Call to Order
Roll Call

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Members

ORAL COMMUNICATIONS
This is the opportunity to address the City Council and/or Redevelopment Agency on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

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

Adjourn to a meeting of the Porterville City Council.

CLOSED SESSION:
B. Closed Session Pursuant to:
   6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.
6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Shelton
Invocation

PROCLAMATIONS
Law Enforcement Joint Use Helicopter Program Pilots
Recognition of Claudia Elliott

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. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

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 May 4, 2010

2. Award of Contract – Reclamation Area Monitor Well
Re: Awarding contract in the amount of $23,743.20 to Consolidated Testing Laboratories for the project consisting of the construction of a 130’ deep, 12” diameter well with 5” casing at the reclamation area site.

3. Acceptance of Project – Porterville Fairgrounds Off-Site Improvement Project
Re: Accepting project as complete from Mitch Brown Construction, and authorizing the filing of the Notice of Completion for the project consisting of the construction of off-site improvements and the extension of a sewer main consistent with the future fairgrounds as proposed by the Porterville Fair Board.

4. Acceptance of Project – Olive Avenue Rehabilitation Project
Re: Accepting project as complete from Dawson-Mauldin Construction, and authorizing the filing of the Notice of Completion for the project consisting of the rehabilitation of Olive Avenue between Main Street and ‘H’ Street.

5. I.T. Server Room (Block House)Air Conditioning Project
Re: Approving the purchase of cooling equipment, and authorizing staff to issue a purchase order to Grays’ Air Conditioning for the installation of an upgraded cooling system in the I.T. server room.

6. State Department of Finance - Population and Housing Estimates
Re: Authorizing the Mayor to sign a request for State certification for the City of Porterville, January 1, 2010, population of 52,960.
Re: Authorizing non-advertising displays commemorating the “Paint the Town” special event, which will include a procession along Henderson Avenue, Main Street and Olive Avenue on September 4, 2010.

8. **Request for Authorization for Emergency Transit Bus Repair**
Re: Authorizing the replacement of a transit bus engine with a Cummins certified remanufactured engine.

9. **Assign Airport Lease - Lot 46D**
Re: Approving the assignment of the lease agreement for Airport Hangar Lot 46D between the City of Porterville and Mr. William L. Vandersande to Mr. Kevin Taggard.

10. **Amendment to Insurance Requirement for Putnam Community Center License Agreement**
Re: Approving an amendment to the Putnam Community Center License Agreement between the City of Porterville and Comision Honorifica Mexicana Americana, Inc. to reduce the required level of commercial general liability insurance from $2 million to $1 million per occurrence.

11. **Proctor Training for Administration of Post Entry-Level Dispatcher Exam**
Re: Approving proctor training of Human Resources personnel for the administration of the POST Entry-Level Dispatcher Exam.

12. **Scheduling of Budget Study Session for August 24, 2010**
Re: Approving the focus on street maintenance and potential for surplus property at the Budget Study Session scheduled for August 24, 2010.

13. **Approval for Community Civic Event – Elks Lodge and Porterville High School Marching Band – Request for Street Closure**
Re: Approving a temporary street closure for the Porterville High School Band to march down one block of Main Street to the Elks Lodge steps on August 21, 2010, at 6:30 p.m.

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

**SECOND READINGS**

14. **Ordinance 1766, Time of Regular Council Meetings**
Re: Second Reading of Ordinance 1766, amending Chapter 2, Section 2-1, Time and Place of Regular Meeting, of the Porterville Municipal Code, which was give first reading on August 3, 2010.

**SCHEDULED MATTERS**

15. **Gang Intervention and Prevention/Youth and Family Liaison Program**
Re: Informational presentation about the Gang Intervention and Prevention/Youth and Family Liaison Program.

16. **Annual Review and Request for Renewal of a Temporary Structure Permit for the Storage and Consignment of Equipment**
Re: Adopting a draft resolution granting the temporary use permit for the storage and consignment of equipment at 952 W. North Grand Avenue.
17. **Designation of Voting Delegates and Alternate For League of California Cities 2010 Annual Conference**
   Re: Considering the designation of a voting delegate and alternate(s) in the event there is interest in Council Member attendance at the League of California Cities Annual Conference.

18. **Consideration of Resolution in Support of High Speed Rail Alignment and Station for the Tulare/Kings County Region**
   Re: Considering a resolution in support of a rail alignment and station located in East Hanford.

19. **Council Member Requested Item – Consideration of Revisions to City Council Agenda**
   Re: Considering a request to change the order of business on the Council Agenda.

20. **Council Member Requested Agenda Item – Consideration of Declaring Selected City Properties for Surplus**
   Re: Considering a request to authorize several City properties for surplus and sale.

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

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA**

**August 17, 2010**

Roll Call: Agency Members

**ORAL COMMUNICATIONS**

**WRITTEN COMMUNICATIONS**

**SCHEDULED MATTERS**

**PRA-01 Redevelopment Agency Restructuring of Debt**
   Re: Approving the restructuring of the Redevelopment Agency debt in order to maintain a positive balance in the RDA Budget.

Adjourn to a Meeting of the Porterville City Council

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

**CLOSED SESSION**
   Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

**ADJOURNMENT** - to the meeting of August 24, 2010 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.
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
MAY 4, 2010, 6:00 P.M.

Called to Order at 6:00 p.m.
Roll Call: Council Member Hamilton, Council Member Irish, Council Member Martinez, Vice Mayor Ward (arrived at 9:40 p.m.), Mayor McCracken

City Attorney Julia Lew requested that the Council add an emergency Closed Session item onto the Agenda. She advised that a ruling from the Court on a Pitchess motion was received subsequent to Agenda distribution, and that action on the appeal would need to occur prior to the next Council Meeting. She requested that one case under Government Code Section 54656.9(c) – Conference with Legal Counsel – Anticipated Litigation be added to the Agenda.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Hamilton that the Council add an emergency item onto the agenda: Closed Session Pursuant to Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – One Case.

AYES: Hamilton, Irish, Martinez, McCracken
NOES: None
ABSTAIN: None
ABSENT: Ward

Disposition: Approved

ORAL COMMUNICATIONS
None

CLOSED SESSION:

A. Closed Session Pursuant to:
   4- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: Portions of APNs 302-110-074, 302-110-075, 302-110-076, 302-470-


6- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.

7- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.

8- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no action took place.

Pledge of Allegiance Led by Council Member Felipe Martinez
Invocation – one individual participated.

PROCLAMATIONS

Silver Star Banner Day – May 1, 2010
Water Safety Month – May 2010
Letter Carriers’ Food Drive Day – May 8, 2010
Alta Vista 100 Year Anniversary
Casey Erickson – State FFA Sentinel
National Prayer Day – May 6, 2010 (this proclamation was added to the agenda)

PRESENTATIONS

Employee of the Month – Donna Silvas
Youth Commission’s Annual Report
Recognition of Zoning Ordinance Update Committee

ORAL COMMUNICATIONS

- Former Mayor/Council Member Pedro Martinez, spoke of the accomplishments of the Youth Commission and of the benefits of formalizing its formation. He advised he favored Option B, and requested that funds be budgeted for the Commission, $1,000 of which the Commission should use for finding solutions to problems in the City.
- Abel Salazar, 189 E. Chase Ave., voiced concern with a legislative bill which would expand California’s anti-sweatshop policy, noting its negative impact on many businesses.
- Khris Saleh, 1206 W. Westfield, voiced concern with Item 16, commenting that more information should be provided prior to Council’s approval.
- Adrian Monte Reyes, 44 S. Park, Class Member of the Leadership Porterville Class of 2010, invited all to the ribbon-cutting ceremony for the Playground Improvement Project at the Boys and Girls Club; and spoke in favor of the formation of a Youth Commission and an Arts Commission.
- Ben Webb, 724 W. Morton Avenue, spoke of the recent appointment of Council Member Irish to the City Council, noting it was the Council’s right to appoint him in the manner in which it did; and voiced concern with an issue pertaining to an unidentified easement which negatively impacted the property owner.
- Charles Phillips, 663 Village Green, spoke regarding Item No. 19 regarding WalMart’s starting salaries of $12.00 per hour.
- Jessica Mahoney, a Terra Bella resident, voiced concern with the manner in which the Police Department Crime Statistics were presented, noting that while other crime rates were down, rapes had substantially increased. Ms. Mahoney inquired as to what proactive measures were being taken to reduce that statistic.
- Augie Gonzalez, Immediate Past Chair of the Porterville Chamber of Commerce Board, invited everyone to attend the upcoming Chamber Mixer, First Friday Coffee, and the Porterville Fair; and spoke of the success of the Iris Festival, thanking everyone for their support.
- Vikki Cervantes, came forward as a Member of the Leadership Porterville Class of 2010, and thanked her employer, the City of Porterville, for endorsing her participation.
- Barry Caplan, 1) congratulated Council Member Irish on his recent appointment to the Council and spoke of the need for full transparency for future appointments; 2) congratulated Casey Ericson on his success; and 3) lauded a Visalia Leadership Program which introduces young women to government and non-profits.
- Martha Alcazar Flores, 249 S. Indiana Street, introduced Monique Yang from Porterville Unified School District as a 2010 Leadership Porterville Class Member; and voiced appreciation for citizen participation that evening.
- Monique Yang, came forward as a Leadership Porterville Class Member and thanked the District for its support.
- Khris Saleh, congratulated Council Member Irish on his appointment, and voiced concern with the manner in which the appointment was handled by the City Council. He requested that the process be improved for future appointments.

Council Member Irish spoke of his appointment to the City Council on April 20, 2010, and elaborated on the events that lead up to it.

**CONSENT CALENDAR**

Items 3, 4 and 16 were removed for further discussion.

1. **CLAIM – JOE RIOS**

   Recommendation: That the City Council, after consideration and investigation, reject said claim; refer the matter to the City’s insurance adjustor; and direct the city Clerk to give the Claimant proper notification.
2. CLAIM – JOAQUIN CEBALLOS

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

5. AUTHORIZATION TO NEGOTIATE A CONTRACT – CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE MARTIN HILL AND ROCKY HILL WATER RESERVOIR PROJECTS

Recommendation: That the City Council:
1. Authorize staff to negotiate a contract with Dee Jaspar & Associates for an anticipated fee between $340,000 and $350,000, for construction management and inspection services for the Martin Hill and Rocky Hill Water Reservoir Projects;
2. Authorize staff to negotiate a contract with the 2nd ranked firm if staff is unable to negotiate an acceptable contract with Dee Jaspar and Associates;
3. Authorize the Mayor to sign all contract documents; and
4. Authorize progress payments that concur with construction progress up until proper closeout of the work and not to exceed 100% of the contract fee.

6. REQUEST FOR AUTHORIZATION FOR REPLACEMENT OF THE STREET DIVISION LINE ERASER

Recommendation: That the City Council:
1. Negotiate the purchase of a line eraser during fiscal year 2009/2010;
2. A budget adjustment not to exceed $7,200; and
3. Payment for said equipment upon satisfactory delivery.

7. APPROVAL OF RELOCATION PLAN FOR PROPERTY LOCATED AT APN 269-120-004 – OWNER JUAN GONZALEZ – JAYE/GIBBONS STREET IMPROVEMENT PROJECT
Recommendation: That the City Council approve the relocation plan for property located at APN 269-120-004.

Documentation: M.O. 06-050410
Disposition: Approved

8. AMENDMENT NO. 2 TO AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND SUNSET WASTE PAPER, INC.

Recommendation: That the City Council authorize the Mayor to sign Amendment No. 2 to the Agreement between the City of Porterville and Sunset Waste Paper, Inc.

Documentation: M.O. 07-050410
Disposition: Approved

9. WATER CONSERVATION

Recommendation: That the City Council:
1. Declare May as Water Awareness Month; and

Documentation: M.O. 08-050410
Disposition: Approved

9a. PURCHASE OF SURFACE WATER FOR GROUNDWATER RECHARGE

Recommendation: That the City Council:
1. Authorize the Public Works Director to negotiate agreements and purchase up to $80,000 of surface water for groundwater recharge from our local irrigation districts; and
2. Make payment to the irrigation districts from the Water Operating fund upon delivery of the water.

Documentation: M.O. 09-050410
Disposition: Approved

10. SEAFOOD CAFÉ/EL REVENTON UPDATE

Recommendation: Informational.

AYES: Irish, McCracken
NOES: None
ABSTAIN: Hamilton, Martinez
ABSENT: Ward
11. FIRST QUARTER REVIEW OF 2010 CITY COUNCIL PRIORITY PROJECTS AND OBJECTIVES

Recommendation: None – Information Only

Disposition: No action required.

12. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 11-050410
Disposition: Approved

13. STREET PERFORMANCE MEASURE – 3RD QUARTER UPDATE

Recommendation: Information Only

Disposition: No action required.

14. CODE ENFORCEMENT UPDATE

Recommendation: Information Only

Disposition: No action required.

15. ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS AND COMMITTEES – 3RD QUARTER UPDATE

Recommendation: Information Only

Disposition: No action required.

17. CONSIDER RENEWAL OF MOU WITH KINGS/TULARE AREA AGENCY ON AGING TO FACILITATE A SENIOR NUTRITION PROGRAM

Recommendation: That the City Council approve the renewal of the MOU with K/TAAA and authorize and direct the Mayor to execute same.

Documentation: M.O. 12-050410
Disposition: Approved

Recommendation: That the City 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 and Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 13-050410
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve Item Nos. 1, 2, 5-15, 17 and 18 noting the abstention of Council Members Hamilton and Martinez from Item No. 10.

AYES: Hamilton, Irish, Martinez, McCracken
NOES: None
ABSTAIN: None
ABSENT: Ward

3. AUTHORIZATION TO ADVERTISE FOR BIDS – BEVERLY STREET WATER PROJECT

Recommendation: That the City Council:
1. Approve staff’s recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the Beverly Street Water Project;
3. Schedule a special Council meeting and set a Public Hearing for June 22, 2010, to accept public comment and act on the formation of the Beverly Street Water Facility District;
4. Direct the Public Works Director to schedule and hold a Community Information meeting on May 20, 2010, at or near the Beverly Street Water Project site; and
5. Direct the City Attorney to prepare legal documents to allow the Beverly Street Water Project to vote for or against the formation of the Beverly Street Water Facility District.

City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez presented the staff report. During the staff report Mr. Rodriguez requested that the Council defer impacts fees until such time that the property owners seek a building permit with a value of $18,412.00, which is comparable to the City’s sidewalk and gutter policy.

Council Member Irish requested a copy of the finalized invoice/cost for construction management, quality control and inspection.
COUNCIL ACTION:
M.O. 14-050410

MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve staff’s recommended Plans and Project Manual, as amended to defer impact fees as requested by staff; authorize staff to advertise for bids on the Beverly Street Water Project; schedule a special Council meeting and set a Public Hearing for June 22, 2010, to accept public comment and act on the formation of the Beverly Street Water Facility District; direct the Public Works Director to schedule and hold a Community Information meeting on May 20, 2010, at or near the Beverly Street Water Project site; and direct the City Attorney to prepare legal documents to allow the Beverly Street Water Project to vote for or against the formation of the Beverly Street Water Facility District.

AYES: Hamilton, Irish, Martinez, McCracken
NOES: None
ABSTAIN: None
ABSENT: Ward

Disposition: Approved, as amended.

4. AUTHORIZATION TO ADVERTISE FOR BIDS – OLIVE AVENUE WATER PROJECT

Recommendation: That the City Council:
1. Authorize the appropriation of $147,000 from the Water Reserve Fund (Developer Fee) to finance the balance of the Olive Avenue Water Project;
2. Approve staff’s recommended Plans and Project Manual; and
3. Authorize staff to advertise for bids on the Olive Avenue Water Project.

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

Council Member Irish requested that a copy of the finalized cost be provided to the Council.

COUNCIL ACTION:
M.O. 15-050410

MOVED by Council Member Irish, SECONDED by Council Member Felipe Martinez that the City Council authorize the appropriation of $147,000 from the Water Reserve Fund (Developer Fee) to finance the balance of the Olive Avenue Water Project; approve staff’s recommended Plans and Project Manual; and authorize staff to advertise for bids on the Olive Avenue Water Project.

AYES: Hamilton, Irish, Martinez, McCracken
NOES: None
ABSTAIN: None
ABSENT: Ward
16. COUNCIL MEMBERS’ LAPTOP COMPUTERS

Recommendation: That the City Council approve the replacement of five laptop computers for City Council members.

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

Council Member Martinez indicated that he did not need a computer if re-elected.

Council Member Irish requested that Mr. Khris Saleh come forward to express his concerns regarding the item.

- Khris Saleh, address on record, requested a breakdown of the costs. Council Member Irish replied that he would receive one.

