CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
OCTOBER 5, 2010, 5:30 P.M.

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:
   1- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

During Closed Session, the Joint Redevelopment/City Council Meeting will adjourn to a City Council Meeting.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY REPORTABLE COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Brian Ward
Invocation

PRESENTATIONS
   Employee of the Month – Tina Brown
   Employee Service Awards
   Explorer Program
REPORTS
This is the time for all reports from the City Council, including but not limited to, reports pursuant to AB1234, reports from subcommittees, committees, commissions and boards on which the Council Members serve, and other miscellaneous informational reports.

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.

2. Claim – Robert Rivas
   Re: Consideration of a claim in an amount of $9,390 for personal injuries the claimant alleges were sustained when he fell through an open sewer access hole while walking across an empty field immediately east of Burger King on Jaye Street on August 4, 2010.
3. Authorization To Advertise for Bids – Four Compressed Natural Gas (CNG) Refuse Trucks
   Re: Authorizing staff to advertise for the purchase of four CNG Refuse Trucks.
4. Acceptance of Public Improvements – Moorea Manor (Gary Smee)
   Re: Accepting public improvements for maintenance from Gary Smee of Smee Builders, Inc., and authorize the filing of the Notice of Completion.
5. Approval for Community Civic Event – Central California Family Crisis Center’s Annual Candlelight Vigil for Domestic Violence, October 16, 2010
   Re: Approving the annual candlelight vigil at Veteran’s Memorial Park on Saturday, October 16, 2010, from 3:00 p.m. to 8:30 p.m.
   Re: Approving the annual car show event to be held at the New Life Center Church on Sunday, October 24, 2010, from 7:00 a.m. to 2:00 p.m.
7. Scheduling of Public Hearing to Consider Adoption of the Fiscal Year 2010-2011 Budget
   Re: Approving the scheduling of a Public Hearing on October 19, 2010, to consider adoption of the proposed 2010-2011 Fiscal Year Budget.

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

SCHEDULED MATTERS
8. Library Board of Trustees Appointments
   Re: Consideration of the appointment of two individuals to fill two seats with three-year terms due to expire at the end of October 2010.
9. **Time Marches on Mural to be Constructed in Centennial Plaza**  
Re: Consideration of a request from the Porterville Mural Committee, in association with the Time Marches On Committee, to construct and donate a mural in Centennial Plaza.

10. **Revision of Tulare County Association of Governments (TCAG) Joint Powers Agreement**  
Re: Consideration of proposed amendments to the Joint Powers Agreement which would grant TCAG the authority “to acquire, maintain, and dispose of real property.”, and authorize TCAG to enter into JPAs.

11. **City Easement Conveyance to Southern California Edison Company**  
Re: Consideration of a request from SCE for an easement for the purpose of installing and maintaining underground electrical supply and communication systems along the north side of Tea Pot Dome Avenue.

12. **This item has been removed.**

13. **Consideration of Establishing by Ordinance an Arts Commission as an Advisory Body to the City Council**  
Re: Considering approval of a draft ordinance authorizing the establishment of an Arts Commission.

14. **Council Member Requested Item – Consideration of Hosting a “Step Up” Gang Awareness Forum**  
Re: Consideration of a request to consider hosting a “Step Up” gang awareness forum, in coordination with the County of Tulare.

**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 October 19, 2010 at 5:30 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.
Called to Order at 6:00 p.m.
Roll Call: Council Member Hamilton (arrived late), Council Member Pedro Martinez, Council Member Felipe Martinez, Vice Mayor Ward, Mayor McCracken

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

JOINT CITY/PORTERVILLE REDEVELOPMENT AGENCY MINUTES

Roll Call: Agency Member Hamilton (arrived late), Agency Member Pedro Martinez, Agency Member Felipe Martinez, Vice-Chairman Ward, Chairman McCracken

JOINT ORAL COMMUNICATIONS

None

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

   The City Council and Redevelopment Agency adjourned to a meeting of the Porterville City Council.

CLOSED SESSION:
B. Closed Session Pursuant to:
   4- Government Code Section 54957 – Public Employee Performance Evaluation – Title: Golf Course Manager

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

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

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL AND/OR REDEVELOPMENT AGENCY ACTION TAKEN IN CLOSED SESSION

Closed Session Item B2 – City Attorney Julia Lew reported that the City Council, on a motion made by Vice Mayor Ward and seconded by Council Member Felipe Martinez, unanimously approved the sale of real property, APNs 261-130-001 and 253-160-032, to the State of California for the amount of $2,140,000; and authorized the mayor to execute the Real Property Acquisition Agreement and Grant Deeds pertaining thereto.

Documentation: Resolutions 74-2009 and 75-2009
M.O. 01-081809

Disposition: Approved.

Pledge of Allegiance Led by Vice Mayor Brian Ward
Invocation – one individual participated.

PROCLAMATIONS

Eagle Scout – Tim Hathaway (Continued to 2nd meeting in September)
Energy Efficiency Month – September 2009 (Added)
Recovery Month – September 2009

PRESENTATIONS

Employee Service Awards
Recognition of City Lifeguards

ORAL COMMUNICATIONS

• Greg Shelton, 888 North Williford Drive, spoke in favor of approval of Item 19, and commented, as a Parks & Leisure Service Commissioner, that he did not feel he had enough information to vote on Item 21 when it was before the Commission.
• Steve Penn, a Strathmore resident and applicant in Item 19, spoke in favor of the Council’s approval of Item 19, and requested that the proposed hours of operation be changed from 8:00 a.m. – 4:00 p.m. to 8:00 a.m. – 6:00 p.m.
• Gerry Guinn, came forward on behalf of the Boys & Girls Club, and invited everyone to a yard sale and drive-thru tri-tip dinner fundraiser to take place at the Club on August 27th.
• Brock Neeley, commented that in the event the Council took action on Item 23, said
items should be brought back to a public meeting for discussion to meet the requirements of the Brown Act; and suggested that the motivation for Council Member Hamilton adding Item 24 to the Agenda appeared to be fueled by a vendetta against State Senator Leno. Mr. Neeley then voiced opposition to Item 24.

- Dick Eckhoff, 197 N. Main Street, spoke in favor of Item 24 and in opposition of SB 802.
- Sydney Pedraza, spoke regarding Item 23, requesting that opposition to SB 54 be considered. He also suggested that future items like Item 23 be placed at the front of the agenda for the public’s convenience.
- Jessica Mahoney, voiced concern with the sample survey provided in Item 20, noting that it did not pertain to Tulare County.
- Barry Caplan, commended the City Council on its prior action at a previous Council Meeting regarding SB 54; voiced support for the publication of the Council Agenda in the local newspaper; voiced concern with sending a Council Member to Sacramento to discuss legislative issues; and voiced alarm that Council Member Hamilton had an apparent grudge against State Senator Leno.

CONSENT CALENDAR

Item Nos. 2 and 11 were removed for further discussion. Item No. 14 was removed from the Agenda pursuant to a request by staff. Council Member Felipe Martinez’s abstention on Item 10 due to a disqualification was also noted.

1. CITY COUNCIL MINUTES OF MAY 5, 2009

Recommendation: That the City Council approve the Minutes of May 5, 2009.

Documentation: M.O. 02-081809
Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS - MICRO SURFACING PROJECT

Recommendation: That the City Council:
1) Approve Staffs recommended Plans and Project Manual for the Micro-Surfacing Project; and
2) Authorize staff to advertise for bids on the project.

Documentation: M.O. 03-081809
Disposition: Approved

4. AWARD OF CONTRACT – AIRPORT ELECTRICAL UPGRADE PROJECT

Recommendation: That the City Council:
1) Award the Airport Electrical Upgrade Project to the firm of Royal Electric in the amount of $410,461;
2) Authorize progress payments up to 90% of the Contract amount;
3) Authorize Public Works to incorporate “extra” or contingency work up to but not more than 10% of the contract amount provided the FAA approves and agrees to supplement the contract to cover the “extra” or contingency work; and
4) Authorize an additional $5,000 to cover construction administration costs.

Documentation: M.O. 04-081809
Disposition: Approved

5. AWARD OF CONTRACT – FAIRWAY TRACT EMERGENCY WATER PROJECT

Recommendation: That the City Council:
1) Award the Fairway Tract Emergency Water Project to 99 Pipeline, Inc. in the amount of $18,401.00;
2) Authorize Progress payments up to 90% of the contract amount; and
3) Authorize 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 05-081809
Disposition: Approved

6. AWARD OF CONTRACT - WELL NO. 31 PROJECT (PUMPING PLANT)

Recommendation: That the City Council:
1) Award the Well no. 31 Project (Pumping Plant) to Valley Pump & Dairy Systems in the amount of $573,108.88;
2) Authorize progress payments up to 90% of the contract amount; and
3) Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 06-081809
Disposition: Approved

7. ACCEPTANCE OF PROJECT - MURRY & ZALUD PARK PAVILION REPLACEMENT

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

Documentation: M.O. 07-081809
Disposition: Approved
8. ACCEPTANCE OF PROJECT - FIRE STATION #2 TRAINING CLASSROOM – HVAC

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

Documentation: M.O. 08-081809
Disposition: Approved

9. ACCEPTANCE OF QUITCLAIM DEED - PIONEER WATER COMPANY

Recommendation: That the City Council:
1) Accept the Quitclaim Deed relinquishing Pioneer Water Company’s rights to a Waster Water Ditch;
2) Accept the Quitclaim Deed relinquishing specific surface rights to a portion of the Pioneer Ditch – Park Branch; and
3) Authorize the City Clerk to record the Quitclaim Deeds with the County Recorder’s Office.

Documentation: Resolution 76-2009 and 77-2009
Disposition: Approved

10. AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT FOR SURVEYING SERVICES – HENDERSON AVENUE REHABILITATION PROJECT

Recommendation: That the City Council:
1) Authorize the Mayor to execute the Consultant Service Agreement with Winton and Associates at an agreed fee of $5,600 for the services described herein;
2) Authorize progress payments up to 100% of the fee amount; and
3) Authorize a 10% contingency to cover unforeseen survey requirements that relate to our design efforts.

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

Documentation: M.O. 09-081809
Disposition: Approved
12. REQUEST FOR PROMOTIONAL DISPLAY ON PUBLIC RIGHT-OF-WAY (RELAY FOR LIFE 2009)

Recommendation: That the City Council authorize the non-advertising displays commemorating the “Paint the Town” special event subject to the recommended conditions of approval.

Documentation: M.O. 10-081909
Disposition: Approved

13. PROPOSITION 1A SECURITIZATION PROGRAM

Recommendation: Information only.

Disposition: No action required.

14. CONSIDERATION OF RESOLUTION FOR ENERGY EFFICIENCY MONTH

Disposition: Item removed from Agenda.

15. APPROVAL OF RESTATED HEALTH PLAN DOCUMENT

Recommendation: That the City Council, as Trustees of the Employee Benefit Trust, approve the draft resolution approving the City’s Restated Health Plan Document Dated August 1, 2009.

Documentation: Resolution 78-2009
Disposition: Approved

16. AMENDMENT TO WORKERS COMPENSATION COVERAGE

Recommendation: That the City Council approve the draft resolution amending the City’s workers’ compensation coverage to include non-safety volunteers working for the City.

Documentation: Resolution 79-2009
Disposition: Approved

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council approve Item Nos. 1, 3 through 10, 12, 13, 15, and 16, noting the abstention of Council Member Felipe Martinez from Item No. 10 due to disqualification. The motion carried unanimously.

2. SALE OF SURPLUS VEHICLES TO THE CITY OF MCFARLAND

Recommendation: That the City Council:
1) Approve the sale of the listed Surplus vehicles to the City of McFarland; and
2) Authorize the Purchasing Agent to transfer title to the City of McFarland.

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

Council Member Hamilton inquired about salvage prices, and the equipment removal. Staff indicated that the monies were minimal, and that equipment removed from vehicles were typically used for parts or surplused.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve the sale of the listed surplus vehicles to the City of McFarland; and authorize the Purchasing Agent to transfer title to the City of McFarland. The motion carried unanimously.

Disposition: Approved

11. **RULE 8061 COMPLIANCE REQUIREMENTS**

Recommendation: That the City Council:

1) Authorize staff to send determinations to the SJVAPCD to satisfy the reporting requirements of Rule 8061 along with a “Statement of Financial Hardship”; and
2) Contingent upon the Boards denial of the “Statement of Financial Hardship”, direct staff to work with SJVAPCD in establishing a reasonable schedule with a focus on realistic financial goals when considering the current economic situation.

City Manager Lollis introduced the item, and the staff report was presented by City Engineer Mike Reed.

Council Member Hamilton inquired about the expectation of staff with regards to the hardship application, and contingencies available to the City if denied. He suggested that a plan be developed to address future requirements, even if the current application was approved.

Council Member Felipe Martinez requested that information pertaining to storm drains also be included in the reporting. Staff indicated that it could be done, but that it would require a more advanced process.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council authorize staff to send determinations to the SJVAPCD to satisfy the reporting requirements of Rule 8061 along with a “Statement of Financial Hardship”; and contingent upon the Boards denial of the “Statement of Financial
Hardship”, direct staff to work with SJVAPCD in establishing a reasonable schedule with a focus on realistic financial goals when considering the current economic situation. The motion carried unanimously.

Disposition: Approved

SECOND READINGS

17. ORDINANCE 1757, PERTAINING TO NOISE

Recommendation: That the City Council give Second Reading to Ordinance No. 1757, 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 Member Pedro Martinez indicated that he had a previously disclosed conflict of interest, recused himself, and exited the Council Chambers.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council give Second Reading to Ordinance No 1757, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING TO THE MUNICIPAL CODE CHAPTER 18, ARTICLE V PERTAINING TO NOISE.

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

The City Manager read the ordinance by title only.

Disposition: Approved

The Council recessed for ten minutes.

SCHEDULED MATTERS

18. TRANSIT SYSTEM OVERVIEW FOR FISCAL YEAR 2008/2009

Recommendation: Information only.

City Manager Lollis introduced the item, and Administrative Analyst Linda Clark presented the staff report. She then addressed questions from the Council, and elaborated on requirements and rules associated with fares.
The Council directed staff to report back to the City Council on a quarterly basis. A Council Member also requested that staff look into the feasibility of a 1-day pass option.

Disposition: Direction given.

19. REQUEST FOR A TEMPORARY STRUCTURE PERMIT FOR THE STORAGE AND CONSIGNMENT OF EQUIPMENT (952 WEST NORTH GRAND AVENUE)

Recommendation: Provide direction to staff.

City Manager Lollis introduced the item, and Community Development Director Brad Dunlap presented the staff report. During the staff report the following options were presented to the Council:

Option 1. Approve the request as proposed per the submitted plan and conditions contained in the attached resolution.

Option 2. Deny the applicant request and require the full extent of improvements be made prior to allowing any degree of use other than storage.

Option 3. Approve the request with conditions to apply oil or other dust retardant to the customer parking and vehicular travel areas.

Option 4. Approve the request and require the applicant to pave the travel ways per Sections 2206 and 2211 of the Zoning Ordinance.

A discussion ensued regarding a future interchange in the area, and the level of improvements which should be required of the applicant with that in mind.

The applicant spoke briefly about how consignment sales worked, and addressed concerns regarding dust control. He spoke in favor of using a water truck to mitigate dust, and against requiring concrete type improvements.

Council Member Pedro Martinez requested that staff identify significant circumstances or conditions of the site which justified approval of the permit. Community Development Director Dunlap identified the previous non-conforming use and the future interchange construction, which would result in the site being wiped out as two significant factors.

At the Council’s request, the applicant clarified that he would not be doing mechanical work on the site.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor Ward that the City Council approve the request as proposed in the submitted plans and conditions contained in the draft resolution, as amended to include following conditions: 1) Council to review annually
for extension; 2) applicant to provide report of sales transactions to City one month prior to annual review; 3) permit limited to farm and construction equipment only; 4) hours from dawn to dusk only; 5) applicant required to place oil pans or other containment devices under equipment to avoid oil leaks onto parking surface.

