CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
OCTOBER 19, 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 CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call:  Agency Members

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

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

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:
   2- Government Code Section 54956.9(a) – Conference with Legal Counsel – Litigation: Connor and Steen v. City of Porterville et al., Tulare County Superior Court Case No. 10-239413.
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Vice Mayor Hamilton
Invocation
PROCLAMATIONS
National Friends of Libraries Week, October 17 – 23, 2010
Porterville Theater Reunion
Lowes Heroes
Porterville Garden Club

PRESENTATIONS
Outstanding Business

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.

1. City Council Minutes of October 20, 2009

2. Claim – Jared Davis
Re: Consideration of a claim in an amount of $176.10 for property damages which claimant alleges were incurred when loose gravel from a recently repaired pothole struck claimant’s windshield while he was driving on Newcomb Street near Westfield on May 10, 2010.

3. Approval to Purchase Specialized Equipment

Re: Accepting staff’s plan and project manual and authorizing staff to advertise for bids for the project consisting of the construction of a reinforced concrete box culvert within the Poplar Ditch.

5. Acceptance of Project – Beverly Street Water Project
Re: Accepting projects as complete from 99 Pipeline, and authorizing the filing of the Notice of Completion for the project consisting of the installation of an 8” water main, water services, fire hydrants and related appurtenances along Beverly Street between North Grand Avenue and Castle Avenue.

6. Acceptance of Project – Maintenance Garage Natural Gas Detection Project
Re: Accepting project as complete from Webb & Son, and authorizing the filing of the Notice of Completion for the project consisting of the installation of a natural gas leak detection system required for the maintenance and storage of compressed natural gas vehicles.
7. Acceptance of Final Subdivision Map – Ranch Victoria, Phase 2, 3 and 4 (Gary Smee)
   Re: Considering approval of the final map of Ranch Victoria, Phase 2, 3, and 4 subdivisions.

8. Approval of the Pre-Qualification Procedure for Bidders on Certain Public Works Projects
   Re: Considering approval of a Pre-Qualification System for use in conjunction with construction projects funded by the CIEDB Loan and when otherwise authorized to do so by particular laws or programs.

9. Program Supplement to the Local Agency-State Master Agreement – Four CNG Refuse Trucks
   Re: Considering approval of a resolution authorizing the execution of Program Supplement Agreement Number n040 for the purchase of four (4) CNG Refuse Trucks.

10. Foothill Parkway Alignment Options
    Re: Informational report regarding the development of alignment options for the Foothill Parkway that is presented in the City’s General Plan.

11. Grant Application for the U.S. Soccer Foundation
    Re: Considering approval of a resolution authorizing an application for the U.S. Soccer Foundation’s Field Building Grant.

11a. Resolution Approving the Application for California State Parks Land and Water Conservation Fund
    Re: Considering approval of a resolution approving an application for the Land and Water Conservation Fund Grant-In-Aid Program for the Heritage Ballfields Project.

12. Annual Library Food for Fines Campaign
    Re: Considering approval of the 4th Annual Food for Fines Campaign to run October 25 through December 20, 2010.

13. Amendments to Employee Pay & Benefit Plan and Health Plan Document
    Re: Considering approval of a resolution amending the Employee Pay & Benefit Plan and Health Plan Document.

    Re: Considering approval of an annual Civic Event consisting of a parade on Thursday, November 11, 2010, from 5:00 a.m. to 12:00 p.m., on Main Street from Danner Avenue to Orange Avenue.

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

PUBLIC HEARINGS

15. Budget Adjustment/Citizens’ Option for Public Safety (COPS) Program Funding
    Re: Acceptance of COPS Grant funds and authorizing an increase in the Police Department’s 2010-2011 Budget in the amount of $100,000.

