projections, budgets; present draft technology review; discuss &quot;Porterville Library of the Future&quot;</td>
<td>4  1</td>
<td></td>
</tr>
<tr>
<td>Week 10 8.11</td>
<td>ALL</td>
<td>KPRM</td>
<td>LFPC Mtg #4 Follow-up</td>
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<tr>
<td>3 (1 day)</td>
<td>ALL 8.12</td>
<td>BPRM</td>
<td>Project Team Mtg #4 - conference call</td>
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<td>Week 15 8.13</td>
<td>KPRM</td>
<td>BPRM</td>
<td>LFPC Mtg #4 Prep</td>
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<td></td>
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<tr>
<td>Week 16 8.14</td>
<td>KPRM</td>
<td>BPRM</td>
<td>Meeting #4 with LFPC Committee - present needs assessment findings + preliminary needs assessment report; space needs, service model, technology review</td>
<td>4  1</td>
<td></td>
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<tr>
<td>Week 16 8.15</td>
<td>KPRM</td>
<td>BPRM</td>
<td>LFPC Mtg #5 Follow-up</td>
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<td>TASK 8.0 SUBTOTAL</td>
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<td>TOTAL HOURS</td>
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<td>$130</td>
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<td>CONSULTING FEES</td>
<td>$27,965</td>
<td>$7,200</td>
<td>$1,400</td>
<td>$780</td>
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<td>TOTAL CONSULTING FEES</td>
<td>$16,935</td>
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</table>
SUBJECT: PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – INDIANA STREET SHOULDER STABILIZATION

SOURCE: Public Works Department - Engineering Division

COMMENT: The Department of Transportation has submitted Program Supplement Agreement Number N035, and requests that the City execute said agreement. The executed agreement becomes a part of the Agency-State Agreement for Federal-Aid Projects No. 06-5122R.

The Program Supplement attached is for the installation of new curbs, gutters, sidewalk, drive approaches and handicap ramps along Indiana Street between Olive Avenue and Putnam Avenue. Said agreement describes the special covenants with which the City must comply.

RECOMMENDATION: That the City Council:

1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and

2. Direct staff to return the signed program supplement to CalTrans.

ATTACHMENTS: Program Supplement Agreement No. N035
Resolution

P:\PUBLICWORKS\ENGINEERING\COUNCIL_ITEMS\PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - INDIANA STREET SHOULDER STABILIZATION - 2009-05-19.DOC

Dir Approp/Funded CM Item No. 10
This Program Supplement hereby incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/20/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. ____________, approved by the Administering Agency on _____________. (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by State of any funds derived from sources noted below obligated to this project, the Administering Agency accepts and will comply with the Special covenants or Remarks set forth on the following pages.

**PROJECT LOCATION:**
On Indiana St, between Putnam and Olive Avenues.

**TYPE OF WORK:** Shoulder stabilization, AC pave-out, curb, gutter, & pedestrian sidewalk.

<table>
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<th>Estimated Cost</th>
<th>Federal Funds</th>
<th>Matching Funds</th>
<th>OTHER</th>
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<td>$166,965.00</td>
<td>$147,814.00</td>
<td>$19,151.00</td>
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**CITY OF PORTERVILLE**

By __________________________

Date _________________________

Attest _________________________

Title _________________________

**STATE OF CALIFORNIA**

Department of Transportation

By _____________________________

Chief, Office of Project Implementation

Division of Local Assistance

Date ____________________________

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

**Accounting Officer** ____________________________

Date 4/22/09

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Statutes</th>
<th>Item</th>
<th>Year</th>
<th>Program</th>
<th>BC</th>
<th>Category</th>
<th>Fund Source</th>
<th>AMOUNT</th>
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<td>2008-2009</td>
<td>20.30.010.820</td>
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<td>262040</td>
<td>892-F</td>
<td>147,814.00</td>
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</table>

Program Supplement 06-5122R-N035- ISTEA
SPECIAL COVENANTS OR REMARKS

1. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

2. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days after the project contract award. A copy of the award package shall also be included with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract to:

   Department of Transportation
   Division of Accounting
   Local Programs Accounting Branch, MS #33
   P. O. Box 942874
   Sacramento, CA 94274-0001.

   Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

3. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

4. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

   If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.
SPECIAL COVENANTS OR REMARKS

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

5. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

6. Any State and Federal funds that may have been encumbered for this project are only available for disbursement for a period of five (5) years and seven (7) years, respectively, from the start of the fiscal year(s) that those funds were appropriated within the State Budget Act. All project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested and is approved by the California Department of Finance per Government Code Section 16304. The exact date of each fund reversion will be reflected in the approved finance letter(s) issued for this project.

Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement that is not submitted to the
SPECIAL COVENANTS OR REMARKS

Department on or before 60 days after that applicable fixed fund reversion date will not be paid from that fiscal year's encumbered funds because all of these unexpended funds will be irrevocably reverted by the Department's Division of Accounting on that date.

Pursuant to a directive from the State Controller's Office and the Department of Finance, the last date to submit invoices for reimbursed work in each fiscal year is May 15th in order for payment to be made out of those then current appropriations. Project work performed and invoiced after May 15th will be reimbursed only out of available funding that might be encumbered in the subsequent fiscal year, and then only when those funds are actually allocated and encumbered as authorized by the California Transportation Commission and the Department's Accounting Office.
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN PROGRAM SUPPLEMENT NO. N035 TO ADMINISTER THE AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 06-5122R

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. N035 to Local Agency-State Master Agreement No. 06-5122R, for the installation of new curbs, gutters, sidewalk, drive approaches and handicap ramps along Indiana Street between Olive Avenue and Putnam Avenue.

PASSED, ADOPTED AND APPROVED this 19th day of May, 2009.

________________________
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

________________________
By Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: MAY 19, 2009

SUBJECT: AMENDMENT NO. 1 TO AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND SUNSET WASTE PAPER, INC.

SOURCE: Public Works Department – Field Services Division

COMMENT: The City entered into a three (3) year agreement with Sunset Waste Paper, Inc. on June 12, 2006, for the processing of all materials generated by the City's curbside recycling program. The agreement included the option to renew on a year-to-year basis for up to two years. The three year term is up this year, and Sunset Waste Paper, Inc. has agreed to extend the present agreement for one more year.

Staff recommends that City Council authorize the Mayor to sign Amendment No. 1 to the agreement with Sunset Waste Paper, Inc. for the curbside recycling program.

RECOMMENDATION: That City Council authorize the Mayor to sign Amendment No. 1 to the Agreement between the City of Porterville and Sunset Waste Paper, Inc.

ATTACHMENT: Amendment No. 1 to Agreement between the City of Porterville and Sunset Waste Paper, Inc.

P:\pubwork\Engineering\Council Items\Amendment #1 to the Sunset Waste Paper Agreement - 2009-05-19.doc

Dir Appropriated/Funded CM Item No. 7
AMENDMENT NO. 1 TO
AGREEMENT BETWEEN
THE CITY OF PORTERVILLE
AND
SUNSET WASTE PAPER, INC.

The parties stated in the above described agreement dated 12th day of June 2006 for processing services for residential curbside recyclable materials and do hereby agree as follows:

1. This Amendment to the Agreement between the City of Porterville and Sunset Waste Paper, Inc. shall become effective upon execution and shall continue in full force and effect for a period of one (1) year beginning on June 12, 2009, and ending on June 11, 2010, with the option to renew on a year-to-year basis for one more year, unless earlier terminated as provided, or by issuance of a new Agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on the _____ day of ____________, 2009, and agree that this amendment shall amend and be incorporated as part of the agreement between the City of Porterville and Sunset Waste Paper, Inc..

SUNSET WASTE PAPER, INC.:

By: __________________________
John Mohoff

CITY OF PORTERVILLE:

By __________________________
Cameron J. Hamilton, Mayor

By __________________________
John Lollis, City Clerk

APPROVED AS TO FORM

__________________________
Julia Lew, City Attorney
SUBJECT: AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT – MORTON AND MATHEW WATER TRUNK LINE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On May 1, 2009, City staff interviewed three (3) consulting firms for the design of a domestic water trunk line on Morton Avenue between Westwood Street and Newcomb Street, and on Mathew Street between Morton Avenue and Olive Avenue. The interview process was held in conformance with the policy established by City Council for selecting professional consulting firms. The following is a list of the consulting firms and scores attributed to their interview:

<table>
<thead>
<tr>
<th>Consultant</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dee Jaspar and Associates (Porterville, CA)</td>
<td>67.5</td>
</tr>
<tr>
<td>Provost and Pritchard (Visalia, CA)</td>
<td>64.8</td>
</tr>
<tr>
<td>Quad Knopf (Visalia, CA)</td>
<td>62.8</td>
</tr>
</tbody>
</table>

Consolidated Testing Laboratories will provide geotechnical investigations for the project.

The project includes several tasks, Dee Jaspar and Associates has agreed to perform the following tasks at a fee of $52,062:

**TASK TO COMPLETE THE ENGINEERING OF THE PROJECT**

Task 1 – Review Existing Record Drawings (meet with City)
Task 2 – Topography Survey and Mapping
Task 3 – Agency and Utility Company Coordination
Task 4 – Engineers Estimate of Probable Cost
Task 5 – Geotechnical Investigation
Task 6 – Final Plans and Specifications
Task 7 – Construction Bidding Assistance

Dee Jaspar and Associates has submitted a schedule to complete all services by the beginning of August 2009 (52 working days) if the project, as presented to Council, is awarded. Funding for this project is from the Water Replacement Reserve and will be reimbursed through the CIEDB loan.

DIR Appropriated/Funded CM

Item No. 8
RECOMMENDATION: That City Council:

1. Authorize the Mayor to execute the Consultant Service Agreement with Dee Jaspar at an agreed fee of $52,062 for the services described herein;

2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts; and

3. Authorize staff to appropriate $57,268.20 from the Water Replacement Reserve.

ATTACHMENTS: Locator Map
            Cost Proposal
            Proposed Service Agreement
City of Porterville
Morton and Mathew Water Trunk Line Project
Cost Proposal

Task 1-7: Survey and Design of the Morton and Mathew Water Trunk Line Project

Authorized Representative

Date

Consulting Firm

cc: 89-9794-D
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**City of Neptune**
## Rate Schedule
Effective January 1, 2009

### Engineering
- Principal Engineer: $160.00 Per Hour
- Senior Engineer I: $130.00 Per Hour
- Senior Engineer II: $116.00 Per Hour
- Staff Engineer I: $100.00 Per Hour
- Staff Engineer II: $95.00 Per Hour
- Design CADD Operator: $84.00 Per Hour
- CADD Operator: $63.00 Per Hour

### Surveying
- Private Works
  - Surveyor: $105.00 Per Hour
  - 2 Man Survey Crew: $158.00 Per Hour
  - 3 Man Survey Crew: $195.00 Per Hour
- Public Works
  - Surveyor: $126.00 Per Hour
  - 2 Man Survey Crew: $220.00 Per Hour
  - 3 Man Survey Crew: $294.00 Per Hour

### Construction Inspection
- Construction Inspector – Private Works: $100.00 Per Hour
- Construction Inspector – Public Works: $132.00 Per Hour

### Project Planning
- Project Planner: $100.00 Per Hour
- Assistant Project Planner: $68.00 Per Hour

### Clerical
- Executive Assistant I: $65.00 Per Hour
- Executive Assistant II: $63.00 Per Hour

### Additional Fees
- Mileage: $0.50 Per Mile
- Materials: Cost + 10%
- Fees/Permits: Cost + 10%
- Subsistence: Cost + 10%
SERVICE AGREEMENT

DATE: May 19, 2009

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

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

   Project Name: Morton and Mathew Water Trunk Line

   Description of Project: Consultant to provide planning, and design services for a 12" water line on Morton Avenue between Newcomb Street and Westwood Street, and on Mathew Street between Morton Avenue and Olive Avenue (Refer to Exhibit "A" attached and made a part hereof).