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

Disposition: Approved, as amended.

20. CONSIDERATION OF SAMPLE SURVEY IN THE POTENTIAL FORMATION OF A MOSQUITO ABATEMENT DISTRICT IN SOUTHEASTERN TULARE COUNTY

Recommendation: That the City Council consider the Lake County survey for prospective comments in the creation of the Southeastern Tulare County Survey.

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

Mayor McCracken indicated that Supervisor Ennis had informed him that a survey pertaining to Tulare County would be provided should the item be continued to the 2nd meeting in September.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council continue the item to the 2nd meeting in September. The motion carried unanimously.

Disposition: Item continued.

21. COUNCIL MEMBER REQUESTED AGENDA ITEM – MURRY PARK POOL SLIDE INSTALLATION

Recommendation: Provide appropriate direction to staff.

City Manager Lollis introduced the item, and Community Development Director Dunlap presented the staff report. Following the staff report, Mr. Dunlap addressed questions from the Council regarding costs and timeline for completion.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hamilton that the City Council direct staff bring back a detailed item for action.
AYES: Hamilton, P. Martinez, F. Martinez, McCracken
NOES: Ward
ABSTAIN: None
ABSENT: None

Disposition: Direction given.

22. COUNCIL MEMBER REQUESTED AGENDA ITEM – THE PORTERVILLE RECORDER AGENDA PUBLICATION

Recommendation: None

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

Following a discussion regarding the availability of the agenda packet for public viewing, and means of distribution, staff was directed by the Council to bring back options for expanding publicity.

Disposition: Direction given.

23. COUNCIL MEMBER REQUESTED AGENDA ITEM – SUBJECTS FOR DISCUSSION WITH LOCAL LEGISLATORS IN SACRAMENTO

Recommendation: That the City Council consider potential issues for discussion, and authorize Councilman Martinez to speak on the behalf of Council.

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

City Attorney Lew addressed concerns brought forth during Oral Communications regarding the Brown Act, and advised that the Item was not in violation.

The Council discussed possible issues to be presented, such as: the new courthouse; water, including dam remediation; State budget; Proposition 84; gang suppression; and SB 802.

Council Member Felipe Martinez provided the Council with a report regarding his attendance at a recent meeting of the Water Commission, and subjects of discussion at said meeting.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hamilton that the City Council select Council Member Hamilton to travel to Sacramento as the City Council’s representative and address the following issues with state legislators: Courthouse; water, including dam remediation; State budget/HUTA/RDA take; SB 54 (Council Member P. Martinez’s letter); Prop 84; gang suppression; and SB 802; and direct Staff to draft written documentation of issues for discussion. The motion carried unanimously.
24. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF LETTER OF OPPOSITION TO SB 802 (LENO)

Recommendation: None

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council adopt a letter of opposition to Senate Bill (SB) 802, which is intended to limit retention proceeds to no more than a five percent rate. The motion carried unanimously.

Disposition: Approved

ORAL COMMUNICATIONS

• Jessica Mahoney, requested a status report on the Brickhouse noise issue. City Manager Lollis advised Ms. Mahoney that a public hearing on the item would take place at the next Council Meeting.

• Brock Neeley, provided the Council with some examples of “gut and amend” legislation.

• Steve Penn, thanked the Council for its approval of Item 19.

• Barry Caplan, requested that the Council request a staff report on the status of the City’s new website project; and requested clarification as to the motion on Item 23.

OTHER MATTERS

• Council Member Felipe Martinez: 1) provided a report pursuant to AB 1234 in which he advised of his recent trip to Sacramento and meetings with legislators and the Governor’s staff regarding water issues; and 2) requested an item to consider the formation of a subcommittee comprised of himself and one other Council Member to address local water issues.

• Council Member Pedro Martinez: 1) extended his thoughts and prayers to the families of the Police Officers injured in the automobile accident; 2) acknowledged the City’s firefighters sent to combat the fire incidents throughout the State; 3) elaborated on recent discussions with the County regarding the Step-Up Program and clarified the allegations that Porterville was disinterested in a program were not correct; 4) offered encouragement to the Porterville team in the upcoming Golf Tournament against the City of Tulare; and 5) requested an informational item on the status of various vacant commercial properties like JC Penney’s and Gang Sue’s.

• Council Member Hamilton spoke of the importance of talking with the County Supervisors regarding the County’s General Plan Update; extended his thoughts and prayers to the injured Police Officers and their families; and requested that a thank you letter be sent to the Fresno Police Department for their gracious assistance to the family of Officer Smith.
Council Member Ward extended his thoughts and prayers to the families of the injured Police Officers; and inquired as to the regulations for mailbox placement, noting that in some areas of town, the mailbox encroached on the sidewalk making passage difficult. Public Works Director Rodriguez clarified the regulations and spoke of the U.S. Postal Service’s role in same.

The Council recessed for ten minutes at 10:19 p.m., then convened in Closed Session.

CLOSED SESSION
The Council reconvened in Open Session at 10:45 p.m. City Attorney Julia Lew reported on the following Council action:

Closed Session Item B7 – The City Council, on a motion made by Council Member Felipe Martinez and seconded by Council Member Pedro Martinez, unanimously authorized the initiation of eminent domain proceedings for the property APN: 268-120-004.

Documentation: M.O. 17-081809
Disposition: Approved

Closed Session Item B7 – The City Council, on a motion made by Council Member Felipe Martinez and seconded by Council Member Pedro Martinez, unanimously approved the City joining a lawsuit filed under seal.

Documentation: M.O. 18-081809
Disposition: Approved

ADJOURNMENT
The Council adjourned at 10:46 p.m. to the meeting of September 1, 2009 at 6:00 p.m.

_____________________________
Pete V. McCracken, Mayor

_____________________________
Luisa Herrera, Deputy City Clerk

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

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

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

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY CLOSED SESSION:

A. Closed Session Pursuant to:

During Closed Session, the Porterville Redevelopment Agency adjourned to a meeting of the Porterville City Council.

CLOSED SESSION:

B. Closed Session Pursuant to:


4- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis. Employee Organizations: Porterville City Employees Association, Porterville Safety Support Unit, Porterville City Firefighters Association, and Porterville
Management and Confidential Series.

5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

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

7- 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 Lew stated that no reportable action had taken place.

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

PROCLAMATIONS
Harmony Magnet Academy Academic Decathlon Team
Granite Hills High School Academic Decathlon Team

PRESENTATIONS
Employee of the Month – Russell Isom
Student Entrepreneur Challenge

ORAL COMMUNICATIONS

• Mac (last name inaudible), a California Hot Springs resident and Military Advisor for the Rotary Spring Ball, spoke of the upcoming event honoring the military and invited the City Council Members to attend.

• K.C., a local resident, voiced displeasure with the federal government, and requested that the City sever any obligations and remove any dependency the City has with it.

• Boyd K. Leavitt, a Porterville resident, spoke against the Council moving forward with establishing a benevolence fund, commenting that the Council Members should instead personally support local charitable organizations if they so desired.

• Brock Neely, spoke regarding Item No. 25, voicing concern with the Council reconsidering an ordinance that was already approved and adopted.

• Eddie Hernandez, 2110 W. Garden Avenue, spoke against the newly adopted Fireworks Ordinance, commenting that it impaired the ability for charitable organizations to raise funds by limiting the number of potential sites.

• Dick Eckhoff, 197 N. Main Street, spoke regarding Item 25, and noted various items that should be addressed in the recently adopted Fireworks Ordinance, such as the language prohibiting storage of fireworks at residential locations.

• Donnette Silva Carter, 93 N. Main Street, Porterville Chamber of Commerce CEO, 1) spoke of the recent Youth Business Conference and the benefits of the event not only for the local youth, but also to the local economy; 2) advised of the Spring kick-off of Music on Main Street with Friday’s upcoming performance by Black Sheep; and 3) spoke against the recently adopted Fireworks Ordinance, and commented on the benefits of holding a season wrap-up meeting to address/troubleshoot any issues.
• Greg Shelton, 888 N. Williford Drive, requested the opportunity to speak when the Council/Redevelopment Agency addressed Item No. PRA-01. Mr. Shelton was advised by Council that there was another Oral Communications prior to the Redevelopment items.

• Jessica Mahoney, a Terra Bella resident, voiced concern with the D.A.’s report on the Steen investigation and the manner in which Porterville P.D. and the Recorder handled the matter.

• Barry Caplan, a Porterville resident, lauded the achievements of the High School students honored that evening, and suggested that the students ought to work with the local non-profit groups to brainstorm other fundraising ideas.

• Jo Ann Berra, a Porterville resident, voiced concern with the recently adopted Fireworks Ordinance, citing the negative impact it will have on the PTA’s ability to raise funds.

• Jennifer Schnell, on behalf of TNT Fireworks, advised she was available as a resource for information that evening in the event the Council had any questions.

CONSENT CALENDAR

Items 4 and 8 were removed from the agenda.

1. CITY COUNCIL MINUTES OF JANUARY 23, 2010

Recommendation: That the City Council approve the City Council minutes of January 23, 2010.

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

Documentation: M.O. 01-040610
Disposition: Approved

2. CLAIM – SHANE BROCK, A MINOR

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

Documentation: M.O. 02-040610
Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS - INSTALLATION OF MONITOR WELL

Recommendation: That the City Council:
1. Authorize the Public Works Director to enter into a “Professional Services Agreement” with Kenneth D. Schmidt & Associates for
professional consulting services on the City’s Reclamation Area Monitor Well Project;
2. Approve Staff’s recommended plans and project manual;
3. Authorize Public Works to advertise for bids on the Reclamation Area Monitor Well Project; and
4. Direct the Finance Director to initiate a Budget Adjustment to the 2009/2010 Annual budget for $27,000 from the Wastewater Treatment Plant Capital Reserve Fund with the understanding that the actual budget adjustment will be finalized at the time of contract award.

Documentation: M.O. 03-040610  
Disposition: Approved

5. ACCEPTANCE OF PROJECT – RECLAMATION ROAD 216 PIPELINE AND WEIR

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

Documentation: M.O. 04-040610  
Disposition: Approved

6. ACCEPTANCE OF PUBLIC IMPROVEMENTS – MEADOW BREEZE, PHASE THREE (GARY SMEE – NICHOLSON & SMEE LLC)

Recommendation: That the City Council:
1. Accept the public improvements of Meadow Breeze, Phase Three Subdivision for maintenance;
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 05-040610  
Disposition: Approved

7. AUTHORIZATION TO PAY SOUTHERN CALIFORNIA EDISON INCOME TAX COMPONENT OF CONTRIBUTION (“ITCC”) CHARGE FOR UTILITY POLE RELOCATIONS AND STREET LIGHT INSTALLATION FOR THE JAYE STREET – MONTGOMERY AVENUE ROUNDBOUT PROJECT

Recommendation: That the City Council:
1. Approve the “ITCC” charges associated with the installation of street lights and existing utility pole relocations; and
2. Authorize the City Engineer to disburse funds to SCE.
9. APPROVAL OF SPORTS COMPLEX CONCESSION LICENSE

Recommendation: That the City Council approve the Concession License with AYSO Region 315 and the Concession License with the Porterville Youth Football League, and authorize direct the Mayor to execute the same.

10. SEAFOOD CAFÉ/EL REVENTON CONSIDERATION OF MODIFICATION OR REVOCATION OF CUP 5-2007

Recommendation: That the City Council adopt the attached Draft Resolution modifying the Seafood Café/El Reventon hours of operation.

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

11. PUBLIC TRANSPORTATION CONTRACT WITH SIERRA MANAGEMENT

Recommendation: That the City Council:
1. Approve the revised transportation contract amount submitted by Sierra Management, and
2. Authorize Staff to incorporate the new revenue vehicle hourly rates for Demand Response and Fixed Route, as well the Fixed Cost components, into the Transit Budget for FY 2010/11.

12. APPROVAL OF MEASURE “R” PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

Recommendation: That the City Council:
1. Approve the attached Resolution in support of the Program Supplement to Cooperative Agreement for the reimbursement of design costs associated with the Transit Center Expansion project and the Bus Maintenance Facility Expansion project;
2. Authorize the Mayor and City Clerk to execute the Programs Supplement; and
3. Authorize staff to forward the executed Program Supplement to TCAG for approval and execution.

Documentation: Resolution 31-2010
Disposition: Approved

13. AIRPORT LEASE RENEWAL – LOT 38

Recommendation: That the City Council approve the extension of the Lease Agreement between the City of Porterville and Roy and Carol Cundiff of Long Beach, CA, for Lot 38 at the Porterville Municipal Airport.

Documentation: M.O. 09-040610
Disposition: Approved


Recommendation: That the City Council:
1. Approve the Community Civic Event Application and Agreement from the Porterville Unified School District, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit “A”, without closing Olive Avenue; and
2. Approve the use of the parking lot on the South side of Olive Avenue and the bare ground south of that parking lot for this event with sponsor-controlled pedestrian crossing.

Documentation: M.O. 10-040610
Disposition: Approved


Recommendation: That the City Council approves:
1. The Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application, Agreement and Exhibit “A”; and
2. Authorize the Chief of Police, or his designee, to close Olive Avenue between A Street and Plano Street, if warranted to address public safety concerns.
16. APPROVAL FOR COMMUNITY CIVIC EVENT – ROLLIN’ RELICS CAR CLUB – ROLLIN’ RELICS CAR SHOW – MAY 1, 2010

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

Documentation: M.O. 12-040610
Disposition: Approved

17. AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN

Recommendation: That the City Council:
1. Approve the draft resolution amending the Employee Pay and Benefit Plan;
2. Approve the draft ordinance authorizing an amendment to the contract between the Board of Administration of the California Public Employees’ Retirement System, give first reading by title only and order the ordinance to print;
3. Approve the draft resolution amending the contract between the Board of Administration of the California Public Employees’ Retirement System and the City; and
4. Authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

Documentation: Resolution 32-2010; Ordinance 1762; and Resolution 33-2010
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve Item Nos. 1 through 3, 5 through 7, and 9 through 17, noting the abstentions of Council Member Pedro Martinez from Item No. 1 and Council Members Hamilton and Felipe Martinez from Item No. 10. The motion carried unanimously.

4. AWARD OF CONTRACT – OLIVE AVENUE REHABILITATION PROJECT

Recommendation: That the City Council:
1. Award the Olive Avenue Rehabilitation Project to Dawson-Mauldin Construction, Inc. in the amount of $297,082.00; and
2. Authorize a 10% contingency to cover unforeseen construction costs.
City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

Vice Mayor Ward expressed concern about the absence of local contractors in the list of responsive bidders, and requested that staff provide him with a list of local contractors so that he may be able to look into the matter further.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Felipe Martinez that the City Council award the Olive Avenue Rehabilitation Project to Dawson-Mauldin Construction, Inc. in the amount of $297,082.00; and authorize a 10% contingency to cover unforeseen construction costs. The motion carried unanimously.

Disposition: Approved

8. AUTHORIZATION TO TRAVEL

Recommendation: That the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference.

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

At Council Member Hamilton’s request, Community Development Director Dunlap spoke about the public-private partnership which resulted in Kohl’s coming to town.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council for Shopping Centers conference. The motion carried unanimously.

Disposition: Approved

Mayor McCracken advised that at staff’s request, the Council would consider the Redevelopment Agenda next, followed by Item No. 23.

The City Council adjourned at 8:10 p.m. to a Joint Meeting of the City Council and the Porterville Redevelopment Agency.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MINUTES
April 6, 2010

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

Mayor/Chair McCracken abstained from Items PRA-01 and PRA-02 due to previously
disclosed conflict of interest and left the Council Chambers.