16. Conditional Use Permit 4-2010 – Proposed Office Space at 122 & 126 N. Main Street
    Re: Considering approval of a resolution approving Conditional Use Permit No. 4-2010 to allow for office space in an existing single story building.
SECOND READINGS
17. Ordinance 1767, Formation of an Arts Commission
   Re: Second Reading of Ordinance 1767, An Ordinance of the City Council of the City of Portervillle
   Adding Chapter 5A, Article I, Sections 5A – 1 through 5A – 8 to the Porterville Municipal Code
   regarding the formation of an Arts Commission, which was given first reading on October 5, 2010.

SCHEDULED MATTERS
18. Community Development Block Grant Business Assistance Program –Mark Sidley Auto Group, Inc.
   Re: Considering approval of a request for a loan in the amount of $250,000 from the City’s Business
   Assistance Program from Mark Sidley Auto Group, Inc.

19. Design Overlay Site Review 2-2008, Modification No. 2 to Allow for a Change in Architectural
    Features for the Drive Through Car Wash, on the Southeast Corner of West Springville
    Avenue and South Jaye Street
   Re: Considering approval of a resolution approving Design “D” Overlay Site Review 02-2008,
    Modification No. 2.

20. Council Member Requested Item – Consideration of Amendment to Municipal Code in
    Reference to the Library Board of Trustees
   Re: Consideration of a request to consider amending the Municipal Code to rename the Library
   Board of Trustees to “Library and Literacy Board of Trustees”, as well as to allow an increase in the
   number of Board members.

21. Council Member Requested Item – Consideration of Amendment to Municipal Code to
    Allow the Burning of Tumbleweeds
   Re: Consideration of a request to consider an amendment to the Municipal Code to allow for the
   burning of tumbleweeds.

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 November 2, 2010 at 5:30 p.m.

   It shall be the policy of the City Council to complete meetings, including closed sessions, by
   9:45 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need
special assistance to participate in this meeting, or to be able to access this agenda and documents in the
agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the
meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or
provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda
packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North
Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
OCTOBER 20, 2009, 6:00 P.M.

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

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

JOINT CITY/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:

   Adjourned to a Meeting of the Porterville City Council.

CLOSED SESSION:
B. Closed Session Pursuant to:
   4- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 260-020-014, 245-410-032, and 245-060-023. Agency Negotiator: John Lollis and Baldo Rodriguez. Negotiating Parties: City of Porterville,
Porterville Affordable Housing, Porterville Church of Christ, and Bill and Evelyn Wiggins. Under Negotiation: Terms and Price.


7- Government Code Section 54956.9(a) – Conference with Legal Counsel – Diana Standridge v. City of Porterville et al., Tulare County Superior Court Case No. 08-228418.

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

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

7:00 P.M. RECONVENE OPEN SESSION AND REPORT ON ANY COUNCIL AND/OR REDEVELOPMENT AGENCY ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Council Member Felipe A. Martinez

Invocation – a moment of silence was observed.

PROCLAMATIONS

“President’s Own” U.S. Marine Band

PRESENTATIONS

Porterville Branding Committee – “Where the Roads to Success Begin”

ORAL COMMUNICATIONS

- Greg Shelton, 888 North Williford Drive, expressed his interest in being reappointed to the Parks & Leisure Services Commission; and requested that the Council impart the importance of attendance at some of the events held throughout the year.
- Tom Hughes, local Sears owner, extended an invitation to the Council to attend the Grand Opening of his new location on Jaye Street on October 24th at 9:00 a.m.
- Robert “Bob” Levine, a Porterville resident, requested that he be allowed to submit a Request for Appointment for the Library Board and/or Parks & Leisure Services Commission.
- Don Roper, a Beverly Street resident, voiced concern with the water situation on Beverly Street, and requested the Council’s assistance.
- Leticia Lupio, requested that the Council consider her for appointment to the Parks & Leisure Services Commission.

CONSENT CALENDAR

Items 2, 3 and 7 were removed for further discussion.
1. CITY COUNCIL MINUTES OF OCTOBER 13, 2009

Recommendation: That City Council approve the minutes of October 13, 2009.