AGREEMENTS:

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

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in Exhibit "A", Scope of Services, in connection with the above described project.
SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis, not to exceed **Fifty Two thousand sixty two** Dollars, ($52,062.00) (refer to attached fee schedule)

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

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all “work directives” shall be completed within fifty two (52) working days (Exhibit “B” – Project Schedule) to complete the tasks outlined in Exhibit “A”.

The parties agree that time is of the essence under this contract. Inasmuch as it would be difficult to ascertain the actual amount of damages sustained by delay in performance of said contract, the amount of $300 per calendar day shall be deducted from the contract price for liquidated damages for each calendar day beyond the completion date listed above. Said deduction will not be made if CONSULTANT submits proof in writing that delay in completion was due to a cause beyond its control.

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

SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

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

(ii) Bodily injury and property damage insurance in the amount not less than One Million Dollars ($1,000,000) per occurrence; and

(iii) Errors and Omissions insurance of One Million Dollars ($1,000,000) minimum per occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars ($50,000) or more, the City may require a Surety Bond for the deductible; and

(iv) Automotive liability in the amount not less than One Million Dollars ($1,000,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. CONSULTANT
agrees to indemnify, defend (at CITY’S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of CONSULTANT or any of its employees or agents.

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

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

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

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

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

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

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

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

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

CITY OF PORTERVILLE

By__________________________
Cameron Hamilton, Mayor

CONSULTANT

By__________________________

Date________________________

Date________________________
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<td>Design CADD Operator</td>
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EXHIBIT “A”
Morton and Mathew Water Trunk Line Project
“Scope of Services”
Project No. 89-9794-88

The City of Porterville requests proposals from qualified engineering firms for the development of final plans and specifications for the construction of 12 inch water trunk lines along Morton Avenue and Mathew Street. The purpose of this project is to extend the water mains in order to interconnect the City’s Central Pressure Zone to the City’s West Pressure Zone. This project consists of the installation of about 8,000 lineal feet of 12” water main, all in conformance with the City of Porterville Water Master Plan.

Project Limits

The new water mains will be within existing City rights of ways. General project limits are as follows:

- Mathew Street alignment from Olive Avenue to Morton Avenue (12” water main)
- Morton Avenue from Mathew Street to Westwood Street (12” water main)
- Morton Avenue from Mathew Street to Newcomb Street (12” water main)

Please refer to the Exhibit “D”, which illustrates, in more detail, the proposed pipeline routes.

Cross-section limits shall be extended to the street rights of way. However, the consultant will not be required to field establish said right of way lines.

Task 1: Review Existing “Record” Drawings.

The City will provide consultant with as-built drawings, maps, and all drawings deemed necessary for final plan and specifications.

Task 2: Topography Survey and Mapping

The City has digital files of aerial orthophotographs and planimetric drawings that cover the project areas, at a one to one scale. These files will be available to the retained consultant. The City’s aerial photographs were flown in 1998 and tied to a monumented half mile grid that has an accuracy better than 1 in 50,000. The planimetric drawings include limited topographic features and 2-foot contour interval. The consultant may utilize these drawing files in conjunction with the City record drawings as a planning tool and for preparing drawing files compatible with AutoCad Release 2009 for these municipal water facilities.

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

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

The topography survey area shall be cross-sectioned at 100 foot intervals, or close thereof, and shall consist of a survey/control line. Cross-sectioned "shots" need not align with one another. Elevations shall be taken at the survey/control line, crown of the street, edge of gutter, edge of pavement, flowline of asphalt dikes, survey limits, ditch banks, ditch flowlines and any contour variation exceeding six (6) inches. Survey/control lines shall be established using existing monumentation located in the area. Elevations shall be tied to the City current NAVD88 datum. Please find attached as Exhibit "E", a map that illustrates the City horizontal control network scheme for both NGVD29 and NAVD88 datums. Construction staking will be the responsibility of the construction contractor.

Task 3: Agency & Utility Company Coordination

The consultant shall perform a complete agency and utility search of all systems encompassing the project limits. The consultant shall communicate with said agencies in order to incorporate agency facilities in preliminary and final construction drawings. Due diligence of all conflicts and any other coordination with said agencies and utility companies shall be implemented in the design process. Consultant shall make all necessary communications with, obtain all required permits and approvals required, etc., for construction from all jurisdictions with approval authority (e.g., utility companies, irrigation companies, etc.).

Task 4: Engineer's Estimate of Probable Cost (Signed & dated)

The consultant shall prepare a probable cost estimate for the preliminary and final stages of the design process.

Task 5: Geotechnical Investigation (Bore logs, site investigation) by City
The City will provide consultant with the Boring Logs located within the project limits. The boring logs will be placed in the project manual.

**Task 6: Final PS & E with supporting construction details**

Final plans, specifications, and estimate shall be completed on the date specified in the Gantt chart provided by Consultant. The digitized drawing files and the specifications in word format, shall also accompany the hard copy plans and specifications. The Consultant shall provide the City a complete set of "drawing files" compatible with Autocad (Release 2009). All text shall be AutoCad's “Simplex” style unless otherwise approved by the Project Manager. The "drawing files" shall incorporate the symbols, abbreviations, and descriptions established by the City to plot the plan.

**Computerized Drafting:**

All text will be AutoCad “Simplex” style unless otherwise approved by the City’s project manager. The drawing file(s) will incorporate the symbols, abbreviations and descriptions established by the City. The City’s symbols, abbreviations and description standards are attached as Exhibit “F”. Data format will be as follows:

- A) .dwg File.
- B) ASCII file (Point number, Northing, Easting, Elevation, Description).
- C) .DFX file and any created file developed from point manipulation through “Cogo” or like routine.
- D) Submit files to the City on CDs.

Layering of data will be per the City’s “AutoCad Layer Scheme for Topography” standard, which is also a part of Exhibit “F”. The consultant will submit a complete set of drawings to the City to be reviewed for quality completeness, accuracy and neatness at the 50% and final stage. Within five (5) working days of receiving each drawings submittal for review, the City will comment and/or accept the drawings as being in compliance with the City’s request or, will reject the drawings for noncompliance with the City’s stated standards and require that they be resubmitted in compliance.

**Task 7: Construction Bidding Assistance**

Consultant shall respond to all bidder inquiries during the bidding process. Any amendments or necessary responses shall be supplied by the Consultant.
DELIVERABLES:

- Detailed Construction Plans, including but not limited to, a plan view, profile with design grades, construction staking control, and items to be relocated, removed or protected.

- Technical specifications and construction methodology for each item of work shall be consistent with Construction Services Institute (CSI) format. The City will supply specifications in digital format for the Consultant to edit.

- Project Manual shall incorporate the City’s “boiler plate” and all necessary State and Federal mandatory data. Submit hard copy and electronic format compatible with City software. (“Boiler plate” material is available in Microsoft Word format).

- Construction cost estimates presented to the City under separate cover.

- Communication and coordination with all other public and private utilities having an interest in the project. Provide copies of all communication with utility companies.

- Other items that may effect design and construction

- All necessary surveying for design, and construction plans.

- All necessary responses to bidders’ questions.

In closing, the successful consultant shall submit to the City for review and approval, a detailed 24" x 36" “Gantt” chart identifying each task, milestone and targeted dates for the completion of each task. The Gantt chart must be submitted to the City prior to the first progress payment request. At each payment request, the consultant shall also provide a ½ page summary describing work performed to date that coincides with the payment request.
Our firm is capable of commencing design services immediately. A Microsoft project schedule is attached that outlines the project work plan and anticipates schedule.
SUBJECT: AIRPORT LEASE RENEWAL – LOT 34C

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Mr. Gary Mussen is the current leaseholder of Lot 34C at the Porterville Municipal Airport. The lease will expire on May 31, 2009; however, the lease terms allow for an option to extend the lease for an additional five (5) years, provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) further states the City’s granting of the option is discretionary, but will not be unreasonably withheld. We received a request from Mr. Mussen on May 11, 2009, asking to continue the lease on Lot 34C. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to 2014.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Gary Mussen of Exeter, CA, for Lot 34C at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Mussen requesting renewal
Paragraph 2 of original Lease Agreement
Susan Perkins Hartman
City of Porterville
291 N. Main St.
Porterville, CA 93257

May 9, 2009

Re: Airport Lease Renewal

I would like to exercise the option of renewing the lease for Lot 34C at the Porterville Municipal Airport for another five years.

Sincerely,

[Signature]

Gary Mosser
LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"); executed at Porterville, California the first day of June 1, 1999 by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Travis Bierman hereinafter referred to as "Lessee".

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as "Porterville Municipal Airport"; and

WHEREAS, Lessee desires to lease a portion of said airport for the construction of a hangar; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 34 C at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this lease shall commence on June 1, 1999, both parties having executed the same, and shall terminate on May 31, 2009. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease, Lessee shall have an option to request an extension of the terms hereof for an additional period of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five (5) year extension. Lessor is not obligated to grant any extension but said option shall not be unreasonably withheld.
ASSIGNMENT OF LEASE  
(PORTERVILLE MUNICIPAL AIRPORT)

THIS AGREEMENT, made this 17th day of June, 2003, by and between Travis Bierman, 570 W. Theta Lane, Porterville, as the Assignor, and Gary Mussen, 26095 Road 212, Exeter, as the Assignee.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective June 18, 2003, Assignor hereby assigns, transfers and conveys to Assignee all of his, title and interest as Lessee; in, to and under a certain Lease Agreement dated June 1, 1999 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Travis Bierman, as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

   An airport hangar known as No. 34C, and containing a total area of approximately 2,350 square feet, and establishing an original Lease terminating May 31, 2009.

2. Effective June 18, 2003, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord's consent hereto, Assignee's Noticed Address and Assignee's Billing Address shall be as set forth herein above.

4. Assignor hereby covenants said Lease as valid and existing and Landlord is not default as of the date of this Assignment.