Vice Mayor/Vice Chair Ward waived the three minute limitation on comments during Oral Communications.

**ORAL COMMUNICATIONS**
- Greg Shelton, 888 N. Williford Drive, spoke against Item PRA-01, warning it would provide the ability for the Agency to misuse eminent domain powers for economic development.

**WRITTEN COMMUNICATIONS**
None

**SCHEDULED MATTERS**

PRA-01. AUTHORIZATION TO CONDUCT A JOINT PUBLIC HEARING OF THE CITY OF PORTERVILLE CITY COUNCIL AND THE PORTERVILLE REDEVELOPMENT AGENCY IN CONNECTION WITH THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT; AUTHORIZATION TO PROVIDE NOTICE OF THE HEARING; AUTHORIZATION TO TRANSMIT DRAFT AMENDED PLAN TO THE PLANNING COMMISSION

Recommendation: That the City Council:
1. Adopt the draft Resolution consenting to a joint public hearing with the Porterville Redevelopment Agency in connection with the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No.1 and Environmental Impact Report prepared for the Project and directing notification of the same.

That the Porterville Redevelopment Agency:
1. Adopt the draft Resolution consenting to a joint public hearing with the Porterville Redevelopment Agency in connection with the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No.1 and Environmental Impact Report prepared for the Project and directing notification of the same; and
2. Direct Staff to transmit the proposed amended Redevelopment Plan for the Porterville Redevelopment Project No. 1 to the Porterville Planning Commission to the General Plan.

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

**COUNCIL ACTION:**

Resolution 34-2010

MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council adopt draft Resolution consenting to a joint public hearing with the Porterville Redevelopment Agency in connection with the proposed 2010 Amendment to the
Redevelopment Plan for the Porterville Redevelopment Project No.1 and Environmental Impact Report prepared for the Project and directing notification of the same.

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

**AGENCY ACTION:** MOVED by Agency Member Hamilton, SECONDED by Agency Member Felipe Martinez that the Redevelopment Agency adopt the draft Resolution consenting to a joint public hearing with the Porterville Redevelopment Agency in connection with the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No.1 and Environmental Impact Report prepared for the Project and directing notification of the same; and direct Staff to transmit the proposed amended Redevelopment Plan for the Porterville Redevelopment Project No. 1 to the Porterville Planning Commission to the General Plan.

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

Disposition: Approved


Recommendation: That the Porterville Redevelopment Agency:

1. Adopt the draft Resolution and, thereby, put into effect for the proposed Added Territory to the Porterville Redevelopment Project No. 1, the existing Participation Rules and Relocation Guidelines for the Project.

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

Council Member Pedro Martinez made a motion to deny staff’s recommendation, which died for lack of a second.

**AGENCY ACTION:** MOVED by Agency Member Hamilton, SECONDED by Agency Member
Fernando Martinez that the Agency adopt the draft Resolution and, thereby, put into effect for the proposed Added Territory to the Porterville Redevelopment Project No. 1, the existing Participation Rules and Relocation Guidelines for the Project.

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

Disposition: Approved

Mayor/Chair McCracken returned to the Chambers. He noted that as of March 29th, 2010, he was no longer conflicted from PRA-03.

PRA-03. ACCEPTANCE OF PROJECT – STOUT BUILDING SPRAYED POLYURETHANE ROOFING PROJECT

Recommendation: That the Porterville Redevelopment Agency:
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.

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

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Vice Chair Ward that the Agency accept the project as complete; authorizing the filing of the Notice of Completion; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

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

Disposition: Approved

The Joint Meeting of the City Council and Porterville Redevelopment Agency adjourned at 8:26 p.m. to a meeting of the Porterville City Council.

Mayor McCracken recused himself due to a conflict of interest and left the Chambers.
FINDING THAT THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1 CONFORMS TO THE PORTERVILLE GENERAL PLAN, CONSIDERING THE DRAFT ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE 2010 AMENDMENT, AND RECOMMENDING APPROVAL AND ADOPTION OF THE 2010 AMENDMENT

Recommendation: That the Planning Commission adopt the Draft Resolution which makes a finding that the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No.1 is in conformance with the City of Porterville General Plan, and after considering the draft Environmental Impact report prepared in connection therewith, recommends to the Porterville Redevelopment Agency and the Porterville City Council that the 2010 Amendment be adopted.

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

A discussion ensued with regard to changes of land use designation and the processes such a matter would be subject to. In response to Council’s concern, staff indicated that it was more likely that a request for a change in land use designation would come from a landowner than the City.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council, acting as the Planning Commission adopt the Draft Resolution which makes a finding that the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No.1 is in conformance with the City of Porterville General Plan, and after considering the draft Environmental Impact report prepared in connection therewith, recommends to the Porterville Redevelopment Agency and the Porterville City Council that the 2010 Amendment be adopted.

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

Disposition: Approved

Mayor McCracken returned to the Council Chambers.

The Council recessed for ten minutes.

Council Member Hamilton advised that during the recess, it came to light that his business address fell within the proposed amended Redevelopment Area which thereby created a conflict of interest. He advised that upon the City Attorney’s recommendation, he should have abstained from the discussion and vote of Redevelopment Items PRA 01, PRA-02, and Item 23. City Attorney Lew then recommended that the City Council rescind its action on said items, and reconsider them with
Council Member Hamilton abstaining.

The City Council adjourned at 8:45 p.m. to a Joint Meeting of the City Council and the Porterville Redevelopment Agency.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MINUTES
April 6, 2010

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

Agency Member Hamilton and Chairman McCracken noted conflicts of interest, recused themselves and exited the Council Chambers.

COUNCIL/AGENCY ACTION: MOVED by Council Member/Agency Member Felipe Martinez, SECONDED by Vice Mayor/Vice-Chairman Ward that the Council/Agency rescind the previous action taken that evening on Items PRA-01, PRA-02 and No. 23.

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

Disposition: Approved.

SCHEDULED MATTERS
PRA-01. AUTHORIZATION TO CONDUCT A JOINT PUBLIC HEARING OF THE CITY OF PORTERVILLE CITY COUNCIL AND THE PORTERVILLE REDEVELOPMENT AGENCY IN CONNECTION WITH THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT; AUTHORIZATION TO PROVIDE NOTICE OF THE HEARING; AUTHORIZATION TO TRANSMIT DRAFT AMENDED PLAN TO THE PLANNING COMMISSION

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council adopt draft Resolution consenting to a joint public hearing with the Porterville Redevelopment Agency in connection with the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No.1 and Environmental Impact Report prepared for the Project and directing notification of the same.

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

**AGENCY ACTION:** MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Felipe Martinez that the Redevelopment Agency adopt the draft Resolution consenting to a joint public hearing with the Porterville Redevelopment Agency in connection with the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No.1 and Environmental Impact Report prepared for the Project and directing notification of the same; and direct Staff to transmit the proposed amended Redevelopment Plan for the Porterville Redevelopment Project No. 1 to the Porterville Planning Commission to the General Plan.

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

Disposition: Approved


**AGENCY ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the Agency the draft Resolution and, thereby, put into effect for the proposed Added Territory to the Porterville Redevelopment Project No. 1, the existing Participation Rules and Relocation Guidelines for the Project.

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

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council, acting as the Planning Commission adopt the Draft Resolution which makes a finding that the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No.1 is in conformance with the City of Porterville General Plan, and after considering the draft Environmental Impact report prepared in connection therewith, recommends to the Porterville Redevelopment Agency and the Porterville City Council that the 2010 Amendment be adopted.

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

Disposition: Approved

The Joint Meeting of the City Council and Porterville Redevelopment Agency adjourned at 8:48 p.m. to a Meeting of the Porterville City Council.

Mayor McCracken and Council Member Hamilton returned to the Council Chambers.

The Council requested that staff introduce Item 19 next so as to accommodate the large number of people in the audience present for that particular item.

PUBLIC HEARINGS

Recommendation: That the Council conduct the continued public hearing and consider the finding of the Transaction and Use Tax Oversight Committee that the 2008-2009 Measure “H” expenditures were “non-consistent” with the adopted 2008-2009 Measure “H” Expenditure Plan.

City Manager Lollis introduced the item, and Administrative Services Manager/Chief Deputy City Clerk Patrice Hildreth presented the staff report. During her staff report presentation she indicated that the City Clerk’s Office had received the final report from the committee and a dissenting opinion from one of its members following agenda book compilation.

The public hearing was opened at 8:52 p.m.

- Gregory Gillett, Chair of TUTOC, spoke of the efforts of committee members; requested that the three minute rule be waived and issues be discussed that evening; and presented the findings of
the committee.

A discussion ensued between Council Member Hamilton and Mr. Gillett regarding the interpretation of the ballot language and Ordinance 1684 as it pertained to the committee’s findings.

- Rick McIntire, 31862 Country Club Drive, TUTOC member, spoke of the committee’s findings and of the charge of the committee.
- Bob Davis, 450 W. Morton Ave., spoke in support of the committee’s finding of “non-consistent”, and cautioned the Council of proceeding down a “slippery slope”.
- Rodney Martin, 146 S. Villa Street, suggested that there was a conflict between the “plain language” on the ballot measure and the “legalese” language of the Ordinance.
- Jonelle Webb, Terra Bella, suggested that voters didn’t fully understand what they voted on, and stated that the Council should not use Measure H monies for a dog kennel.
- Greg Shelton, address on record, TUTOC member, spoke in support of the committee’s finding of “non-consistent”; suggested that voters do not read all the ballot information; and urged the Council to spend tax monies judiciously.
- Barry Caplan, Porterville, addressed Mr. Shelton’s comments about voters not reading the information.
- Case Lok, 1150 Greenfield, requested permission to make a Powerpoint presentation, which was denied.
- Angela Vera, Pearson Drive, Porterville Animal Control Volunteer Group, spoke in favor of the use of Measure H funds for animal control services.
- Nikki Edwards, 13096 Road 208, spoke in support of animal control services and the use of Measure H funds.

- Dick Eckhoff, address on record, TUTOC member, spoke in support of the Council’s ability to amend the spending plan and expenditures as stated in Ordinance 1684; spoke about the charge of the oversight committee; and spoke in favor of the expansion of public safety services.
- Lorna, address not given, indicated that she was a volunteer and spoke in favor of an animal shelter in Porterville.
- Barry Caplan, stated that he was available for questions from the Council.
- Catherine May, Porterville, Library Board member, spoke in support of use of Measure H funds for public safety and literacy, including animal control and the library; and spoke in opposition of the TUTOC’s finding of inconsistency with expenditures relative to library planning.
Eddie Hernandez, 2110 W. Garden Lane, spoke in support of the Council’s ability to amend the spending plan and expenditures.

Gregory Gillett, Chair of TUTOC, reiterated the Committee’s findings, and thanked those individuals that spoke for their comments.

The public hearing closed at 10:16 p.m.

The Council recessed for ten minutes.

The Council first addressed the TUTOC’s finding regarding the Public Safety Building. Council Members Hamilton and Felipe Martinez stated that they did not agree to the findings, and Vice Mayor Ward indicated that he agreed with TUTOC that the Public Safety Building should not be fully funded by Measure H.

Council Member Hamilton made a motion, which was seconded by Council Member Felipe Martinez, to overturn the committee’s findings regarding the Public Safety Building.

Mayor McCracken noted that Measure H was not funding all of police and fire facilities. He added that although Measure H funds had been used to acquire land for the proposed Public Safety Building, the funds had not been used to acquire all land for public safety use.

Vice Mayor Ward requested that the motion be amended to overturn the finding of “non-consistent”, relative to the Public Safety Building, but affirm their finding that 100% of funding should not come from Measure H for the project. The amendment died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council overturn the TUTOC’s finding of “non-consistent” concerning the Public Safety Building.

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

ABSTAIN: None
ABSENT: None

Council Members Hamilton and Felipe Martinez spoke in favor of the use of funds for animal control as it relates to public safety. Vice Mayor Ward indicated that he had a problem with the use of funds for capital projects.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Hamilton that the City Council overturn the TUTOC’s finding of “non-consistent” relative to the Animal Control Facility land purchase and design.

AYES: Hamilton, P. Martinez, F. Martinez, McCracken
NOES: Ward
The Council discussed the interpretation of literacy and means of measuring the success and accomplishments of literacy programs and activities. It was suggested by Council Member Felipe Martinez that the city school districts assist in the development of standards or means of measuring improvements in literacy.

The Council clarified that the personnel in question was a fire investigator and not a fire inspector.

TUTOC members, Gillett and McIntire communicated the committee’s recommendation to develop a policy regarding personnel.

TUTOC member Eckhoff spoke in support of the Council’s ability to hire new personnel.

TUTOC member Shelton communicated his concern regarding supplanting through the promotion of current employees to newly created positions.

The Council discussed the capital improvements in question.

Council Member Hamilton inquired about the amount of money in Measure H, and suggested that the tax be lowered.
Council Members Hamilton and Felipe Martinez recused themselves due to conflicts of interests relative to Item No. 18, and exited the Chambers.

18. VACATION OF A PORTION OF H STREET AND KESSING STREET BETWEEN OAK AVENUE AND THE PORTER SLOUGH

Recommendation: That City Council:
1. Adopt the Resolution of Vacation, including reservations, for a portion of H Street and Kessing Street between Oak Avenue and the Porter Slough; and
2. Authorize the City Clerk to record the Resolution of Vacation.

City Manager Lollis introduced the item, and City Engineer Mike Reed presented the staff report.

The public hearing was opened at 11:26 p.m.

- Julie Phillips, Provost & Prichard Consulting, representing Sierra View District Hospital, informed the Council that she was available for questions.

- Michael Nelson, Darden Architects, representing SVDH, presented slides which illustrated the proposed expansion, and stated that he was available for questions.

A discussion ensued regarding pedestrian access, and it was communicated that the hospital would consider a pedestrian gate in addition to the driveway access if the Council desired.

Council Member Pedro Martinez disclosed that his wife’s employer was located across the street from the hospital. City Attorney Lew advised that he was not conflicted out of the item.

- Bruce Peterson, Sierra View District Hospital, read a statement regarding the history and planned growth of SVDH.

- Ian Parks, indicated that he was representing the company who prepared the traffic study and was available for questions.

- Dick Eckhoff, address on record, spoke in support of the vacation and of the expansion of SVDH.

- Ken Lansford, spoke in opposition of the vacation of Kessing Street; added that the vacation would conflict with the City’s General Plan; and presented a petition of residents who were also opposed to the vacation.
Greg Shelton, 888 N. Williford Drive, suggested that the vacation be delayed and a dedication be considered; communicated his concerns regarding traffic; and commented on SVDH’s efforts to “do right” by its neighbors.

The public hearing was closed at 11:53 p.m.

Community Development Director Brad Dunlap addressed Mr. Lansford’s comments, stating that the vacation would not inherently oppose the General Plan.

There was some discussion regarding the effect that growth could have on pedestrian access, and whether provisions or conditions could be added to the resolution to accommodate pedestrians.

Bruce Peterson, SVDH, expressed concern regarding the security of the vehicles within the parking lot, but indicated that they would comply with the conditions set forth by the Council.

The Public Works Director indicated that a condition could be added requiring a pedestrian access from Oak to Putnam, separate from the driveway.

**COUNCIL ACTION:**

MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor Ward that the City Council adopt the Resolution of Vacation, including reservations, for a portion of H Street and Kessing Street between Oak Avenue and the Porter Slough, as amended to add language to the Exceptions and Reservations to require pedestrian access from Oak to Putnam, separate from the driveway; and authorize the City Clerk to record the Resolution of Vacation.

AYES: P. Martinez, Ward, McCracken

NOES: None

ABSTAIN: Hamilton, F. Martinez

ABSENT: None

Disposition: Approved, as amended.