City Manager Lollis requested clarification of the Council’s direction. Staff was directed not to execute the purchase order until after election.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Irish that the City Council approve the replacement of laptop computers for Council Members, and direct staff to postpone execution of the purchase order until after the election.

AYES: Hamilton, Irish, Martinez, McCracken
NOES: None
ABSTAIN: None
ABSENT: Ward

Disposition: Approved, and direction given.

The Council recessed for ten minutes.

PUBLIC HEARINGS

19. RIVERWALK MARKETPLACE PHASE II DRAFT ENVIRONMENTAL IMPACT REPORT

Recommendation: For Information only and to allow the public to make comments on the EIR to be included in the public record.

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

The public hearing was opened at 8:41 p.m.
Greg Shelton, 888 N. Williford Drive, spoke of a “Wal-Mart Clause”, urban blight and mitigation measures, which he believed entailed fines for blight caused by Wal-Mart.

John Koffee, Porterville, read a Fresno Bee article regarding a dumping case against Wal-Mart, and inquired about traffic impact to the Jaye Street Bridge.

Dale Dennis, S. Indiana Street resident, spoke in favor of the project and of the needs of handicapped individuals.

Brock Neeley, Porterville, proposed the use of solar panels and gray water recycling for landscaping to reduce carbon footprint.

Jessica Mahoney, Terra Bella, spoke against Wal-Mart’s labor practices.

Fred Beltran, spoke in favor of the project on behalf of various non-profit organizations; stated that lower prices benefit the needy; and spoke of the good works of Wal-Mart Distribution Center.

Dennis Townsend, 643 N. Westwood, spoke of economic impact to the community and referred to studies that indicated Wal-Mart Supercenters benefit and enhance local revenues and business development.

Kay McGuire, Porterville Chamber of Commerce, voiced support for the project, job creation and the draw of both shoppers and new retailers.

Jessie Carrillo, 1241 Ohio Place, expressed concern with the current Wal-Mart building becoming vacant.

Barry Caplan, voiced concern with the impact to the river adjacent to the proposed Wal-Mart location, and suggested establishing a water quality baseline.

Rodney Martin, 146 S. Villa, voiced concern with traffic and urged the Council to mitigate the impact and move forward.

Greg Woodard, 1055 W. Morton, spoke of the need for more retail in Porterville and disputed negative impacts.

The public hearing was closed at 9:13 p.m.

Community Development Director Brad Dunlap disclosed that City staff had been and would continue to work on providing information to a legal firm as part of the Public Records Act process.

Disposition: No action required.
20. SANITARY SEWER MANAGEMENT PLAN

Recommendation: That the City Council approve the proposed resolution which adopts the City of Porterville’s SSMP.

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

The public hearing opened at 9:16 p.m.

- Jessica Mahoney, Terra Bella, inquired whether the Sanitary Sewer Management Plan would alleviate odors.

The public hearing closed at 9:17 p.m.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Irish that the City Council approve the draft resolution adopting the City of Porterville’s SSMP.

AYES: Hamilton, Irish, Martinez, McCracken
NOES: None
ABSTAIN: None
ABSENT: Ward

Disposition: Approved

21. ADOPTION OF CITY OF PORTERVILLE 2009-2010 HOUSING ELEMENT AND NEGATIVE DECLARATION

Recommendation: That the City Council open the public hearing and continue it to May 18, 2010, to allow the Department of Housing and Community Development additional time to complete it’s review of the Draft City of Porterville 2009-2014 Housing Element.

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

The public hearing was opened at 9:18 p.m. Seeing no one, the Mayor continued the public hearing to May 18, 2010.

Disposition: Item continued.

22. ADOPTION OF THE 2010 FIVE YEAR CONSOLIDATED PLAN AND 2010-2011 ACTION PLAN FOR INVESTMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDS.
Recommendation: That the City Council:
1. Conduct a public hearing on the proposed 2010 Five Year Consolidated Plan and 2010/11 Action Plan;
2. Adopt the draft resolution approving the 2010 Five Year Consolidated Plan and 2010/11 Action Plan; and
3. Authorize the City Manager to execute all necessary documents.

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

The public hearing was opened at 9:23 p.m.

- Jessica Mahoney, Terra Bella, suggested that problems are not being addressed; and inquired about housing for the homeless.
- Renee Curtly, Porterville, inquired about the amount of money allocated to Lime Street Park.

The public hearing was closed at 9:25 p.m.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Irish that the City Council adopt the draft resolution approving the 2010 Five Year Consolidated Plan and 2010/2011 Action Plan; and authorize the City Manager to execute all necessary documents.

AYES: Irish, Martinez, McCracken
NOES: Hamilton
ABSTAIN: None
ABSENT: Ward

Disposition: Approved

SECOND READINGs
23. ORDINANCE 1762, AUTHORIZING AMENDMENT TO PERS CONTRACT

Recommendation: That the City Council give Second Reading to Ordinance No. 1762, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Hamilton that the City Council give Second Reading to Ordinance No. 1762, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF PORTERVILLE AND THE BOARD OF
ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM, waive further reading, and adopt said Ordinance.

AYES: Hamilton, Martinez, McCracken  
NOES: None  
ABSTAIN: Irish  
ABSENT: Ward

The City Manager read the Ordinance by title only.

Disposition: Approved

24. ORDINANCE 1763, REPEALING ORDINANCE 1761 PERTAINING TO FIREWORKS

Recommendation: That the City Council give Second Reading to Ordinance No. 1763, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Hamilton that the City Council give Second Reading to Ordinance No. 1763, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING ORDINANCE 1761, AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE, waive further reading, and adopt said Ordinance.

AYES: Hamilton, Martinez, McCracken  
NOES: None  
ABSTAIN: Irish  
ABSENT: Ward

The City Manager read the Ordinance by title only.

Disposition: Approved

25. ORDINANCE 1764, PORTERVILLE DEVELOPMENT CODE

Recommendation: That the City Council give Second Reading to Ordinance No. 1764, waive further reading, and adopt said Ordinance.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.
COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Hamilton that the City Council give Second Reading to Ordinance No. 1764, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING A COMPREHENSIVE DEVELOPMENT CODE INCORPORATING ZONING, SUBDIVISIONS, DOWNTOWN DESIGN, ZONING MAP AND RELATED ORDINANCES, waive further reading, and adopt said Ordinance.

AYES: Hamilton, Martinez, McCracken
NOES: None
ABSTAIN: Irish
ABSENT: Ward

The City Manager read the Ordinance by title only.

Disposition: Approved

The Council recessed for ten minutes.

Vice Mayor Ward arrived at 9:40 p.m.

SCHEDULED MATTERS

26. CONSIDERATION OF FORMALIZING A YOUTH COMMISSION

Recommendation: That the City Council consider the alternative roles as well as the formal establishment options for a Youth Commission, and direct staff on how to proceed.

City Manager Lollis introduced the item. Leisure Services Superintendent Donnie Moore presented the staff report, which contained the following three options for the Council’s consideration:

Option 1 – Direct preparation of a charter amendment to add the Youth Commission, its function, and membership.

Option 2 – Direct staff to draft an ordinance relating to the creation of a Youth Commission, its function, and membership.

Option 3 – Give administrative direction to the City Manager to proceed with how the current Youth Commission is implemented.

Council Member Hamilton suggested that the Council go the route of a charter amendment, and noted that it had been requested that the Council consider changing the appointment process.
The Council clarified that the Youth Commission would continue to operate as it had been in the meantime.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Hamilton that the City Council give administrative direction to the City Manager to proceed with how the current Youth Commission is implemented and direct staff to pursue a possible Charter amendment during the next regular election. The motion carried unanimously.

Disposition: Option 3 approved.

27. CONSIDERATION OF ESTABLISHING AN ARTS COMMISSION AS AN ADVISORY BODY TO THE CITY COUNCIL

Recommendation: That the City Council consider authorizing the establishment of an Arts Commission as Advisory Body to the City Council.

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

Vice Mayor Ward spoke about the draft guidelines and the efforts that had been made thus far to facilitate the establishment of the commission.

Council Member Irish requested additional time to review the material. The Council then directed that the item be continued to the meeting of June 1, 2010.

Disposition: Item continued.

28. FISCAL YEAR 2009-2010 BUDGET REVIEW

Recommendation: That the City Council:
1. Accept the Interim Revenue and Expenditure Budget Status Reports; and
2. Reschedule the presentation of the 2010-2011 Preliminary Budget Report to June 1, 2010.

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

The item was continued to the meeting of June 1, 2010.

Disposition: Item continued.

29. LIBRARY AND COMMUNITY ROOM SPACE CONSIDERATION

Recommendation: That the City Council provide direction on which alternative should be considered in the 2010-2011 Capital Budget Plan.
City Manager Lollis introduced the item, and City Librarian Vikki Cervantes presented the staff report.

A discussion ensued with regard to funding for the proposed alternatives and the methods used for determining the allocation of space.

Council Member Irish inquired about equipment replacement costs, and indicated that he had many questions pertaining to financing and the need for expansion.

Mayor McCracken asked if there were any objections to continuing the item to July. The City Manager noted that postponement of the item would exclude it from consideration in the budgetary development process.

A brief discussion took place about measures that would need to be taken and additional costs incurred in the event another option was needed in the future.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Mayor McCracken that the City Council approve Option 1, and direct staff to bring back funding options for consideration at the meeting of June 1, 2010.

AYES: Martinez, Ward, McCracken
NOES: Hamilton, Irish
ABSTAIN: None
ABSENT: None

Disposition: Approved Option 1.

30. REQUEST FOR COUNCIL DIRECTION REGARDING ANNEXATION NO. 473, AND TENTATIVE SUBDIVISION MAP 1-2010 (COTTAGE ESTATES)

Recommendation: That the City Council provide direction to staff based on the options presented.

City Manager Lollis introduced the item, and Community Development Director Brad Dunlap presented the staff report. Staff provided three options for the Council’s consideration:

1. Proceed as previously directed, and provide clarification on the additional costs and responsibility for such.
2. Separate the two project areas and proceed simultaneously, with staff coming back with the additional area for annexation. It should be noted, that if this option is chosen, the fees will be approximately the same as the stated increase above plus the LAFCo annexation fees of $1,791 and $58 for the Tulare County Clerk Recording fees for a total of just over $7000.
3. Proceed with the originally proposed annexation and forego annexing the added territory.
During staff’s presentation, Council Member Irish noted that he owned a property which appeared to be within 500 feet from the proposed annexation. Attorney Lew confirmed the conflict of interest and Council Member Irish recused himself and left the Chambers.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council annex the entire area as previously directed by the Council.

- **AYES:** Hamilton, Martinez, McCracken
- **NOES:** Ward
- **ABSTAIN:** Irish
- **ABSENT:** None

Disposition: Approved

### 31. VISALIA’S HAZ-MAT RESPONSE TEAM

**Recommendation:** That the City Council:
1. Receive the informational status report; and
2. Consider the draft resolution.

The City Manager introduced the item, and Fire Chief Mario Garcia presented the staff report.

**COUNCIL ACTION:** MOVED by Vice Mayor Ward, SECONDED by Council Member Martinez that the City Council approve the draft resolution. The motion carried unanimously.

Disposition: Approved

### 32. APPROVAL FOR COMMUNITY CIVIC EVENT – 2010 AMGEN TOUR OF CALIFORNIA PRE-RACE ACTIVITIES – MAY 19-20, 2010

**Recommendation:** That the City Council:
1. Approve the AMGEN Tour of California Pre-Race Activities, subject to the stated restrictions and requirements; and
2. Provide direction with regard to the requested sponsorship.

City Manager Lollis introduced the item, and Administrative Services Manager Patrice Hildreth presented the staff report.

- Mike Camarena, Technical Director of State 5 introduced himself and stated that he was available for questions.
Vice Mayor Ward indicated that he did not want to financially support Visalia’s event. In response, City Manager Lollis stated that Tulare County’s share was approximately $100,000.00, and noted that Visalia had contributed $10,000.00. As a pass through City, it was being requested that the City of Porterville contribute $3,000.00 to $5,000.00.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council approve the AMGEN Tour of California Pre-Race Activities, subject to the stated restrictions and requirements; and authorize a $5,000 sponsorship. The motion carried unanimously.

Disposition: Approved

33. COUNCIL MEMBER APPOINTMENTS TO BOARDS AND COMMITTEES

Recommendation: That the City Council consider the appointment of Council members, and make and change appointments at the discretion of the Council.

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

After a discussion regarding vacancies and future meetings, the Council directed that appointments be considered at the meeting following the seating of the new Council.

Disposition: Continued to after the seating of the new Council.

34. CONSIDERATION OF APPOINTMENT TO MEASURE R CITIZENS’ OVERSIGHT COMMITTEE

Recommendation: That the City Council:
1. Consider the appointment of an individual to serve on the Measure R Citizens’ Oversight Committee; or
2. Provide direction to staff in facilitating an application process for individuals to be considered for appointment.

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

The Council directed that the item be continued to the meeting following the seating of the new Council, and that the vacancy be advertised to the public to solicit interested parties.

Disposition: Continued to after the seating of the new Council.

ORAL COMMUNICATIONS

- Brock Neeley, invited everyone to a Suicide Prevention Conference to be held in Visalia on May 21, 2010.
- Greg Shelton, congratulated Council Member Ward on his birthday.
OTHER MATTERS

• Council Member Felipe Martinez spoke of his attendance at the Iris Festival and lauded the event.

• Council Member Irish 1) complimented staff on the City’s website, and noted in particular the Police Chief history provided on the Police Department’s site. He suggested that the same history ought to be provided for Fire Chiefs and City Managers; and 2) commented that receiving the agendas five days prior to the Council Meeting did not provide enough time for sufficient review, and requested that the agendas be made available in some fashion to the Council at least one week prior to the meeting date.

• Council Member Ward spoke favorably of the Summit Academy luau event he recently attended; and made mention of the size of the storm drains near his residence and inquired as to the standard.

ADJOURNMENT

The Council adjourned at 10:51 p.m. to the meeting of May 18, 2010 at 6:00 p.m.

Luisa Herrera, Deputy City Clerk

SEAL

Pete V. McCracken, Mayor
COUNCIL AGENDA: AUGUST 17, 2010

SUBJECT: AWARD OF CONTRACT – RECLAMATION AREA MONITOR WELL

SOURCE: Public Works Department - Engineering Division

COMMENT: On August 10, 2010, staff received two (2) bids for the construction of one (1) monitor well at the reclamation area site. This project consists of the construction of a 130’ deep, 12” diameter well with 5” casing. The monitor well will be installed up gradient of the City’s effluent discharge pond. The well will determine if the City’s pond cycling operation to remove nitrogen from its effluent is sufficient to prevent degradation of the existing groundwater.

The City prepared the preliminary plans and specifications and estimated the cost of construction at $19,800. Staff received Council authorization to have Dr. Ken Schmidt review the plans and specifications for completeness. Based on Dr. Schmidt’s review, additional bid requirements were added and some existing bid items were modified. Staff’s estimate of construction was revised to $26,905 based on Dr. Schmidt’s changes.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Consolidated Testing Laboratory Porterville, CA</td>
<td>$23,743.20</td>
</tr>
<tr>
<td>2. Arthur &amp; Orum Well Drilling</td>
<td>$29,238.00</td>
</tr>
</tbody>
</table>

The low bid is approximately 11.8% below the engineer’s estimate. Staff has found the low bid acceptable. An additional $2,375 is required for the construction contingency and $2,375 is needed for construction management. Wastewater Treatment Plant Capital Reserve Fund is the funding source for this project.

RECOMMENDATION: That the City Council:

1. Award the Reclamation Area Monitor Well Project to Consolidated Testing Laboratories in the amount of $23,743.20;

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

Dir [Signature] Appropriated/Funded [Signature] CM [Signature] Item No. 2
3. Authorize a 10% contingency ($2,375) to cover unforeseen construction costs; and

4. Authorize an additional 10% ($2,375) increase to the project to cover construction management costs.

ATTACHMENT: Locator Map
SUBJECT: ACCEPTANCE OF PROJECT – PORTERVILLE FAIRGROUNDS OFF-SITE IMPROVEMENT PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Mitch Brown Construction has completed the Porterville Fairgrounds Off-Site Improvement Project per plans and specifications. The project included constructing off-site improvements consistent with the ultimate width of Tea Pot Dome Avenue and the layout of the future fairgrounds as proposed by the Porterville Fair Board. The project also included extending a sewer main from the manhole east of West Street Industrial Park to the fire lane on the east property line of the 15-acre fairgrounds site. An add-alternate element covering the frontage of the remainder ±11 acre lease site was also completed.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On January 19, 2010 City Council authorized expenditure of $229,322.51 for construction, construction management and quality control services for the Porterville Fairgrounds Off-Site Improvement Project. The following itemizes the construction-related cost in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $217,660.37.