5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR                                               ASSIGNEE

BY: [Signature]
Travis Bierman                                          BY: [Signature]
Gary Mussen
SUBJECT: AIRPORT LEASE RENEWAL – LOT 34E

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Mr. Glenn Ricketson is the current leaseholder of Lot 34E at the Porterville Municipal Airport. The lease will expire on May 31, 2009; however, the lease terms allow for an option to extend the lease for an additional five (5) years, provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) further states the City’s granting of the option is discretionary, but will not be unreasonably withheld. We received a request from Mr. Ricketson on May 6, 2009, asking to continue the lease on Lot 34E. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to 2014.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Glenn Ricketson of Porterville, CA, for Lot 34E at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Ricketson requesting renewal
Paragraph 2 of original Lease Agreement
May 6, 2007

I wish to exercise my option to renew my charter 34E for additional 5 years.

Saras Robertson
LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the first day of June 1, 1999 by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Charles F. Hutchins and Marilyn J. Hutchins hereinafter referred to as "Lessee".

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as "Porterville Municipal Airport"; and

WHEREAS, Lessee desires to lease a portion of said airport for the construction of a hangar; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 54 E at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this lease shall commence on June 1, 1999, both parties having executed the same, and shall terminate on May 31, 2009. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease, Lessee shall have an option to request an extension of the terms hereof for an additional period of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five (5) year extension. Lessor is not obligated to grant any extension but said option shall not be unreasonably withheld.

1
ASSIGNMENT OF LEASE
(PORTERVILLE MUNICIPAL AIRPORT)

THIS AGREEMENT, made this 15th day of March, 2005, by and between Charles F. Hutchins and Marilyn J. Hutchins, 110 J. J. Junction, Pagosa Springs, Colorado, owners of the hangar on lot 34E at the Porterville Municipal Airport, as the Assignors, and Glenn Ricketson, 81 W. Mulberry Ave., Porterville, California, as the Assignee.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective March 15, 2005, Assignor hereby assigns, transfers and conveys to Assignee all of their right, title, and interest as Lessee, in, to and under a certain Lease Agreement dated June 1, 1999 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Charles F. and Marilyn J. Hutchins, as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

   An airport hangar known as No. 34E, and containing a total area of approximately 2,350 square feet, and establishing an original Lease terminating May 31, 2009.

2. Effective March 15, 2005, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord's consent hereto, Assignee's Noticed Address and Assignee's Billing Address shall be as set forth herein above.

4. Assignor hereby covenants said Lease as valid and existing and Landlord is not default as of the date of this Assignment.

5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR:

BY: Charles F. Hutchins
Charles F. Hutchins

ASSIGNOR:

BY: Marilyn J. Hutchins
Marilyn J. Hutchins

ASSIGNEE:

BY: Glenn Ricketson
Glenn Ricketson
SUBJECT: AIRPORT LEASE RENEWAL – LOT 34F

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Mr. Steven Huth and Mr. Mike Quatacker are the current leaseholders of Lot 34F at the Porterville Municipal Airport. The lease will expire on June 30, 2009; however, the lease terms allow for an option to extend the lease for an additional five (5) years, provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) further states the City’s granting of the option is discretionary, but will not be unreasonably withheld. We received a request from Messrs. Huth and Quatacker dated May 6, 2009, asking to continue the lease on Lot 34F. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to 2014.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Steven Huth and Mr. Mike Quatacker of Porterville, CA, for Lot 34F at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Messrs. Huth & Quatacker requesting renewal
Paragraph 2 of original Lease Agreement
May 6, 2009

City of Porterville
Porterville Airport
Susan Perkins
291 No Main Street
Porterville, Ca 93257

Subject: Renewal of Lease of Hanger 34F

Dear Susan:

We are requesting to exercise our option to renew for 5 additional years on hanger lot 34F. If you need to contact me my day number is 783-1207 or cell 359-0379.

Best Regards,

[Signature]
Steven Huth

[Signature]
Mike Quatacker
LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the first day of July 1, 1999 by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as “City” and Steven Huth and Michael Quataker hereinafter referred to as “Lessee”.

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as “Porterville Municipal Airport”; and

WHEREAS, Lessee desires to lease a portion of said airport for the construction of a hangar; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. **Premises:** Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 34 F at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. **Term:** The term of this lease shall commence on July 1, 1999, both parties having executed the same, and shall terminate on June 30, 2009. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease, Lessee shall have an option to request an extension of the terms hereof for an additional period of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five (5) year extension. Lessor is not obligated to grant any extension but said option shall not be unreasonably withheld.
CITY COUNCIL AGENDA: MAY 19, 2009


SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Grand Prospect Partners, L.P., California Limited Partnership, owners of property located at APN 251-350-016, has offered to sell the property for the appraised value of $300,000.00 for 3.45 acres needed for the Animal Shelter and Dog Park Project.

The City recently had the property appraised by Tim Simon, MAI, a Certified General Real Estate Appraiser. The appraisal came in at $300,000.00 for the 3.45 acre site. This appraisal is available in the Community Development Department for your review.

Funding for this project is a combination of Measure H Funds in the amount of $150,000 and Waste Water Treatment Capital Reserve in the amount of $150,000. The distribution in funds is proposed due to the mutual benefit of the public safety function of Measure H and the benefits of having a compatible use adjacent to the wastewater treatment plant.

RECOMMENDATION: That City Council:

1. Authorize budget adjustment of $150,000 (plus an even split of escrow fees) from Measure H Funds;
2. Authorize budget adjustment of $150,000 (plus an even split of escrow fees) from Waste Water Treatment Capital Reserve;
3. Authorize staff to begin escrow, with the City paying escrow fees;
4. Authorize staff to make payment to Grand Prospect Partners, L.P., California Limited Partnership, in the amount of $300,000.00 after completion of escrow;
5. Authorize the Mayor to sign all necessary documents; and
6. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS: 1. Locator Map
2. Resolution

DD [Signature] APPROPRIATED/FUNDED [Signature] CM [Signature] ITEM NO. 12
RESOLUTION NO. ________________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ACCEPTING A GRANT DEED IN FEE FOR REAL PROPERTY FROM GRAND PROSPECT
PARTNERS, L.P., CALIFORNIA LIMITED PARTNERSHIP

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville
hereby accepts a Grant Deed in fee from Grand Prospect Partners, L.P., California Limited
Partnership, for real property, in the City of Porterville, County of Tulare, State of California,
to-with:

See Exhibit “A” and “B” attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of $300,000.00 is hereby approved with
the City to open escrow account, pay all escrow fees, authorize Mayor to sign all necessary
documents, and said deed to be recorded in the office of the Tulare County Recorder. The
forgoing has been accepted by the City Council for the City of Porterville.

Cameron Hamilton, Mayor

ATTEST:

John Lollis, City Clerk

Patrice Hildreth, Chief Deputy City Clerk
LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF TULARE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

CITY OF PORTERVILLE:

That portion of the Remainder of Parcel Map No. 3874, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 39 Page 77 of Parcel Maps in the Office of the County Recorder of said County also being a portion of lot 134 of Pioneer Land Company's First Subdivision as per map recorded in Book 3 Page 34 of maps in the Office of the County Recorder of said County, described as follows:

Beginning at a point in the West line of said Remainder, also being the West line of lot 134, said point being south 00°38'52" West, 1015.07 feet of the Northwest corner of Parcel 7 of said Parcel Map No. 3874;

Thence North 89°57'38" East, 662.80 feet to a point in the East line of said Remainder;

Thence, South 00°45'31" West, 227.46 feet to the Southeast corner of said Remainder, said Southeast corner being a point in the North Right of Way of Grand Avenue (50 feet wide);

Thence, North 89°25'25" West, 662.35 feet along said Grand Avenue North Right of Way line to the Southwest corner of said Remainder;

Thence, North 00°38'52" East, 226.69 feet to the point of beginning.

APN: 251-350-016
COUNCIL AGENDA – MAY 19, 2009

SUBJECT:  AUTHORIZATION FOR RISK ASSESSMENT OF PLAYGROUND EQUIPMENT

SOURCE:  ADMINISTRATIVE SERVICES DEPARTMENT/RISK MANAGEMENT

COMMENT:  On February 3, 2009, the City Council accepted as complete the Park Playground Project which consisted of the replacement of all existing playground equipment at Murry, Lions, Veterans and Zalud Parks. In addition to replacing the playground structures, sand was also removed and replaced with engineered wood fibers to meet current codes and regulations.

The Central San Joaquin Valley Risk Management Authority, of which the City of Porterville is a member, recommends that a risk assessment/safety inspection be conducted on newly installed playground equipment to ensure the public’s safety and ADA accessibility. Bickmore Risk Services, the City’s risk management service provider through the CSJVRMA, provided a quote of $5,850 for said inspection at all four City parks.

In consideration of the recommendation of the CSJVRMA, staff hereby recommends that the Council approve the proposed risk assessment/safety inspection for the newly installed playground structures at Murry, Lions, Veterans and Zalud Parks.

RECOMMENDATION:  That the City Council:
1.  Authorize the expenditure of $5,850 from risk management to Bickmore Risk Services for a playground safety inspection; and
2.  Authorize the Administrative Services Manager to execute the Authorization to Proceed for said safety inspection.

ATTACHMENT:  Proposed Playground Safety Inspection Project

Item No. 13

DIR  
Funded

MB

CM
April 3, 2009

Ms. Patrice Hildreth
Administrative Services Manager/ Chief Deputy City Clerk
City of Porterville
291 North Main Street
Porterville, CA 93257

Re: Playground Safety Inspection Project

Dear Ms. Hildreth:

It was a pleasure speaking with you today regarding your playground safety inspection needs. You indicated that the City would like to have inspections of the following designated playgrounds for safety issues, including playground accessibility. Bickmore Risk Services (BRS) will begin the field portion of the work at a mutually agreed upon date and time after BRS receives the City’s signed Authorization to Proceed.

<table>
<thead>
<tr>
<th>Park Name</th>
<th>School Age Composite</th>
<th>Tot Lot Composite</th>
<th>Stand Alone Swings</th>
<th>Stand Alone Slide</th>
<th>Other Equipment 1</th>
<th>Other Equipment 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zalud</td>
<td>Universal access 2 to 12 age structure</td>
<td>None</td>
<td>Set of 6</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Veterans</td>
<td>None</td>
<td>1 structure</td>
<td>Set of 4</td>
<td>None</td>
<td>Choo-choo climber</td>
<td>Possible fence to be installed</td>
</tr>
<tr>
<td>Murry</td>
<td>1 structure</td>
<td>1 structure</td>
<td>Set of 4</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Lions Mini Park</td>
<td>2 to 12 age structure</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

We expect the City of Porterville to provide us with full access to the playgrounds and, if available, a map or plot plans of the playgrounds. The Americans with Disabilities Act (ADA) aspects of this project are limited to Section 10 of ASTM Standard F1487.

The generation of a formal written playground report for the City’s designated playgrounds will take an additional 30 days after the field work is completed.

The cost for checking the designated playgrounds for safety issues, including accessibility, is $5,850. The cost includes the time on site, scheduling, report writing, travel between locations, as well as report processing time.
To proceed with the project, please sign and date the attached Authorization to Proceed and fax it to my attention at (916) 244-1199.

If I can be of further assistance, please contact me at (800) 541-4591, extension 1121.