25. COUNCIL MEMBER REQUESTED AGENDA ITEM – DISCUSSION OF FIREWORKS ORDINANCE

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

Joann Berra, 2561 W. Cheryl, spoke against new provisions and of time constraints.

City Attorney Lew advised that the Council have an item scheduled for the next meeting to allow for action.

Chief Garcia and an unidentified individual spoke elaborated on the requirements and steps taken to secure a booth for fireworks sales.

**COUNCIL ACTION:**

MOVED by Council Member Pedro Martinez, SECONDED by Council...
M.O. 20-040610 Member Felipe Martinez that the City Council schedule a public hearing at the next regular scheduled meeting for reconsideration. The motion carried unanimously.

Disposition: Public Hearing scheduled.

20. REVIEW OF DEVELOPMENT IMPACT FEES AND ANNUAL ADJUSTMENTS PURSUANT TO ATTACHED SCHEDULES

Recommendation: That the City Council:
1. Hold the public hearing and consider all public testimony;
2. Approve the scheduled adjustments as set forth in the attachments; and
3. Approve that the public hearing process be held in December of each year in conjunction with the City’s annual review of the development related fees.

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

The public hearing was opened at 12:37 p.m.

- Bob Keenan, President of Homebuilders Association, requested that fees not be increased.

The public hearing was closed at 12:42 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council suspend the fee increase for one year, and directed staff to bring back resolutions for approval on Consent Calendar.

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

Disposition: Approved

21. CONDITIONAL USE PERMIT 03-2010 AND DESIGN OVERLAY SITE REVIEW 02-2008, MODIFICATION NO. 1 TO ALLOW FOR THE DEVELOPMENT OF A DRIVE THROUGH CAR WASH WITH SELF SERVE VACUUMS, ON THE SOUTHEAST CORNER OF WEST SPRINGVILLE AVENUE AND SOUTH JAYE STREET

Recommendation: That the City Council:
1. Adopt the draft resolution subject to conditions of approval of Conditional Use Permit 03-2010; and
The City Manager introduced the item, and Assistant Planner Jenni Byers presented the staff report.

The public hearing opened at 12:52 a.m.

- Fred Scott, representing the applicant, stated that he was available for questions from the Council.

The public hearing closed at 12:53 a.m.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor Ward that the City Council adopt the draft resolution subject to conditions of approval of Conditional Use Permit 03-2010; and adopt the draft resolution approving Design “D” Overlay Site Review 02-2008, Modification No. 1. The motion carried unanimously.

Disposition: Approved

22. CONSIDERATION OF INITIATION OF PRELIMINARY PROCEEDINGS FOR ANNEXATION NO. 473, ADOPTION OF A NEGATIVE DECLARATION FOR THE PROJECT AND CONSIDERATION OF TENTATIVE SUBDIVISION MAP 1-2010 (COTTAGE ESTATES)

Recommendation: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Annexation 473 and Tentative Subdivision Map 1-2010;
2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo; and
3. Adopt the draft resolution for Tentative Subdivision Map 1-2010 subject to conditions of approval.

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

A brief discussion ensued regarding the inclusion of an additional 120 acres, and staff advised that there was a chance that LAFCo may direct them to do so.

The public hearing opened at 1:02 a.m.

- Donna Shamly, Roberts Engineering, spoke in favor of approval, and stated that she was available for questions from the Council,

The public hearing closed at 1:04 a.m.
Council Member Pedro Martinez made a motion to approve staff’s recommendation. Council Member Hamilton offered a friendly amendment to include the additional 120 acres, which was accepted by Council Member Pedro Martinez.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council adopt the draft resolution approving the Negative Declaration for Annexation 473 and Tentative Subdivision Map 1-2010; adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo; and adopt the draft resolution for Tentative Subdivision Map 1-2010, subject to conditions of approval, as amended to modify the island to include the additional 120 acres and 6.6 acres.

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

Disposition: Approved

24. CONSIDERATION OF TRANSACTION AND USE TAX OVERSIGHT COMMITTEE APPOINTMENT

Recommendation: That the City Council:
1. Direct staff to continue consideration of the appointment of an individual to fill the unexpired term of Mr. Josef Guerrero to the next regular meeting; or
2. Appoint an individual to serve the unexpired term of Mr. Josef Guerrero.

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

The Council directed staff to continue consideration of the appointment to fill the unexpired term with the five additional seats due to expire at the next regular meeting.

Disposition: Item continued.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Felipe Martinez invited all to Music on Main Street on Friday.
• Council Member Pedro Martinez tendered his resignation from the City Council, effective immediately, spoke of his appreciation in serving the residents of Porterville, and thanked the Council and staff for their assistance and support.
• Council Member Hamilton lauded Council Member Martinez achievements and...
thanked him for his service.

- Council Member Felipe Martinez noted Council Member Martinez’s work with the youth and thanked him for his service.

**ADJOURNMENT**

The Council adjourned at 1:16 a.m. to the meeting of April 20, 2010 at 6:00 p.m.

_________________________________
Luisa Herrera, Deputy City Clerk

SEAL

______________________________
Pete V. McCracken, Mayor
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING
291 NORTH MAIN STREET
PORTERVILLE, CA
AUGUST 31, 2010, 6:00 P.M.

Called to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Shelton, Council Member Ward, Vice Mayor Hamilton, Mayor Irish

Pledge of Allegiance led by Council Member Brian Ward
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS
- Larry Long, 192 W. School, voiced a complaint regarding the actions of a building inspector following a complaint from his tenants.
- Dick Eckhoff, 197 N. Main, spoke in favor of reviewing properties for surplus, but advised against selling in the current market.
- Susan Taimour, spoke in favor of a modernized city center.

STUDY SESSION
1. FISCAL YEAR 2010/2011 BUDGET

City Manager Lollis indicated that staff would be presenting information regarding the City’s street maintenance program, and City owned property for consideration of potential surplus.

Public Works Director Baldo Rodriguez gave a PowerPoint presentation which covered the following:
- Streets Funding for Fiscal Years 2006/2007 to 2010/2011 – Proposition 1B, Measure R – Regional, Measure R – Local, Proposition 42, Surface Treatment Program, and Local Transportation Funds.
- 2010/2011 Street Projects
  a. Design of various alley projects
  b. Henderson Avenue Rehabilitation – Prospect to Indiana; and Main Street Rehabilitation – Henderson to Morton
  c. Jaye/Montgomery Roundabout
  d. Jaye Street Extension – El Rancho to Gibbons Avenue
  e. City Hall ADA Parking Stalls
  f. Date Avenue Widening Project (Date to Jaye) – Design only
  g. Henderson Avenue Reconstruction Project – (Indiana to Jaye) – Design only
  h. Newcomb Low Water Crossing Alignment Plan
  i. W. North Grand Grind & Overlay Project – Newcomb to Boyle, Prospect to SR 65
  j. Scranton/Indiana Widening Project
  k. Scenic Heights Guard Rail Project
- Pavement Condition Index (PCI) – PCI Rating Scale, including recommended maintenance and rehabilitation; maps of city streets representative of various PCI Weighted Averages; photo representations and comparisons of PCI ratings; and budgetary requirements to achieve various PCI averages.

Following the presentation Council discussed strategies for generating the monies needed to achieve a satisfactory PCI rating throughout the city’s arterial and collector streets. Staff clarified that neighborhood streets were not addressed in the presentation, and suggested that the City could explore incorporating sidewalk and street repair in the LMDs as had been done in Tulare. Training of city staff to perform preventative maintenance treatments and thin overlays was suggested as a means of decreasing the costs, as was the purchase of specialized equipment. Staff received direction to examine the costs associated with in-house performance of intermediary treatments of pavement.

Council Member Hamilton expressed concern regarding the cutting of city streets and subsequent water damage. Staff explained the current policy with regard to cutting, which consisted of a flat fee to cut and the party being responsible for maintenance of the immediate area until the street was reconstructed. Council Member Hamilton then suggested that the Council look into changing the policy.

City Manager Lollis introduced the second topic for discussion, and spoke of the collaborative efforts of staff to compile the information presented. Code Enforcement Officer Clayton Dignam then presented a map of City-owned properties using ArcView.

Council Member Shelton spoke in favor of selling two east side properties on Bennett, which were initially purchased for well sites, but had not been used due to nitrate levels.

Mayor Irish inquired about a piece of property near Headgate, and requested that staff look into the feasibility of a lot line adjustment.

A discussion ensued regarding the previously mentioned east side properties, and whether it was possible the City could utilize them in the future for treated water. Following the discussion, the Council directed staff to identify a piece of property for surplus and bring it back to the Council for consideration and action.

**ORAL COMMUNICATIONS**

- Brock Neeley, suggested that the City consider petitioning Caltrans to have Main Street re-designated as Historic Route 65.
- Dick Eckhoff, address on record, inquired about nitrate levels and depths of wells; and urged the Council to proceed with the designation of properties as surplus.

**OTHER MATTERS**

- Council Member Shelton, stated that he had attended a car show at Monte Vista; promoted the Imagine Center; and reported that he would be attending a TCAG meeting at Agtec.
- Council Member Ward, spoke about the city’s upcoming sesquicentennial and indicated that he was interested in forming a committee to explore ways to celebrate the event.
Council Member Ward received Council authorization to move forward with the formation of a committee, and Vice Mayor Hamilton volunteered to participate.

**ADJOURNMENT**

The Council adjourned to the meeting of September 7, 2010 at 5:30 p.m.

_________________________________
Luisa Herrera, Deputy City Clerk

SEAL

_________________________________
Ronald L. Irish, Mayor
COUNCIL AGENDA – OCTOBER 5, 2010

SUBJECT: CLAIM – ROBERT RIVAS

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mr. Robert Rivas has filed a claim against the City in an amount of $9,390 for damages. Claimant alleges he sustained personal injuries when he fell through an open sewer access hole while walking across an empty field immediately east of Burger King on Jaye Street on August 4, 2010. Upon investigation, it was revealed that the sewer manhole rests on private property and was likely damaged by farm equipment.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant's Name: Robert Rivas    Claimant's Telephone #: 559-920-2032

SS#:    DOB:    Gender: Male V Female

Claimant's address: 510 White Oak Ave.

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

Date of incident/accident: 8-4-10

Date injuries, damages, or losses were discovered: 8-4-10

Location of incident/accident: Property east of Burger King on Jago St

What did entity or employee do to cause this loss, damage, or injury? see 1 in attachment

(Use back of this form or separate sheet if necessary to answer this question in detail.)

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

What specific injuries, damages, or losses did claimant receive? See 2 in attachment

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]: 49,390

How was this amount calculated (please itemize)? See 3 in attachment

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 8-11-10    Signature: ____________________________________________________________________________

If signed by representative:
Representative's Name
Address
Telephone # Relationship to Claimant
Untitled

1. Failure to properly complete and/or maintain installation of City of Porterville sewage drain housing and maintenance lid. City of Porterville neglected safety standards that are State of California mandated. With no fault of my own thus, causing my injuries from a fall into a pit of fecal matter in which two managers from Burger King assisted me and discovered the danger.

2. Dislocated left knee which took the full force of the fall. Deep abrasions to my right leg from calf to my shin up through my inner thigh. Taking doctor prescribed medication for my injuries. Do not know the full diagnoses till swelling subsides. Due to injuries I have been forced to miss deadlines causing financial burdens. Loss of the ability to coach my children with sports. Have become a burden on my kin. Loss of ability to pursue happiness and life's physical pleasures.

3. 
   Doctors bills = $100  (co pay)
   Medication = $50  (to date)
   Medical supply = $140
   Travel for treatment = $100
   Future Medical expense = $9,000 (est)

   Total $9,390
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – FOUR COMPRESSED NATURAL GAS (CNG) REFUSE TRUCKS

COMMENT: Caltrans has authorized the City to advertise for the purchase of four CNG refuse trucks. The project is funded by a Congestion Mitigation & Air Quality (CMAQ) grant.

The CMAQ grant, in the amount of $1,060,000 is a federal grant that must be matched with local funds. The federal share is $938,000 and local share is $122,000 (11.5%). The Engineer’s Estimate of Probable Cost for the four CNG refuse trucks is $1,060,000.

The vehicle specifications have been completed and are available in the La Barca Conference Room for Council’s review. Funding for the project was approved in the 2009/2010 budget and is once again included in the 2010/2011 annual budget. The City’s local match in the amount of $122,000 will come from the Equipment Replacement fund.

RECOMMENDATION: That the City Council:

1. Approve Staff’s recommended vehicle specifications; and

2. Authorize Staff to advertise for bids for (4) four Compressed Natural Gas Refuse Trucks.

ATTACHMENTS: None
COUNCIL AGENDA: OCTOBER 5, 2010

SUBJECT: ACCEPTANCE OF PUBLIC IMPROVEMENTS – MOOREA MANOR (GARY SMEE)

SOURCE: Public Works Department - Engineering Division

COMMENT: The developer, Gary Smee of Smee Builders, Inc., has constructed the public improvements for owner, Richard T. Huth, and has requested that the public improvements constructed for this subdivision be accepted by the City for maintenance. All required improvements, including sidewalks, have been completed, inspected by City staff and found to be acceptable.

The Subdivider has submitted a surety for a one (1) year maintenance guarantee for five percent of the total cost of improvements.

RECOMMENDATION: That the City Council:

1. Accept the public improvements of Moorea Manor Subdivision for maintenance;

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

3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

ATTACHMENT: Locator Map

P:\PUBWORKS\ENGINEERING\COUNCIL ITEMS\ACCEPTANCE OF PUBLIC IMPROVEMENTS - MOOREA MANOR - 2010-10-05.DOC

Dir Appropriated/Funded CM

Item No. 4

SOURCE: Finance Department

COMMENT: The Central California Family Crisis Center is requesting approval to hold its annual candlelight vigil at Veteran's Memorial Park on Saturday, October 16, 2010, from 3:00 p.m. to 8:30 p.m. The event consists of speakers, music, food and information booths. The sponsor is asking for the use of parking lot spaces on the east and west side of the park. There is no request for street closures.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Central California Family Crisis Center, subject to the stated requirements contained in the Application, Agreement and Exhibit 'A.'

ATTACHMENT: Community Civic Event Application, Agreement, Exhibit 'A,' Map, Outside Amplifier Permit, Certificate of Liability Insurance and Request for Use of Facilities.

DD mb Appropriated/Funded mb C.M Item No. 5
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? 
Event Flyer? ☒ E-mail address? Event date: 10-16-10 Website?
Application date: 9-2-10 Event time: 8:30 pm

Name of Event: 12th Annual Candlelight Vigil

Sponsoring organization: Central CA Family Crisis Center 
Address: 770 N. Main St Porterville CA 93257
Authorized representative: Elena Aguilera Phone # 781-7462
Address: 770 N. Main St Porterville CA
Event chairperson: Elena Aguilera Phone # 781-7462

Location of event (location map must be attached): Veteran’s Memorial Park
1501 W. Henderson Ave; Porterville CA 93257
Type of event: Rememberance for those that lost their lives to domestic violence survivors
Non-profit status determination: 501 (c)(3)

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): Street sweeping Yes ☒ No ☐
Police protection Yes ☐ No ☒ Refuse pickup Yes ☐ No ☒
Other:

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

STAFF COMMENTS (list special requirements or conditions for event):
Appr. Deny 
Pub. Works Dir. 
Comm. Dev. Dir. 
Field Svcs. Mgr. 
Fire Chief 
Parks Dir. 
Police Chief 
Admin. Svcs. Dir. 

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

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

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

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

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. **When the location of the event is in Downtown Porterville, the 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.