2) Construction management and quality control costs are $9,780.00, which is 4.9% of the awarded construction contract. This amount is less than the 5% construction management amount requested at the time of award.

Total project construction costs equate to $227,440.37, which is less than the $229,322.51 overall budget approved by Council at the time of award.

Measure R Local Funds for the street frontage improvements and Sewer Revolving Funds for the sewer main extension are the funding sources for this project, as approved by City Council at the December 15, 2009 meeting.

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

[Signature]
Appropriated/Funded ___________ CM

Item No. 3
RECOMMENDATION: That City Council:

1. Accept the project as complete;

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

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

ATTACHMENT: Locator Map
SUBJECT: ACCEPTANCE OF PROJECT – OLIVE AVENUE REHABILITATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Dawson-Mauldin Construction has completed the Olive Avenue Rehabilitation Project per plans and specifications. The project consisted of the rehabilitation of Olive Avenue between Main Street and ‘H’ Street including cold in place recycling 3" of existing asphalt concrete, application of a thin asphalt overlay, striping, markings and related work.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On April 6, 2010 City Council authorized expenditure of $349,075.00 for construction, construction management and quality control services for the Olive Avenue Rehabilitation Project. The following itemizes the construction-related cost in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $317,003.81.

2) Construction management and quality control costs are $21,805.13 which is 7.3% of the awarded construction contract. This amount is lower than the 7.5% construction management amount requested at the time of award.

Total project construction costs equate to $338,808.94, which is less than the $349,075.00 overall budget approved by Council at the time of award.

State Transportation Program (STP) will initially finance $319,000 of the costs associated with this project as approved by City Council during the February 16, 2010 meeting. During the same meeting, City Council also authorized the appropriation of additional STP funds to finance the project should there be a shortfall. There will be a need to appropriate additional funds from the Overlay Program, which is solely funded by LTF. The appropriation amount is $19,828. American Recovery & Reinvestment Act 1 (ARRA 1) funds in the amount of $318,981 will reimburse the STP funds.

Dawson-Mauldin Construction requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.
RECOMMENDATION: That City Council:

1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

ATTACHMENT: Locator Map

P:\public\Engineering\Council Items\Acceptance of Project - Olive Avenue Rehabilitation Project - 2010-08-17.doc
SUBJECT: I.T. SERVER ROOM (BLOCKHOUSE) AIR CONDITIONING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The existing cooling system at the I.T. server room, known as the "blockhouse", is undersized and inadequate due to the addition of more computer equipment since the cooling system was installed. This building provides the atmospheric protection for the City’s computer network servers. Gray’s Air Conditioning, Inc., completed an analysis and determined the unit is inadequate to cool the room during the summer months. In addition to the old cooling system, the roof over the blockhouse leaks when it rains. The upcoming City Hall Foam Roof Project includes the blockhouse as an 'add alternate.' Staff would like to expedite the upgrade of the cooling system in the following manner.

Initiate a contract with Gray’s Air Conditioning to install a three-ton cooling only mini-split air conditioner. Installation will include the placement of a unit support curb, electrical, refrigerant lines and condensation drain system. The AC unit will be mounted on a metal curb and designed to be foamed in at a later date with the upcoming foam roofing project.

The program, as proposed by staff, requires that the City purchase the three-ton mini-split air conditioner and installed by Gray’s Air Conditioning. Staff feels it is important to expedite the upgrade of the cooling system and repair of the roof in order to protect the City’s network servers. The cost to purchase the cooling equipment is $4,261.63, and the cost for installation is $3,587.00 for a total project budget of $7,848.63.

Funding is General Fund Carry-Over in the proposed 2010/2011 Annual Budget for Technology Enhancement. Staff is requesting expenditure before the adoption of the 2010/2011 Annual Budget to ensure that the project is completed before the rainy season begins.

RECOMMENDATION: That the City Council:

1. Approve the purchase of the cooling equipment in the amount of $4,261.63; and

2. Authorize staff to issue a Purchase Order to Gray’s Air Conditioning in the amount of $3,587 for installation.
CITY COUNCIL AGENDA: AUGUST 17, 2010

CONSENT CALENDAR

SUBJECT: STATE DEPARTMENT OF FINANCE - POPULATION AND HOUSING ESTIMATES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The Planning Division has received a summary report of Porterville’s estimated population and housing data prepared by the State Department of Finance (DOF.) The DOF prepares these estimates based upon information supplied by the City during the previous year, such as new housing units, demolitions, conversions, annexations and other factors, and comparing figures from the 2000 benchmark or a prior year’s estimate. When the 2010 census figures are released a new benchmark will be established to assure that new estimates are as accurate as possible. Annually, the Planning Division reviews these estimates and forwards them to the City Council for review and adoption. After council adoption, the City submits a request for certification to the State Controller.

After certification by the State, the January 1, 2010, population estimate of 52,960 for the City of Porterville becomes the basis used to distribute certain State subvention revenues to the City. The 2009 estimate was 52,056. This is an increase of approximately 1.7% or 904 persons.

RECOMMENDATION: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville, January 1, 2010, population of 52,960.

ATTACHMENTS:

1. Department of Finance Tables dated 2009 and 2010 showing population change
2. Draft Letter
<table>
<thead>
<tr>
<th>COUNTY/CITY</th>
<th>HOUSEHOLD TOTAL</th>
<th>GROUP QUARTERS TOTAL</th>
<th>DETACHED ATTACHED</th>
<th>HOUSING UNITS</th>
<th>PERSONS PER HOUSEHOLD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tulare County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dinuba</td>
<td>21,237</td>
<td>21,123</td>
<td>114</td>
<td>5,770</td>
<td>4,314</td>
</tr>
<tr>
<td>Exeter</td>
<td>10,665</td>
<td>10,573</td>
<td>92</td>
<td>3,611</td>
<td>2,919</td>
</tr>
<tr>
<td>Farmersville</td>
<td>10,771</td>
<td>10,752</td>
<td>19</td>
<td>2,738</td>
<td>2,183</td>
</tr>
<tr>
<td>Lindsay</td>
<td>11,684</td>
<td>11,535</td>
<td>149</td>
<td>3,187</td>
<td>2,074</td>
</tr>
<tr>
<td>Porterville</td>
<td>52,056</td>
<td>50,610</td>
<td>1,446</td>
<td>16,371</td>
<td>11,890</td>
</tr>
<tr>
<td>Tulare</td>
<td>58,506</td>
<td>58,059</td>
<td>447</td>
<td>18,595</td>
<td>14,303</td>
</tr>
<tr>
<td>Visalia</td>
<td>123,670</td>
<td>122,048</td>
<td>1,622</td>
<td>43,432</td>
<td>32,783</td>
</tr>
<tr>
<td>Woodlake</td>
<td>7,769</td>
<td>7,760</td>
<td>9</td>
<td>2,143</td>
<td>1,380</td>
</tr>
<tr>
<td>Balance Of County</td>
<td>145,123</td>
<td>143,182</td>
<td>1,941</td>
<td>45,662</td>
<td>33,781</td>
</tr>
<tr>
<td>Incorporated</td>
<td>296,358</td>
<td>292,460</td>
<td>3,898</td>
<td>95,847</td>
<td>71,846</td>
</tr>
<tr>
<td>County Total</td>
<td>441,481</td>
<td>435,642</td>
<td>5,839</td>
<td>141,509</td>
<td>105,627</td>
</tr>
</tbody>
</table>
Table 2: E-5 City/County Population and Housing Estimates, 1/1/2010

<table>
<thead>
<tr>
<th>COUNTY/CITY</th>
<th>HOUSEHOLD TOTAL</th>
<th>GROUP QUARTERS TOTAL</th>
<th>DETACHED</th>
<th>ATTACHED</th>
<th>2 TO 4</th>
<th>5 PLUS</th>
<th>MOBILE HOMES</th>
<th>OCCUPIED</th>
<th>PCT VACANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tulare County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dinuba</td>
<td>21,542</td>
<td>21,428</td>
<td>114</td>
<td>5,809</td>
<td>4,355</td>
<td>282</td>
<td>270</td>
<td>644</td>
<td>258</td>
</tr>
<tr>
<td>Exeter</td>
<td>10,752</td>
<td>10,660</td>
<td>92</td>
<td>3,614</td>
<td>2,922</td>
<td>107</td>
<td>205</td>
<td>192</td>
<td>188</td>
</tr>
<tr>
<td>Farmersville</td>
<td>10,971</td>
<td>10,952</td>
<td>19</td>
<td>2,768</td>
<td>2,193</td>
<td>92</td>
<td>157</td>
<td>221</td>
<td>105</td>
</tr>
<tr>
<td>Lindsay</td>
<td>11,800</td>
<td>11,651</td>
<td>149</td>
<td>3,195</td>
<td>2,090</td>
<td>204</td>
<td>235</td>
<td>481</td>
<td>185</td>
</tr>
<tr>
<td>Porterville</td>
<td>52,960</td>
<td>51,547</td>
<td>1,413</td>
<td>16,549</td>
<td>12,063</td>
<td>483</td>
<td>1,749</td>
<td>1,537</td>
<td>717</td>
</tr>
<tr>
<td>Tulare</td>
<td>59,535</td>
<td>59,088</td>
<td>447</td>
<td>18,782</td>
<td>14,490</td>
<td>511</td>
<td>1,753</td>
<td>1,252</td>
<td>776</td>
</tr>
<tr>
<td>Visalia</td>
<td>125,971</td>
<td>124,349</td>
<td>1,622</td>
<td>43,919</td>
<td>33,184</td>
<td>1,572</td>
<td>4,270</td>
<td>3,423</td>
<td>1,470</td>
</tr>
<tr>
<td>Woodlake</td>
<td>7,927</td>
<td>7,918</td>
<td>9</td>
<td>2,170</td>
<td>1,407</td>
<td>126</td>
<td>154</td>
<td>423</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balance Of County</td>
<td>146,356</td>
<td>144,441</td>
<td>1,915</td>
<td>45,718</td>
<td>33,770</td>
<td>1,540</td>
<td>1,527</td>
<td>828</td>
<td>8,053</td>
</tr>
<tr>
<td>Incorporated</td>
<td>301,458</td>
<td>297,593</td>
<td>3,865</td>
<td>96,806</td>
<td>72,704</td>
<td>3,377</td>
<td>8,793</td>
<td>8,173</td>
<td>3,759</td>
</tr>
<tr>
<td>County Total</td>
<td>447,814</td>
<td>442,034</td>
<td>5,780</td>
<td>142,524</td>
<td>106,474</td>
<td>4,917</td>
<td>10,320</td>
<td>9,001</td>
<td>11,812</td>
</tr>
</tbody>
</table>
August 18, 2010

Department of Finance
Demographic Research Unit
915 “L” Street, 8th Floor
Sacramento, Ca 95814

To Whom It May Concern:

On July 28, 2010, the City of Porterville received from the State Department of Finance, Porterville’s estimated population and housing data for 2010.

On August 17, 2010, the Porterville City Council adopted Porterville’s new estimated population of 52,960 and authorized transmittal of this correspondence requesting the State Controller to certify Porterville’s January 1, 2010, population as 52,960 by Minute Order No. ________________________

Sincerely,

Ronald L. Irish, Mayor
SUBJECT: REQUEST FOR PROMOTIONAL DISPLAY ON PUBLIC RIGHT-OF-WAY (RELAY FOR LIFE 2010)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In August of 2008 and 2009, the City Council authorized the local American Cancer Society’s Relay for Life event for “Paint the Town Purple.” The applicants are now making the request again, to bring public awareness to the Relay for Life yearly event held each fall at Granite Hills High School. This year’s theme of “Paint the Town Purple” is an opportunity for all those involved to conduct public outreach and public awareness of people that have won, lost and are fighting the battle with cancer.

The applicants will conduct a procession along Henderson Avenue, Main Street, and Olive Avenue on September 4, 2010. The procession will be held from 9 a.m. to 12 p.m. and be confined to the sidewalk areas along the said streets. Along the route, ribbons and balloons are proposed to be tied around public trees, lights, signs and within public planter areas (Attachment 2).

Section 305.10 (a) of the Development Ordinance allows temporary signs for special events. Since these temporary signs will be posted in the public right of way, City Council approval is required. The Council is authorized to include conditions of approval if so desired.

Staff has prepared the following recommended conditions of approval for the promotional event “Paint the Town” by the American Cancer Society Relay for Life:

1. The participants shall comply with all applicable Municipal Code and City Ordinances pertaining to pedestrians and traffic.
2. The procession shall be restricted to sidewalk areas along Henderson Avenue, Main Street and Olive Avenue.
3. The applicants shall be responsible for removal and cleanup of any and all ribbons, balloons, promotional signs and material within 30 days of pasting, posting, noticing, promoting and/or commemorating the September 4, 2010 event.
4. The applicants shall receive permission from any other utility or public service providers prior to pasting, posting, or attaching any materials on corresponding utility poles or service cabinets.
5. The hours of assembly and procession shall be limited to a one day event from 9 a.m. to 12 p.m. on September 4, 2010.
RECOMMENDATION: That the City Council authorize the non-advertising displays commemorating the “Paint the Town” special event subject to the recommended conditions of approval.

ATTACHMENTS:

1. Letter of Request to City Council
2. Photo example of promotional material
August 4, 2010

Porterville City Council
291 N Main Street
Porterville ca 93257

Dear Porterville City Council,

We are having the American Cancer Society’s Relay for Life Paint the Town Purple on September 4th, 2010. I have presented the items to Jose Ortiz, which we would like the people and other businesses to put up in support of the people that have won, lost and are fighting the battle with cancer. The group event is to put up as much purple in the support of the Battle against cancer and display our support for 1 month. On October 3rd, 2010 the businesses owners/personal and other volunteers will be removing the items from town where they were proudly displayed for the month.

We appreciate all that anyone is able to do for the Fight against Cancer.

Thank you very much,

\[Signature\]

Cynthia Galvan
Friends and Family Forever Relay for Life Team Captain
mommym on the go_93258@yahoo.com
559-756-1186
COUNCIL AGENDA: August 17, 2010

SUBJECT: REQUEST FOR AUTHORIZATION FOR EMERGENCY TRANSIT BUS REPAIR

SOURCE: ADMINISTRATION – TRANSIT

COMMENT: Vehicle No. 8159, a 2003 MST Freightliner Transit Bus with a diesel particulate filter, had damage to the engine block which is non-repairable. After researching the options, the best route is to replace the engine with a Cummins certified remanufactured engine.

By having the repair completed by a Cummins certified dealer, the engine and labor will be warranted.

The nearest Cummins dealer is E. M. Tharp, and the repair will be approximately $19,350.86. Funds are available in the Transit Fixed Route Maintenance Budget.

RECOMMENDATION: That Council authorize the replacement of the engine with a Cummins certified remanufactured engine purchased and installed by E. M. Tharp.

DD [Signature] Appropriated/Funded [Signature] CM [Signature]

Item No. 8
SUBJECT: ASSIGN AIRPORT LEASE -- LOT 46D

SOURCE: Finance Department/Purchasing Division

COMMENT: Mr. William L. Vandersande, the current leaseholder of Lot 46D, has sold his hangar to Mr. Kevin Taggard of Porterville, CA. The new owner is requesting Council authorization to assume the existing lease between the City of Porterville and Mr. Vandersande dated September 1, 1998. The lease will expire August 31, 2013. A five-year option was exercised by Mr. Vandersande in 2008. No further options remain.

RECOMMENDATION: That the City Council approve the assigning of the Lease Agreement for Municipal Airport Lot 46D between the City of Porterville and Mr. William L. Vandersande to Mr. Kevin Taggard.

Attachments: Current Airport Map showing Lot 46D Assignment of Lease Lessor's Consent to Assignment of Lease Letters of Request from the parties
ASSIGNMENT OF LEASE
PORTERVILLE MUNICIPAL AIRPORT

THIS AGREEMENT, made this 1st day of August, 2010, by and between Mr. William L. Vandersande of Camarillo, CA, owner of a hangar on Lot 46D at the Porterville Municipal Airport, as the Assignor; and Mr. Kevin Taggard, 641 S. Plano St., Porterville, CA, 93257, 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 August 1, 2010, Assignor hereby assigns, transfers and conveys to Assignee all of his right, title and interest as Lessee, in, to and under a certain Lease Agreement dated September 1, 1998, (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and William L. Vandersande, 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. 46D, and containing a total area of approximately 3,780 square feet, and establishing an original Lease terminating August 31, 2013.

2. Effective August 1, 2010, 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 is not in 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.

6. The parties understand there is a $150 assignment fee, and the Assignee must provide proof of liability insurance within thirty (30) days of Council approval.