Sincerely,

Tom Kline

Tom Kline, ARM, CPSI
Risk Control Manager

Attachment: Authorization to Proceed
Authorization to Proceed

The City of Porterville authorizes Bickmore Risk Services (BRS) to proceed with the terms and conditions outlined in the above letter dated April 3, 2009.

The expense for checking a maximum of four City of Porterville playgrounds for safety issues, including playground accessibility is $5,850.

The City of Porterville agrees to provide payment for the Playground Safety Inspection Project within 30 days of receipt of our invoice.

Agreed to by:

City of Porterville Management Date
SUBJECT: PURCHASE OF COMMAND VEHICLE FOR FIRE DEPARTMENT

SOURCE: Finance Department/Purchasing Division

COMMENT: The Porterville Fire Department requests approval to replace a vehicle scheduled for replacement this fiscal year. The current vehicle is in need of substantial repairs and warrants replacement as scheduled. This vehicle will be used by Battalion Chief Blasdell, and would be used as a command vehicle on emergency incidents in our City. The vehicle will be equipped with a heavy duty trailer tow package to enable the Fire Department to tow the mobile incident command post trailer.

Staff attempted to locate a used vehicle that would be suitable for this purpose; however, it was quickly determined that used vehicles meeting the City’s price and mechanical condition criteria were unavailable in the local market. Only one vehicle was found, and it not only exceeds the City’s mileage requirement, but is approximately $3,000 higher than a new, 2009 model with full warranty available from the State of California’s contracted supplier.

Staff therefore requests approval to purchase a new, 2009 Ford Expedition using the State of California’s contract with Folsom Lake Ford in Folsom, CA. Funds for the purchase are available in the department’s Equipment Replacement Fund.

RECOMMENDATION: That the City Council authorize Staff to purchase a 2009 4-wheel drive Ford Expedition utilizing the State of California contract; and further, that Council authorize payment upon satisfactory delivery of the equipment.
SUBJECT: MEMORANDUM OF UNDERSTANDING TO PARTICIPATE IN BUREAU OF INDIAN AFFAIRS INDIAN RESERVATION ROADS PROGRAM

SOURCE: City Manager

COMMENT: The Indian Reservation Roads (IRR) program through the Bureau of Indian Affairs (BIA), Federal Lands Highway Program provides funding to assist Indian Tribes in the planning, designing, construction, and maintenance of roads and bridges within and leading to Reservations. Roads and bridges in proximity to Tribal property interests would be also eligible for improvement funding.

A Memorandum of Understanding has been prepared between the City of Porterville, Tule River Indian Reservation, and the Bureau of Indian Affairs, for the purposes of identifying by Agreement the routes within the city that would be eligible for future funding, as designated by the BIA. The BIA has identified sections of both Olive Avenue (between Main and Plano Streets) and South Main Street (between Olive Avenue and Highway 190) as eligible routes due to proximity to Tule River Tribe property interests on those roads. It should be noted that the BIA has incorrectly identified the section of Olive Avenue eligible for funding, which should include Olive Avenue in the proximity of Jaye Street, which will be amended through the BIA should the MOU be approved. City roads in proximity to the Tribe's property near the Airport would also be included by amendment.

The MOU does not relinquish jurisdiction by the City nor grant jurisdiction to the Tribe the sections of identified road, with the City continuing ownership and maintenance responsibilities. The MOU is not a legally binding contract, and does not commit City funding. In the event that IRR funding becomes available for improvements of the identified roads, such improvements and funding shall be administered by separate Agreement between the parties.

RECOMMENDATION: That the Council ratify the proposed Memorandum of Understanding, and authorize the Mayor to sign all necessary documents.

ATTACHMENT: Memorandum of Understanding

Item No. 15
MEMORANDUM OF UNDERSTANDING
AMONG
THE CITY OF PORTERVILLE,
THE
TULE RIVER INDIAN RESERVATION,
AND
THE BUREAU OF INDIAN AFFAIRS

This Memorandum of Understanding (MOU) is by and between the Tule River Indian Reservation, the City of Porterville, and the Bureau of Indian Affairs (BIA) to incorporate all sections of the identified city routes in this agreement, into the BIA Indian Reservation Roads (IRR) inventory system according to the process outlined in 25 CFR 170, for the benefit of the Tribe, the City, the BIA, and the public. This MOU constitutes solely a guide to the respective intentions and policies of the parties involved. It is not intended to authorize funding by the City nor is it a legally binding contract.

The IRR program funding through the Bureau of Indian Affairs, Federal Lands Highways Program assists the Tribe in the improvement of roads and bridges within and leading to their Reservations, and the inclusion of the city owned routes should cause the Tribe’s annual share of the IRR funds to increase.

This agreement relates specifically to the city routes listed below that are proposed to be added to the BIA IRR inventory. The City will continue its existing ownership, jurisdiction, and maintenance responsibilities and the facilities will continue to be open to the public. The City is not relinquishing jurisdiction nor granting jurisdiction to the Tribe or BIA for any listed routes, bridge or associated rights of way. The Tribe has identified all sections of the public city routes as critical transportation facilities which provide access within and leading to the Tribe’s Reservation and are important to the Tribe because they serve the Tribal community.

<table>
<thead>
<tr>
<th>Name</th>
<th>Post Miles</th>
<th>Length</th>
<th>Approximate Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olive Street</td>
<td>0.0 to 0.0</td>
<td>0.4</td>
<td>Begin Lat 36.0651 Long 119.0163 End Lat 36.0650 Long 119.0087 Section #810</td>
</tr>
<tr>
<td>South Street Main</td>
<td>0.0 to 0.0</td>
<td>1.0</td>
<td>Begin Lat 36.0510 Long 119.0167 End Lat 36.0650 Long 119.0164 Sections #810 and 820 and 830</td>
</tr>
</tbody>
</table>

The routes identified in this agreement are eligible for construction or reconstruction with federal funds but the City is unable at this time to provide funding for projects. When and if adequate funding for needed improvements for these routes becomes available, and improvement has become an approved project for the Tribe, City, or BIA, a separate cooperative funding agreement will be negotiated as necessary in accordance with applicable statutes and regulations. If improvements to the routes are completed under a separate cooperative agreement, the City will continue to be responsible for maintenance to the routes, which will remain open to the public.
This MOU is based on the intent of the parties upon the signatories hereto, not as individuals, but solely in their official capacities of their respective governments; and acknowledges proper action of the City, Tribe and BIA to enter into the same.

This agreement will become effective as to the last date written below.

TRIBE

By: ___________________________ Date: ___________________________

Tribal Chairperson: ___________________________

CITY OF PORTERVILLE

By: ___________________________ Date: ___________________________

Title: ___________________________

BUREAU OF INDIAN AFFAIRS

By: ___________________________ Date: ___________________________

Title: ___________________________

SOURCE: FINANCE DEPARTMENT

COMMENT: Tule River Economic Development Corporation is requesting approval to hold a fly-in and air show on Saturday, June 13, 2009, from 6:00 a.m. to 12:00 a.m. The Tule River Economic Development Corporation is requesting Hope Road closed for pedestrian walking. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and reviewed by all of the departments involved. All requirements are listed on the attached Exhibit “A.” The application, Exhibit “A,” the agreement, request for street closures, and a map showing the street closures requested are attached.

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Tule River Economic Development Corporation, subject to the Restrictions and Requirements contained in the Application, Agreement an Exhibit “A” of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement, Vendor List, Exhibit A, Request for Street Closure, Map, Outside Amplifier Permit; and Summary of Insurance Notice.

D.D. MB Appropriated/Funded MB C.M. Item No. 16
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: **MAY 1, 2009**
Event date: **JUNE 13, 2009**
Event time: **6:00 AM - 12:00 midnight**

Name of Event: **EAGLE MOUNTAIN FLY-IN & AIRSHOW**

Sponsoring organization: **The River Economic Dev. Corp.**
PHONE # 783-6408
Address: **1780 Yosemite Ave., Ste. A, Porterville**

Authorized representative: **DAVE VENNA**
PHONE # 783-6408
Address: **SAME**

Event chairperson: **DAVE VENNA**
PHONE # 783-6408

Location of event (location map must be attached): **PORTERVILLE MUNICIPAL AIRPORT, 1893 So. Newcomb, Porterville**

Type of event: **FLY-IN & AIRSHOW**

Nonprofit status determination:

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

Barricades (quantity): **TBD**
Street sweeping: Yes ☑ No ☐
Police protection: Yes ☑ No ☐
Refuse pickup: Yes ☑ No ☐
Other: **REQUEST PORTERVILLE EXPLORER'S ASSISTANCE**

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

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

<table>
<thead>
<tr>
<th>Approve</th>
<th>Deny</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bus Lic Spvr</td>
</tr>
<tr>
<td></td>
<td>Pub Works Dir</td>
</tr>
<tr>
<td></td>
<td>Comm Dev Dir</td>
</tr>
<tr>
<td></td>
<td>Field Svcs Mgr</td>
</tr>
<tr>
<td></td>
<td>Fire Chief</td>
</tr>
<tr>
<td></td>
<td>Parks Dir</td>
</tr>
<tr>
<td></td>
<td>Police Chief</td>
</tr>
<tr>
<td></td>
<td>Deputy City Mgr</td>
</tr>
</tbody>
</table>

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

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

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

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

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

Authorized Representative Initials

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

Authorized Representative Initials

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 559-733-6441, or fax information to, 559-733-6932. Chamber of Commerce will provide

Authorized Representative Initials

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

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.

Tule River Economic Development Corp. (Name of Organization)

(Signature) (Date) 5/6/09

2 of 4
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: **Eagle Mountain Fly-In Airshow**

Sponsoring organization: **Tule River Economic Development Corp.**

Location: **Porterville Municipal Airport** Event date: **6/13/09** Event time: __________

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>To be supplied: List will include Civic organizations, non-profits, commercial food &amp; souvenir vendors.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3 of 4
CITY OF PORTERVILLE

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

Name of event: **EAGLE MOUNTAIN FLY-IN + AIRSHOW**

Sponsoring organization: **Tule River Economic Development Corp.**

Event date: **June 13, 2009**                              Hours: **6:00 AM - midnight**

**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>
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<tbody>
<tr>
<td>Parking lots and spaces</td>
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<td>Activity</td>
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</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

EAGLE MOUNTAIN FLY-IN AND AIR SHOW

JUNE 13, 2009

Business License Supervisor:  
*S. Hartman*  
No requirements

Public Works Director:  
*B. Rodriguez*

Community Development Director:  
*B. Dunlap*

Field Services Manager:  
*B. Styles*

Fire Chief:  
*M. G. Garcia*

Parks and Leisure Services Director:  
*J. Perrine*  
Please advise which portions of the Sports Complex and/or OHV Park are required by FAA to be closed and the duration of closure.

Police Captain:  
*S. Rodriguez*  
If alcoholic beverages are to be sold or dispensed outside, other than from the Airway Café bar, at least two (2) security guards shall be employed to monitor the area and ensure that minors do not acquire or consume alcohol at this event.