---

| Centra California family Crisis Center (CCFCC) | Elena Sullivan | 9-2-10  
| (Name of Organization) | (Signature) | (Date)  

2 of 4
CITY OF PORTERVILLE

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

Name of event: **12th Annual Candlelight Vigil - Domestic Violence**

Sponsoring organization: **Central CA Family Crisis Center (CCFCC)**

Location: **Veteran's Memorial Park**

Event date:

Event time:

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-profit organizations (Resource information)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food booths at 5-10 to include non-food booths will submit one week prior to event</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: **12th Annual Candlelight Vigil - Domestic Violence**

Sponsoring organization: **Central CA Family Crisis Center (ccfccc)**

Event date: **Oct 16, 2010**  
Hours: **3 pm - 8:30 pm**

**ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:**

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Henderson Ave</td>
<td>11 am</td>
<td>8:30 pm</td>
<td>set up</td>
</tr>
<tr>
<td>Newcomb Ave</td>
<td>11 am</td>
<td>8:30 pm</td>
<td>end of act</td>
</tr>
</tbody>
</table>

Sidewalks

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

Parking lots and spaces

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Henderson Ave</td>
<td>Vigil/Public</td>
</tr>
<tr>
<td>Newcomb</td>
<td>Vigil/Public</td>
</tr>
</tbody>
</table>

4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
CENTRAL CALIFORNIA FAMILY CRISIS CENTER
CANDLELIGHT VIGIL FOR DOMESTIC VIOLENCE
OCTOBER 16, 2010

Business License Supervisor:
  S. Hartman

Business License requires vendor list prior to event. No other requirements.

Public Works Director:
  B. Rodriguez

Public Works asks that the organizer provide general clean up after the event.

City Planner:
  B. Nebeker

No Planning related comments.

Field Services Manager:
  B. Styles

No comments.

Fire Chief:
  G. Irish, Acting

No issues from the Fire Department. The Deputy Fire Marshal is providing the applicant with fire code information relative to fire extinguishers required in the tent and a prohibition on any cooking inside of the tent that creates grease laden vapors. FYI, the applicant also states that traffic cones shown on the plan will not be in use, no intent to control traffic along Henderson Avenue.

Parks and Leisure Services Director:
  M. Stowe

No parking of vehicles in the park.

Police Sergeant:
  R. Standridge

The Police Department has no special conditions. Ensure that sidewalks are not blocked.

Administrative Services Manager:
  P. Hildreth

See Page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Central California Family Crisis Center
Event: Candlelight Vigil for Domestic Violence
Event Chairman: Elena Aguilera
Location: Veteran's Memorial Park
Date of Event: October 16, 2010

RISK MANAGEMENT: Conditions of Approval

That the Central California Family Crisis Center provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permitted operation and sponsorship of the aforementioned Community Civic Event. If the event is located in the City of Porterville's Redevelopment Agency area, the same conditions apply.

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A: VII, and the insurance company must be an 'admitted' insurer in the State of California.
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: Central CA Family Crisis Center

1720 N Main St; Porterville CA 93257

2 Address where amplification equipment is to be used: 1501 W. Henderson; Porterville
Veterans Memorial Park

3 Names and addresses of all persons who will use or operate the amplification equipment: Central CA Family Crisis Center & Volunteers

4 Type of event for which amplification equipment will be used: Rememberance victims of Domestic Violence Vigil

5 Dates and hours of operation of amplification equipment: Oct 16, 2010

2pm - 8:30pm

6 A general description of the sound amplifying equipment to be used: Sound system/microphone

live performers/somber low key music

Section 18-9 It shall be unlawful for any person within the city to use or operate or cause to be used 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 § 8311)

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 procure 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 by the council 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 § 8312)

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 9-2-10

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSCIOUS 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 9-23-10
**CERTIFICATE OF LIABILITY INSURANCE**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFESSIONS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**UVIS/ Turner & Associates**
P.O. Box 757
Lindsay CA 93247
Phone: 559-562-2527  Fax: 559-562-2273

**CERTIFICATE NUMBER:**

**INSURED:**
Central California Family Crisis Center
P.O. Box 2033
Porterville CA 93258

**INSURER(S) AFFORDING COVERAGE:**
Philadelphia Insurance

**COVERAGES**

<table>
<thead>
<tr>
<th>INSURER LTR</th>
<th>TYPE OF INSURANCE</th>
<th>ADDL SUBR INSR</th>
<th>POLICY NUMBER</th>
<th>POLICY EFF (MM/DD/YYYY)</th>
<th>POLICY EXP (MM/DD/YYYY)</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>X</td>
<td>PHPK507568</td>
<td>01/01/10</td>
<td>01/01/11</td>
<td>EACH OCCURRENCE $1,000,000</td>
</tr>
<tr>
<td></td>
<td>CLAIMS-MADE</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>DAMAGE TO RENTED PREMISES (Ea occurrence) $200,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MED EXP (Any one person) $5,000</td>
</tr>
<tr>
<td></td>
<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></td>
<td>GENERAL AGGREGATE $2,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PRODUCTS - COM/OP AGG $2,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>LOC</td>
</tr>
</tbody>
</table>

**AUTOMOBILE LIABILITY**

<table>
<thead>
<tr>
<th>ANY AUTO</th>
<th>ALL OWNED AUTOS</th>
<th>SCHEDULED AUTOS</th>
<th>HIRED AUTOS</th>
<th>NON-OWNED AUTOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHPK365373</td>
<td>01/01/10</td>
<td>01/01/11</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**UMBRELLA LIAB**

<table>
<thead>
<tr>
<th>EXCESS LIAB</th>
<th>OCCUR</th>
<th>CLAIMS-MADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHUB292711</td>
<td>01/01/10</td>
<td>01/01/11</td>
</tr>
</tbody>
</table>

**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY**

<table>
<thead>
<tr>
<th>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?</th>
<th>(Mandatory in NH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y/N</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES**

As respect Candelight Vigil event held 10/16/10 in Veterans Park.

**CERTIFICATE HOLDER**
Redevelopment Agency
City of Porterville
291 N. Main St.
Porterville CA 93257

**CANCELATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

© 1988-2009 ACORD CORPORATION. All rights reserved.
**PLEASE PRINT CLEARLY - PRESS HARD**

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

Area /Room: [Candle Light Vigil & Fundraiser for Domestic Violence]

Date of Event: Oct. 16, 2010  Time:  ☐ To:

Amplified Equipment/Music: ☐ Yes  ☐ No
Will Alcohol be Served: ☐ Yes  ☐ No  Number of Drinking Adults ($2 per person):
Bounce House: ☐ Yes  ☐ No  Name of Bounce House Company:
Estimated Number of People in Attendance: 1000 - 1500

**Name:** Elena Aguileria
**Mailing and/or Billing Address:** 770 N. Main St. Porterville CA 93257
**Phone:** Home/Work 559.781.7462  Cell No.: 559.349.0057  Email: laaguielina@hotmail.com
**Is this request for an Organization:** ☐ Yes  ☐ No  Organization: Central CA Family Crisis Center

Applicant hereby agrees to hold the City of Porterville, their employees, agents and officers free and harmless from any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use or occupancy of said facilities. The applicant agrees to furnish such liability or other insurance for the protection of the public and the City, as the City shall require. Applicant agrees to leave the facility the same condition as found before use. Any damages, misuse or destruction of City property or equipment is the responsibility of the applicant. Applicant agrees to reimburse City for all charges. The CITY OF PORTERVILLE does not provide accident, medical, liability or any other insurance for facility users. **Refunds will be granted as follows No Show - No Refund. More than (2) business days cancellation notice – 100% of fee returned. Less than (2) business days cancellation notice – 90% of fee returned with a 10% penalty.** In the event staff is taking photos of the park and/or the recreational activities it affords on the day of my event, I give my permission for the City to use said photos in promotional materials. I have read, understand and agree to the rules and regulations that are listed on this form.

**SIGNATURE:** Elena Aguileria  **DATE:** 4-13-10

---

**FOR OFFICE USE ONLY**

<table>
<thead>
<tr>
<th>APPROVED:</th>
<th>DATE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>POLICE DEPT:</td>
<td>DATE:</td>
</tr>
<tr>
<td>RENTAL CHARGE:</td>
<td>DATE:</td>
</tr>
<tr>
<td>ALCOHOL PERMIT CHARGE:</td>
<td>DATE PAID:</td>
</tr>
<tr>
<td>ENTERTAINMENT CHARGE:</td>
<td>DATE PAID:</td>
</tr>
<tr>
<td>INSURANCE REQUIRED:</td>
<td>DATE SUBMITTED:</td>
</tr>
<tr>
<td>SUPERVISOR FEE:</td>
<td>DEPOSIT RETURNED:</td>
</tr>
<tr>
<td>SPECIAL DEPARTMENT NOTATIONS:</td>
<td>Reservation #:</td>
</tr>
</tbody>
</table>

---

**PARK IN DESIGNATED AREAS ONLY**

256 EAST ORANGE AVENUE, PORTERVILLE, CA 93257, PHONE (559) 791-7695
FAX (559) 791-7699, Park/facility information available @www.ci.porterville.ca.us

SEE BACK PAGE FOR RULES, REGULATIONS AND POLICIES
City of Porterville, 291 N. Main St., hereby grants Central California Family Crisis Center (hereinafter called the "Licensee") represented by Elena Aguilera, permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto all of which form part of this Agreement.

i) Purpose of Use
   General
   Candelight Vigil & Fundraiser

ii) Conditions of Use

iii) Date and Times of Use
   
   # of Bookings: 2
   Starting: 16-Oct-10
   Ending: 16-Oct-10
   Expected: 1,500

   Facility/Equipment
   Veteran's Park - Pavilion 1
   Day: Sat
   Start Date: 16-Oct-10
   Start Time: 08:00 AM
   End Date: 16-Oct-10
   End Time: 10:00 PM
   Fee: $33.00
   XFee: $0.00
   Tax: $0.00
   Total: $33.00

   Veteran's Park - Pavilion 2
   Day: Sat
   Start Date: 16-Oct-10
   Start Time: 08:00 AM
   End Date: 16-Oct-10
   End Time: 10:00 PM
   Fee: $33.00
   XFee: $0.00
   Tax: $0.00
   Total: $33.00

iv) Additional Fees
   Extra Fee - Rental
   Administrative Fee
   Quantity: 1
   Charge: $0.00
   Tax: $0.00
   Total: $0.00

v) Payment Method
   Rental Fees: $66.00
   Extra Fees: $0.00
   Tax: $0.00
   Rentals Total: $66.00
   Damage Deposit: $0.00
   Total Applied: $66.00
   Balance: $0.00
   Current: $0.00

   Balance of rental due and payable immediately

   Payment Type
   Check
   Check
   Reference
   Rental
   Rental
   Amount
   $33.00
   $33.00
   Date
   15-Apr-10
   20-Apr-10
   Receipt Number
   25897
   25745

vi) Other Information

I, the undersigned, hereby agree to defend, and hold harmless the City of Porterville and its officers, employees and agents from and against any and all loss, liability, charges and expenses including attorney's fees and cause of action of whatsoever character which may arise from reason of participation in the above program/service or be in any way connected herein. The City of Porterville does not provide medical, liability or any other insurance for the program participants. Refunds will be granted as follows, No Show - No Refund. More than (2) business days cancellation notice - 100% of fee returned. Less than (2) business days cancellation notice - 90% of fee returned with a 10% penalty. Please be advised that participants in Parks & Leisure Services activities are subject to being photographed, and such photographs may be used to promote city programs.

X: ____________________________________________________________

Elena Aguilera

Central California Family Crisis Center
770 N. Main St.
Porterville CA 93257
USA
Home: ()
Fax: ()

Date:

X: ____________________________________________________________

Name: Jim Perrine

Title: Parks & Leisure Services Director

Date:
Central California Family Crisis Center  
Elena Aguilera  
770 N. Main St.  
Porterville, CA 93257 USA  
Home#: 

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Balance</td>
<td>$33.00</td>
</tr>
<tr>
<td>Applied To: 2944 - Candelight Vigil &amp; Fundraiser</td>
<td>$33.00</td>
</tr>
</tbody>
</table>

Payment: Check

($33.00)

Balance $0.00

I, the undersigned, hereby agree to defend, and hold harmless the City of Porterville and its officers, employees and agents from and against any and all loss, liability, charges and expenses including attorney's fees and causes of action of whatsoever character which may arise from reason of participation in the above Program/Service or be in any way connected herein. The City of Porterville does not provide accident, medical, liability or any other insurance for the program participants. Refunds will be granted as follows No Show - No Refund. More than (2) business days cancellation notice - 100% of fee returned. Less than (2) business days cancellation notice - 90% of fee returned with a 10% penalty. Please be advised that participants in Parks & Leisure Services activities are subject to being photographed, and such photographs may be used to promote city programs.
COUNCIL AGENDA: OCTOBER 5, 2010

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
NEW LIFE CENTER – JUMP START CAR SHOW
OCTOBER 24, 2010

SOURCE: Finance Department

COMMENT: The New Life Center is requesting approval to hold their annual car show event. The event will be held in their parking lot and in front of their church on Mathew Street, Sunday, October 24, 2010, from 7:00 a.m. to 2:00 p.m. They have requested closure of only the west side lane of Mathew Street to the end of their church property line. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and reviewed by all the departments involved. The Fire Department, Police Department and Public Works Department do not approve the closure of Mathew Street, due to the significant disruption of emergency travel that it would cause, as it is the only access to and from the residential neighborhood.

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the New Life Center, except for the closure of Mathew Street, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit ‘A’ and Exhibit ‘B’ of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit ‘A,’ Exhibit ‘B,’ Map, Outside Amplifier Permit and Exhibit ‘C.’

D.D. Appropriated/Funded C.M. Item No. 6
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE?  Event  Flyer?  E-mail address?  Website?
Application date:  9/14/10  Event date:  10-24-10
Name of Event: Jump Start Car Show 2010
Event time:  7 - 2 p.m.
Sponsoring organization:  New Life Center  Phone # 984-2007
Address:  2012 W. Morton
Authorized representative:  Karen McKnight  Phone # 920-3035
Address:  741 N. El Granito
Event chairperson:  Caesar Martinez  Phone # 559-350-2315
Location of event (location map must be attached):  2012 W. Morton
New Life Center
Type of event:  Car Show
Non-profit status determination:  non exempt
City services requested:  （fees associated with these services will be billed separately）:
Barricades (quantity):  yes  No  Refuse pickup  Yes  No
Police protection  Yes  No
Other:
Parks facility application required:  Yes  No  Attached
Assembly permit required:  Yes  No  Attached

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

Appr.  Deny
____  ____  Pub. Works Dir
____  ____  Comm. Dev. Dir
____  ____  Field Svcs. Mgr.
____  ____  Fire Chief
____  ____  Parks Dir.
____  ____  Police Chief
____  ____  Admin. Svcs. Dir.
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.

Authorized Representative Initials

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

Authorized Representative Initials

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.

Authorized Representative Initials

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

Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 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.

New Life Center

Name of Organization

Kara McKnight

Signature

9/10/10

(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: Jump Start Car Show 2010

Sponsoring organization: New Life Center

Location: 2012 W. Modernne Event date: 10-24-10 Event time: 7am to 2pm.

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>
</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: Jump Start Car Show 2010

Sponsoring organization: New Life Center

Event date: October 24th 2010 Hours: 7am - 2pm.

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matthew</td>
<td>Matthew</td>
<td>Bellview</td>
<td>Car Show</td>
</tr>
<tr>
<td>Morton</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sidewalks

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking lots and spaces</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

NEW LIFE CENTER

JUMP START CAR SHOW

OCTOBER 24, 2010

Business License Supervisor: 
S. Hartman

Business License will require vendor list prior to event.

Public Works Director: 
B. Rodriguez

Public Works cannot support closing of a residential street. There are many homes along Mathew Street and their only access to and from Mathew Street. There is plenty of public walking along both sides of Mathew Street without having to close off the street. Public Works can not agree the street closure.