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

ASSIGNOR

BY: William L. Vandersande

ASSIGNEE

BY: Kevin Taggard
LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT
AIRPORT HANGAR LOT NO. 46D

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease for Airport Hangar Lot No. 46D, described in the foregoing Assignment, hereby consents to the foregoing Assignment of Lease upon the expressed condition, however, that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 17th day of August, 2010.

CITY OF PORTERVILLE

BY: ________________________
    Ronald L. Irish
    MAYOR, CITY OF PORTERVILLE
    "LESSOR"

ATTEST: ________________________
        John D. Lollis, CITY CLERK

APPROVED AS TO FORM:

BY: ________________________
    Julia Lew, City Attorney
August 4, 2010

City of Porterville
291 N. Main Street
Porterville, CA 93257
Attn:  Airport Operations Mgr.

Re:  Assignment of Lease, Lot 46D

Gentlemen:

This letter is to advise I have sold my hangar on Lot 46D at the Porterville Municipal Airport to Kevin Taggard, 641 S. Plano, Porterville, CA 93257. I would like to request permission of the Porterville City Council to the assignment of my lease expiring August 31, 2013, to Mr. Taggard, subject to the existing terms and conditions.

Very truly yours,

[Signature]
William L. Vandersande
August 4, 2010

City of Porterville
291 N. Main Street
Porterville, CA 93257
Attn: Airport Operations Mgr.

Re: Assignment of Lease, Lot 46D

Gentlemen:

This letter is to advise I have purchased the hangar on Lot 46D at the Porterville Municipal Airport from Mr. William L. Vandersande. I would like to request permission of the Porterville City Council to assume his lease expiring August 31, 2013, subject to the existing terms and conditions.

Very truly yours,

Kevin Taggart
SUBJECT: AMENDMENT TO INSURANCE REQUIREMENT FOR PUTNAM COMMUNITY CENTER LICENSE AGREEMENT

SOURCE: ADMINISTRATIVE SERVICES DEPT./RISK MANAGEMENT

COMMENT: During a recent meeting with representatives from Comision Honorifica Mexicana Americana, Inc., staff was asked to review the insurance requirement set forth in the License Agreement for the Putnam Community Center to determine if a reduction from $2 million in general liability to $1 million was warranted.

As a member of the Central San Joaquin Valley Risk Management Authority, the City of Porterville has guidelines for determining the level of required insurance coverage in City contracts and for special events. Generally speaking, the level of insurance should be commensurate with the level of risk associated with the subject activity. In this case, pursuant to the License Agreement, the Comision utilizes the Community Center for “multi-cultural, community benefit, education events, exhibits, workshops, classes…and for business and operational activities of the Comision as well as other social service and community non-profit organizations.” Based on the risk management guidelines, it is staff’s determination that these activities do not pose a significant risk, and therefore warrant a reduction from $2 million to $1 million in commercial general liability coverage.

Comparatively, $1 million in liability coverage is also consistent with agreements currently in effect with other organizations utilizing City-owned facilities for low-risk activities.

RECOMMENDATION: That the Council approve the proposed Amendment No. 1 to the Property License Agreement Between the City of Porterville and Comision Honorifica Mexicana Americana, Inc. and Agreement concerning Rights and Obligations of the Parties, to reduce the required level of commercial general liability insurance from $2 million to $1 million per occurrence.

ATTACHMENTS: License Agreement dated March 7, 2007
Draft Amendment No. 1

Item No. 10
PROPERTY LICENSE AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND
COMISION HONORIFICA MEXICANA AMERICANA INC.
AND
AGREEMENT CONCERNING RIGHTS AND OBLIGATIONS
OF THE PARTIES

Parties
1. This License agreement is entered into by and between the City of Porterville
("City"), and Comision Honorifica Mexicana Americana, Inc. ("CHMA") of said property.

Description of Property
2. Licensor is rightful possessor of certain real property situated at 466 East Putnam
Avenue in the city of Porterville, and more particularly described as the Porterville Community
Center ("Center").

Grant of License
3. In consideration for and in accordance with the terms and conditions of this
agreement, the City grants to CHMA a License ("the License") for exclusive use of the Center at
all times, unless otherwise permitted by CHMA or set forth via this Agreement. CHMA intends
to operate the Center Monday through Friday during normal business hours and on weekend
days. The parties agree that CHMA will utilize the Center for multi-cultural, community benefit,
and educational events, exhibits, workshops and classes. The parties further agree that CHMA
will utilize the Center for business and operational activities of CHMA as well as other social
service and community non-profit organizations.

Rights and Obligations
4. The following rights and obligations accompany the License and the use of the
property:

a. Except as otherwise provided herein, CHMA shall have full and exclusive
management authority over the Center, and shall assume full responsibility for and
provide all facility management oversight, all building and grounds maintenance and
repairs as necessary to make the building fully operational. The property, including all facilities located upon the property, shall be maintained in a neat and cleanly appearance, with mature trees preserved and all landscaping sustained in a healthy and vigorous growing condition.

b. CHMA shall assume full responsibility for all utilities service for the Center.

c. CHMA shall assume full responsibility for the Center and facilities, including the structural integrity of the Center building. In doing so, CHMA acknowledges and accepts the present condition (except as otherwise provided in item h below) of the facility, including deficiencies in the kitchen floor structure, as well as code limitations and restrictions on use of the kitchen for cooking purposes.

d. CHMA shall provide insurance certificates to the City naming the City as an additional insured.

i. Comprehensive general liability insurance, including contractual liability, and personal injury liability and property damage with at least two million dollars ($2,000,000) liability limit per occurrence, and having a deductible of not more than $5,000. CHMA shall require any renters or other users for which regular programs and exclusive-use space is provided within the Center, to provide evidence satisfactory to CHMA of general liability insurance, in amounts and terms not less restrictive than above, and naming City and CHMA as additional insured.

ii. Commercial property insurance providing basic coverage for fire, lightning, explosion, smoke, windstorm, vandalism, etc., in the name of City, and in a sum equal to the full replacement cost of the building.

e. CHMA shall have control and assume all responsibility for the scheduling of the building. City programs and uses, when requested, will be accommodated on a scheduled basis, and not in conflict with prior scheduled programs and uses.

f. CHMA shall provide a one-time payment of $100.00 to the City to be used in consideration for this License. Payments shall be due and payable within thirty-days after execution of this License.

g. CHMA shall be allowed to modify the Center building and facilities, with written consent from the City, which shall not be unreasonably withheld.
h. City shall, within ninety-days after execution of this License, provide a replacement HVAC unit for the ‘chapel’ portion of the building, refinsh the floor surface in the ‘auditorium’ room, and replace carpeting within the west wing hallway and north ‘classroom’.

i. CHMA shall engage Kings/Tulare Area Agency on Aging ("K/T AAA") in good faith negotiations and enter into an agreement between CHMA and K/T AAA, with an effective date of no later than April 2, 2007, for the accommodation and use of the Center for a Senior Nutrition Program to be operated up to five-days per week.

In exercising these rights and obligations, CHMA must use reasonable care and may not unreasonably increase the burden on the Property.

License Non-assignable

5. This License is personal to CHMA and shall not be assigned. Any attempt to assign the License shall automatically terminate it. No legal title or leasehold interest in the Property is created or vested in Licensee by the grant of this License.

Term of License

6. This License shall be for a term of 10 years, commencing on March 7, 2007, and terminating on March 31, 2017. The parties may agree to extend this Agreement for an additional 15 years, with the terms of said Agreement to be reviewed and adjusted as the parties deem to be appropriate prior to renewal.

Termination of Occupancy

7. On or before the termination date for this License specified in paragraph 6 of this agreement, CHMA shall remove all of its personal property from the Property and shall surrender possession of the Property to the City in good order and repair to the reasonable satisfaction of the City, normal wear and tear excepted.

Default

8. In the event CHMA fails to comply with any of the material terms of this Agreement, in addition to any and all other remedies available under the law, this License may
be revoked by the City, upon CHMA’s receipt of written notice of the violation to the parties and its failure to cure within ten (10) days. More time may be granted for the cure of any violations if agreed to in writing by the parties.

**Indemnification**

9. To the fullest extent permitted by law, CHMA will hold harmless, defend and indemnify City from and against any liability, claims, actions, costs, damages or losses and expenses (including, without limitation, reasonable attorneys' fees and expenses) for injury, including death, to any person or damage to any property resulting from CHMA’s acts or omissions with respect to the Premises. CHMA’s obligation will continue beyond the expiration or termination of this Agreement as to any act or omission, which occurred before expiration, or termination. The City will hold harmless, defend and indemnify CHMA from and against any liability, claims, actions, costs, damages, losses and expenses (including, without limitation, reasonable attorney's fees and expenses) for injury, including death, to any person, damage to any property, resulting from the City’s acts or omissions with respect to its use of the Premises as permitted by this Agreement. City's obligation will continue beyond the expiration or termination of this Agreement as to any act or omission, which occurred before expiration, or termination.

**Attorneys’ Fees**

10. In any action or proceeding involving a dispute between the City and CHMA, arising out of the execution of this Agreement, or to enforce the terms and conditions of this Agreement, the prevailing party shall be entitled to receive from the other party reasonable attorney's fees, expert fees, appraisal fees and all other costs incurred in connection with such action or proceedings, to be determined by the court or arbitrator(s).

**Entire Agreement**

11. This Agreement constitutes the entire agreement between the City and CHMA relating to the License. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by all parties named above.
Executed on March 7, 2007 at Porterville, California.

CITY OF PORTERVILLE, LICENSOR

[Signature]
Cameron Hamilton, Mayor

COMISION HONORIFICA MEXICANA AMERICANA, INC., LICENSEE

[Signature]
Roberto de la Rosa, President
AMENDMENT NO. 1 TO THE
PROPERTY LICENSE AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND
COMISION HONORIFICA MEXICANA AMERICANA, INC.
AND
AGREEMENT CONCERNING RIGHTS AND OBLIGATIONS
OF THE PARTIES
DATED MARCH 7, 2007

On March 7, 2007, the City of Porterville ("City") and Comision Honorifica Mexicana Americana, Inc. ("CHMA") entered into a Property License Agreement and Agreement Concerning Rights and Obligations of the Parties for the property at 466 East Putnam Avenue, more particularly described as the Porterville Community Center. The parties now wish to amend that Agreement.

The City and CHMA hereby agree as follows:

Section 1. Paragraph 4(d) is amended as follows:

4. CHMA shall provide insurance certificates to the City and name the City as an additional insured.

i. Commercial general liability insurance, including contractual liability, and personal injury liability and property damage with at least one million dollars ($1,000,000) liability limit per occurrence, and having a deductible of not more than $5,000.

CHMA shall require any renters or other users for which regular programs and exclusive-use space is provided within the Center, to provide evidence satisfactory of general liability coverage to CHMA, in amounts and terms not less restrictive than above, and naming the City and CHMA as additional insured.
ii. Commercial property insurance providing basic coverage for fire, lightning, explosion, smoke, windstorm, vandalism, etc., in the name of the City, and in a sum equal to the full replacement cost of the building.

Section 2. All other provisions set forth in the License Agreement dated March 7, 2007 remain in full force and effect.

Agreed and Executed on August ______, 2010.

CITY OF PORTERVILLE  COMISION HONORIFICA MEXICANA AMERICANA, INC.

Ronald L. Irish, Mayor  President
SUBJECT: PROCTOR TRAINING FOR ADMINISTRATION OF POST ENTRY-LEVEL DISPATCHER EXAM

SOURCE: ADMINISTRATIVE SERVICES/HUMAN RESOURCES DIVISION

COMMENT: California Penal Code Section 13510 establishes the minimum legal standards relating to the recruitment and training of local public safety dispatchers. In addition to an oral evaluation, background check, and pre-employment physical, dispatcher applicants are required to be assessed for reasoning, memory, and perceptual abilities. These abilities must be evaluated prior to hire to assure ability levels are commensurate with the performance of dispatcher duties, as measured by the POST Entry-Level Dispatcher Selection Test Battery.

The City of Porterville is currently utilizing testing materials rented from Cooperative Personnel Services (CPS), an approved alternative test provider. The cost associated with renting the testing materials for written evaluation of thirty (30) candidates for a public safety dispatcher is approximately $700. Because testing materials may not be copied and must be returned to the distributor for security purposes, costs are recurring.

As a cost saving measure staff has explored a second option which would eliminate the recurring costs by obtaining said materials directly through POST at no cost. This option would allow City staff to obtain the necessary testing materials and authority to administer the required POST Dispatcher test. In order to be eligible, City staff must be certified by an approved training authority.

There is a one time fee of $381.77 for the training of three staff members. This Training does not require travel or renewal. The only recurring costs associated with this option are fees to ship the completed tests and related materials to POST for grading.

RECOMMENDATION: That the City Council: authorize staff to proceed with POST test administration certification with Cooperative Personnel Services.
SUBJECT: Scheduling of Budget Study Session for August 24, 2010

SOURCE: City Manager

COMMENT: At its meeting on June 15, 2010, the City Council acted to continue City budgetary appropriations and expenditures as adopted for FY 2009-2010 through October 1, 2010, and directed the scheduling of Study Sessions for the purposes of reviewing in greater detail the proposed FY 2010-2011 City Budget, in particular the General Fund, prior to adoption.

In response to Council's direction, the following dates were recommended for the scheduling of Study Sessions in Council Chambers:

- Tuesday, July 27, 2010; 6:00 P.M.
- Tuesday, August 24, 2010; 6:00 P.M.
- Tuesday, August 31, 2010; 6:00 P.M.
- Tuesday, September 14, 2010; 6:00 P.M.
- Tuesday, September 28, 2010; 6:00 P.M.

According to the adopted schedule, the first Study Session was conducted on July 27th, during which the Council reviewed the proposed General Fund revenue estimates, "discretionary" General Fund expenditures, as well as the Airport and Transit Fund budgets.

For the upcoming Study Session scheduled for August 24th, considering Council discussions in the matters, it is recommended that the focus of the Study Session be upon the City's street maintenance program and schedule, as well as the consideration of City properties and potential opportunities for designating of surplus.

RECOMMENDATION: That the City Council approve the focus on street maintenance and potential for surplus property in the scheduling of the August 24th Budget Study Session.

ATTACHMENT: None
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – ELKS LODGE AND PORTERVILLE HIGH SCHOOL MARCHING BAND - REQUEST FOR STREET CLOSURE

SOURCE: Finance Department

COMMENT: Porterville Elks Lodge is requesting approval of a temporary street closure for the Porterville High School Band to march down one block of Main Street to the Elks Lodge steps for a surprise performance for a private family reunion. This event will be held on August 21, 2010. They have requested the closure of the following streets for 20 to 30 minutes starting at 6:30 p.m.

Main Street from Harrison Avenue to Morton Avenue and;
Harrison Avenue from Main Street to Division Avenue.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached application, agreement, exhibit 'A' and exhibit 'B'.

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the BPOE – Porterville Elks, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit 'A' of the Community Civic Event Application.

ATTACHMENT: Community Civic Event application and agreement, request for street, sidewalk and parking lot closure/usage, exhibit 'A,' exhibit 'B,' map and outside amplifier permit.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date:  July 23, 2010  Event date:  August 21, 2010
Event time:  6:28 - 6:50 p.m.
Name of Event:  Fowler Family Celebration

Sponsoring organization:  BPOE 1342 Porterville PHONE #559 784-1342
Address:  386 N Main St Elks Porterville CA 93257

Authorized representative:  Lowell Allen Sanders PHONE #559-784-2180
Address:  386 N Main St Porterville CA 93257
Event chairperson:  Lowell Allen Sanders PHONE #559-784-2180

Location of event (location map must be attached):  Elks Lodge, 386 N. Main St.
Porterville, CA 93257 (map attached)

Type of event:  Family celebration - Porterville High School Marching Band to march one block of Main St.

Nonprofit status determination:

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

Barricades (quantity):  4  Street sweeping  Yes  No  
Police protection  Yes  No  Refuse pickup  Yes  No
Other:  Assistance with street closure.

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

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

Approve   Deny

_______     ______ Bus Lic Spvr
_______     ______ Pub Works Dir
_______     ______ Comm Dev Dir
_______     ______ Field Svcs Mgr
_______     ______ Fire Chief
_______     ______ Parks Dir
_______     ______ Police Chief
_______     ______ Deputy City Mgr
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 Porterville 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 to the Finance Department prior to the City of Porterville Council's approval.

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 permitted, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), 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.