Administrative Services Manager:  
*P. Hildreth*

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

Sponsor: Tule River Economic Development Corporation
Event: Eagle Mountain Fly-in and Air Show
Event Chairman: Dave Nenna
Location: Porterville Municipal Airport
Date of Event: June 13, 2009
Time of Event: 6:00 a.m. – 12:00 a.m.

RISK MANAGEMENT: Conditions of Approval

That the City of Porterville is to provide a Commercial General Liability Insurance Coverage evidencing coverage of not less than $2,000,000 per occurrence.

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.
PORTERVILLE

AIRPORT

RUNWAY

TAXIWAY

ROAD CLOSURE

THUNDERBOLT BLK.

HOPE ROAD

CORSIR WY.

NEWCOMB STREET
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:
   Tule River Econ. Dev. Corp. Phone # 783-8408
   2780 Youlumne Ave. Ste A, Porterville

2. Address where amplification equipment is to be used:
   Porterville Municipal Airport Phone #

3. Names and addresses of all persons who will use or operate the amplification equipment:
   Event Announcer/Air Boss

4. Type of event for which amplification equipment will be used:
   Fly-In + Airshow

5. Dates and hours of operation of amplification equipment:
   6:00 AM - Midnight

6. A general description of the sound amplifying equipment to be used:
   Loudspeaker equipment/microphone
I hereby certify that all statements and answers on this registration form are true and correct.

Applicant: [Signature]

Silvia Rodriguez / Captain
Chief of Police

Date: [Signature]

MAY 11, 2009

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 URGEP 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
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**Occurrence**
- General Aggregate: 2,000,000
- Products/Completed Oper. Aggr.: 2,000,000
- Personal & Advertising Injury: 1,000,000
- Each Occurrence: 1,000,000
- Damage to Rentd Premises: 300,000
- Medical Expense (Any One Person): 5,000

**CA LIQUOR**: 1000000
**Liquor Liability**: 1000000
**CA HROBB**: 1000000
**Hired Car**: 1000000
**CA NOWND**: 1000000

Additional information:
- Restaurant w/less than 25% liquor-no entertainment; m-th breakfast & lunch; f-su incl dinner; payroll $240000 + own
- Premium Basis: 160000
## General Liability (Continued)

(S) GROSS SALES - PER $1,000/SALES

1 liquor portion of total sales of $150,000
Premium Basis : 9000
(S) GROSS SALES - PER $1,000/SALES

### Location 1

Addl Insured: CITY OF PORTERVILLE CITY CLERK PORTERVILLE CA 93257

### Workers Compensation

<table>
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<tr>
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<th>End Date</th>
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* See Attached Rating Information
**SUMMARY OF INSURANCE**

**For:** Airway Cafe  
Richard or Tami Chilcutt  
1893 S Newcomb  
Porterville, CA  
93257  
559-920-4885

**Prepared:** 01/02/09  
Walter Clark South  
1055 W Morton, Suite C  
Porterville, CA  
93257  
559-781-3466

**Workers Compensation - Rating Information**

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<td>9079</td>
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CITY COUNCIL AGENDA: MAY 19, 2009

PUBLIC HEARING

SUBJECT: IMPACT FEES DEFERRAL CODE AMENDMENT – FIRST READING

SOURCE: Public Works Department – Engineering Division

COMMENT: Background

On March 31, 2009, the City Council authorized Staff to proceed with the preparation of an Interim Urgency Ordinance, and subsequent permanent ordinance to defer the collection of certain impact fees to the occupancy of the development. This provision is intended to apply to all types of development whether it is residential or non-residential.

On April 7, 2009, the City Council approved an Interim Urgency Ordinance to defer the collection of certain development impact fees to occupancy. The deferral of impact fees allows the HBA and other development interests to obtain financing for the production of incrementally more housing units and commercial/industrial jobs within the constrained credit market.

On May 5, 2009, the City Council approved the extension of the Interim Urgency Ordinance for the sole purpose of allowing staff to fully implement a code amendment. A draft fee deferral code amendment was provided to the City Council in advance of this meeting and is now attached as a Draft Ordinance for formal amendment.

Process

During discussions with the development community a component of the code amendment would include some house cleaning items in conjunction with the needed impact fee deferral language. All clean up items are associated with reimbursement procedures for master plan facilities, of which these impact fees finance. The most significant changes include:

- Final payment for master plan facilities will be disbursed to developer(s) by the City thirty (30) days after full occupancy of the development or phased development.

- Developers are now required to submit all documentation for final payment within ninety (90) days of full occupancy of the development or phased development. Failure to do so shall void developer's right to request final reimbursement(s).

Dir Appropriated/Funded N/A CM Item No. 17
A majority of the revisions are grammatical, making it clear that the collection of impact fees is contingent upon the occupancy of a new building or dwelling.

This is the first public hearing allowing for public input on the proposed code amendments defining when certain impact fees are to be collected. Implementation of the new process will require revisions to portions of Municipal Code Sections 19, 19A, 20 and 25. The proposed code amendments are attached in the form of a Draft Ordinance and are provided for Council reference and review.

RECOMMENDATION: That the City Council:

1. Hold the public hearing;
2. Consider any and all public testimony;
3. Approve the Impact Fee Deferral Code Amendment Draft Ordinance; and
4. Set the June 9, 2009 City Council meeting as the time and place for the second public reading of the proposed code amendment.

ATTACHMENTS: Draft Ordinance
ORDINANCE NO. __________


WHEREAS, on April 7, 2009 the City Council of the City of Porterville adopted an Interim Ordinance for the deferral of developer impact fees; and

WHEREAS, this ordinance will replace and nullify the April 7, 2009 Interim Urgency Ordinance; and

WHEREAS, the City Council further directed certain requirements established by the City Council at that time be incorporated into the City’s regulations;

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

1. SECTION 19A-11 IS AMENDED AS FOLLOWS;

19A-11: GENERALLY:

A development or redevelopment of any property, there shall be paid a storm drainage systems acreage charge in accordance with the cost per acre as established by resolution of the city council.

The charge shall be used to reimburse the city for construction of storm drainage systems, to provide the city with funds for construction of storm drainage systems and to reimburse others who have constructed or advanced the cost of construction of storm drainage systems. The charge shall be paid to the city prior to the development or redevelopment of any property and the issuance of any permits to develop or redevelop such property. However, the charge shall not apply to redevelopment of any property unless the cost of said redevelopment exceeds fifteen thousand dollars ($15,000.00) within a twelve (12) month period. This valuation is to be adjusted, by resolution, each year to reflect changes in the cost of construction as indicated in the Engineering News Record.

Property for which development or redevelopment is being proposed which has already had the charge paid to the city, will not again be subject to the charge.

The charge shall be computed on the gross area of the property being improved, such area being defined as the parcel of land being developed or redeveloped including half of all adjacent dedicated streets and alleys, and all of interior dedicated streets and alleys.

The charge shall be levied and payable prior to issuance of a building permit, approval of conditional use permit or approval of final map, whichever occurs first.

2. SECTION 19A-21 IS AMENDED AS FOLLOWS;
19A-21: WHEN NOT FEASIBLE:

If in the opinion of the city council, construction of a storm drainage system is not feasible because the construction fund and/or the charges to be collected are insufficient to guarantee the construction of the storm drainage system, then the city council may pass a resolution in accordance with one of the following:

A. That the request, development or redevelopment is premature to the basic development or redevelopment of the general area as a whole and that such request, development or redevelopment is denied or held in abeyance.

B. That in the case of development or redevelopment that the developer or redeveloper pay such charges due as set forth in this chapter and detain on site all storm water runoff from said development or redevelopment by means or methods approved by the city engineer in such a way as to not cause any damage to properties receiving storm water overflows.

C. That the development shall retain all storm water runoff on site and therefore not be required to pay the storm drainage systems acreage fees. [not consistent with Section 19A-11]

D. That the request, development or redevelopment necessitates a storm drainage system and that the construction thereof is not feasible only because the construction fund and/or the charges to be collected are deemed insufficient as set forth herein, and therefore said property owner, developer or redeveloper may pay such charges due as set forth in this chapter and construct or advance the cost of construction of the storm drainage system and that said costs over and above that which can be borne by the construction fund be reimbursed to the said property owner, developer or redeveloper, providing that the source of such reimbursement funds be the charges collected from other users of said storm drainage system and providing that such agreement terminate within twenty (20) years of the date thereof. (Ord. 1104, 3-15-1977)

3. SECTION 19A-31 SHALL BE AMENDED BY REMOVAL;

4. SECTION 19A-33 IS AMENDED AS FOLLOWS;

19A-33: FINAL PAYMENT:

Upon the expiration of thirty (30) days from the date of the notice of completion and upon full occupancy of the development or phased development, money shall be disbursed from the storm drainage systems construction fund to pay for or to reimburse others for the cost of all the work referred to in said notice of completion; said money disbursed shall be the actual value of the work completed, as determined by the city engineer, less all previous progress or partial payments. (Ord. 1104, 3-15-1977)

Developer shall submit all documentation necessary to support final payment within ninety (90) days of full occupancy of the development or phased development. Failure to do so shall void developer's right to request reimbursements.
5. SECTION 19A-40 IS AMENDED AS FOLLOWS;

19A-40: ACREAGE FEE:

A. Purpose: In order to implement the goals and objectives of the storm drain master plan of the city, and to provide needed storm drainage facilities for new development in the planning area, certain public storm drain facilities must be constructed. The city council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described below, the city council has found the fee to be consistent with its general plan and, pursuant to Government Code section 65913.2, has considered the effects of the fee with respect to the city’s housing needs as established in the housing element of the general plan.

B. Established: An acreage fee is hereby established on land division, upon issuance of all building permits certificate of occupancy for development in the city, or upon creation of any additional runoff to the city’s storm drain system to pay for storm drainage improvements. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this development fee shall be paid by each developer prior to issuance of building permits certificate of occupancy or upon creation of any additional runoff to the city’s storm drain system. On an annual basis, this fee shall be adjusted by the public works director or designee in accordance with the "engineering news record construction cost index" publication.

C. Limited Use Of Fees: The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

1. Pay for the city’s future construction of storm drainage facilities described in the resolution enacted with this chapter, or to reimburse the city for those described or listed facilities constructed by the city with funds advanced by the city from other sources; or

2. Reimburse developers who have been required or permitted as set forth below, to install such listed facilities which are oversized with supplemental size, length, or capacity.