Community Development Director: 
S. Duke, Interim

Field Services Manager: 
B. Styles

Barricades for street closure can be obtained and returned at 555 N. Prospect.

Battalion Chief: 
G. Irish

Closure of Mathew between Morton and Bellevue would cause significant disruption of emergency service travel routes to the residential neighborhoods East and North of the proposed road closure. I would approve event contingent on the road remaining open and unimpeded.

Parks and Leisure Services Director: 
M. Stowe

Police Sergeant: 
R. Standridge

See Exhibit ‘B.’

Administrative Services Manager: 
P. Hildreth

See attached Exhibit ‘A.’

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

Sponsor: New Life Center
Event: Jump Start Car Show
Event Chairman: Ceaser Martinez
Location: New Life Center
Date of Event: October 24, 2010
Time of Event: 7:00 am to 2:00 pm

RISK MANAGEMENT: Conditions of Approval

That the New Life Center provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $500,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, City of Porterville Redevelopment Agency and its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.

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

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an ‘admitted’ insurer in the State of California.
CITY OF PORTERVILLE
Community Civic Event Application

JUMP START CAR SHOW
October 24, 2010

Proposed Conditions/Requirements for Jump Start Car Show – 2012 W. Morton

➢ City Council approval is required for all street closures.

➢ Ensure adequate highly visible barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.

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

➢ At conclusion of event, organizers shall clean up any debris from the roadway that may create hazards or unsafe conditions for pedestrians or motorists.

➢ At conclusion of event, barricades/barriers shall be promptly taken down to allow motorists to resume use of Matthew Street.

Richard Standridge, Sergeant
Police Department
September 17, 2010
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: 

       Name: Josee Martinez
       Address: 200 E Chase Ave, Porterville, CA 93257

2 Address where amplification equipment is to be used: 

       2018 W. Marion

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

4 Type of event for which amplification equipment will be used: 

       Jump Start Car Show 2018

5 Dates and hours of operation of amplification equipment: 

       7am - 2pm

6 A general description of the sound amplifying equipment to be used: 

       Speakers, amps, microphones

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 operated, or connected any sound amplifier in such 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 by the council 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 REQUEST FORM
FOR ONE TIME AND SPECIAL EVENTS ONLY

DATE 9/14/10

ACCOUNT NO: 024418-02
NAME (PERSON COMPLETING THIS FORM): Karen McKnight
ORGANIZATION NAME: New Life Center
MAILING ADDRESS: 2012 W. Morton
CITY, STATE, ZIP: Porterville, Ca. 93257
PHONE NO: 559-784-2687
FAX NO: 559-784-2687
E-MAIL:

EVENT OR ACTIVITY DESCRIPTION (Please provide as much detail as possible): (The certificate of insurance will be issued in connection with the activity described below)
Jump start Car Show 2010

DATE(s) OF EVENT: 10-24-2010
☑ One Time ☐ Periodic If this is a reoccurring activity a charge may be assessed.
LOCATION OF EVENT: 2012 W. Morton
CERTIFICATE HOLDER: New Life Center
CERT HOLDER ADDRESS: 2012 W. Morton Porterville, Ca. 93257

DELIVER TO CERT HOLDER BY: ☐ MAIL ☑ FAX: TO FAX# 559-784-2687
☐ e-MAIL:

DOES THE CERTIFICATE HOLDER REQUIRE TO BE NAMED ADDITIONAL INSURED?
☐ YES ☐ NO If YES and if requirement given in writing, attach copy of request.

INDICATE STATUS OF CERTIFICATE HOLDER:
☑ Facility Owner ☑ Event Sponsor ☐ Vendor ☐ Lessor ☐ Other

HAS THE ORGANIZATION ENTERED INTO ANY CONTRACT OR PERMIT RELATING TO THIS EVENT? ☐ YES ☑ NO If YES please attach copy of contract, agreement or permit.
CERTIFICATE REQUIRED BY (DATE): ASAP.

SPECIAL PROVISIONS OR ADDITIONAL INSTRUCTIONS:
Certificate holder needs City of Porterville & Porterville BDA on it.

RETURN BY FAX: 1-800-995-7521
OR
BY E-MAIL: customerservice@churchandcasualty.com
SUBJECT: SCHEDULING OF PUBLIC HEARING TO CONSIDER ADOPTION OF THE FISCAL YEAR 2010-2011 BUDGET

SOURCE: City Manager

COMMENT: At its meeting on June 15, 2010, the City Council delayed adoption of the proposed 2010-2011 fiscal year budget until October 2010, approving budgetary authority consistent with the 2009-2010 fiscal year budget for continued payment of payroll and routine expenditures in the intermediate period.

Pursuant to Council direction, over the past three (3) months, the City Council has conducted Study Sessions concerning the proposed 2010-2011 fiscal year budget. It is recommended that the Council directions for modification on the proposed budget from those Sessions be presented for consideration of adoption at the Council meeting of October 19, 2010, as part of a scheduled Public Hearing.

RECOMMENDATION: That the City Council schedule a Public Hearing for October 19, 2010, to consider adoption of the proposed 2010-2011 Fiscal Year Budget, including directions for modification.

ATTACHMENTS: None
SUBJECT: LIBRARY BOARD OF TRUSTEES APPOINTMENTS

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Two positions on the Library Board of Trustees have terms expiring at the end of October 2010. Pursuant to Council direction at its meeting of September 21st, staff publicized notice of the vacancies and solicited applications from interested individuals.

As of the time of Agenda preparation, the City Clerk’s office has received the following Requests for Appointment for Council’s consideration:

- Catherine E. May
- Obdulia Alvarado
- Khris Saleh

Requests for Appointment received after Agenda preparation will be provided to the City Council and be made available for the public under separate cover.

RECOMMENDATION: That the City Council appoint two individuals to fill the two seats with three-year terms due to expire at the end of October 2010.

ATTACHMENTS: Requests for Appointment
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Catherine E. may
(Please Print)

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

☑ Reappointment; or IF NEW, please provide:

Street Address: 770 Phillips Circle
Porterville, CA 93257

Mailing Address: 

Name of Business: Granite Hills H.S.

☐ Own ☐ Operate

Business Address: 1701 E. Putnam Ave
Porterville, CA 93257

Telephone: Home 559-782-9786
Work 559-782-0119
FAX
E-mail cemay@sbcglobal.net

City of Porterville resident: Yes ☑ ☐ No
Registered Voter: Yes ☑ ☐ No

Page 1 of 2
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Obdulia Alvarado
(Please Print)

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

☑ Reappointment; or IF NEW, please provide:

Street Address: 475 N. Newcomb
Porterville, CA 93257

Mailing Address: SAME

Name of Business: ☑

☐ Own ☐ Operate

Business Address: ☑

Telephone: Home ☑ 789-1026
Work 782-7350
FAX
E-mail Calvarado@Portervilleschools.org

City of Porterville resident: ☑ Yes ☐ No
Registered Voter: ☑ Yes ☐ No
Qualifications: __________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

☐ Resume attached

☐ Letter of request attached

Submitted By: [Signature] 9-14-10

Date

Received by: ____________________________________________________________

Forwarded to: City Clerk  ☑ Date: 9-15-10

City Council  ☐ Date: ____________________________

City Manager  ☐ Date: ____________________________

Applicable Dept.  ☐ Date: ____________________________

Tentative Council Mtg Date: ____________________________

Page 2 of 2
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name:  **Khris Saleh**  
(Please Print)

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

☐ Reappointment; or IF NEW, please provide:

Street Address:  **1335 N. Prospect St**  
Porterville, CA 93257

Mailing Address:  

Name of Business:  
☐ Own  ☐ Operate

Business Address:  

Telephone:  
Home  **559-310-0173**
Work  
FAX  
E-mail  **Khris_Saleh@yahoo.com**

City of Porterville resident:  ☐ Yes  ☐ No
Registered Voter:  ☐ Yes  ☐ No
Qualifications:

- Measure Committee Member
- Frequent Attendance at Library Board meetings and City Council meetings
- Library Patron
- Youth Sports Coach
- Business Owner
- Served on Many Board of Directors

- □ Resume attached
- □ Letter of request attached

Submitted By: ___________________________  9-19-10

Received by: Guion M. Herron

Forwarded to: City Clerk  Date: 9/20/2010
City Council  Date: 9/20/2010
City Manager  Date: 9/20/2010
Applicable Dept.  Date: 9/20/2010

Tentative Council Mtg Date: 9/21/2010

Page 2 of 2
CITY COUNCIL AGENDA: OCTOBER 5, 2010

SUBJECT: TIME MARCHES ON MURAL TO BE CONSTRUCTED IN CENTENNIAL PLAZA

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: The Porterville Mural Committee (Committee), in association with the Time Marches On Committee, is requesting council approval to place the proposed “Band Mural” in Centennial Plaza. The mural will depict a chronology of the history of bands in the community and will be a special tribute to the long time high school band directors, Buck Shaffer and Dale Anderson. The mural is proposed to be 100 feet long and ten (10) feet high with a three (3) foot base. The Committee selected the Centennial Park location as it is in the heart of downtown where the bands have marched for years delighting the parade crowds, and the park is also the location of the Time Marches on Clock, which is a tribute to Buck Shaffer. It is the intent of the Committee to gift the mural and the accompanying amenities and improvements to the City of Porterville. At Council’s direction, Staff would negotiate an agreement with the Committee, which could include the mural and landscaping, lighting, and graffiti mitigation measures, estimated to be approximately $55,000.

Upon initial discussion of a mural in Centennial Plaza, there was general concern regarding impeding the views of the Sierra Nevadas. A digital rendering of the mural in the park demonstrates that the mural would not impede the views of the mountains, rather block the views of the alley and parking lot. The Committee proceeded to submit the proposal to the Project Review Committee (PRC) for discussion on March 3, 2010. Mr. Perrine, former Parks and Leisure Services Director, requested the Parks and Leisure Services Commission (Commission) review the project. The concept was presented to the Commission on July 1, 2010 and they recommended that City Council authorize the Committee to proceed with the project.

RECOMMENDATION: That the City Council

1. Approve the Committee’s request to construct and donate a mural in Centennial Plaza.
2. Authorize Staff to proceed with negotiations with the Porterville Mural Committee.

ATTACHMENTS:
1. Memorandum from Parks and Leisure Services Commission
2. Site Plan

DD So appropriated/funded CM [Signature] ITEM NO. 9

Acting
MEMORANDUM

TO: Mayor Irish
   Vice Mayor Hamilton
   Council Member McCracken
   Council Member Shelton
   Council Member Ward

FROM: Charles Webber, Parks & Leisure Services Commission Chairperson

DATE: July 7, 2010

SUBJECT: Centennial Plaza Mural

A presentation was made to the Parks & Leisure Services Commission on July 1, 2010 by the Porterville Mural Committee regarding the installation of a mural wall along the eastside of Centennial Plaza. The mural is proposed to be a depiction of Porterville music educators. The professionally prepared art work will extend 100 feet long and 13 feet high. It is the Mural Committee’s intent to install the mural and then donate it to the City of Porterville for future care.

The Commission has reviewed and considered the appearance, project site plan and elevation for the proposed mural. The Commission recommends that the City Council authorize the Mural Committee to proceed with the necessary steps needed to install the mural wall along the eastside of Centennial Plaza.
SUBJECT: REVOLUTION OF TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) JOINT POWERS AGREEMENT

SOURCE: City Manager

COMMENT: In May 2010, the Joint Powers Agreement (JPA) establishing the Tulare County Association of Governments (TCAG) was comprehensively amended, including prior amendments and updated language and current practices. In consideration of the comprehensive amendment, the TCAG Board provided direction to its staff to create two additional amendments for the TCAG Board to approve for member agencies to consider. The first Amendment would propose the authority for TCAG "to acquire, maintain, and dispose of real property." The second Amendment proposes language that would authorize TCAG to enter into JPAs. At its meeting on September 20, 2010, the TCAG Board approved the two potential JPA Amendments, and directed that the draft JPA Amendments be submitted to the member agencies for review and approval.

With the recommendation of an Ad-Hoc Committee established to consider special voting requirements (higher approval threshold) to effect the practices contained in the two proposed Amendments, the TCAG Board proposes that the TCAG Board must garner ten (10) "yea" votes, including votes of approval from three (3) County Board of Supervisors and from cities that constitute fifty percent (50%) of the County population.

In regards to the proposed authority of TCAG to acquire, maintain, and dispose of real property, several policy issues have not yet been addressed, including: 1) Would TCAG be responsible for property negotiations, or will the member agencies be responsible within their jurisdictions; 2) Will TCAG be the property title holder, or will the member agencies within their jurisdictions; and 3) Would TCAG have Eminent Domain authority (legal determination), and if so, what would be the policy of authority.

At this time, the TCAG Board is requesting that each member agency consider the two Amendments for approval, and in the event all member agencies approve the Amendments, then each agency would be required to pass a resolution approving the JPA Amendments and authorize its execution.

RECOMMENDATION: That the City Council consider the proposed Amendments to the TCAG JPA, and give direction accordingly.

ATTACHMENT: TCAG September 20, 2010 Agenda Item

C/M Item No. 10
AGENDA ITEM VII-B
September 20, 2010
Prepared by Ted Smalley, TCAG Director (On behalf of AD-HOC committee)

SUBJECT:

Action: TCAG Joint Powers Agreement Revision

BACKGROUND:

The Joint Powers Agreement (JPA) establishing the Tulare County Association of Governments was executed on May 4, 1971. Since 1971, the JPA has been amended three times. It was amended in June 1975 and February 1976. The last or third Amendment was in May 2010. The Amendment was comprehensive that included the prior amendments and updated language and practices that are current.

The Board also provided direction to staff to create two separate stand-alone amendments to the Revised JPA and distribution for approval of member agencies for the two other key changes. Amendment One would propose “to acquire, maintain, and dispose of real property.” Amendment Two would propose language that authorizes TCAG to enter into JPAs.

At the May 17, 2010 TCAG Board meeting the TCAG Chair established an ad-hoc committee to consider and recommend special voting requirements for both acquisition of property and entering into JPAs. The Ad-Hoc Committee met on August 16, 2010.

DISCUSSION:

The Ad-Hoc Committee reviewed various voting options beyond a simple majority. The Ad-Hoc Committee consensus recommendation is to require:
- 60% approval AND 10 yea votes.

The Ad-Hoc committee desired to have a higher threshold for approval. Requiring 10 votes eliminates the possibility that a quorum of 10 could take action with only 6 members voting in support.

If approved by the TCAG Board, the JPA Amendments will be submitted to member agencies for review and approval. Each City and the County will need to pass a resolution approving the JPA and authorizing its execution.

RECOMMENDATIONS:

Approve both Amendments to be provided to member agencies for approval.