Documentation: M.O. 01-102009
Disposition: Approved

4. AUTHORIZATION TO NEGOTIATE A CONTRACT – TRANSPORTATION CONSULTING SERVICES

Recommendation: That City Council:
1. Approve the award to TPG Consulting, Inc. for the preparation of the Short Range Transit Plan for the sum of Forty-Five Thousand Dollars ($45,000);
2. Authorize progress payments up to 100% of the fee amount; and
3. Authorize staff to proceed with a formal agreement for “On-Call” Consulting Services in compliance with Section 5307 regulations.

Documentation: M.O. 02-102009
Disposition: Approved

5. ACCEPTANCE OF PROJECT – COMMUNITY CENTER PARKING LOT

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

Documentation: M.O. 03-102009
Disposition: Approved

6. PUBLIC IMPROVEMENTS/REIMBURSEMENT AGREEMENT – JAYE STREET CROSSING COMMERCIAL CENTER (JLH PROPERTIES, LLC AND CZEM, PARTNERS LLC)

Recommendation: That the City Council:
1. Review and approve the “Public Improvement/Reimbursement Agreement”; and
2. Authorize the Mayor and City Clerk to execute the “Public Improvement/Reimbursement Agreement”.

Documentation: M.O. 04-102009
Disposition: Approved
8. ADVERTISEMENT – AIRPORT DRY FARM LEASE

Recommendation: Information only.

Documentation: M.O. 05-102009
Disposition: Approved

9. APPROVAL OF PHYSICIAN SERVICES

Recommendation: That the City Council approve Valley Prompt Care for City physician services effective November 1, 2009.

Documentation: M.O. 06-102009
Disposition: Approved

10. ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN

Recommendation: That the City Council authorize the third Annual Food for Fines Campaign from October 26, 2009 through December 19, 2009.

Documentation: M.O. 07-102009
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Hamilton that the City Council approve Item Nos. 1, 4 through 10. The motion carried unanimously.

2. BUDGET ADJUSTMENT FOR 2009-10 FISCAL YEAR

Recommendation: That the City Council approve the proposed budget adjustment, and authorize staff to modify expenditure estimate as described on the proposed schedule.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. He then addressed questions regarding the proposed short-term solution, and funding of the amount out of the Risk Management Fund.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor M.O. 08-102009 Ward that the City Council approve the proposed budget adjustment, and authorize staff to modify expenditure estimate as described on the proposed schedule. The motion carried unanimously.

Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS – RECLAMATION ROAD 216 PIPELINE AND WEIR
Recommendation: That the City Council:

1. Authorize the Finance Department to prepare a budget adjustment from Sewer Revolving fees to the 2009/2010 Annual Budget in the amount of $245,315.12 for the Reclamation Road 216 Pipeline and Weir Project;
2. Approve staff’s recommended plans and project manual; and
3. Authorize staff to advertise for project bids.

City Manager Lollis introduced the item, and noted that staff wished to correct an error on the staff report. Public Works Director Baldo Rodriguez noted that the funding source was the Wastewater Treatment Facility Capital Reserve Fund, not the Sewer Revolving Fund as stated in the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council authorize the Finance Department to prepare a budget adjustment from Wastewater Treatment Facility Capital Reserve Funds to the 2009/2010 Annual Budget in the amount of $245,315.12 for the Reclamation Road 216 Pipeline and Weir Project; approve staff’s recommended plans and project manual; and authorize staff to advertise for project bids. The motion carried unanimously.

Disposition: Approved, as amended by staff.

7. FAA GRANT APPLICATION – PORTERVILLE MUNICIPAL AIRPORT

Recommendation: That the City Council approve the grant as presented and authorize the City Manager to submit a grant application for funding consideration to the FAA for the coming grant cycle.