D. Developer Construction Of Facilities: Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to this section, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this section on the development project, shall be offered. The reimbursement amount (credit against fee) shall not exceed the actual cost of the construction of the facility by the developer. In the event the actual construction cost of the facility exceeds the fee required of the development project, the city shall enter into a reimbursement agreement for the cost in excess of the fee required for the project, to be paid from the special account established.
pursuant to this section. (Ord. 1104, 3-15-1977; Ord. 1440, 8-21-1990; Ord. 1614 ? 3, 9-17-2002)

6. SECTION 19-42 IS AMENDED AS FOLLOWS;

19-42: PURPOSE:

In order to implement the goals and objectives of the parks and recreation element of the city's general plan to acquire and develop park facilities, parks must be constructed or expanded commensurate with growth of the city. The city council has determined that a park impact fee is needed in order to assist in the financing of these public park improvements and to pay for new development's fair share, excluding expansion of existing development within the boundaries of the existing legally defined property, of the acquisition and development costs of these improvements. In establishing the fee described below, the city council has found the fee to be consistent with its general plan and, pursuant to Government Code section 66000. (Ord. 1567 ? 1, 1-19-1999)

7. SECTION 19-43 IS AMENDED AS FOLLOWS;

19-43: PARK IMPACT FEE:

A park impact fee is hereby established on issuance of all building permits certificate of occupancy for new development, excluding expansion of existing development, in the city. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the park impact fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this impact fee shall be paid prior to issuance of building permits certificate of occupancy. On an annual basis, the fee shall be adjusted by the director of the public works department, or designee, in accordance with the "engineering news record construction cost index" publication. (Ord. 1567 ? 1, 1-19-1999)

8. SECTION 20-59 IS AMENDED AS FOLLOWS;

20-59: PURPOSE:

In order to implement the goals and objectives of the circulation element of the city's general plan and to improve and maintain the level of service of the community's infrastructure including streets and highways, transit, bicycle/pedestrian facilities, truck routes, and transportation system management strategies, certain public transportation facilities must be constructed or expanded commensurate with growth of the city. The city council has determined that a transportation impact fee is needed in order to assist in the financing of these public transportation improvements and to pay for new development's fair share, excluding expansion of existing development within the boundaries of the existing legally defined property, of the construction costs of these improvements. In establishing the fee described below, the city council has found the fee to be consistent with its general plan and, pursuant to Government
Code section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan. (Ord. 1558 \# 1, 5-20-1998)

9. SECTION 20-60 IS AMENDED AS FOLLOWS;

20-60: TRANSPORTATION IMPACT FEE:

A transportation impact fee is hereby established on issuance of all building permits certificate of occupancy for new development, excluding expansion of existing development, in the city. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the transportation impact fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this impact fee shall be paid prior to issuance of building permits certificate of occupancy. On an annual basis, this fee shall be adjusted by the public works director or designee in accordance with the "Engineering News Record Construction Cost Index" publication. (Ord. 1558 \# 1, 5-20-1998; Ord. 1614 \# 3, 9-17-2002)

10. SECTION 25-30 IS AMENDED AS FOLLOWS;

25-30: DEVELOPER CONSTRUCTION OF FACILITIES:

Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to this section, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this section on the development project, shall be offered. The reimbursement amount (credit against fee) shall not exceed the actual cost of the construction of the facility by the developer. In the event the actual construction cost of the facility exceeds the fee required of the development project, the city shall enter into a reimbursement agreement for the cost in excess of the fee required for the project, to be paid from the special account established pursuant to this section. (Ord. 623 \# 3; Ord. 1438, 8-21-1990)

11. SECTION 25-32.3 IS AMENDED AS FOLLOWS;

25-32.3: ACREAGE FEE:

A. Purpose: In order to implement the goals and objectives of the water system master plan of the city, and to provide needed water facilities for new development in the planning area, certain public water facilities must be constructed. The city council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described in the following subsections, the city council has found the fee to be consistent with its general plan and, pursuant to Government Code section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.
B. Established: An acreage fee is hereby established on land division, upon issuance of all building permits certificate of occupancy for development in the city, or upon connection to the city water system to pay for water system improvements. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this development fee shall be paid by each developer prior to issuance of building permits certificate of occupancy and connection to the water system. On an annual basis, this fee shall be adjusted by the public works director department in accordance with the "Engineering News Record Construction Cost Index" publication.

C. Limited Use Of Fees: The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

1. Pay for the city's future construction of water facilities described in the resolution enacted with this section, or to reimburse the city for those described or listed facilities constructed by the city with funds advanced by the city from other sources; or

2. Reimburse developers who have been required or permitted as set forth below, to install such listed facilities which are oversized with supplemental size, length, or capacity. (Ord. 1231 ? A, 4-7-1981; Ord. 1438, 8-21-1990; Ord. 1614 ? 3, 9-17-2002)

12. SECTION 25-45 IS AMENDED AS FOLLOWS;

25-45: PREPARATION OF PLANS FOR NEW CONSTRUCTION BY CITY WHEN EXTENSION REQUESTED:

When requests for the extension of water sewer mains are received as provided in section 25-44 of this article and when the deposit required by section 25-44 of this article has been made, then, if, in the opinion of the city manager, sewer facilities are necessary and the construction thereof feasible, he shall cause plans and specifications for the construction thereof to be prepared. (Ord. Code ? 3621)

13. SECTION 25-45 IS AMENDED AS FOLLOWS;

25-45.1: ACREAGE FEE:

A. Purpose: In order to implement the goals and objectives of the wastewater facilities master plan of the city, and to provide needed wastewater facilities for new development in the planning area, certain public wastewater facilities must be constructed. The city council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described below, the city council has found the fee to be consistent with its general plan and, pursuant to Government Code section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.
B. Established: An acreage fee is hereby established on land division, upon issuance of all building permits certificate of occupancy for development in the city, or upon connection to the city water system to pay for water system improvements. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this development fee shall be paid by each developer prior to issuance of building permits or connection to the water system. On an annual basis, this fee shall be adjusted by the public works director department in accordance with the "Engineering News Record Construction Cost Index" publication.

C. Limited Use Of Fees: The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

1. Pay for the city's future construction of water facilities described in the resolution enacted with this section, or to reimburse the city for those described or listed facilities constructed by the city with funds advanced by the city from other sources; or

2. Reimburse developers who have been required or permitted as set forth below, to install such listed facilities which are oversized with supplemental size, length, or capacity. (Ord. 1231 ? A, 4-7-1981; Ord. 1438, 8-21-1990; Ord. 1614 ? 3, 9-17-2002)

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13. SECTION 25-45 IS AMENDED AS FOLLOWS;

25-45.1: ACREAGE FEE:

A. Purpose: In order to implement the goals and objectives of the wastewater facilities master plan of the city, and to provide needed wastewater facilities for new development in the planning area, certain public wastewater facilities must be constructed. The city council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described below, the city council has found the fee to be consistent with its general plan and, pursuant to Government Code section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.
B. Established: An acreage fee is hereby established on land division- upon issuance of all building permits certificate of occupancy for development in the city, or upon connection to the city sewer system for development in the city, or upon connection to wastewater facilities. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this development fee shall be paid by each developer prior to issuance of building permits certificate of occupancy or connection to the sewer system.

On an annual basis, this fee shall be adjusted by the public works director or designee in accordance with the "Engineering News Record Construction Cost Index" publication.

C. Limited Use Of Fees: The revenues raised by payment of this fee shall be placed in a separate and special account, and such revenues, along with any interest earnings on that account, shall be used solely to:

1. Pay for the city's future construction of wastewater facilities described in the resolution enacted with this section, or to reimburse the city for those described or listed wastewater facilities constructed by the city with funds advanced by the city from other sources; or

2. Reimburse developers who have been required or permitted as set forth below, to install such listed wastewater facilities which are oversized with supplemental size, length, or capacity.

D. Developer Construction Of Facilities: Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to this section, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this article on the development project, shall be offered. The reimbursement amount (credit against fee) shall not exceed the actual cost of the construction of the facility by the developer. In the event the actual construction cost of the facility exceeds the fee required of the development project, the city shall enter into a reimbursement agreement for the cost in excess of the fee required for the project, to be paid from the special account established pursuant to this section. (Ord. 1439, 8-21-1990; Ord. 1614 ? 3, 9-17-2002)

14. SECTION 25-96 IS AMENDED AS FOLLOWS;

25-96: FEES AND CHARGES:

The city may adopt fees and charges which may include:

A. Fees for reimbursement of costs of setting up and operating the city's pretreatment program;

B. Fees for monitoring inspection and surveillance procedures;

C. Fees for reviewing accidental discharge procedures and construction;
D. Fees for permit applications;

E. Fees for filing appeals;

F. Fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards; and

G. Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the city and when new development occurs, collectable upon issuance of a certificate of occupancy. (Ord. 1636 ? A, 7-1-2003)

PASSED, ADOPTED AND APPROVED this 19th day of May, 2009.

BY:

______________________________
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

______________________________
Patrice Hildreth, Chief Deputy City Clerk
PUBLIC HEARING

SUBJECT: WATER CONSERVATION

SOURCE: Public Works Department - Field Services

COMMENT: The City is currently in Phase I of the City's Water Conservation Plan. Phase II applies during periods when there is a water supply shortage. Phase II currently encourages voluntary conservation such as the odd/even watering program and increased public awareness information. Another aspect of Phase II is encouraging consumers to reduce water usage between the hours of 5 & 10 a.m. and 5 & 10 p.m. In December 2008, Council directed staff to continue the voluntary odd/even program during the winter months to help instill the program as a permanent water conservation habit. The Water Conservation Plan needs to be updated to reflect this change.

Staff recommends that Council approve the following revisions to the Water Conservation Plan and move into Phase II:

1. Move the voluntary odd/even watering program into Phase I under "Actions by the General Public" and the program also will remain in effect as part of Phase II and Phase III with emphasis on an increased radio and media campaign to the public when entering Phase II in Water Conservation Month (May),
2. Add to Phase I under "Action by the General Public" the statement advising the public to turn off automatic sprinklers on rainy days, and
3. Add to Phases II and III a statement that continues all conservation programs from prior phases.

RECOMMENDATION: That City Council approve:

1. The above revisions to the Water Conservation Plan; and

ATTACHMENT: Revised Water Conservation Plan

Dir Appropiated/Funded CM Item No. 18
WATER CONSERVATION PLAN

APRIL 2004
# WATER CONSERVATION PLAN

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**REVISED BY:**

- John Lollis, City Manager
- Baldomero S. Rodriguez, Public Works Director
- Bryan B. Styles, Depty PW Dir./Field Services Manager
- Richard Mulvihill, Water Utilities Superintendent
- Jeff Friedman, Water Systems Specialist
- Judith May, Clerical Assistant III

Adopted by City Council: April 6, 2004  
Revised by City Council: April 15, 2008  
Revised by City Council: May 19, 2009
PREFACE

The City of Porterville water system is municipally-owned with more than 14,800 service connections, 99% of which are metered, serving a population of over 51,500, with approximately 1,100 service connections outside the city limits. Water supplies for the City system are produced entirely from groundwater underlying the City, which is recharged from rainfall and runoff of the Western Sierra Nevada. The major stream contributing to recharge of the Tule Basin Aquifer underlying Porterville is the Tule River.

Storage capacity represents over six million gallons within the distribution system and three hillside reservoirs, two with a capacity of three-million gallons and one with a capacity of three hundred thousand gallons.

A telemetry system controls the operation of 22 of the City's 35 active well pumps to maintain system pressure under varying loads. The water levels in the reservoirs are also monitored and controlled by the computerized telemetry control system.

Water conservation and awareness have always been areas of concern for the Porterville community. Less than normal rainfall and runoff makes efforts to promote water conservation a high priority. In addition to the benefits of conserving water as a limited natural resource, additional benefits accrue to the community in the form of a reduced impact on the Wastewater Treatment Plant and a reduction in energy costs when water supplies are conserved.