ATTACHMENTS:

2. Joint Powers Agreement Amendment One
3. Joint Powers Agreement Amendment Two

Work Element: 601.02 – TCAG Administration
TULARE COUNTY ASSOCIATION OF GOVERNMENTS

JOINT POWERS AGREEMENT

THIS AGREEMENT, dated for convenience as of this 15th day of June, 2010, by and between the COUNTY OF TULARE, hereinafter referred to as the “County,” and the CITIES OF DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA, and WOODLAKE, or so many of said Cities as have executed this Agreement, hereinafter collectively referred to as the “Cities”;

WITNESSETH:

WHEREAS, the County and the Cities have recognized that it is desirable to provide a forum for the coordination of governmental activities involving both long-range and functional planning for the Cities and the County, and to develop programs which will assure compatible action between all levels of government within the County for plan implementation; and

WHEREAS, the Tulare County Association of Governments, hereinafter referred to as the “Association,” will be a separate entity from the County; and

WHEREAS, as of the 4th day of May, 1971, the County and the Cities executed an Agreement (Tulare County Agreement No. 6460) which established the Association, and set forth the powers and duties of the Association; and

WHEREAS, the Joint Powers Agreement has been amended from time to time; and

WHEREAS, the Association desires to incorporate subsequent amendments to the original Agreement entered into on the 4th day of May, 1971 and make changes to the Agreement to reflect current practices and terminology; and

WHEREAS, the Association desires to enter into a joint powers agreement to operate vanpool services and related activities; and

WHEREAS, current policies of the United States Department of Housing and Urban Development and the United States Department of Transportation require the establishment of an
areawide organization in order to meet the planning requirements for various capital grant and loan
programs; and

WHEREAS, the County and the Cities believe that intergovernmental cooperation will
promote the general welfare of all of the residents of the County of Tulare; and

WHEREAS, the County and the Cities have the power, under section 6500 et seq. of the
Government Code, to enter into and carry out the terms and conditions of this Agreement;

NOW, THEREFORE, BE IT AGREED as follows:

1) There is hereby created an agency or public entity to be known as the “Tulare County
Association of Governments.” As provided by law, said Association shall be a public entity
separate from the County and the Cities which are parties to this Agreement:

2) The Association shall have and may exercise all rights and powers, expressed and implied,
necessary to carry out the purposes and intent of the Association, including but not limited to,
the following powers:

a) Review, evaluate and coordinate applications for developmental proposals of areawide
significance utilizing either Federal, State or local public sources of funding.

b) Assist political subdivisions located in Tulare County in obtaining various forms of
governmental assistance by providing advice, counsel and professional direction.

c) Designate an appropriate system of areawide comprehensive planning goals and objectives.
d) Prepare the necessary plans and studies consistent with comprehensive planning goals and
objectives.

e) Promote public interest in and understanding of the comprehensive planning process within
Tulare County.

f) Serve as a center for disseminating general planning information of areawide significance to
the various local jurisdictions.

g) Investigate and prepare recommendations regarding the resolution of conflicts or other
circumstances arising from the multiplicity of jurisdictions concerned with comprehensive
development.
h) To make and enter into contracts.

i) To employ agents and employees.

j) To acquire, maintain, and dispose of personal property.

k) To accept gifts and grants.

l) To sue and be sued in its own name.

m) To incur debts, liabilities, or obligations.

n) Exercise all of the powers and duties as the agency designated as the Transportation Planning Agency for Tulare County in accordance with section 29530 et seq. of the Government Code, section 99200 et seq. of the Public Utilities Code and all other applicable State laws.

o) Contract to provide staff services and facilities to the Tulare County Local Agency Formation Commission (LAFCO) or other Tulare County Agencies as approved by the Tulare County Association of Governments Board.

p) To enter into a joint powers agreement pursuant to the Joint Exercise of Powers Act, Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code to operate van pool services and related activities, including, but not limited to, obtaining grant funds and borrowing funds for purchasing and leasing vans.

3) It is understood that no debt, liability or obligation of the Association shall constitute a debt, liability or obligation of the County or any of the Cities. Such powers shall be exercised subject only to such restrictions upon the manner of exercising such powers as are imposed upon the County in the exercise of similar powers, as provided in Section 6509 of the Government Code of the State of California.

4) The Association shall have the authority to employ and contract with personnel and/or consultants to assist in conducting the activities authorized by this Agreement.

5) It is understood and agreed that such plans as are developed by the Association shall be forwarded to the appropriate Cities and/or to the County for consideration, possible adoption and implementation by such party or parties. Each party to this Agreement agrees that it will give due and appropriate consideration to all such plans developed and forwarded by the Association.
6) The Association shall be administered by a governing board composed of the following members:
   a) The five (5) members of the Board of Supervisors.
   b) One (1) Councilperson from each City which is a party to this Agreement, appointed by the City Councils of such respective Cities.
   c) Three (3) residents, over the age of 18, of the County to be appointed by a majority vote of the other members of the governing board of the Association listed in subparagraphs (a) and (b) above at a meeting of the governing board.

7) After this Agreement has been executed by all of the parties, and members of the governing board have been appointed by the respective City Councils, the Chairperson of the Board of Supervisors of the County shall call an organizational meeting to be held by the governing board of the Association. The Chairperson shall cause each member of the governing board to be advised of the time and place for such organizational meeting.

8) The members of the Board of Supervisors shall be members of the governing board of the Association during their tenure in the office of Supervisor. Each Councilperson appointed by a participating City as a member of the governing board of the Association shall serve on the governing board during their tenure in the office of Councilperson or until replaced by the City pursuant to paragraph (10) below. The three (3) members of the governing board of the Association who are appointed pursuant to subparagraph (c) of paragraph (5) above shall have three year terms, with no at large member expiring in the same year.

9) The term of office of any member of the governing board of the Association, other than the members of the Board of Supervisors, may be terminated at any time by a majority vote of the body which appointed such member.

10) When a vacancy occurs on the governing board, the vacancy shall be filled by the appropriate appointing body for the balance of the unexpired term.

11) Any of the bodies authorized to appoint members of the governing board of the Association, under paragraph (6) above, may appoint an alternate member of the governing board, who shall have the same qualifications as required for the principal member under paragraph (6) above.
provided, however, that in the case of the members of the Board of Supervisors, said Board may appoint as alternate members for each of the five (5) Supervisors any persons who are residents of the County. Such alternate member shall participate as a member of the governing board only when the principal member is absent from the meeting. Alternates may attend closed sessions even if the member is present.

12) The governing board of the Association shall hold at least one regular meeting each month unless the Board votes to cancel a meeting. The date, time and place of regular meetings shall be fixed by resolution of the governing board and may be changed from time to time. Special meetings may be called pursuant to the procedures set forth in Section 54956 of the Government code. All meetings of the governing board shall be subject to the requirements of the Ralph M. Brown Act.

13) The governing board of the Association shall adopt all necessary rules governing the transaction of business at its meetings and the general conduct of the affairs of the Association.

14) The officers of the Association shall be a Chair, Vice Chair, Executive Director and such other officers as the governing board may deem necessary. The Chair and Vice Chair shall be elected from among the members of the governing board but the Executive Director need not be a member. Said officers shall be elected in accordance with the rules of the governing board of the Association and shall perform such duties and serve for such terms as specified in the rules adopted by the governing board of the Association.

15) A majority of the persons appointed to serve on the governing board of the Association shall constitute a quorum for the transaction of business by the governing board. Any resolution or other official action of the governing board shall be adopted by the votes of at least the number of members which constitute a quorum, less two (2) members.

16) The members of the governing board of the Association shall serve without compensation but they shall receive reimbursement for actual and necessary travel expenses incurred in the performance of their duties. Such reimbursement for expenses shall be made in accordance with rules established by the governing board. Travel expenses shall not be allowed for any
travel outside of the County of Tulare by members of the governing board unless the governing board of the Association approves such travel.

17) The County Treasurer and County Auditor of the County of Tulare are hereby designated as Treasurer and Auditor respectively, of the Association, as such, they shall have the powers, duties and responsibilities specified in Section 6505.5 of the Government Code of the State of California.

18) In accordance with section 6505.1 of the Government Code, the Executive Director is hereby designated as the person who shall have charge of, handle, and have access to the property of the Association.

19) The annual operating costs of TCAG shall be allocated among the parties to this Agreement on the basis of the population ratios of the Cities and the County. The population figures, and the appropriate percentage figures based on such populations, shall be contained in the Overall Work Program (OWP). The population figures will be based on the State Department of Finance certifications, or as updated by actual enumerations. These population figures are revised annually by the State about April of each year. Based on these population figures, the Board of Governors of TCAG will promulgate the percentages to be used by TCAG staff and members in developing the allocation of operating costs for the following fiscal year.

20) The annual budget of the Association shall be prepared on a fiscal year basis and the fiscal year of the Association shall be the period from July 1st of each year to and including the following June 30th.

21) On or before the 15th day of April of each year, a copy of the proposed budget which has been prepared for the next ensuing fiscal year shall be provided to the County and each of the Cities. The County and each of the participating Cities shall provide written comments on the budget with the governing board of the Association on or before the 1st day of May. Said budget shall be deemed to have been approved when adopted by the TCAG Board in May of each year. The Cities and the County which have representation on the TCAG Board and have given the aforementioned approval of the budget shall thereafter pay their pro rata share of such budget into the County Treasury to the credit of the Association in accordance with the percentages set
forth in paragraph (19) above. Each City and the County shall pay one-half (1/2) of such pro-
rata share into the County Treasury on or before the 30th day of September and the other one-
half (1/2) of such pro rata share on or before the 30th day of April.

22) In the event that any party to this Agreement refuses to approve an annual budget, in
accordance with the provisions of paragraph (21) above, such party shall no longer be a party to
this Agreement nor a participant in the program, in accordance with paragraph (27) herein
below. Therefore, the remaining parties to this Agreement which have approved the annual
budget agree to pay, over and above their regular payment prescribed above, an additional
payment to cover the additional amount required because of the withdrawal of the party, such
additional payment to be based on the populations of the remaining parties as set forth in
paragraph (19) and to be paid at the same times as the regular payments.

23) Within sixty (60) days after the close of each fiscal year during which this Agreement remains
in effect, TCAG staff upon request shall prepare for distribution to the County and each of the
Cities which have been parties to this Agreement during the year, an itemized report of all
receipts and expenditures which have occurred under this Agreement during the preceding
fiscal year.

24) In accordance with section 6505 of the Government Code, an annual audit of the accounts and
records of the Association shall be made. The Association shall pay the costs of such audit
whether conducted by the County Auditor or an independent auditor.

25) This Agreement shall take effect as soon as it has been executed by a sufficient number of the
nine (9) political subdivisions which have been designated as potential parties to this
Agreement in the heading and signature lines of this Agreement to constitute at least seventy-
five percent (75%) of the population of the entire County, based on the population figures in
paragraph (19) above. Any City that does not execute this Agreement shall not be a party to this
Agreement and shall have no rights and duties whatsoever under this Agreement. Any City
which does not become a party to this Agreement prior to the organizational meeting of the
governing board of the Association may become a party thereafter, and have all of the rights
and duties of a party upon executing a copy of this Agreement and filing it with the governing board of the Association.

26) If any party to this Agreement does not approve an annual budget of the Association in accordance with paragraph (22) above, then that party shall cease to be a party to this Agreement as of the 30th day of June following such failure to approve the budget and, after said 30th day of June following such failure to approve the budget and, after said 30th day of June, such party shall have no rights or duties under this Agreement and the member or members of the governing board of the Association appointed by that party shall automatically cease to be members on said date. In addition, any party to this Agreement may, on or before June 1st of any year, give written notice to the Association that it is withdrawing from the Association and terminating its rights and duties under the Agreement, at the end of the fiscal year, and such notice shall have the same effect on the 30th day of June thereafter, as mentioned hereinabove. When any party has ceased to be a party to this Agreement, it shall not be entitled to again become a party to this Agreement except upon unanimous consent of the remaining parties to this Agreement and upon such terms and conditions as may be imposed by unanimous action of said remaining parties. Each of the parties to this Agreement hereby agrees that if it should in the future withdraw from the Association and give up its rights and duties under this Agreement, as provided hereinabove, and the Association is not dissolved as a result of said withdrawal, then such withdrawing party waives any refund of contributions previously made by such party to the Association and relinquishes to the Association all right, title and interest it may have in any property of the Association.

27) This Agreement shall terminate, and the Association shall automatically be dissolved at the end of any fiscal year if, at the end of the fiscal year, the remaining parties to the Agreement have a total population of less than seventy-five percent (75%) of the total population of the entire County, as set forth in paragraph (19) above. However, the governing board of the Association shall remain in existence for the sole purpose of winding up the affairs of the Association and payment of all outstanding debts and obligations of the Association and disposing of the assets.
of the Association. After payment of all outstanding debts and obligations, the funds and
property of the Association shall be distributed as follows:

a) The funds of the Association on hand which were contributed by the parties to the
Agreement shall be returned to the participating parties in the same ration as the funds were
contributed pursuant to paragraph (19) above.

b) Any property of the Association, other than money, shall be sold and the proceeds of sale
distributed in accordance with the provisions of subparagraph (a) above.

c) Any unused funds or properties which were contributed to the Association by persons other
than the parties to this Agreement shall be returned to the donors and, if the donors do not
wish to have such returned, they shall be disposed of in the manner provided in
subparagraphs (a) and/or (b) above.

28) This Agreement may be amended at any time by a supplemental written agreement executed by
all of the parties.

29) The Agreement (Tulare County Agreement No. 1761) which was entered into on December 8,
1964, between the parties to this Agreement, and was subsequently amended on several
occasions, which established a Coordinating Committee on County Development, is hereby
terminated, said termination to be effective at the same time that this Agreement has been
executed by the number of parties required to make this Agreement effective. The Agreement
(Tulare County Agreement No. 6460) which was entered into on May 4, 1971, between the
parties to this Agreement, and was subsequently amended on several occasions is hereby
superseded effective at the same time as this agreement has been executed by the sufficient
number of the nine (9) political subdivisions which have been designated as potential parties to
this Agreement as indicated in paragraph 25 above.

30) The County and Cities hereby agree that this Agreement may be executed in counterparts, each
of which shall be deemed an original but all of which shall constitute the same Agreement.
Notwithstanding the foregoing, the Parties hereby agree that duplicate originals shall be
executed so each party may retain a fully executed counterpart of this Agreement.
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written pursuant to resolutions of the governing bodies of the respective parties, duly adopted, authorizing such execution.

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS
COUNTY OF TULARE

By
Deputy

By
Chairman, Board of Supervisors

ATTEST:

CITY OF DINUBA

By
Mayor

CITY OF EXETER

By
Mayor

CITY OF FARMERSVILLE

By
Mayor

ATTEST:

City Clerk

By

City Clerk

By

City Clerk

By

Joint Powers Agreement – Tulare County Association of Governments
ATTEST:

By Camille Wilson, Deputy City Clerk

CITY OF LINDSAY

By Ed Mung
Mayor

CITY OF PORTERVILLE

By Pat M. Lander
Mayor

CITY OF TULARE

By [Signature]
Mayor

CITY OF VISALIA

By [Signature]
Mayor

CITY OF WOODLAKE

By [Signature]
Mayor
AMENDMENT ONE TO THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
JOINT POWERS AGREEMENT

THIS AGREEMENT, dated for convenience as of this ___ day of ____________, 2010, by
and between the COUNTY OF TULARE, hereinafter referred to as the “County,” and the CITIES
OF DINU BA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA,
and WOODLAKE, or so many of said Cities as have executed this Agreement, hereinafter
collectively referred to as the “Cities”;

WITNESSETH:

WHEREAS, the Tulare County Association of Governments, hereinafter referred to as the
“Association,” will be a separate entity from the County; and

WHEREAS, as of the 4th day of May, 1971, the County and the Cities executed an
Agreement (Tulare County Agreement No. 6460) which established the Association, and set forth
the powers and duties of the Association; and

WHEREAS, the Joint Powers Agreement may be amended from time to time; and

WHEREAS, the Association desires to amend said Agreement to give the Association the
ability to make real property transactions, hereby amend said Agreement;

NOW, THEREFORE, BE IT AGREED as follows:

Paragraph (2) of said Agreement is hereby amended by adding thereto subparagraph (q) to
read as follows:

q) To acquire, maintain, and dispose of real property or an interest in real property, 3 Sups, 50% of City
population and 10 yea votes are required for the approval;
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written pursuant to resolutions of the governing bodies of the respective parties, duly adopted, authorizing such execution.