City Manager Lollis introduced the item, and indicated that staff had a late amendment to the recommendation. He indicated that staff had been notified that the Federal Aviation Administration would be putting in 2.2 million dollars in for construction, and staff would be requesting approval to proceed.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council to consider the amended item. The motion carried unanimously.

Airport Manager John Longley updated the Council on his recent communication with the FAA, during which he was informed that the project has been allocated in their budget. He added that the project would require $115,000 in funds from the City of Porterville, and a revision to the Capital Budget.

COUNCIL ACTION: Resolution 92-2009 MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve the grant, as amended by staff, and authorize the City Manager to submit a grant
application for funding consideration to the FAA for the coming grant cycle. The motion carried unanimously.

Disposition: Approved, as amended.

PUBLIC HEARINGS

11. WATER CONSERVATION PHASE II – WATER SYSTEM STATUS

Recommendation: That the City Council:
1. Return to Phase I of the Water Conservation Plan; and
2. Continue Phase I water conservation efforts.

The City Manager introduced the item, and the Public Works Director presented the staff report.

At the Council’s request, the Public Works Director clarified that the difference between Phase I and Phase II were the hourly restrictions implemented in Phase II, and added that the Odd/Even Watering Schedule would remain as part of Phase I.

The public hearing opened at 7:34 p.m. Seeing no one, the Mayor closed the public hearing at 7:35 p.m.

Vice Mayor Ward requested that the motion for approval of staff’s recommendation be amended to continue aspects of Phase II with the exception of the hourly restrictions. The amendment was not accepted.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve returning to Phase I of the Water Conservation Plan and continuing Phase I of water conservation efforts. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

SCHEDULED MATTERS

12. APPOINTMENTS TO LIBRARY BOARD OF TRUSTEES AND PARKS AND LEISURE SERVICES COMMISSION

Recommendation: That the City Council:
1. Appoint two interested individuals to the Library Board of Trustees three-year terms, and the third interested individual to the Library Board one-year term; and
2. Appoint four interested individuals to the Parks & Leisure Services Commission four-year terms, and one interested individual to the Parks & Leisure Services Commission two-year term.
The City Manager introduced the item, and the staff report was waived at the Council’s request.

A brief discussion ensued regarding the method by which the vacancies would be filled. A lottery method was suggested, which would consist of drawing from the candidates one name per vacancy.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council use a Lottery method for appointments.

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

The Council decided that the Mayor would draw the names.

The following candidate’s were drawn for the Library Board of Trustees: Robert “Bob” Levine (3-year term), Ellen Nichols (3-year term), and Catherine E. May (1-year term).

The following were drawn for the Parks and Leisure Services Commission: Case Lok (4-year term), Monte Moore (4-year term), Rick Vafeades (4-year term), Leticia R. Lupio (4-year term), and Rocco Calantone (2-year term).

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve appointment for those names drawn.

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

The Council requested that new members be informed of their responsibilities, and thank you letters be sent out to those who were not selected in the draw.

**Disposition:** Approved

**13. PARKS DEVELOPMENT & COMMUNITY REVITALIZATION GRANT PROGRAM THROUGH PROPOSITION 84**

**Recommendation:** That the City Council determine which area to focus efforts for a second Parks Development and Community Revitalization grant application, and authorize a $10,000 budget adjustment from GF Carry-Over for supplemental part-time staff assistance.
The City Manager introduced the item, and Administrative Analyst Michelle Cruz presented the staff report.

Following the report she explained that the areas identified for a second grant application had been selected based on the Community Fact Finder, which took into account median household income, population, and available park space.

Parks and Leisure Services Director Jim Perrine spoke about different types of projects that could qualify as a park according to the State’s definition of a park.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve “North of Highway 190” as the area to focus efforts for a second Parks Development and Community Revitalization grant application, and authorize a $10,000 budget adjustment from GF Carry-Over for supplemental part-time staff assistance. The motion carried unanimously.