BPOE 1347 Porterville Elks
(Name of Organization)

(handwritten signature)
(Signature)

8/5/10
(Date)
CITY OF PORTERVILLE

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

Name of event: Private Family Celebration

Sponsoring organization: D/P

Location: Elks Lodge, Main St. Event date: 8/21/10 Event time: 6:30-6:50

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>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT.* All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business, and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
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: Private Family Celebration

Sponsoring organization: BPOE - PORTERVILLE ELKS

Event date: 8/21/10  

Hours: 6:30 - 6:50

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From 6:30 pm</th>
<th>To 6:50 pm</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main St.</td>
<td>Harrison</td>
<td>Morton</td>
<td>PHS Marching Band</td>
</tr>
<tr>
<td>Harrison</td>
<td>Alley by Bank of America</td>
<td>Main St.</td>
<td>PHS Marching Band</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR STREET CLOSURE

BPOE - PORTERVILLE ELKS

AUGUST 21, 2010

Business License Supervisor:
S. Perkins
Business License has no requirements.

Public Works Director:
B. Rodriguez

Community Development Director:
B. Dunlap
RDA insurance requirements would apply.

Field Services Manager:
B. Styles
Street closure will require Public Works involvement due to the partial closure of a signalized intersection. The cost will be $60 to cover expense of personnel to do the closure and set the signal to flash. If approved by Council, payment should be made in advance to finance.

Fire Chief:
M. G. Garcia
No comment.

Parks and Leisure Services Director:
D. Moore, Interim
No comment.

Police Captain:
S. Rodriguez
See attached exhibit ‘B.’

Administrative Services Manager:
P. Hildreth
See attached exhibit ‘A,’ page 2.

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

Sponsor: BPOE – Porterville Elks
Event: Private Family Reunion
Event Chairperson: Brian Fowler
Location: Main Street to Porterville Elk’s Lodge steps
Date of Event: August 21, 2010
Time of Event: start time: 6:30 p.m.

RISK MANAGEMENT: Conditions of Approval

That BPOE - Porterville Elks, provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville and Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permit tee’s operation and sponsorship of the aforementioned event and street closure.

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

b. Said insurance shall be primary to the insurance held by the City of Porterville and Porterville Redevelopment Agency, 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.
If the desire is to do a full and proper street closure, the following conditions/requirements would apply:

- City Council would have to approve the closure of any and all streets.
- To prevent vehicles from parking and remaining in the designated street closure area, the Police Department would have to order signs (prohibiting parking and specify the date and time) and post them in the designated area a minimum of 24 hours prior to the start of the event. Only after proper posting of such signs can the Police Dept. legally remove vehicles from the closed area. Costs for the production of the signs and the time for department personnel to post them and later remove them should be the responsibility of the event organizers.
- If some number of vehicles remained in the designated closed street area, Police Dept. staff could come in and tow vehicles from the area and either have them towed to a storage yard or have them moved to a nearby area. There is some amount of risks here, as persons who have their vehicles towed will want someone else to pay for the tow bill and oftentimes, there are complaints of damage to vehicles, supposedly caused during the towing process.
- If the streets are to be closed, they will need to use highly visible barricades to effectively warn motorists of the non-access to the designated area from all entry points.

Silver Rodriguez, Captain
Police Department - Services Division
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

This application must be submitted ten (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: Brian Fowler, 20 S. Leggett St., Porterville, CA 93257

2 Address where amplification equipment is to be used: 386 N. Main St., Porterville, CA, 93257

3 Names and addresses of all persons who will use or operate the amplification equipment: N/A

4 Type of event for which amplification equipment will be used: PHS marching Band to parade

5 Dates and hours of operation of amplification equipment: August 21, 2010 6:30 p.m. - 6:50 p.m., Saturday

6 A general description of the sound amplifying equipment to be used: marching Band, musical instruments.

Section 18-9
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, jukebox, 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.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section.

(Ord. Code § 6311)

Section 18-14
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any 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, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Signature of Applicant

Date

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

City of Porterville, Chief of Police/Designee

Date
Certificate Of Insurance

insurevents.com
9841 Airport Blvd, Suite 1000 | Los Angeles, CA 90045
800/ 279-6540 | 310/ 216-9152 | Fax: 310/ 216-9534
Support@insurevents.com

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFRNS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

<table>
<thead>
<tr>
<th>LETTER</th>
<th>COMPANY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>New Hampshire Insurance Co.</td>
</tr>
<tr>
<td>B</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

<table>
<thead>
<tr>
<th>CO.</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE</th>
<th>POLICY EXPIRATION DATE</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>COMMERCIAL GENERAL LIABILITY OCCURRENCE FORM</td>
<td>SEL034273341</td>
<td>08/20/10 12:01 AM</td>
<td>08/23/10 12:01 AM</td>
<td>GENERAL AGGEGATE: $2,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PRODUCTS-COMP/POP AGG: $1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PERSONAL &amp; ADV. INJURY: $1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EACH OCCURRENCE: $1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>FIRE DAMAGE (ANY ONE FIRE): $300,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MEDICAL EXPENSE: $5,000</td>
</tr>
<tr>
<td></td>
<td>HIRED &amp; NON-OWNED AUTOMOBILE LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td>COMBINED SINGLE LIMIT: $</td>
</tr>
<tr>
<td></td>
<td>ACCIDENT MEDICAL EXPENSE</td>
<td></td>
<td></td>
<td></td>
<td>MEDICAL EXPENSE: $</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>AD &amp; D: $</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>DEDUCTIBLE: $</td>
</tr>
</tbody>
</table>

EVENT: Parade For Fowler Family
EVENT DATE(S): 08/21/10
ADDITIONAL INSURED(S): Porterville Redevelopment Agency, City Of Porterville, Its Elected And Appointed Officials, Agents, Employees And Assigns.

CERTIFICATE HOLDER
Tel: (559) 782-7466 Fax: (559) 715-4013
City Of Porterville
386 N. Malin
Porterville CA 93258

CANCELLATION
SHOULD ANY OF THE ABOVE POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL Endeavor TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

[Signature]
SUBJECT: SECOND READING – ORDINANCE 1766, TIME OF REGULAR COUNCIL MEETINGS

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1766, An Ordinance of the City Council of the City of Porterville Amending Chapter 2, Section 2-1, Time and Place of Regular Meetings, of the Porterville Municipal Code, was given first reading on August 3, 2010, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1766, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1766
ORDINANCE NO. 1766

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING CHAPTER 2, SECTION 2-1,
TIME AND PLACE OF REGULAR MEETINGS,
OF THE PORTERVILLE MUNICIPAL CODE

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

A. That Section 2-1, Time and Place of Regular Meetings, of the Porterville Municipal Code is hereby amended as follows:

   Sec. 2-1. Time and Place of Regular Meetings.

   Pursuant to Section 10 of the City Charter, regular meetings of the Porterville City Council shall be held on the first and third Tuesday of each month in the City Hall, at 291 North Main Street in the City. The regular meetings will commence at 5:30 p.m., with closed session commencing at 5:30 p.m., and open session commencing at 6:30 p.m. The Council Meetings shall adjourn no later than 9:45 p.m. unless otherwise approved by a majority vote of the City Council Members present.

B. This Ordinance and Code amendment shall be in full force and effect thirty (30) days from and after its publication and passage.

________________________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: Gang Intervention and Prevention/Youth and Family Liaison Program

SOURCE: City Manager

COMMENT: Beginning in 2008, the City employed Mr. Bob Perez as a Youth and Family Liaison, serving as a facilitator between the City, the local school districts, and families of at-risk youth in intervening and preventing youth involvement in gangs. With a focus on the family needs, relations, and dynamics involving referred at-risk youth, Mr. Perez spends considerable effort in making home visits with the referred youth and their family. During the past 2009-2010 school year, Mr. Perez received 180 referrals of at-risk youth, and made approximately 1,400 home visits.

In an interest to expand the program to younger youth, as well as begin succession planning for Mr. Perez, the Police Department has assigned Officer Mariko Williams to serve in a companion capacity. Officer Williams has served as an exceptional School Resource Officer, and was recently certified by the State in the Gang-Resistance, Education, and Training (GREAT) program.

Police Chief McMillan, Mr. Perez, and Officer Williams will be making a presentation to the Council.

RECOMMENDATION: None – presentation only

ATTACHMENT: None
CITY COUNCIL AGENDA: AUGUST 17, 2010

SCHEDULED MATTER

SUBJECT: ANNUAL REVIEW AND REQUEST FOR RENEWAL OF A TEMPORARY STRUCTURE PERMIT FOR THE STORAGE AND CONSIGNMENT OF EQUIPMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On August 19, 2009, the City Council authorized a temporary structure permit to Steve Penn, to allow for the storage and consignment of farm and construction vehicles and equipment (Resolution 80-2009). The site is located on the northeast corner of Highway 65 and West North Grand Avenue (952 W. North Grand Avenue).

The temporary structure permit was approved for one year and is set to expire on August 18, 2010, unless a request by the applicant to renew is approved by the City Council prior to that date. The applicant has submitted a letter and record of consignment sales attached for the Council’s review. At this time, the applicant is requesting that the “permit” be renewed for another year. Although not a requirement of the permit, buyer and seller information may provide a greater level of clarity on sales activity.

Over the year, staff has monitored the site and found that the applicant has maintained a clean site in accordance with all the permit conditions of approval. On occasions where staff had a comment on something on the site, the applicant was very responsive in addressing the concern. Additionally, in June of 2010, a fruits and vegetables sales stand was also authorized by staff to operate at the site. The General and Service Commercial Zone allows for such uses by right. A business license was secured for the sale of produce under a covered area along the West North Grand Avenue side of the property.

HISTORY: Subsequent to annexation in 1978 (Annexation No. 261), this site was used as a storage lot for a number of years and was the focus of an active code enforcement effort to clean up the accumulation of debris. Since being brought into the City limits, the site has been through a number of Project Review Committee meetings for various proposals; however, none were successful in large part due to the condition of the site.

APPROPRIATED/FUNDED 1/4 CM ITEM NO 116
PROJECT DESCRIPTION:

The applicant is requesting the temporary structure permit be renewed to continue the legal nonconforming use for the storage and consignment of equipment. The applicant has maintained a clean operation at the site and proposes to continue to store and consign items such as farming supplies, tractors, and construction vehicles/equipment.

This request benefits the City by maintaining a clean gateway into the City along Highway 65. Due to the economic distress our community currently faces and the desire to operate the site in a safe and efficient manner until most of the site is taken up in proposed interchange improvements, staff is supportive of the request to maintain a clean site and run a temporary business consistent with the zoning requirements for the site. Staff has reviewed the request and found it to meet all health and safety requirements of the code.

RECOMMENDATIONS: That the City Council adopt the draft resolution granting the temporary use permit for the storage and consignment of equipment.

ATTACHMENTS:

1. Letter from applicant
2. 2009 Sales Record
3. Resolution 80-2009
4. Draft Resolution
July 30, 2010

RE: Steve Penn (Central Valley Investments)
952 W North Grand
Porterville, CA 93257

Sales - For the period 10/22/2009 to December 31, 2009 sales for my tractor, implement, tools type business in North Central Porterville was $6,800.00 (See Attached itemized sales document)

Sales Tax data for 2010 has not been figured yet as the report to the Board Of Equalization is not due until January 31, 2011.

Our plan (pending re-approval of our permit) is to continue to improve the Appearance of existing property and to hopefully build it into a viable business venture.

Respectfully

Steve Penn

ATTACHMENT
ITEM NO.
<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>November -1</td>
<td>1948 8N Ford Tractor</td>
<td>700.00 + tax</td>
</tr>
<tr>
<td>November -8</td>
<td>1 Strathmore Disc</td>
<td>350.00</td>
</tr>
<tr>
<td>November -9</td>
<td>1 Spring tooth Harrow</td>
<td>150.00</td>
</tr>
<tr>
<td>November -11</td>
<td>1 Disc</td>
<td>150.00</td>
</tr>
<tr>
<td></td>
<td>1 Scraper</td>
<td>150.00</td>
</tr>
<tr>
<td>November -15</td>
<td>1 Case 60 Tractor</td>
<td>650.00</td>
</tr>
<tr>
<td>November -16</td>
<td>1 Hydraulic Scraper</td>
<td>450.00</td>
</tr>
<tr>
<td>November -20</td>
<td>1 John Deer Loader Attachment</td>
<td>500.00</td>
</tr>
<tr>
<td>November -27</td>
<td>1 Ford 8N Tractor</td>
<td>800.00</td>
</tr>
<tr>
<td>December -3</td>
<td>1-Massey Ferguson 65 Tractor</td>
<td>900.00</td>
</tr>
<tr>
<td>December -7</td>
<td>2 Disc (tower) x 300 =</td>
<td>600.00</td>
</tr>
<tr>
<td>December -14</td>
<td>1 Water Trailer</td>
<td>500.00</td>
</tr>
<tr>
<td>December -15</td>
<td>1 6' plow</td>
<td>250.00</td>
</tr>
<tr>
<td>December -20</td>
<td>1 Massey Ferguson Disc</td>
<td>400.00</td>
</tr>
<tr>
<td></td>
<td>1 5' Scraper</td>
<td>150.00</td>
</tr>
<tr>
<td></td>
<td>1 Furrow Maker</td>
<td>100.00</td>
</tr>
<tr>
<td>Total Sales</td>
<td></td>
<td>6800.00</td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Quantity/Unit</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>01/16/2010</td>
<td>2- Nut Blowers</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>01/22/2010</td>
<td>1- 6’ Scraper</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>02/07/2010</td>
<td>3- Nut Blowers</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>02/28/2010</td>
<td>2- 3 point Drag Bars</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>Did not sale anything</td>
<td></td>
</tr>
<tr>
<td>04/08/2010</td>
<td>2- Bins misc hoses</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>05/01/2010</td>
<td>1- Case tractor for parts</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>05/19/2010</td>
<td>1- 500 gal weed sprayer</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>05/20/2010</td>
<td>7- Nut blowers</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>06/10/2010</td>
<td>1- Equipment trailer</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>06/17/2010</td>
<td>4- Nut Blowers</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>06/28/2010</td>
<td>1- 8’ x 16’ Flat bed</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>07/17/2010</td>
<td>2- Nut Blowers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2- 8’ Drag Bars</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4- 3’ Rippers</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/02/2010</td>
<td>90- 55 gal barrels</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/03/2010</td>
<td>4- Bins misc tractor parts</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION NO. 80–2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING A TEMPORARY STRUCTURE PERMIT TO ALLOW FOR THE
STORAGE AND CONSIGNMENT OF EQUIPMENT LOCATED AT 952 WEST
NORTH GRAND AVENUE.

WHEREAS: The applicant has filed a request for a Temporary Structure Permit to
operate a storage and consignment business at 952 West North Grand Avenue; and

WHEREAS: Section 7-3.3 of the Porterville Municipal Code authorizes the City Council
to, upon written application to the city council, issue a permit enabling an applicant in time of
stress or emergency or in conjunction with development of residential, commercial, or industrial
projects, to erect, construct, maintain and utilize a temporary structure within the city of
Porterville; and

WHEREAS: Ordinance 1659 allows the Council to apply Section 7-3.3 of the Municipal
Code to temporary uses as well as structures; and

WHEREAS: The applicant has worked with City Staff to address potential safety and
other pertinent issues.

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting
of August 19, 2009 conducted a public meeting to consider approving a temporary structure
permit to allow for the storage and consignment of equipment located at 952 West North Grand
Avenue; and

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of
Porterville does hereby grant a Temporary Use Permit to allow for the storage and consignment
of equipment located at the Northeast corner of Highway 65 and North Grand Avenue (952 W.
North Grand) with the following conditions:

1. The applicant shall pave the outdoor storage area with decomposed granite or
similar material to the satisfaction of the Zoning Administrator.

2. That the merchandise displayed in any outdoor display area on the site be limited
to farm or construction equipment.

3. The hours of operation shall be limited to between the hours of dawn to dusk
Monday through Saturday.

4. That any or all outdoor storage area and travel ways in use shall be watered daily
to mitigate dust.

5. That oil pans or like devices shall be installed underneath all stored vehicles, and
maintained in a manner so as to prevent vehicle engine oil/fluids from contacting
the ground.

ATTACHMENT
ITEM NO. 3
6. That a record of consignment sales be submitted to the Community Development Department at least one month prior to the one year review for inclusion into the annual Council review.

7. In the event the applicant fails to satisfy all conditions set forth by the city council in the permit, the right to construct, maintain and utilize the temporary structure may be terminated immediately by action of the City Council; and, in addition thereto, a violation of the conditions of said permit is hereby declared to be unlawful.

8. Nothing herein shall permit the applicant to make use of any structure or area in violation of any zoning law, ordinance or regulation of the city.

9. That this Temporary Structure Permit be valid for a period of one year, to expire on August 18, 2010, unless renewed by applicant and approved by the City Council prior to that date.

10. Install a vehicle barrier such as railroad ties acceptable to the City Engineer between the public parking area and the storage/display area.