ATTEST: Michelle Baldwin
County Clerk and Ex-Officio
Clerk of the Board of Supervisors

COUNTY OF TULARE

By ____________________________
Deputy

By ____________________________
Chairman, Board of Supervisors

ATTEST:

CITY OF DINUBA

By ____________________________

Mayor

ATTEST:

CITY OF EXETER

By ____________________________

City Clerk

Mayor

ATTEST:

CITY OF FARMERSVILLE

By ____________________________

City Clerk

Mayor

Joint Powers Agreement – Tulare County Association of Governments
ATTEST:

By ____________________________________

    City Clerk

CITY OF LINDSAY

By ____________________________________

    Mayor

CITY OF PORTERVILLE

By ____________________________________

    Mayor

CITY OF TULARE

By ____________________________________

    Mayor

CITY OF VISALIA

By ____________________________________

    Mayor

CITY OF WOODLAKE

By ____________________________________

    Mayor
AMENDMENT TWO TO THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
JOINT POWERS AGREEMENT

THIS AGREEMENT, dated for convenience as of this ____ day of ________, 2010, by
and between the COUNTY OF TULARE, hereinafter referred to as the “County,” and the CITIES
OF DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA,
and WOODLAKE, or so many of said Cities as have executed this Agreement, hereinafter
collectively referred to as the “Cities”;

WITNESSETH:

WHEREAS, the Tulare County Association of Governments, hereinafter referred to as the
“Association,” will be a separate entity from the County; and
WHEREAS, as of the 4th day of May, 1971, the County and the Cities executed an
Agreement (Tulare County Agreement No. 6460) which established the Association, and set forth
the powers and duties of the Association; and
WHEREAS, the Joint Powers Agreement may be amended from time to time; and
WHEREAS, the Association desires to amend said Agreement to enable the Association to
enter into Joint Powers Agreements;

NOW, THEREFORE, BE IT AGREED as follows:

Paragraph (2) of said Agreement is hereby amended by adding thereto subparagraph (r) to
read as follows:

(r) To enter into joint powers agreements pursuant to the Joint Exercise of Powers Act,
Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.
60% of the approval AND 10 yea votes are required for the approval.
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written pursuant to resolutions of the governing bodies of the respective parties, duly adopted, authorizing such execution.

ATTEST: Michelle Baldwin
County Clerk and Ex-Officio
Clerk of the Board of Supervisors

By __________________________
Deputy

COUNTY OF TULARE

By __________________________
Chairman, Board of Supervisors

ATTEST:

CITY OF DINUBA

By __________________________
Mayor

ATTEST:

CITY OF EXETER

By __________________________
Mayor

ATTEST:

CITY OF FARMERSVILLE

By __________________________
Mayor

Joint Powers Agreement – Tulare County Association of Governments
ATTEST:  
By ____________________________  
City Clerk  

CITY OF LINDSAY  
By ____________________________  
Mayor

ATTEST:  
By ____________________________  
City Clerk  

CITY OF PORTERVILLE  
By ____________________________  
Mayor

ATTEST:  
By ____________________________  
City Clerk  

CITY OF TULARE  
By ____________________________  
Mayor

ATTEST:  
By ____________________________  
City Clerk  

CITY OF VISALIA  
By ____________________________  
Mayor

ATTEST:  
By ____________________________  
City Clerk  

CITY OF WOODLAKE  
By ____________________________  
Mayor

Joint Powers Agreement – Tulare County Association of Governments
COUNCIL AGENDA: OCTOBER 5, 2010

SUBJECT: CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY

SOURCE: Public Works Department – Engineering Division

COMMENT: Southern California Edison Company (SCE) is requesting an easement from the City of Porterville for the purpose of installing and maintaining underground electrical supply and communication systems along the north side of Tea Pot Dome Avenue. These improvements will be located specifically along the frontage of those parcels associated with the Fairgrounds Development. These facilities, consisting of underground conduits, vaults and other appurtenant electrical infrastructure, are necessary for the orderly development of the 15 acre Fairgrounds site and the adjacent easterly 10 acre site, all of which is an extension of SCE’s supply network.

The proposed easement is 6’ wide with the exception of a 21’ x 26.5’ area that will house a pad mounted transformer and is located north of and in close proximity to the north right of way line of Tea Pot Dome Avenue between West Street and Westwood Street.

Installation of the SCE infrastructure along the north side of Tea Pot Dome for service to the herein described parcels complies with the SCE Rule 15 regulations and the City’s Franchise Agreement with SCE. The improvements will be installed within the area defined by the requested easement at an approximate cost of $56,000. This component of the project is subject to City reimbursement pursuant to Part IV, “Development Obligations”, of the License and Development Agreement between the “City” and “Fair”.

On top of the Rule 15 work, the “Fair” will need to install conduit, pull boxes, electrical wire, etc. from Tea Pot Dome Avenue to a meter location on the 15 acre Fairgrounds site. This work is considered SCE Rule 16 (private), in which all cost associated with materials, labor and incidental items of work are solely borne by the “Fair”.

SCE’s invoice includes Rule 15 and a Rule 16 service fee of $70,000 and $20,000, respectfully. Should the “Fair” consume $90,000 or more in energy in the first year, then there will be no further compensation owed to SCE. If the “Fair” consumes less than $90,000 in energy, then the “Fair” will owe SCE the difference between the actual use and the $90,000 amount. Staff believes these fees to be the norm when requesting power from SCE. Should the City initiate a project on the 10 acre site within ten (10) years, a proportional amount of the later scenario will be reimbursed to the “Fair”.

[Signatures]
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING A GRANT DEED OF EASEMENT TO THE SOUTHERN CALIFORNIA EDISON COMPANY

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby grants to Southern California Edison Company, a corporation, its successors and assigns, an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems, consisting of wires, underground conduits, cables, vaults, manholes, hand holes, including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of Tulare, State of California, described as follows:

See Grant of Easement document attached hereto and made a part hereof by reference, consisting of five pages.

BE IT FURTHER RESOLVED that the foregoing has been authorized by the City Council for the City of Porterville.

APPROVED AND ADOPTED this 5th day of October, 2010.

____________________________
Ronald L. Irish, Mayor

ATTEST:
John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RECOMMENDATION: That the City Council:

1. Accept SCE's request to have the City convey an easement for the installation and maintenance of underground electrical facilities;

2. Authorize the Mayor to sign the Grant of Easement;

3. Authorize the City Clerk to mail the signed Grant of Easement to SCE for recordation; and

4. Acknowledge the cost sharing responsibilities of the City pursuant to Part IV "Development Obligations" of the License and Development Agreement between the "City" and "Fair".

ATTACHMENTS: Resolution
Easement Document
Locator Map
THE CITY OF PORTERVILLE, a political subdivision of the State of California (hereinafter referred to as “Grantee”), hereby grants to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns (hereinafter referred to as “Grantor”), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems (hereinafter referred to as “systems”), consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of Tulare, State of California, described as follows:

VARIOUS STRIPS OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 22 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN, HEREINAFTER REFERRED TO AS “LAND”, THE CENTERLINES OF SAID STRIPS BEING DESCRIBED AS FOLLOWS:

STRIP #1 (6.00 FEET WIDE)

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF SAID “LAND” WITH A LINE PARALLEL WITH AND DISTANT 43.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES FROM THE SOUTHERLY LINE OF SAID SECTION 8; THENECE ALONG SAID PARALLEL LINE, NORTH 89°40'59" EAST 381.75 FEET TO A POINT OF ENDING, SAID POINT HEREINAFTER REFERRED TO AS POINT “A”.

THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED TO TERMINATE WESTERLY IN THE WESTERLY LINE OF SAID “LAND”.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN PUBLIC STREET.

STRIP #2 (21.00 FEET WIDE)

COMMENCING AT SAID POINT “A”; THENECE NORTH 00°19'01" WEST 2.00 FEET TO THE TRUE POINT OF BEGINNING; THENECE NORTH 89°40'59" EAST 26.50 FEET TO A POINT OF ENDING, SAID POINT HEREINAFTER REFERRED TO AS POINT “B”.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN PUBLIC STREET.
STRIPI#3 (6.00 FEET WIDE)

COMMENCING AT SAID POINT "B"; THENCE SOUTH 00°19'01" EAST 2.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°40'59" EAST 412.78 FEET; THENCE NORTH 78°20'55" EAST 20.35 FEET; THENCE NORTH 89°40'59" EAST 30.00 FEET TO A POINT OF ENDING.

THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED TO JOIN AT THE ANGLE POINTS.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN PUBLIC STREET.

It is understood and agreed that the above description is approximate only, it being the intention of the Grantor(s) to grant an easement for said systems as constructed. The centerline of the easement shall be coincidental with the centerline of said systems as constructed in, on, over, under, across, and along the Grantor(s) property.

This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Grantor agrees for himself, his heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, earth fill or other structures except walls and fences on the above described real property. The Grantee, and its contractors, agents and employees, shall have the right to trim or cut tree roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor, the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.
EXECUTED this ___ day of __________________, 20__.

GRANTOR

THE CITY OF PORTERVILLE, a political subdivision of the State of California

______________________________
Signature

______________________________
Print Name

______________________________
Title

State of California                )
County of ______________________ )

On __________________ before me, ________________________, personally
(here insert name and title of the officer) appeared
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

______________________________
Signature

(This area for notary stamp)
GRANTEE

SOUTHERN CALIFORNIA EDISON COMPANY, a corporation

By: ____________________________________________
    Emmanuel P. Hyppolite, Supervisor of ECS & Distribution,
    Real Properties Department

Date: ________________________________

State of California

County of ____________________________

On __________________ before me, ________________________________, personally
(here insert name and title of the officer)

appeared

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Signature ____________________________________________

(This area for notary stamp)
SE 1/4 OF SE 1/4 OF
SEC. 8, T22S, R27E, M.D.B.&M.
TULARE COUNTY

W'LY LINE OF SE 1/4 OF
SE 1/4 OF SEC. 8

P.O.B.
STRIP #1

STRIP #1
6' WIDE

PT. "A"

STRIP #2
21' WIDE

PT. "B"

STRIP #3
6' WIDE

S'LY LINE SEC. 8

AVENUE 128
(TEA POT DOME AVENUE)

SW CORNER OF SE 1/4 OF
SE 1/4 OF SEC. 8

SCE EASEMENT
DSE800554600  TO# 463530
SLS/BT  08/28/10
COUNCIL AGENDA: October 5, 2010

THIS ITEM HAS BEEN REMOVED.

Item No. 12
SUBJECT: CONSIDERATION OF ESTABLISHING BY ORDINANCE AN ARTS COMMISSION AS AN ADVISORY BODY TO THE CITY COUNCIL

SOURCE: City Manager/City Attorney

COMMENT: Pursuant to City Council direction at the September 21st City Council Meeting, attached is a draft Ordinance establishing an advisory Arts Commission.

At its meeting on June 1st, the City Council supported Councilman Ward in his request that the City Council consider authorizing the establishment of an Arts Commission as an advisory body to the Council. In its support, the Council gave direction for Councilman Ward to consider establishing the new Commission by Ordinance, and to review its effectiveness over time to possibly consider inclusion in the City Charter.

Since the June 1st meeting, Councilman Ward has had several meetings with a number of interested members representative of the local cultural, visual, and performing arts community, for the purposes of discussing the purpose of such a Commission and how its formation might benefit the City. From the discussion at these meetings, and the last City Council Meeting, the following draft Ordinance has been prepared. Of particular note is the appointment process, which includes 3-7 “open” seats appointed by the City Council, and four (4) regular seats of the Commission devoted to representation from the Arts community by area subcommittees, also subject to Council approval. The Ordinance provides for a Commission of up to 11 members total.

With the Council’s approval, Councilman Ward would be interested in having the Council give first reading to the establishment of an Arts Commission by City Ordinance in an effort toward having the Commission become effective by the end of the calendar year.

RECOMMENDATION: That the City Council consider and give first reading (by title only) to the Draft Ordinance, authorizing the establishment of an Arts Commission as an Advisory Body to the City Council, read by title only, and waiving further reading

ATTACHMENT: Arts Commission Draft Ordinance No. 1767

C.M.  

Item No. 13
ORDINANCE NO. 1767
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDED CHAPTER 5A, ARTICLE I, SECTIONS 5A-1 THROUGH 5A-8 TO
THE PORTERVILLE MUNICIPAL CODE
REGARDING THE FORMATION OF AN ARTS COMMISSION

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

Section 1. Code Amendment. Chapter 5A, Article I, Sections 5A-1
through 5A-8 is hereby added to the Porterville Municipal Code, to read as
follows:

CHAPTER 5A
ARTICLE I

Section 5A-1 Established.

An Arts Commission is established in and for the City of Porterville. The Arts
Commission shall serve in an advisory capacity to the City Council.

Section 5A-2 Composition.

The Arts Commission shall consist of up to 11 members. No less than three (3)
and no more than (7) seats shall be considered “open” seats to be appointed by
the City Council at its complete discretion, [and a set number shall be established
by Resolution of the Council??]. The appointees for the remaining four (4) seats
shall be recommended by the initially appointed members of the “open” seats,
via subcommittees representing four areas of arts: 1) theatrical/performing arts;
2) visual/graphic; 3) music; and 4) youth, with final approval by the City Council.

Section 5A-3 Compensation.

Members of the Arts Commission shall serve without compensation.

Section 5A-4 Term of Office/Removal.

The term of the “open” seats shall be three (3) years with terms staggered to
prevent concurrent expiration of terms. No member appointed to an “open” seat
may serve more than two (2) consecutive terms.

The term of the seats appointed via subcommittee recommendation shall be one
(1) year. Those appointed via the subcommittees shall have no term limits.
All Commission members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason.

Section 5A-5 Vacancies.

Vacancies, occurring otherwise than by expiration of the terms, shall be filled by appointment as in the first instance (by either direct appointment by the City Council or appointment by the Council via Subcommittee/Commission recommendation) as soon as possible; such appointee to serve for the unexpired term of the vacant office.

Section 5A-6 Meetings and Records.

The Arts Commission shall hold meetings regularly as determined by the Commission and shall designate the time and place thereof. The Meetings shall be held in compliance with the Brown Act and all applicable laws, and the meetings and records shall be public. The Commission shall keep a record of its proceedings. A record of attendance shall be kept regularly and reported to the City Council at least one time per year. Members are expected to have 75% attendance based on the Commission’s regular meeting schedule (e.g. 9 out of 12 meetings if held monthly, 3 out of 4 if held quarterly). Members who fail to meet the attendance requirement automatically vacate their seat and the vacancies shall be filled per Section 5A-5.

Section 5A-7 Quorum.

A presence of a majority of the members of the established number of commissioners, as set via Resolution of the City Council, shall constitute a quorum for the transaction of business (i.e. at least 4, as many as 6).

Section 5A-8 General Powers and Duties of Commission.

The Arts Commission shall:

A. Make recommendations to the City Council regarding development and promotion of practices and policies pertaining to the Arts, keeping in mind the adoption of policy is the prerogative of the City Council.
B. Foster the development and enjoyment of visual, cultural, performing, and other arts in the city of Porterville.
C. To work cooperatively with city entities and other advisory commissions to include an Arts element in as many areas of city planning and development as possible.
D. Develop and submit a Workplan to the Council on an annual basis detailing the goals and objectives of the Arts Commission over the next year, five years and/or twenty years.
Section 2. **Severability.** Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 3. **Effective Date.** This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 4. **Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this ___ day of __________
2010.

_________________________________________________________________
Mayor Ronald L. Irish

ATTEST:

_________________________________________________________________
City Clerk
SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM — Consideration of Hosting a "Step Up" Gang Awareness Forum

SOURCE: City Manager

COMMENT: Councilmember Ward has requested that the Council consider authorizing the City to host a "Step Up" gang awareness forum, in coordination with the County of Tulare. Through the "Step Up" program, it is proposed that the City would plan the content and function of the event, and the County would assist in funding the forum. With the Council's authorization, Councilmember Ward would work with both City and County staff, as well as the local school districts, medical providers, and non-profit and faith-based community groups.

RECOMMENDATION: That the City Council consider authorizing the City to host a "Step Up" gang awareness forum.

ATTACHMENT: None