Disposition: Approved

14. AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT 2009/10 ACTION PLAN FOR THE REALLOCATION OF FUNDS FOR ACQUISITION AND INSTALLATION OF THE MURRY PARK POOL WATER SLIDE

Recommendation: That the City Council adopt the resolution of approval for Amendment No. 1 to the 2009/10 Action Plan to include the allocation of up to $205,000 in CDBG funds from the Business Assistance Program Administration Fund, and the Murry Park Improvement Project for the acquisition and installation of the water slide at the Murry Park Pool.

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

Vice Mayor Ward expressed concern with the proposed use of Business Assistance Program funds. Mr. Dunlap indicated that $100K would be retained for the Business Assistance Program and $45K for the Small Business Revolving Loan Fund. He added that that there were no projects in queue to take advantage of the $76K in funds.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council adopt the resolution of approval for Amendment No. 1 to the 2009/10 Action Plan to include the allocation of up to $205,000 in CDBG funds from the Business Assistance Program Administration Fund, and the Murry Park Improvement Project for the acquisition and installation of the water slide at the Murry Park Pool.
AYES: Hamilton, P. Martinez, F. Martinez, McCracken
NOES: Ward
ABSTAIN: None
ABSENT: None

Disposition: Approved

15. A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER’S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

Recommendation: If the City Council wishes to participate in the Proposition 1A Securitization Program, that it should adopt the proposed Proposition 1A Sale Resolution and Purchase and Sale Agreement.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hamilton that the City Council adopt the proposed Proposition 1A Sale Resolution and Purchase and Sale Agreement. The motion carried unanimously.

Disposition: Approved

16. COUNCIL MEMBER REQUESTED AGENDA ITEM – STATUS OF VACANT COMMERCIAL SITES

Recommendation: That the City Council provide appropriate direction to staff.

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

Council Member Hamilton recommended that the Incubator Program focus on the downtown area.

Disposition: No direction given.

17. COUNCIL MEMBER REQUESTED AGENDA ITEM – DISCUSSION ON BEVERLY STREET WATER MAIN PROJECT
Recommendation: That the City Council, after discussing the various issues related to the Beverly Street Water Main Project, provide direction to Public Works as to how to proceed with this or any other water project.

The City Manager introduced the item, and the Public Works Director presented the staff report.

Council Member Hamilton stated that he had been contacted regarding wells that are drying up in the area, and residents that have no water. A discussion ensued about the City’s responsibilities with regard to providing city services for annexed areas, and means of addressing the Beverly Street water issue. Council directed staff to bring back possible solutions as a future agenda item.

Disposition: Staff direction given.

18. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF CITY COUNCIL BENEVOLENCE (“GOOD WORKS”) FUND

Recommendation: None.

The City Manager introduced the item, and Council Member Hamilton asked that the Council consider a dollar amount, so that staff could bring back policy options for consideration. He suggested the amount not exceed $25,000, and a discussion ensued as to whether the Council needed a policy to consider requests from non-profits.

At Council Member Hamilton’s request, City Manager Lollis spoke about the current state of the budget and the Council’s current contingency fund.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve $25,000 for FY 2010/2011 budget, and direct staff to bring back policy options for Council consideration.

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

Disposition: Approved

The Council adjourned at 9:11 p.m. to a Meeting of the Porterville Redevelopment Agency.

REDEVELOPMENT AGENCY MINUTES
October 20, 2009

Roll Call: Agency Member Hamilton, Agency Member Pedro Martinez, Agency Member Felipe Martinez, Vice Chairman Ward, Chairman McCracken
ORAL COMMUNICATIONS
None

SCHEDULED MATTERS
PRA-01. REJECT ALL BIDS – STOUT BUILDING RE-ROOF PROJECT

Recommendation: That the City Council:
1. Reject all bids; and
2. Authorize staff to re-advertise for bids on the project after receiving an asbestos/lead-based paint survey.