It is vitally important that the Water Conservation Plan be a joint partnership between the City and the General Public in order to achieve optimal effect. The Plan has been developed in three phases with each phase defined in terms of the available water supply:

Phase I: Applies during periods when a normal water supply is available.

Phase II: Applies during periods when there is a water supply shortage.

Phase III: Applies during periods when there is a severe water supply shortage.

Actions within each phase have been defined as either actions to be undertaken by the City or by the General Public. Due to the number of variables which affect the water conditions in existence at any one point in time, a City staff analysis of those variables will be utilized in determining the transition of the City from one phase to a more (or less) stringent phase. At such time as staff determines that water supply conditions warrant a phase change, staff will present the request to the City Council for their approval.

This plan differs from other valley community plans because the City of Porterville is in a more favorable position of having almost all of its water customers metered, which allows the City to basically control the water conservation program.
CITY WATER SYSTEM

The City has always been diligent in its efforts to provide sufficient safe and affordable drinking water to the residents of the community. Water conservation has long been a permanent part of the City’s water resource management program. Efforts to that end include:

NEW WELLS:

Over the past five years three new wells have been added to the City water system in order to serve the needs of the community. Two additional wells are planned for completion within the next few years.

TELEMETRY SYSTEM:

This system controls the operation of the well pumps to maintain system pressure under varying loads. Water levels in the reservoirs are also monitored and controlled by the computerized telemetry control system. Water is usually pumped to the reservoirs during the off-peak usage hours for later use by consumers. This system was designed for use by the City’s most efficient and productive wells with additional energy cost savings.

RESERVOIRS:

The City currently operates and maintains three hillside reservoirs - two (2) with a capacity of three-million-gallons and one (1) with a capacity of 305,000 gallons. The two largest reservoirs are usually filled during off-peak hours and then release water during the high usage hours. There is also a 300,000-gallon reservoir located at the Airport which is also part of the City system, the reservoirs increase the City’s ability to maintain system pressure during peak demand and fire flow situations. Site acquisition has been accomplished for the City’s third proposed three-million gallon reservoir.

METERIZATION PROGRAM:

With over 99% of all service connections metered, the City has a goal of 100% meterization. All new connections are required to have meters.

UTILITY BILLING NOTICE:

The City’s computerized utility billing system provides consumers with their current and past water usage history for comparison purposes. While variations may be attributable to a change known to the consumer (ie; additional persons in the home, addition of a swimming pool), it may also be the result of an undetected leak or other controllable occurrence.
WATER AUDIT/LEAKAGE DETECTION & REPAIR PLAN:

The City will continue in its proactive plan to audit water supply usage. Upon detection of the source of any leakage, corrective action will be taken immediately in order to promote the efficient use of the existing water supply and in turn reduce the energy required to operate the system.

NEW WATER LINE TESTING:

The City requires full pressure and leak testing of all newly constructed water lines.

FIRE HYDRANT TESTING:

The City Fire Department schedules their annual fire hydrant testing program during the early spring and late fall to avoid the peak water use season. Such testing is required to maintain the integrity of the fire protection system.
PHASE I

Applies during periods when a normal water supply is available

The effectiveness of any voluntary plan ultimately depends on the public’s awareness of the need for the plan. Local residents have a history of commitment to their community and support of the public welfare. It is a reliance upon this tradition that makes the distribution of public information the cornerstone of the City’s Water Conservation Plan.

ACTIONS BY THE CITY:

I. Public Information Program

   A. Distribution of suggestions for residential, commercial and industrial water conservation and awareness.

   B. Coordination of public information with the local news media.

   C. City participation in Water Awareness Month (May).

   D. Lawn and Landscape Watering Guides will be made available upon request.

   E. City staff will coordinate with local nurseries to compile a list of low-water using trees and plants. The list will be made available at City Hall, the Corporation Yard, and the Parks & Leisure Services Department for local residents.

   F. Coordination with local schools to encourage young people to become aware of local water issues and conditions.

   G. Advise public to turn off sprinklers on rainy days.

II. Project Review Committee

   A. The City’s Project Review Committee (PRC) will include the evaluation of all submitted projects for water use and conservation efforts. The goal of City staff in cooperation with the developer will be to voluntarily reduce consumption of water used in the project.

   B. City staff will assist the developer in familiarization with the Xeriscape Concept, combining creative landscaping and efficient irrigation to save water and promote attractive alternatives to traditional, high-water use landscapes.
III. City Landscapes and Watering Schedules
   A. City parks, median islands, and landscaped public facilities will be watered during late night or early morning hours to the greatest extent possible.
   B. All new landscaping projects undertaken by the City will incorporate conservation design.

IV. Retrofit Bathroom Facilities
   Water saving kits which contain toilet water conservation and low-flow shower head devices will be made available to City water consumers, both residential and commercial, upon request, as funds are available.

V. Fire Hydrant Testing
   The City's fire hydrant testing program will be scheduled during non-peak water usage times to the greatest extent possible without impairing the integrity of the City's fire protection service.

ACTIONS BY THE GENERAL PUBLIC:
I. Conservation Efforts
   The general public will be encouraged to utilize those water conservation measures contained within the City's public information program.

II. Voluntary Odd/Even Watering Program
   Voluntary Odd/Even watering program is encouraged as follows:
   A. No watering on Mondays
   B. Addresses ending in an Odd number will water on Tuesday, Thursday and Saturday; and
   C. Addresses ending in an Even number will water on Wednesday, Friday and Sunday.
PHASE II

Applies during periods when there is a water supply shortage

When water supply conditions start to deteriorate it would be incumbent upon the City to implement mandatory water conservation provisions.

ACTIONS BY THE CITY:

I. Public Information Program

The City will pursue a more aggressive distribution of information than its efforts initiated in Phase I to promote public awareness of the need to conserve water with a stronger emphasis on the water shortage condition.

II. Water System Pressure Reduction

The City's water system may experience reduced water pressures during high usage periods. This may deter water use for nonessential activities and encourage scheduling of landscape watering to late nights or early mornings.

III. City Landscapes and Watering Schedules

All City parks, median islands and public facility landscapes will be watered during the late night or early morning hours to reduce impact on the water system during peak usage hours.

IV. Leak Detection - Water Waste

The City will continue in its proactive plan to audit water supply usage. All City staff will be reminded of the necessity of reporting any evidence of leaks or water waste for immediate action. There will be an emphasis on coordinated community efforts to reduce water waste.

V. Waste of Water Notices

City staff will be equipped to issue "Waste of Water" notices to consumers identified as misusing water.

VI. Voluntary Odd/Even Watering Days

Increase public education on program initiated from Phase I

VII. Continuation of all Conservation Programs from Phase I
I. **Conservation Efforts:**

The general public will be strongly encouraged to utilize those water conservation measures contained within the City's public information program.

II. **Restaurants:**

Notices will be sent to all restaurants within the City limits requesting support of water conservation efforts by serving water to customers upon request only.

III. **Lawn and Landscaping Watering:**

All residential, commercial and industrial landscape watering should be reduced to a minimum and avoid watering between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

IV. **Vehicle Washing and Sidewalk Hosing:**

A. Vehicle washing should be accomplished either by automatic car washes that recycle water or with buckets and hoses equipped with a shut-off nozzle.

B. Per Section 25-5 of the City Municipal Code, "The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them."

V. **Voluntary Odd/Even Watering Program from Phase I is Encouraged.**
PHASE III

Applies during periods when there is a severe water supply shortage

ACTIONS BY THE CITY:

I. Public Information Program:

The utility billing system will begin to notify customers of restrictions on water use. The program to promote public awareness will be intensified with emphasis placed on communicating the mandatory water conservation requirements to the public.

II. Rate Structure Enhancement:

A 20% rate increase on all residential and landscape accounts will go into effect. This rate increase will encourage water conservation and will also serve as a provision to recover the lost revenues from water conservation.

III. City Landscapes and Watering Schedules

All City parks, median islands and public facility landscapes will continue to be watered during the late nights or early morning hours to confine impact on the water system to off-peak usage hours. If it becomes necessary, watering of City parks and median islands will be suspended and evaluated each day.

IV. Continuation of all Conservation Programs from Phase I and II in Addition to Phase III Regulations.

ACTIONS BY THE GENERAL PUBLIC:

I. Landscape Watering

Landscape watering shall not be done between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

II. Sidewalk and Driveway Washing

Sidewalk and driveway washing will be prohibited.
CITY COUNCIL AGENDA: MAY 19, 2009

PUBLIC HEARING

SUBJECT: CONDITIONAL USE PERMIT 1-2009 – UNIFORM SIGN PROGRAM (CITY OF PORTERVILLE – PARKS AND LEISURE SERVICES)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Conditional Use Permit 1-2009 is a request for a uniform sign program to allow the construction of a post mounted sign and reader panel. On February 19, 2009 the City of Porterville City Council authorized the purchase of an electronic message and reader board to be installed at the Veterans Parks along Prospect Street just south of the Corporation Yard and Compressed Natural Gas Fueling Facility. The message board will be used to promote all of the Parks & Leisure Services activities as well as other City functions.

Under Section 2021 Advertising in the Planned Development (P-D) and Open Area (OA) Zones, Public Institutions are permitted to construct signs without a Conditional Use Permit if they do not exceed the size and height standards allowed. If the size and height requirements are not met, a uniform sign program may be approved by the City Council in accordance with the Conditional Use Permit provisions of Article 29.

The maximum size and height for signs in OA Zone is sixteen (16) square feet per face and ten (10) feet in height. The proposed sign and electronic reader board propose a total of fifty (50) square feet per face and are approximately fourteen (14) feet in height, therefore requiring a Uniform Sign Program be approved by the City Council through a Conditional Use Permit.

On May 6, 2009, the Project Review Committee determined that the size, height, and location of the proposed sign will not produce any glare, flashing lights, or rapid movement that would impede on traffic or the adjacent residential uses to the east. The sign will be located a minimum six (6) feet from the back of the sidewalk to avoid pedestrians along Prospect Street. Because the sign is set back at least six feet from the sidewalk, and the height is only four feet above that normally allowed, staff does not believe that this proposed sign will constitute a significant impact on the quality of the neighborhood or cause significant traffic concerns. It is not very different than the size and height of the existing sign at Monache High School, located northwest of the project site.

Pursuant to Section 15311 Class 11 “Accessory Structures” the project is categorically exempt from CEQA.

Item No. 19
RECOMMENDATION: That the City Council adopt the Draft Resolution approving Conditional Use Permit 1-2009, subject to conditions of approval.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL STAFF REPORT
City of Porterville
May 19, 2009

CONDITIONAL USE PERMIT 1-2009
FOR CITY COUNCIL MEETING OF MAY 19, 2009

APPLICANT/PROPERTY OWNER:       Parks & Leisure Services, City of Porterville
                                   291 N. Main Street
                                   Porterville, CA 93257

PROJECT DESCRIPTION:              The applicant is requesting approval of Conditional
                                   Use Permit 1-2009 to a uniform sign program to allow
                                   construction of a post mounted sign and electronic
                                   reader board.