11. Comply with the plans included herein as Exhibit A.

Pete V. McCracken, Mayor

ATTEST:

John D. Lollis, City Clerk

Patrice Hildreth, Chief Deputy City Clerk
CENTRAL VALLEY CONSIGNMENT + STORAGE

Steve Penn
(559) 284-5940

DESIGNATED AREAS OF OPERATION

☐ EQUIPMENT

☐ Parking

☐ Fence

☐ Gates

☒ Storage

DUST CONTROL

Area completely covered with granite.

Any and all areas in use will be watered daily as needed.

Hours of operation: Monday - Friday 8:00 to 4:00 Sat 8:00 to 12:00

EXHIBIT A
STATE OF CALIFORNIA  )
CITY OF PORTERVILLE  )  SS
COUNTY OF TULARE  )

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 18th day of August, 2009.

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>McCracken</th>
<th>P. Martinez</th>
<th>F. Martinez</th>
<th>Ward</th>
<th>Hamilton</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES:</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>NOES:</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSTAIN:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

JOHN D. LOLLIS, City Clerk

Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING
A TEMPORARY STRUCTURE PERMIT TO ALLOW FOR THE
STORAGE AND CONSIGNMENT OF EQUIPMENT LOCATED AT 952 WEST
NORTH GRAND AVENUE.

WHEREAS: The applicant has filed a request for renewal of a Temporary Structure
Permit to operate a storage and consignment business at 952 West North Grand Avenue; and

WHEREAS: Section 7-3.3 of the Porterville Municipal Code authorizes the City Council
to, upon written application to the city council, issue a permit enabling an applicant in time of
stress or emergency or in conjunction with development of residential, commercial, or industrial
projects, to erect, construct, maintain and utilize a temporary structure within the city of
Porterville; and

WHEREAS: Ordinance 1659 allows the Council to apply Section 7-3.3 of the Municipal
Code to temporary uses as well as structures; and

WHEREAS: The applicant has worked with City Staff to address potential safety and
other pertinent issues; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled
meeting of August 19, 2009 conducted a public meeting to consider approving a temporary
structure permit to allow for the storage and consignment of farm and construction equipment
located at 952 West North Grand Avenue; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting
of August 17, 2010 conducted a public meeting to consider approving a one year renewal of a
temporary structure permit to allow for the continued storage and consignment of equipment
located at 952 West North Grand Avenue; and

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of
Porterville does hereby grant a Temporary Use Permit to allow for the storage and consignment
of equipment located at the Northeast corner of Highway 65 and North Grand Avenue (952 W.
North Grand) with the following conditions:

1. The applicant shall pave the outdoor storage area with decomposed granite or
similar material to the satisfaction of the Zoning Administrator.

2. That the merchandise displayed in any outdoor display area on the site be limited
to farm or construction equipment.

3. The hours of operation shall be limited to between the hours of dawn to dusk
Monday through Saturday.

4. That any or all outdoor storage area and travel ways in use shall be watered daily
to mitigate dust.
5. That oil pans or like devices shall be installed underneath all stored vehicles, and maintained in a manner so as to prevent vehicle engine oil/fluids from contacting the ground.

6. That a record of consignment sales be submitted to the Community Development Department at least one month prior to the one year review for inclusion into the annual Council review.

7. In the event the applicant fails to satisfy all conditions set forth by the city council in the permit, the right to construct, maintain and utilize the temporary structure may be terminated immediately by action of the City Council; and, in addition thereto, a violation of the conditions of said permit is hereby declared to be unlawful.

8. Nothing herein shall permit the applicant to make use of any structure or area in violation of any zoning law, ordinance or regulation of the city.

9. That this Temporary Structure Permit be valid for a period of one year, to expire on August 16, 2011, unless renewed by applicant and approved by the City Council prior to that date.

10. Install a vehicle barrier such as railroad ties acceptable to the City Engineer between the public parking area and the storage/display area.

11. Comply with the plans included herein as Exhibit A.

Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Manager

BY

Patrice Hildreth, Chief Deputy City Clerk
DESIGNATED AREAS OF OPERATION

[ ] EQUIPMENT
[ ] [ ] PARKING
[ ] [ ] FENCE
[ ] [ ] GATES
[ ] STORAGE

DUST CONTROL

AREA COMPLETELY COVERED WITH GRANIT
ANY AND ALL AREAS IN USE WILL BE WATERED DAILY AS NEEDED
HOURS OF OPERATION: MONDAY-FRIDAY 8:00 TO 4:00 SAT 8:00 TO 12:00
SUBJECT: DESIGNATION OF VOTING DELEGATES AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES 2010 ANNUAL CONFERENCE

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: The League of California Cities’ Annual Conference is scheduled to take place September 15 – 17, 2010 in San Diego. In addition to the training program offered, the League’s annual business meeting is held during which the membership considers and takes action that establishes official League policy. This year, the business meeting is scheduled for Friday, September 17th at 3:00 p.m. In order to vote at this meeting, the Council must designate a voting delegate. It is also recommended that an alternate or two be designated in the event the voting delegate is unable to serve.

The estimated cost for attendance per Council Member is approximately $1,800. This cost includes conference registration and materials, accommodations, mileage and meals. Funding is currently available in the Council’s travel budget.

The deadline for designation is August 20th. In the event Council attendance has not yet been determined, staff recommends that the Council proceed with designating a voting delegate and up to two alternates on a contingency basis. Pursuant to the Council’s request, information on Conference session dates and times is herein provided.

RECOMMENDATION: If there is interest in Council Member attendance at the League of California Cities Annual Conference, that the City Council designate one City Council Member to serve as a voting delegate, and up to two City Council Members to serve as alternates at the Conference.

ATTACHMENTS: 1) Annual Conference Voting Procedures
2) Voting Delegate/Alternate Form
3) Conference Session Detail

Item No. 17
Annual Conference Voting Procedures
2010 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.

2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city’s voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.

4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city’s voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city’s vote, a city official must have in his or her possession the city’s voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.

6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.

7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.
2010 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 20, 2010. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: ____________________________
Title: ______________________________

2. VOTING DELEGATE - ALTERNATE

Name: ____________________________
Title: ______________________________

3. VOTING DELEGATE - ALTERNATE

Name: ____________________________
Title: ______________________________

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: ____________________________ E-mail ____________________________
Mayor or City Clerk ____________________________ Phone: ____________________________
(circle one) (signature)
Date: ____________________________

Please complete and return by Friday, August 20 to:

League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: mccullom@cacities.org
(916) 658-8247
City Clerks Department Pre-Conference Workshop

**Maneuvering in the Maze of the FPPC, the Secretary of State, and the State Attorney General**

10:30 a.m. - 3:00 p.m. ($100 includes working lunch)

CME and MMC - 1 Credit Requested

Overview the three major offices (FPPC, Secretary of State, and Attorney General) by addressing what each agency does and how that translates to roles/responsibilities for City Clerks. The instruction will translate into a better understanding of process, policy and communication. Topics will encompass: an overview of the three agencies; ethical principles of practice and AB1234; gift policies and requirements; and relevant or potential "hot topics" and political sensitivities anticipated for 2010. Gain an understanding of the specific jurisdiction of each of the three major agencies and how their work translates into new law, local elections and leadership. Hear factual examples of ethical or gift filing violations and hold discussions on how to avoid problems by providing critical resources to cities, while working in conjunction with city attorneys/local elected leaders.

**Speaker:**

Michael D. Martello, Interim Town Attorney, Los Gatos

**First Time Attendee Orientation**

12:30 - 1:30 p.m.

Join League leadership and staff as you begin your first annual conference experience. Hear about the League organization and most importantly, how to get the most out of your League conference attendance.

**Speakers:**

Robin Lowe, Council Member, Hemet
Marty Simonoff, Council Member, Brea
Anthony Young, Council Member, District Four, San Diego

**Understanding Public Service Ethics Laws and Principles (AB 1234 Training)**

1:30 - 3:30 p.m.

This session satisfies the state ethics education requirements for local officials, which requires two hours, every two years. (Attendance at this session will be available as part of your conference registration or one-day Wednesday registration.)

**Speaker:**

JoAnne Speers, Executive Director, Institute for Local Government

**Cities Surviving the Economic Upheaval and Preparing for Future Catastrophes**

2:00 - 3:30 p.m.

How have some cities avoided the disruptions of the current financial crisis? Implement policies, practices and disciplines to avoid sliding from crisis to crisis. Hear how cities get into untenable financial situations and what happens when they do. Gain a positive perspective from cities that continue to thrive, have managed to address the current crisis, and are preparing to avoid the next one.

**Speakers:**

Mike Oliver, President, Municipal Resource Group
Henry Tingle, City Manager, Citrus Heights
Craig Whitlom, Assistant City Manager/Community Development

City of Santa Clarita's Cross Valley Connector

**November Ballot**

2:00 - 3:30 p.m.

A new governor may not be the only important decision facing voters this fall. How will local taxpayer efforts fare to keep vital city funding and services? Learn the latest and how you will play an important role in rebuilding California.

**Speaker:**

Chris McKenzie, Executive Director, League of California Cities, Sacramento

**Plug-In Electric Vehicles are Coming - Is Your City Ready?**

2:00 - 3:30 p.m.

Electric vehicles are expected to hit California roads in 2011. Residential and public infrastructure to charge these vehicles must be established. Local governments can support electrification by streamlining the permitting and inspection processes for residential charging facilities to facilitate customer acceptance of the vehicles. Learn about the policy drivers influencing the resurgence of electric vehicles and the challenges and solutions that may impact its successful market launch. Assess funding opportunities for this infrastructure.

**Speakers:**

Bob Foster, Mayor, Long Beach
Doug Kim, Director, Plug-In Electric Vehicle Readiness, Southern California Edison

**Strategies for Sustainable Food Systems**

2:00 - 3:30 p.m.

Issues such as climate change, food safety, hunger, obesity, and pollution can be addressed through food system strategies, including increasing local food production and distribution, creating access to healthy food retail and farmers markets, and
Vallejo

Labor Relations: Maintaining Relationships With Shrinking Revenues
2:00 - 3:30 p.m.
Reveal the facets of labor relations that focus on maintaining positive relationships with your employee associations while revenues are shrinking. View perspectives including legal knowledge and practical experience from the field in an open discussion.

Speakers:
Peter Brown, Partner, Liebert Cassidy Whitmore
Scott Ochoa, City Manager, Monrovia
Robert M. Wexler, Partner, Silver Hadden Silver Wexler + Levine, Santa Monica

promoting closed-loop resource recovery systems. Explore planning tools that can support a more equitable food system. Hear about traditional and not-so-traditional ways to reduce GHG emissions, conserve natural resources, support local/regional economies, improve public health and build stronger communities through food.

Speakers:
Pamela Foxley Arifian, LEED AP, Community Planner, RBF Consulting
Heather Joy Rosenberg, Principal, CTG Energetics
Heather Wooten, Senior Planning & Policy Associate, Public Health Law & Policy

TRACK KEY

Employee Relations Fire Chiefs Legal

Wednesday, September 15, 2010
City Attorneys
Each September, legal updates are offered in four areas: Labor and Employment Law, General Municipal Law, Land Use and CEQA Litigation, and Municipal Tort and Civil Rights Litigation. MCLE credits will be available.

CA Women Lead
8:00 - 9:30 a.m.
Being a leader can be hard, especially when you have to lead in difficult times. Whether it is a budget shortfall, a local crisis or personality conflicts in your organization, it is the difficult times that truly challenge women to dig deep. Join California Women Lead in a panel discussion from women leaders in the private and public sectors on lessons they have learned in being a leader in trying times. Network with other women leaders and share stories on effective ways you have approached leadership in trying times and learn some new skills you may want to try when you return home.

Speakers:
Linda Budge, AICP, Council Member, Rancho Cordova
Teri Burns, CA Women Lead Executive Committee member and president, Natomas School Board

New Electric Transmission Lines - the Local Government Perspective
8:00 - 9:30 a.m.
Creating a new, green energy infrastructure will require building more and larger electric transmission lines throughout the state. Many of these lines will be in the backyards of local communities, but preemption limits the ability of local governments to control these projects. Discuss the impetus for green energy development and evaluate the regulatory programs that apply. Identify avenues for local agency participation.

Moderator and Speaker:
Alan Waltner, Principal, Law Offices of Alan Waltner
Speakers:
Michael Day, Partner, Goodin, MacBride, Squeri, Day & Lamprey LLP
Steven Weissman, Director, Energy and Clean Tech Program, Center for Law, Energy and the Environment, UC Berkeley

Public Pensions 360
8:00 - 9:30 a.m.
Get the latest from the Governor’s Office, the labor industry, and those on the front lines. Hear multiple perspectives on this timely and often controversial topic. Gain detailed knowledge for informed conversations.

Speakers:
John Bartel, President, Bartel Associates, San Mateo
Charles Sakai, Managing Partner, Renne Sloan Holtzman Sakai LLP
Dan Pellissier, Deputy Cabinet Secretary, Office of the Governor

Sustainability Strategies that Save and Make Money
8:00 - 9:30 a.m.
Cities throughout California are using creative sustainability strategies that save money and sometimes make money, while at the same time conserving resources and energy, and reducing greenhouse gas emissions. Learn about innovative sustainability success stories and share your city’s experience. Find out how your city can be recognized for leading by example.

Speakers:

What Can Your City Say and Do, Post - Vargas v. Salinas?
8:00 - 9:30 a.m.
In 2009, the California Supreme Court issued its decision in Vargas v. City of Salinas regarding the permissibility of ballot measure communications. What can your city do when informing the public about city or ballot measure facts? Understand why the Supreme Court concluded the activities conducted by the city were proper.

Speakers:
Karen Getman, Partner, Ramcho, Johansen & Purcell LLP
Jennifer Root, Communications & Elections Specialist, Lew Edwards Group
Sky Woodruff, Principal, Meyers Nave

Working Effectively with Local Clergy and Congregations
8:00 - 9:30 a.m.
Planned with the Institute for Local Government
Clergy and congregations are often untapped resources. They can help local officials provide important information to residents, promote broader public engagement, support public safety, and other city programs. Congregations typically reflect the diversity of a community. Monitor productive partnership examples and receive practical guidance on creating working relationships.

Speakers:
Terry Amsler, Program Director, Institute for Local Government
Donald E. Bradley, City Manager, Cathedral City
Rabbi Jay Miller, Executive Director, Peninsula Clergy Network

Constructing Pension Contribution Costs: How to Redesign and Rebuild for the Future
1:15 - 2:45 p.m.
Public agencies have been evaluating alternatives to have employees participate in the costs associated with their retirement plans. Our expert panel will discuss the alternatives available to employers and the impacts that need to be considered before selecting an alternative. This timely topic should not be missed!

Speakers:
John Bartel, President, Bartel Associates
Robert A. Blum, Attorney, Hanson Bridgett LLP
Lori McGartland, Chief, CalPERS Employer Services Division

The Dog Whisperer: Mastering Leadership
12:30 - 1:30 p.m.
Planned with the Latino Caucus - Get up-close and personal with nationally recognized dog expert, the Dog Whisperer. He will share his thoughts on mastering leadership by understanding how to take charge and become a pack leader.

Speaker:
Cesar Millan, Dog Whisperer

Getting to No, Sharing the Know
3:15 - 4:45 p.m.
Many cities are seeking reductions to labor contracts and other employee concessions. Hear our distinguished panel as they provide practical, essential advice on how to respond when all the union says is “no”, what options are available to cities, and how we can share the “knowledge” with our own employees beyond the bargaining table.

Speakers:
Kathy Mount, Director of Human Resources, South San Francisco
Cheryl Cox, Mayor, Chula Vista  
Patrick Stoner, Statewide Local Government Energy Efficiency Best Practices Coordinator  
Dell Tredinnick, Utility Project Development Manager, Santa Rosa

Darrell Murray, Labor Negotiator, IEDA  
Marcie Scott, Labor Relations Manager, Palo Alto

**No Stupid Questions**  
3:15 - 4:45 p.m.  
First-time attendees and newer Fire Chiefs will have an opportunity to network and hear from some experienced peers. Learn about the League, the conference, and a few tips on having a successful career as an aspiring/current Fire Chief.  
*Speaker:*  
Bill Soqui, Fire Chief, Cathedral City Fire Department

**Gang and Youth Violence Reduction, Intervention and Prevention Strategies**  
3:15 - 4:45 p.m.  
Collaborate on promising strategies and implement time tested programs to prevent youth and gang violence, as practiced by members of the NLC 13 City Gang Prevention Network. Identify general key themes to improve youth outcomes via innovative truancy reduction and changing neighborhood spirit from fearful and mistrusting to involved and dedicated.  
*Speakers:*  
Lynn Share Sharpe Underwood, Executive Director, Commission On Gang Prevention And Intervention  
Guillermo Cespedes, Deputy Mayor, Los Angeles Mayor's Office of Gang Reduction and Youth Development

---

**Thursday, September 14, 2010**
OMG! R U Sure My Employer Can Fire Me for Tweeting?
9:00 - 10:30 a.m.
The explosive growth of social networking sites create new challenges for public employers and employees. Unflattering posts may result in business losses or bad publicity for employers and unemployment for employees. Employers using these sites to research applicants or evaluate employees potentially face lawsuits ranging from discrimination to violation of First and Fourth Amendment rights. Discuss current legal issues; analyze risks and benefits of using social media as a tool for employment decisions; and develop guidelines to minimize litigation risks.