Agency Chair McCracken stated that he was within 500 feet of the Stout Building, recused himself, and left the Council Chambers. The staff report was waived at the Council’s request. Staff requested that staff be allowed to look into using foam as an option for the roof and bring a proposal back to the Council.

AGENCY ACTION: MOVED by Agency Member Hamilton, SECONDED by Agency Member Felipe Martinez that the Redevelopment Agency approve the rejection of all bids; and direct staff to look into foam as an option for the roofing project and bring back for Council consideration.

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

Disposition: Approved, as amended.

Chair McCracken returned to the Council Chambers to disclose that he had a conflict. Staff indicated that Members Hamilton and Felipe Martinez also had conflicts of interest, but that Agency Member Martinez would remain per rule of necessity.

PRA-02. CONSIDER RESOLUTIONS OF THE PORTERVILLE REDEVELOPMENT AGENCY AND CITY OF PORTERVILLE PLANNING COMMISSION, EACH TAKING CERTAIN ACTIONS RELATED TO MODIFICATIONS OF THE PREVIOUSLY PROPOSED ADDED TERRITORY BOUNDARIES FOR THE PROPOSED 2009 AMENDMENT TO THE REDEVELOPMENT PLAN RELEVANT TO THE PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1, AND TO THE PRELIMINARY PLAN PREPARED THEREFORE

Recommendation: That the Porterville Redevelopment Agency and City of Porterville Planning Commission:
1. As appropriate, adopt the draft resolutions taking certain actions to modify the Previously Proposed Added Territory Boundaries for the Proposed 2009 Amendment to the Redevelopment Plan for the Porterville
Redevelopment Project Area No. 1, and to the Preliminary Plan Prepared therefore, and related matters.

The Agency Secretary introduced the item, and Community Development Director Dunlap presented the staff report.

AGENCY ACTION: MOVED by Agency Member Felipe Martinez, SECONDED by Vice Chair Ward that the Redevelopment Agency approve the resolution directing that the Planning Commission consider and approve the proposed Added Territory modifications, determine that the modifications will not affect the textual context of the Preliminary Plan and that said textual context remains true and correct, approves a modified Preliminary Plan, and amends the title of the Amendment from the “2009 Amendment” to the “2010 Amendment”.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Ward that the City Council, acting as the Planning Commission approve the resolution modifying the Added Territory boundaries, and approving a modified Preliminary Plan.

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

AGENCY ACTION: MOVED by Agency Member Felipe Martinez, SECONDED by Vice Chair Ward that the Redevelopment Agency approve the resolution accepting the modified Added Territory boundaries.

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

Disposition: Approved

The Redevelopment Agency adjourned at 9:20 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
- Donnette Silva Carter, Chamber of Commerce, invited the Council to the Annual
Awards and Installation Banquet to be held on November 7th; and commended the City and specifically Michelle Cruz for work on the sold-out Paranormal Conference recently held in Porterville.

- Renee Curtly, 1720 W. Westfield, voiced discontent with the water situation on Beverly Street and the City’s response thereto.

**OTHER MATTERS**
- Council Member Pedro Martinez spoke of the Central California Family Crisis Center’s Candlelight Vigil recently held, noting the annual event was well-attended.
- Council Member Hamilton lauded Council Member Martinez for his Master of Ceremonies and translation work at the Candlelight Vigil.
- Vice Mayor Ward 1) spoke of the Miss Porterville Pageant, commenting on the talent of the contestants and advising that Lindsay Ames had been crowned Miss Porterville; 2) thanked Police Chief McMillan for getting out in the community and speaking with local service clubs, most recently Rotary; and 3) advised that his wife was sworn in as an American citizen on Monday.

The Council recessed for 10 minutes at 9:31 p.m. and reconvened in Closed Session.

**CLOSED SESSION**
The Council reconvened in Open Session and reported the following:

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Mayor McCracken that the City Council authorize settlement in the amount of $10,000 in the matter of Diana Standridge v. City of Porterville et al., Tulare County Superior Court Case No. 08-228418.