SIZE OF PROPERTY:                18.42± acres

GENERAL PLAN CLASSIFICATION:     Parks and Recreation

ZONING CLASSIFICATION:           OA (Public Institutional)

SURROUNDING ZONING AND LAND USE:
North:                           Mixed Uses – OA (Public/Institutional), C-2 (Central Commercial)
West:                            OA (Public Institutional) Corporation Yard
South:                           OA (Public Institutional) and R-1 (Low Density Residential beyond Morton Ave)
East:                            R-1 (Low Density Residential) and R-2 – Medium Density Residential

LEGAL NOTICES:

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<td>May 8, 2009</td>
<td>May 8, 2009</td>
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ENVIRONMENTAL SETTING:

Pursuant to Administration Code 15311 of the California Environmental Quality Act the project as proposed qualifies as a Class 11 “Accessory Structures” Categorical Exemption.
PROJECT DESCRIPTION/ANALYSIS:

The applicant is requesting approval of Conditional Use Permit 1-2009 to approve a uniform sign program to allow construction of post mounted sign and electronic reader board, to be located at the Veterans Park along Prospect Street just south of the Corporation yard and the Compressed Natural Gas Fueling Facility.

On February 19, 2009 the City of Porterville City Council authorized the purchase of an electronic message and reader board to be installed at this location.

Under the Zoning Ordinance “Signs & Advertising” Section 2006 “Exemptions and Exclusions,” the proposed sign program exceeds the sign face limits and height standards which are allowed. In the subject Zone, Open Area (OA), signs and advertising structures are permitted without a Conditional Use Permit if they do not exceed sixteen (16) square feet in total face area and are no more than ten (10) feet in height. With a height of approximately fourteen (14) feet and fifty (50) square feet of sign and electronic reader face, the proposed sign exceeds standards under the “Exceptions and Exemptions,” therefore requiring a Conditional Use Permit. Section 2021 A-2 Advertising in the P-D and OA Zones – All signs and advertising structures shall conform to a uniform sign program approved by the City Council in accordance with the Conditional Use Permit provisions of Article 29.

The proposed sign will be approximately 14 feet in height and consist of a 4’x8’ LED message board and a 3’x6’ internally lit I.D. logo cabinet mounted above the LED message display. On May 6, 2009 the Project Review Committee determined that the size, height, and location of the proposed sign will not produce any glare, flashing lights, or rapid movement that would impede on traffic or the adjacent residential uses to the east. The sign will be located a minimum six (6) feet from the back of the sidewalk to avoid pedestrians along Prospect Street. Because the sign is set back at least six feet from the sidewalk, and the height is only four feet above the normally allowed, staff does not believe that this proposed sign will constitute a significant impact on the quality of the neighborhood or cause significant traffic concerns. It is not very different than the size and height of the existing sign at Monache High School, located northwest of the project site.

RECOMMENDATION: Approve Conditional Use Permit 1-2009 approving the uniform sign program to allow construction of the pole sign and electronic reader board subject to conditions of approval.

ATTACHMENTS:

1. Locator Map/Site Plan
2. Elevation/Rendering A & B
3. Draft Resolution

Jose B. Ortiz  May 19, 2009
Project Planner  Date
City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
(559) 782-7462

A portion of the Northwest quarter of Section 27, Township 21, South,
Range 27 East, Mount Diablo Base and Meridian.
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE
PERMIT 1-2009 APPROVING A UNIFORM SIGN PROGRAM FOR VETERAN’S PARK,
SOUTH OF THE CITY OF PORTERVILLE CORPORATION YARD AT 555 NORTH
PROSPECT STREET

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of
May 19, 2009, conducted a public hearing to consider Conditional Use Permit 1-2009, approving the
uniform sign program for Veteran's Park south of the City of Porterville Corporation Yard located
555 N. Prospect Street.

WHEREAS: Section 2021 A-2 Advertising in the P-D and OA Zones – All signs and
advertising structures shall conform to a uniform sign program approved by the City Council in
accordance with the Conditional Use Permit provisions of Article 29.

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan, zoning and land use for
   the site.

2. That the site is physically suitable for the type of development proposed.

3. That the proposed location of the project and the conditions under which it will be
   operated or maintained will not be detrimental to the public health, safety, welfare,
   or materially injurious to properties or improvements in the vicinity.

4. That the standards of population density, site area, dimensions, site coverage, yard
   spaces, height of structures, distance between structures, off-street parking
   facilities, and landscaped areas will produce an environment of stable and
desirable character consistent with the objectives of the Zoning Ordinance.

5. That pursuant to Section 15311, Class 11, - (Accessory Structures) of the California
   Environmental Quality Act Guidelines, the Conditional Use Permit a uniform sign
   program to construct a post sign and reader board is Categorically Exempt.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville
does hereby approve Conditional Use Permit 1-2009 subject to the following conditions:

1. That any future changes in operation which substantially alters the condition or
   nature of the uniform sign program shall require approval by the City Council.

2. That at all times, the facility shall be operated and maintained to comply with State Law,
   the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable
laws and ordinances.

3. That upon submittal of a building permit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include structural calculations shall be required.

4. That a seven (7) foot minimum clearance between grade and bottom of sign be maintained.

5. The uniform sign program will be developed/maintained in accordance with EXHIBITS “A” & “B.”

6. The electronic reader board may not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every three (3) seconds.

7. The Conditional Use Permit shall become null and void at the expiration of the term thereof, or if not undertaken and actively and continuously pursued within the time specified in the permit or within one (1) year if no time is specified therein.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Lollis, City Clerk

By ____________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: REQUEST TO ACCEPT FOR FIRST READING AN ORDINANCE PROHIBITING THE FLYING OF RADIO CONTROLLED AIRCRAFT AT PORTERVILLE AIRPORT

SOURCE: Porterville Airport

COMMENT: In January of 2009 an inspection was performed by the California Division of Aeronautics at the Porterville Airport. In the course of the inspection, the State’s Aviation Safety Officer observed remote control aircraft operating on the Airport near Teapot Dome Road and suggested that they should not fly at Porterville.

In the official correspondence on the subject dated April 1, 2009, the Safety Officer specified “Radio control aircraft were observed operating on airport property. This type of activity within the airport traffic area is considered to be a hazard and must not be allowed to occur in the vicinity of the airport.” The State asked for notification of how the City would proceed on the matter by May 1, 2009.

On April 21st, the Airport Area Manager corresponded with the State and indicated that “...we will submit to the Council a rule that radio control aircraft may not be operated on the Airport without a special permit recommended by the Airport Manager and issued by the City Manager. We wish to preserve some discretion in this area, since RC aircraft often operate at air shows and other special events.”

On April 23, 2009, the Airport Area Manager and Airport Operations Manager met with representatives of the local remote control aircraft community (RCAC). The issue was outlined and those in attendance were advised that the response to the California Division of Aeronautics indicated that a permitting approach would be considered. The representatives of the RCAC asked that a permit to a Club be considered and that they would organize to establish the entity so they could continue to fly. Airport representatives indicated there were two major issues: The risk management implications of the activity given it has been characterized as “a hazard” by the State aviation agency and the willingness of the regulators to view a permit approach as consistent with their guidelines.

Following the meeting the Airport Area Manager corresponded by email with the State indicating the proposed direction and requesting comment. At this point, the State referred the issue to the F.A.A.

DD  Appropriated/Funded   CM  

Item No. 20
On May 1, 2009, the Airport Area Manager received an email from the FAA’s Western-Pacific Region Airport Division Compliance Program Manager. The email was entitled “Guidance Regarding Radio Controlled Airborne Vehicles and Airports” and was extensive. It provided specific guidance. First, because RCAVs are not “aeronautical activity” the City is not obligated to make the facility available for their use. In fact, “Unless approved by the FAA, non-aeronautical activities should not be allowed at the airport.”

The FAA’s correspondence further observed that “RCAV represent a potential hazard to aircraft flying over the airport, taking off from, and landing at PTV. Therefore, the City should be mindful of its obligation to ensure safer airport operations and prevent the creation of any hazards in the airspace over the airport over which the City has control.”

Additional guidance was provided and the conclusion specified, “We can understand the City’s inclination to be a good neighbor to model aircraft enthusiasts. Unfortunately, airports do not provide the appropriate environment where RCAV can operate safety. Therefore, the FAA does not support these activities at federally obligated airports and objects to their continuation at PTV.”

**APPROACH TO SOLUTION**

Based upon this very specific guidance from the FAA, the Airport management recommends that the City Council accept for first reading the ordinance which would prohibit remote controlled aircraft on Airport property and on adjacent City property.

The form for the ordinance was obtained from the City of Reedley. The elimination of RCAV flying from airports has become a consistent safety measure. Advice provided by the Association of California Airports is consistent with this specifying “It shouldn’t be allowed off your runway, taxiway(s) or apron/ramp. It is not an “authorized aeronautical activity”, and thus can be prohibited as being a safety conflict with actual aircraft.

Understanding the activity has operated for many years at Porterville Airport, the City Manager has expressed the importance of defining an alternative site. A suggestion has been made to locate it near the City’s sewer ponds, more than a mile to the southwest of the Airport At this time there is not asphalt to serve it, but an offer could be made to the remote control aircraft club to develop the site and then utilize it for flying their “radio controlled airborne vehicles.”
RECOMMENDATION: That the City Council:
1. Approve the draft Ordinance prohibiting the flying radio controlled airborne vehicles at the airport or on city property near the airport for first reading, and order the ordinance to print; and
2. Direct the Airport Area Manager and Public Works Director under the direction of the City Manager to coordinate with a remote control aircraft association to utilize property near the City’s sewer ponds for the activity.

ATTACHMENT: Draft Ordinance
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 4-11.35 TO CHAPTER 4, ARTICLE XI, AIRPORT – ILLEGAL ACTIVITIES, OF THE PORTERVILLE MUNICIPAL CODE, TO PROHIBIT MODEL AND RADIO CONTROLLED AIRCRAFT AT OR NEAR THE PORTERVILLE MUNICIPAL AIRPORT

The City Council of the City of Porterville does hereby ordain as follows:

SECTION 1: Section 4-11.35 – Model and Radio Controlled Aircraft, is hereby added to Chapter 4, Article XI of the Porterville Municipal Code, and will read as follows:

Section 4-11.35: Model and Radio Controlled Aircraft: No model or radio controlled aircraft will be allowed on or above Porterville Municipal Airport property nor on any City property adjacent to the Porterville Municipal Airport nor any property within the City of Porterville that is under or near the pattern for aircraft or air vehicles at the Porterville Municipal Airport.

SECTION 2: The City Clerk is hereby directed to cause this ordinance to be published once in a newspaper of general circulation in the community.

SECTION 3: The City Clerk is further directed to cause this ordinance to be codified after its adoption.

SECTION 4: This ordinance shall take effect and be in full force thirty (30) days after its final passage and adoption.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

__________________________
By: Patrice Hildreth, Chief Deputy City Clerk