Moderator and Speaker:
Robert A. Orozco, Labor and Employment Law Senior Counsel, Meyers Nave

Speaker:
Irma Rodriguez Mola, Partner, Atkinson, Andelson, Loya, Ruud & Romo

Policy Pilates
9:00 - 10:30 a.m.
California's financial woes make its more important than ever for cities to be flexible in its policies regarding development. City agencies will need to be more creative when evaluating existing and future development agreements, public/private partnerships and even changes to the general plan. This program will examine how existing and future development agreements should be evaluated, renegotiated/redefined, or extended as well as how to make appropriate changes in the general plan in order to better deal with current day problems while not forsaking the original goals and objectives.

Speakers:
Katherine Aguilar Perez, Executive Director, Urban Land Institute
Robert D. Champion, President, Champion Real Estate Company, Los Angeles
Carl S. Morgan, Redevelopment Project Officer - Downtown, Long Beach Redevelopment Agency

Renovate Your City by Rebuilding Projects from Within!
9:00 - 10:30 a.m.
Public facilities are aging and the choice is clear: replace or renovate. Many think that in lieu of seismic retrofits, asbestos removal, etc, it's cheaper to tear down and start fresh. Learn the key factors "pushing back" on this argument and explore three case studies where dollar savings have quickly added up. These renovations offer clear-cut strategies on how to revitalize older buildings the same way new construction can - without exhausting energy or resources. Modernization are often the most sustainable and economical remedy. Receive an easy checklist that guides your city to duplicate these results without brand new infrastructure.

Speakers:
Donna Landeros, City Manager, Brentwood
Fred Latham, City Manager, Santa Fe Springs

Stormwater, Stormwater Everywhere, Nor Any Money to

Comparing Health Plan Costs and Designs Among California's Government Employers
11:00 a.m. - 12:15 p.m.
Local public employers frequently question how their employee health care plans compare to others. How do your benefit designs, employee contributions, and employer costs compare to other cities, both in California and around the country? Comparisons to other California governments, such as counties and the State, are also helpful in designing and managing a city's health benefits.

Speakers:
Holly Brock-Cohn, Administrative Services Director, Livermore
Bob Cosway, Principal and Consulting Actuary, Milliman
Kenneth W. Ruthenberg, Attorney, Chang Ruthenberg & Long PC

Remodeling Your Team in Economic Turmoil
11:00 a.m. - 12:15 p.m.
The economic tsunami has created major chaos within the required right sizing, downsizing, and furloughs affecting every city. Where does responsibility drive the necessary changes in government, elected or management, when all sides have vested interests in maintaining the status quo? Take advantage of current downsizing to recapture excitement for public service and live within our means. Remodel your team by considering outsourcing, depletion of support, volunteerism, and remaking a new innovation in your teams.

Speakers:
Dr. Bill Mathis, Management Psychologist; CCMF Board Member, Mathis Group
Wade McKinney, City Manager/President, Atascadero, CCMF
Dennis Michael, Mayor Pro Tem, Rancho Cucamonga

Web 2.0: Online Tools for Community Building
11:00 a.m. - 12:15 p.m.
The increasing popularity of new online social networking technologies presents new civic engagement opportunities for local government agencies, but also new challenges. Discover new online tools, social media sites and podcasts. Enhance communication among residents and local officials while building stronger communities. Examine limitations and legal issues to avoid problems.

Speakers:
Steven Clift, Executive Director, E-Democracy.org
Brian Moura, Assistant City Manager, San Carlos
Ariel Pierre Calonne, City Attorney, Ventura

What's Happening with Redevelopment
11:00 a.m. - 12:15 p.m.
Redevelopment is one of local government's most powerful tools. Review the past year and how it relates to the continuing economic uncertainty and a state budget deficit. How will the upcoming November ballot and relevant current legislation impact local government and redevelopment? Discuss coalition building and why it is crucial to the future of redevelopment.

Speakers:
Linda Barton, City Manager, Livermore
Fund
9:00 - 10:30 a.m.
A twist on “The Rime of the Ancient Mariner” attempts to characterize a conundrum faced by municipalities. Cities face ever-increasing requirements to initiate, manage, and fund efforts to improve the quality of stormwater that flows off their communities into local waters. Review challenges and potential solutions to addressing the burgeoning costs of complying with state-issued NPDES stormwater discharge permits, achieving total maximum daily loads (TMDLs) for an increasing number of water pollutants, meeting discharge standards, and implementing low-impact development (LID).

Speakers:
John Bliss, P.E., Vice President, SCI Consulting Group
Scott Taylor, P.E., D.WRE, Chair, CASQA, RBF Consulting

Strategic Planning for Fire Chiefs
9:00 - 10:30 a.m.
- Benefits and value of having a strategic plan in place and costs/risks of not having one
- Making sure your strategic plan meets your current needs
- How to build a strategic plan for your Department

Speaker:
Rebecca Burnside, Esq., Director of Human Resources, Foster City

Taking Governance of Your City to the Next Level
9:00 - 10:30 a.m.
City Councils and City Managers can use the principles of policy governance to dramatically improve mutual accountability and organizational effectiveness. Discover why good city governance is often difficult due to unclear expectations and conflicts in roles. Learn how to develop and use written policies to establish: organizational goals; City Manager performance and executive limitations; City Council responsibilities and expectations; and, adapt and apply the governance policies for your own city.

Speakers:
Lisa Rudloff, President, California Park and Recreation Society
Michael Shellito, Retired City Manager, Roseville, Shellito Training and Consulting

City Branding Essentials and Ten Small Cities Getting It Right
11:00 a.m. - 12:15 p.m.
Size has very little to do with building a great reputation and a strong city brand. Bill showcases the ideas, techniques and solutions that ten small cities are using to stand out from the ordinary. What are the benefits of city branding? How has it aided their effectiveness and efficiency? What can we learn from their brand planning and implementation? How have they defined their competitive advantage? How did they unify stakeholders? What has made them successful?

Speaker:
Bill Baker, President, Total Destination Management

David Jones, CRA Legislative Advocate, Emanuel Jones & Associates
T. Brent Hawkins, CRA Legal Counsel, McDonough Holland & Allen PC

Make Your City Famous With a Seven-Step Marketing Program
1:30 - 2:45 p.m.
Learn a proven program to attract new businesses and retain existing ones. Discover tools to implement immediately. Learn why the process of branding your city will determine which businesses get the message. How does a city’s future plans speed up a marketing program? Why are your logo and slogans not bringing in new business? Create web sites that have the power to get your message out, including new social media outlets to build business.

Moderator and Speaker:
Dennis Erokan, CEO, The Placemaking Group

Speakers:
Scott Corey, Marketing Manager, Suisun City
Steve Czarnecki, Executive Director, Elk Grove Economic Development Corporation

Riding the Green Wave: Engaging Your Community in Sustainability Planning
1:30 - 2:45 p.m.
In a typical municipality, 95% of greenhouse gases and other sustainability impacts are generated by residents and businesses. Build support in the community and mobilize the private sector to progress. Gain specific examples from local government and regional planning agencies that have initiated community programs. Organize community support for significant changes while controlling costs and saving money.

Speakers:
Michael Bacich, Sustainability Officer, Riverside
Erin Cooke, Environmental Affairs Coordinator, Cupertino
Seth Miller, Principal, Partners For Sustainability

Top Ten Things You Should Know About City Finances
1:30 - 2:45 p.m.
What do the tribulations of the California State Budget mean to cities? What are the latest legislation and court decisions affecting city finances? What’s on the horizon? Learn the latest in hot city finance issues and the essentials you need to know to manage your city budget. Get answers to your most perplexing questions from top financial and legal experts.

Speakers:
Michael G. Colantuono, City Attorney, Auburn, Calabasas
Michael Coleman, Fiscal Policy Advisor, League of California Cities,
CaliforniaCityFinance.com

Friday, September 17, 2010
SUBJECT: Consideration of Resolution in Support of a High Speed Rail Alignment and Station for the Tulare/Kings County Region

SOURCE: City Manager

COMMENT: At the Council of Cities meeting on Thursday, July 29, 2010, the City of Visalia proposed that each city in Tulare County consider adopting a Resolution in support of a High Speed Rail Alignment and Station in the Tulare/Kings County region. Two (2) rail alignments and station locations have been proposed near the City of Hanford in Kings County, and the City of Visalia has adopted a Resolution in support (and similarly seeks the support of the other Tulare County cities) for a rail alignment and station site on the east side of Hanford near the juncture of State Highways 198 and 43, as opposed to an alignment and station location on the west side of Hanford.

The High Speed Rail Authority (HSRA) is evaluating alternative rail alignments for the future high speed train (HST) system through the South Valley. To date, the HSRA has determined that the HST will generally follow the Burlington Northern – Santa Fe (BNSF) rail alignment through the Tulare/Kings County region. The BNSF alignment is located in Kings County. A future station site is planned for the Tulare/Kings County region along the HST system near Hanford.

The HSRA is currently evaluating alternative alignments for the HST through the Hanford area that will determine the location of the HST station. Two options are under review. The primary option is an easterly loop from the BNSF around the City of Hanford then reconnecting to the BNSF. This primary alternative would provide a future station location near the juncture of State Highway 198 and Highway 43.

Due to concerns raised by the farming community in Kings County about impacts to farmlands, the HSRA is now examining a second option that could place the HST alignment through the center of Hanford (similar to Amtrak).

If the HST alignment moves to a Central Hanford route, the future station will move to a location outside of Hanford, possibly several miles to the south. The revised location will be much less accessible and convenient for potential HSR passengers in outlying areas, especially for persons travelling from cities in Tulare County.

Item No. 18
The location of the HST alignment through Kings County, and near or through Hanford, has generated significant controversy in Kings County. Recently, the County of Kings, City of Hanford, and Kings County farming interests have taken a position in opposition to the HST alignment in Kings County. These groups are urging the HSRA to move the alignment out of Kings County and place the alignment along either the I-5 or Highway 99 corridors. Concerns expressed in Kings County are directed primarily at the impact of the HST alignment to farmlands and agricultural operations.

To date, the High Speed Rail Authority has concentrated its efforts on establishing an alignment along the BNSF through Kings County for our region. The HSRA’s preferred alignment continues to be along Highway 43 east of Hanford. While Tulare County cities and other interests would likely embrace an HST alignment (and station) moving to the Highway 99 corridor, it is unlikely that this change will occur due to the significant time and money that the HSRA has invested in analyzing, conducting environmental studies, and preparing engineering studies for an alignment through Kings County. Also, undertaking efforts to move the alignment out of Kings County is impractical due to looming deadlines for expenditure of ARRA funds to construct the initial phases of the HST system, including the South Valley test tracks.

The City of Visalia believes that an HST alignment with a station location on the east side of Hanford is advantageous and would significantly benefit the Tulare/Kings County region for the following reasons:

- The East Hanford area is largely undeveloped at this time, which will enable the City of Hanford to effectively plan for future land uses, development densities, traffic circulation and impact buffers to accommodate the HST system.
- The location of the planned future station site is readily accessible from State Highway 198 and State Highway 43. This location provides convenient accessibility from population centers throughout the two county region.
- The east Hanford site is optimally accessible from cities in Tulare County, including Visalia, via State Highway 198. State Highway 198 is currently undergoing widening from 2 to 4 lanes. The widening will improve travel and safety from Tulare County to Hanford and the future HST station.
- The East Hanford site will be in close proximity to the Cross Valley Rail system. This will enable planning for future light rail transit connections from East and West Valley cities, and Naval Air Station Lemoore.
• Establishing the HST alignment through Central Hanford will disrupt their community, and will result in a station location that will be significantly less accessible to cities throughout the region, especially for cities in Tulare County.

The City of Visalia requests that the City Council consider adopting the enclosed resolution to support an East Hanford HST alignment and station location. The resolution will be forwarded to the HSRA for consideration in conjunction with technical studies currently underway for the two alternatives.

RECOMMENDATION: That the City Council consider a resolution in support of an East Hanford rail alignment and station location.

ATTACHMENT: Draft Resolution and Locator Map
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, IN SUPPORT OF A HIGH SPEED RAIL ALIGNMENT AND FUTURE TULARE/KINGS REGION TRAIN STATION IN EAST HANFORD

WHEREAS, the California High Speed Rail Authority is considering alternative route locations for the High Speed Train in the Kings/Tulare Counties region; and

WHEREAS, the rail alignment will determine the location of a future High Speed Train (HST) station for the Kings/Tulare region; and

WHEREAS, the Kings/Tulare HST station will serve a large geographic region, with cities spread across two counties; and

WHEREAS, the Kings/Tulare region will have an estimated population of approximately 1 million residents by the year 2030; and

WHEREAS, to effectively serve this unique region, the future HST station must be placed in a location that is conveniently accessible to this geographically dispersed population; and

WHEREAS, the City of Hanford, County of Kings, and Kings County farming interests have expressed significant concerns about the impact of the High Speed Rail system upon farming operations in Kings County.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville hereby acknowledges the following benefits of an HST rail alignment and station on the East Side of the City of Hanford:

- The East Hanford area is largely undeveloped at this time which will enable the City of Hanford to effectively plan for future land uses, development densities, traffic circulation and impact buffers to accommodate the HST system.
- The location of the planned future station site is readily accessible from State Highway 198 and State Highway 43. This location provides convenient accessibility from population centers throughout the two county region.
- The east Hanford site is optimally accessible from cities in Tulare County, including Porterville, via State Highway 198. State Highway 198 is currently undergoing widening from 2 to 4 lanes. The widening will improve travel and safety from Tulare County cities to Hanford and the future HST station.
- The East Hanford site will be in close proximity to the Cross Valley Rail system. This will enable planning for future light rail transit connections from East and West Valley cities, and Naval Air Station Lemoore.
• Establishing the HST alignment through Central Hanford will disrupt their community, and will result in a station location that will be significantly less accessible to cities throughout the region, especially for cities in Tulare County.

BE IT FURTHER RESOLVED that the City Council of the City of Porterville hereby declares its support for a High Speed Train rail alignment and station location in East Hanford near the juncture of State Highway 198 and State Highway 43.

BE IT FURTHER RESOLVED that the City Council of the City of Porterville urges the High Speed Rail authority to continue efforts to collaborate with the City of Hanford, County of Kings, and other affected organizations in the design and development of a high speed rail alignment that minimizes impacts to farmlands and agricultural operations in Kings County.

APPROVED AND ADOPTED this 17th day of August, 2010.

____________________________________
Ronald L. Irish, Mayor

ATTEST:
John Lollis, City Clerk

By: _________________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: COUNCIL MEMBER REQUESTED ITEM – CONSIDERATION OF REVISIONS TO CITY COUNCIL AGENDA

SOURCE: CITY MANAGER’S OFFICE

COMMENT: Interest was expressed by Council Member McCracken that the Council consider changes to the order of business on the Council Agenda. After a brief discussion at its meeting of August 3, 2010, the Council requested that the Item be brought back for further consideration.

For Council’s reference, Municipal Code Section 2-7 requires that the order of business at Council Meetings be established via resolution. Currently, Resolution 72-2005 sets forth the order of business and is attached hereto for Council’s reference. Also attached is a draft resolution establishing a new order of business for Council’s consideration.

RECOMMENDATION: That the Council provide direction to staff.

ATTACHMENTS: 1) Resolution 72-2005
                2) Draft Resolution
RESOLUTION NO. 72-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING ORDER OF BUSINESS TO BE FOLLOWED AT REGULAR MEETINGS OF THE CITY COUNCIL

BE IT RESOLVED by the City Council of the City of Porterville, that the following is the order of business to be followed in conducting the regular meetings of the City Council:

- MEETING CALLED TO ORDER
- ROLL CALL
- ORAL COMMUNICATIONS (FOR CLOSED SESSION)
- CLOSED SESSION
- RECONVENE OPEN SESSION
- REPORT ON ACTION TAKEN IN CLOSED SESSION
- PLEDGE OF ALLEGIANCE
- INVOCATION
- PROCLAMATION(S)/PRESENTATION(S)
- ORAL COMMUNICATIONS
- CONSENT CALENDAR - to include:
  - Approval of Minutes
  - Claims Against the City
  - Payment of Bills
  - Payments on Public Works Projects
  - Authorization to Purchase
  - Authorization to Call for Bids
  - Award of Bids
  - Acceptance of Projects
  - Acceptance of Dedications/Property
  - Approval of Final Tract Maps
  - Annexations
  - Requests for City Services
  - Reports
  - Other Routine Matters

- PUBLIC HEARINGS
- ORDINANCES
- SCHEDULED MATTERS
- ORAL COMMUNICATIONS
- OTHER MATTERS
- ADJOURNMENT

Adopted this 17th day of May, 2005.

Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

Georgia Hawley, Chief Deputy City Clerk
STATE OF CALIFORNIA   )
CITY OF PORTERVILLE   )    SS
COUNTY OF TULARE     )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 17th day of May, 2005.

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>WEST</th>
<th>IRISH</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
<th>MARTINEZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES:</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>NOES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSTAIN:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. ____-2010

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE RESCINDING RESOLUTION 72-2005
AND ESTABLISHING NEW ORDER OF BUSINESS TO BE FOLLOWED
AT REGULAR MEETINGS OF THE CITY COUNCIL

BE IT RESOLVED by the City Council of the City of Porterville that Resolution No. 72-2005 is herein rescinded.

BE IT FURTHER RESOLVED that the following is the order of business to be followed in conducting the regular meetings of the City Council:

> MEETING CALLED TO ORDER
> ROLL CALL
> ORAL COMMUNICATIONS (closed session items only)
> CLOSED SESSION
> RECONVENE OPEN SESSION
> REPORT ON ACTION TAKEN IN CLOSED SESSION
> PLEDGE OF ALLEGIANCE
> INVOCATION
> PROCLAMATIONS/PRESENTATIONS
> REPORTS (AB1234 Reports, Committee/Commission/Board Reports; Subcommittee Reports; Information Items and Reports)
> ORAL COMMUNICATIONS (limited to reports and non-public hearing agenda items)
> CONSENT CALENDAR – to include:
  Approval of Minutes
  Claims Against the City
  Payment of Bills
  Payments on Public Works Projects
  Authorization to Purchase
  Authorization to Call for Bids
  Award of Bids
  Acceptance of Projects
  Acceptance of Dedications/Property
  Approval of Final Tract Maps
  Annexations
  Requests for City Services
  Reports
  Other Routine Matters
> PUBLIC HEARINGS
> SECOND READINGS
> SCHEDULED MATTERS
ORAL COMMUNICATIONS (on any matter of interest)
COUNCIL COMMENTS
ADJOURNMENT

PASSED, APPROVED AND ADOPTED this _____ day of August, 2010.

_______________________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Consideration of Declaring Selected City Properties for Surplus

SOURCE: City Manager

COMMENT: Councilmember Shelton has requested that the City Council consider authorizing several City properties for surplus and sale. The properties for consideration include APN’s 261-052-019, 263-120-043, and 263-161-006. It is understood that the each of the properties involved were intended for water well sites, however, each of the properties are currently vacant.

RECOMMENDATION: That the City Council consider authorizing the declaration for surplus of the selected City properties.

ATTACHMENT: Locator Maps
AGENDA: AUGUST 17, 2010

JOINT MEETING OF CITY COUNCIL AND PORTERVILLE REDEVELOPMENT AGENCY

SUBJECT: REDEVELOPMENT AGENCY RESTRUCTURING OF DEBT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On June 15, 2010, staff presented the Redevelopment Agency's (RDA) annual budget for approval. In the report, it was stated that in the near future, Agency staff would present to the Council/Agency a restructure program of all RDA debt to the City in order to keep the Agency budget in the positive.

Due to the $373,167 Supplemental Educational Revenue Augmentation Funds (SERAF) take by the State during fiscal year 2009/2010, and an additional take of approximately $80,000 anticipated in fiscal year 2010/2011, the Redevelopment budget for fiscal year 2010/2011 would have a negative balance of ($172,727). In order to maintain a positive balance in the RDA Budget, the City Council took the following action on June 15, 2010:

1. Deferred payments of the Risk Management loan for the reconstruction of the Hockett Parking Lot until a decision has been rendered by the Judicial System in regard to SERAF. The annual scheduled payment is $53,900. At this time the balance of this loan is $496,251.

2. Deferred payments of the City loan that was used to pay the County of Tulare's loan to the Agency. This loan was used for the development of parking lots in close proximity to the County Civic Center. The annual scheduled payment is $43,033. At this time the balance of the loan is $78,000.

3. Assumed the payment responsibility for Porterville Civic Development Foundation which was used for the RDA Amendment. This payment of $200,000 is due before May 1, 2011, or it will start accruing interest at a rate of 7% per annum.

The major objective of staff's recommended debt restructure is to consolidate the above itemized debt with the following additional RDA debt that has been deferred and has no scheduled annual debt service payments to the City:

1. Original Fund Advance Agreement Debt – In 1981, the City loaned the Agency $389,347 to begin the process of formulating a Redevelopment Project Area and a Redevelopment Plan. The Agency was to reimburse the City from tax increment at the time funds were available. However, the project area was not established in 1981/1982 as anticipated due to a lawsuit against the City that deferred any further redevelopment establishment
activity until 1990. All the while the loan was accruing interest at a rate of 10% per annum.

At the June 30, 1999, City Council meeting, Council took action to discontinue accruing interest which had continued at a rate of 10%, defer any annual payments ($300,000 paid to date) until the Agency is in the position to resume making payments, and to renegotiate the interest rate when the Agency is ready to resume payments. At the time interest accrual was discontinued, the balance of this loan was $1,145,425.

2. Parking Lot Improvement Debt - In 1997, the City Risk Management Fund loaned the Agency $110,000 for parking lot improvements which included the replacement of storm drain facilities. The improvements were made to Agency-owned parking lots located 1) on the west side of Second Street between Harrison Avenue and Thurman Avenue and extending to the alley on the west and 2) on the east side of Fourth Street between Morton Avenue and Harrison Avenue and extending east to the railroad tracks. The Agency was to repay this loan from tax increment when available at the interest rate of the Local Agency Investment Fund. No payments have been made to date on this loan and at this time the balance of this loan is $166,944.

Following are three options for Council and Agency to consider in regard to the restructure of RDA debt:

Option 1:
Take no action and show a deficit balance in the RDA budget for fiscal years 2011/2012 through 2013/2014. The Agency would continue to retain multiple separate loans with different terms with an inability to pay down some of the loans.

Option 2:
Amend Resolution No. 91-2 waiving interest on the original loan of $389,347 from the period of 1981 through 1990 in the amount of $406,975. During this 9½ year time period there were no sources of revenue for the Agency to service debt as the project area had not been formed. When the project area was adopted in 1990, the balance of the loan had grown to $796,322. Waiving the interest during this period in the amount of $406,975 would bring the balance of this loan from $1,145,425 to $738,450.

Approval of this option would result in all debt to the City being consolidated into one 30-year loan in the amount of $1,679,645, which shall bear interest at the rate of 3% simple interest with annual payments being made to the City and the Risk Management Fund in the total amount of $84,978 beginning in fiscal year 2014/2015. The delay of payments for four (4) years will allow
the Agency’s fund balance to remain positive and continue to increase providing the Agency with funds to begin working on projects included in the RDA Five Year Implementation Plan as well as service the debt.

This option also allows for the Agency to begin payments for the Original Fund Advance Agreement Debt and the Parking Lot Improvement Debt which, without a restructure, would not be able to be paid in the foreseeable future.

**Option 3:**
This option would have the same terms as mentioned in Option 2; however it would include the sale of one or both of the following properties owned by the Agency to the City or private party:

1. Stout Building (located at the northwest corner of Hockett and Cleveland)
2. Fourth Street property (located at the southeast corner of Fourth and Harrison).

This sale of property(s) would allow for a lump sum payment to the City and the Risk Management fund. The terms of the remaining loan for the Agency would remain the same with the annual payment adjusted downward accordingly.

Attached for City Council’s information is a spreadsheet showing the RDA fund balance with and without the restructure. It should be noted that included in the fund balance is the projected increase in tax increment resulting from the recent RDA Amendment. Also included in the RDA Budget is an estimated $80,000 annually for additional SERAF payments should the State decide to continue to take funds from Redevelopment Agencies at the current level.

**RECOMMENDATION:** That the Porterville Redevelopment Agency:

1. Approve a request to the City to restructure the RDA debt; and
2. Adopt draft Resolution Amending Resolution No. 91-2

That the City Council:

1. Approve restructuring of Agency debt to the City pursuant to Option 3;
3. Adopt draft Resolution providing a loan to the Agency for debt consolidation;
4. Authorize staff to obtain appraisals on each property; and
5. Authorize staff to market the subject properties and to bring back any offers for consideration

ATTACHMENTS:  
1. RDA Fund Balance Spreadsheet
2. Draft Resolution Amending Resolution No. 91-2
4. Draft Resolution Providing a Loan to the Agency for Debt Consolidation
## REDEVELOPMENT AGENCY PROJECT AREA
### ESTIMATED FUND BALANCE
#### WITHOUT RESTRUCTURE

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FUND BALANCE</td>
<td>$12,570</td>
<td>($44,411)</td>
<td>($32,547)</td>
<td>($5,801)</td>
<td>$52,933</td>
<td>$152,866</td>
</tr>
</tbody>
</table>

## REDEVELOPMENT AGENCY PROJECT AREA
### ESTIMATED FUND BALANCE
#### WITH RESTRUCTURE

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FUND BALANCE</td>
<td>$309,503</td>
<td>$347,438</td>
<td>$413,202</td>
<td>$493,848</td>
<td>$521,504</td>
<td>$590,359</td>
</tr>
</tbody>
</table>
RESOLUTION NO. ______-2010

A RESOLUTION OF THE PORTERVILLE
REDEVELOPMENT AGENCY
AMENDING RESOLUTION 91-2

WHEREAS, on April 7, 1981, the City loaned the Redevelopment Agency $389,347 for the establishment of the Redevelopment Project Area No. 1; and

WHEREAS, in 1990 the City of Porterville and Porterville Redevelopment Agency adopted the Porterville Redevelopment Project Area No. 1; and

WHEREAS, on June 18, 1991, the Agency approved Resolution No. 91-2 approving and authorizing the execution of a promissory note for the repayment of debt in the amount of $796,321.62 which included accrued interest through June 30, 1990; and

WHEREAS, due to the condition of the economy, property values have declined which decreased tax increment for the Redevelopment Agency; and

WHEREAS, the Supplemental Educational Revenue Augmentation Fund (SERAF) take by the State of California resulted in a financial deficit of ($172,727) for the Redevelopment Agency’s 2010/2011 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, that the Porterville Redevelopment Agency:

1. Amend Resolution 91-2 waiving interest during the period of 1981 and 1990 in the amount of $406,975; and
2. That the loan agreement in the amount of $1,679,645 between the City and the Agency have a term of thirty (30) years and a simple interest rate of 3% with the first annual payment commencing on July 1, 2014.
3. Upon the sale of Agency owned real property as proposed, the principal amount of the debt will be paid down commensurate with the net proceeds of the sale(s).

Ronald L. Irish, Mayor

ATTEST:

By: _________________________________
John Lollis, City Clerk
RESOLUTION NO. _____-2010

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING REQUEST BY
REDEVELOPMENT AGENCY TO AMEND
RESOLUTION 91-2, AND RESCINDING
RESOLUTION NO.S 133-97, 31-2007, 56-2007, 2008-01,
75-2010, 76-2010, AND 77-2010

WHEREAS, on April 7, 1981, the City loaned the Redevelopment Agency $389,347 for the establishment of the Redevelopment Project Area No. 1; and

WHEREAS, in 1990 the City of Porterville and Porterville Redevelopment Agency adopted the Porterville Redevelopment Project Area No. 1; and

WHEREAS, on June 18, 1991, the Agency approved Resolution No. 91-2 approving and authorizing the execution of a promissory note for the repayment of debt in the amount of $796,321.62 which included accrued interest through June 30, 1990; and

WHEREAS, on November 12, 1997, the City Council approved Resolution No. 133-97 approving retained earnings from the liability program account of the City Risk Management fund as a source of funds for Redevelopment Parking Lot Improvements located 1) on the west side of Second Street between Harrison Avenue and Thurman Avenue and extending to the alley on the west and 2) on the east side of Fourth Street between Morton Avenue and Harrison Avenue and extending east to the railroad tracks; and

WHEREAS, on May 1, 2007, the City of Porterville approved Resolution No. 31-2007 providing funds to the Redevelopment Agency for the repayment of existing debt to the County of Tulare for the development of parking lots in close proximity to the County Civic Center; and

WHEREAS, on June 19, 2007, the City Council approved Resolution No. 56-2007 providing a loan to the Redevelopment Agency for reconstruction of the Hockett Parking Lot; and

WHEREAS, on January 15, 2008, the Redevelopment Agency approved Resolution No. 2008-01, accepted a loan from the Porterville Civic Development Foundation for the amendment of the boundaries of Project Area No. 1 (Amendment); and

WHEREAS, on June 15, 2010, the City Council approved Resolution No. 75-2010 deferring debt payments of the Redevelopment Agency for the reconstruction of the Hockett Parking Lot; and

WHEREAS, on June 15, 2010, the City Council approved Resolution No. 76-2010 deferring debt payments of the Redevelopment Agency for the loan from City of Porterville for the payment of existing debt to the County; and

WHEREAS, on June 15, 2010, the City Council approved Resolution No. 77-2010
providing funds to the Redevelopment Agency for repayment of existing debt to the Porterville Civic Development Foundation; and

WHEREAS, due to the condition of the economy, property values have declined which decreased tax increment for the Redevelopment Agency; and

WHEREAS, the Supplemental Educational Revenue Augmentation Fund (SERAf) take by the State of California resulted in a financial deficit of ($172,727) for the Redevelopment Agency’s 2010/2011 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, that the Porterville City Council approve the request by the Porterville Redevelopment Agency to amend Resolution 91-2 waiving interest during the period of 1981 through 1990 in the amount of $406,975, and rescind Resolutions 133-97, 31-2007, 56-2007, 2008-01, 75-2010, 76-2010, and 77-2010.

________________________________________
Ronald L. Irish, Mayor

ATTEST:

By: ________________________________
John Lollis, City Clerk
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE TO PROVIDE FUNDS TO THE PORTERVILLE REDEVELOPMENT AGENCY FOR THE REPAYMENT OF EXISTING DEBT

WHEREAS, on April 7, 1981, the City Council of the City of Porterville, and the Porterville Redevelopment Agency entered into a Cooperative Agreement for the formation of a Redevelopment Agency with the Agency reimbursing the City for all cost incurred in the effort; and

WHEREAS, on June 18, 1991, the Redevelopment Agency entered into a promissory note with the City Council of the City of Porterville for all cost included in the formation of the Redevelopment Agency; and

WHEREAS, on November 12, 1997, the Redevelopment Agency entered into an agreement with the City Council of the City of Porterville for Redevelopment Parking Lot Improvements located 1) on the west side of Second Street between Harrison Avenue and Thurman Avenue and extending to the alley on the west and 2) on the east side of Fourth Street between Morton Avenue and Harrison Avenue and extending east to the railroad tracks; and

WHEREAS, on May 1, 2007, the Redevelopment Agency entered into an agreement with the City Council of the City of Porterville to pay the principal and interest, if any, to satisfy County of Tulare Loan Agreement No. 18584 for the development of parking lots in close proximity to the County Civic Center; and

WHEREAS, on June 19, 2007, the Redevelopment Agency entered into an agreement with the City Council of the City of Porterville for the reconstruction of the Hockett Street Parking Lot; and

WHEREAS, on January 15, 2008, the Redevelopment Agency approved Resolution No. 2008-01, accepting a loan from the Porterville Civic Development Foundation for the amendment of the boundaries of Project Area No. 1 (Amendment); and

WHEREAS, due to the condition of the economy, property values have declined and the Agency has realized a decrease in tax increment revenue available for repayment of debts subject to the above referenced agreements; and

WHEREAS, the Supplemental Educational Revenue Augmentation Fund (SERAf) take by the State of California resulted in a financial deficit for the Redevelopment Agency’s 2010/2011 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, that the Porterville City Council does approve the request by the Porterville Redevelopment Agency as follows:

1. That the City of Porterville pay the principal satisfying the Porterville Civic Development
Foundation Agreement.

2. That the loan agreement in the amount of $1,679,645 between the City and the Agency have a term of thirty (30) years and a simple interest rate of 3% with the first annual payment commencing on July 1, 2014.

By: __________________________
    Ronald L. Irish, Mayor

ATTEST:

By: __________________________
    John Lollis, City Clerk