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

Disposition: Approved

**ADJOURNMENT**
The Council adjourned at 10:30 p.m. to the meeting of November 3, 2009 at 6:00 p.m.

SEAL

Luisa Herrera, Deputy City Clerk

Pete V. McCracken, Mayor
SUBJECT: CLAIM – JARED DAVIS

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mr. Jared Davis has filed a claim against the City in an amount of $176.10 for property damages which claimant alleges were incurred when loose gravel from a recently repaired pothole struck claimant’s windshield while he was driving on Newcomb Street near Westfield on May 10, 2010.

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: Jared Davis  Claimant's Telephone #: 361-6728
SS#: [Redacted]  DOB: [Redacted]  Gender: Male  Female

Claimant's address: 1751 W. Westfield Porterville CA, 93257
Address where notices about claim are to be sent, if different from above: Same

Date of incident/accident: 5-10-10

Date injuries, damages, or losses were discovered: A broken windshield, (front) that's all.

Location of incident/accident: Neucomb Street about 5 feet South of the Westfield
intersection.

What did entity or employee do to cause this loss, damage, or injury? Someone filled a hole in the road
with gravel and did not have a sign or any indication that there was loose
gravel on the road.

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

What specific injuries, damages, or losses did claimant receive? A broken or cracked
front windshield.

(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 $20,000, 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 901(f)]. I would just like the cost to
repair my front windshield which is $176.10 through Golden State
Auto Glass

How was this amount calculated (please itemize)? I contacted Golden State Auto
Glass and received a quote in the amount of $176.10 (Golden State Auto
Glass 782-1985)

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

Date Signed: 5-12-10  Signature: Jared Davis

If signed by representative:
Representative's Name  Address
Telephone #  Relationship to Claimant
SUBJECT: APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT

SOURCE: Police Department

COMMENT: During the recent investigations of complex criminal activity occurring within the city of Porterville, the Porterville Police Department’s Investigations Division has found they are relying more and more on other agencies and outside civilian support in order to bring these investigations to successful conclusion. The need for this outside support dealt primarily with the Department’s lack of certain specialized equipment, either due to having outdated equipment or not possessing the equipment at all. The Department is requesting permission to purchase that specialized equipment identified as a Remote Surveillance Camera, Cell Phone Data Extraction Device, Surveillance Body Wire, and Mobile Security System.

Remote Surveillance Camera – This equipment will allow Department personnel to place a remote camera in areas of criminal activity, and allow for the viewing and remote control of the camera through internet access.

Cell Phone Data Extraction Device – This equipment will allow Department personnel to extract different types of data from cell phones that are seized by personnel in conjunction with their investigation into criminal activity.

Surveillance Body Wire – This equipment will allow for Department personnel to maintain audio surveillance of undercover personnel as they actively work with suspects.

Mobile Security System – This equipment will allow for Department personnel to place a security system in certain locations that have become high repetition targets for criminal activity.

The Police Department has researched the market and identified certain equipment which can best meet the focus and intent of the purpose for these purchases. Because of this, developing a set of specifications will not draw in any other specific brands or models of these equipment items.

The Department has also identified vendors who are the leading authorities for their equipment and provides this equipment to numerous agencies, including the FBI, DEA, CA Department of Justice, Bakersfield
District Attorney's Office, Clovis and the Los Angeles Police Department. In addition, one vendor supplies their alarm system to 35 California counties, including Tulare County.

The Police Department requests Council approval to purchase the above listed equipment and enter into direct negotiations with the vendors of these items in accordance with the City's Purchasing Policy & Procedure Manual, as amended by Resolution No. 122-87, adopted by Council on October 10, 1987.

There are two sources of funds for the above items which are Asset Forfeiture and the Equipment Replacement Fund.

RECOMMENDATION: That the City Council:

1) Authorize the purchase of the identified special equipment; and
2) Authorize Staff to enter negotiations for the purchase of the specialized equipment; and
3) Authorize payment upon satisfactory delivery of the equipment.
COUNCIL AGENDA: OCTOBER 19, 2010

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – S. JAYE STREET & POPULAR DITCH CULVERT CROSSING

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the S. Jaye Street & Poplar Ditch Culvert Crossing Project. The project consists of constructing a reinforced concrete box culvert within the Poplar Ditch including retaining walls, head walls with hand rails and concrete lined channel. The box culvert is a small component of the overall S. Jaye Street Extension Project. Staff feels it is necessary to construct this box culvert in advance of the overall project in order to meet construction windows outlined by the Lower Tule Irrigation District. The Lower Tule Irrigation District is the agency in charge of managing the Poplar Ditch. The relocation of the power poles along the west side of the S. Jaye Street Extension Project precludes staff from seeking council approval to advertise for bids on the overall project at this time.

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

The estimated probable cost for the project is $133,750 with an additional $13,375.00 required for the construction contingency (10%). An additional $13,375.00 is required for construction management, quality control and inspection (10%). The total estimated cost associated with the base project is $160,500.00. An Estimate of Probable Cost is attached for Council’s review.

Funding is provided from Local Transportation Funds (LTF) and Traffic Impact Fees as approved in the 2009/2010 Annual Budget.

RECOMMENDATION: That City Council:

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

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

ATTACHMENTS: Estimate of Probable Cost Locator Map

Item No. 4
ENGINEERS ESTIMATE OF PROBALBE COST
S. JAYE STREET AND POPLAR DITCH CULVERT CROSSING PROJECT
October 13, 2010

BASE BID (PART A – CITY PORTION):

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1</td>
<td>LS</td>
<td>Mobilization and Demobilization</td>
<td>$6,250.00</td>
<td>$6,250.00</td>
</tr>
<tr>
<td>2.</td>
<td>1</td>
<td>LS</td>
<td>Clearing &amp; Grubbing</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>3.</td>
<td>1</td>
<td>EA</td>
<td>Complete Reinforced Concrete Box Culvert Crossing including retaining walls, head walls with hand rails, concrete lined channel, excavation, backfill and compaction. (City to supply required import fill material from project site south of ditch).</td>
<td>$125,000.00</td>
<td>$125,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$133,750.00</strong></td>
</tr>
</tbody>
</table>

10% Construction Contingency $13,375.00
10% Construction Engineering $13,375.00
Total Estimated Cost of Project $160,500.00

Estimate Certified

[Signatures]

Project Manager  Date

City Engineer  Date

Public Works Director  Date

City Manager  Date
ACCEPTANCE OF PROJECT – BEVERLY STREET WATER PROJECT

Public Works Department - Engineering Division

99 Pipeline has completed the Beverly Street Water Project per plans and specifications. The project included installing an 8" water main, water services, fire hydrants and related appurtenances along Beverly Street between North Grand Avenue and Castle Avenue.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council's direction, staff has commenced with the reporting of project construction expenditures. On June 29, 2010 City Council authorized expenditure of $124,642.80 for construction, construction management and quality control services for the Beverly Street Water Project. The following itemizes the construction-related cost in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $104,984.75.

2) Construction management and quality control costs are $13,640.87, which is 13.1% of the awarded construction contract. This amount is more than the 10% construction management and quality control amount requested at the time of award.

This project required additional staff time for public outreach to property owners and tenants. Staff worked with the property owners to set up utility accounts and coordinate installation of meter and backflow prevention devices at each lot.

Total project construction cost including construction management and quality control yields a reduced amount to be collected per residential unit of $3,594.72.

Funding for this project is provided through a budget adjustment from the General Fund Reserve to offset the cost of the project. The construction project was possible due to the successful formation of the water facility district. The “district” will reimburse all construction and construction management costs associated with the Beverly Street Water Project.

99 Pipeline requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.
RECOMMENDATION: That City Council:

1. Accept the project as complete;

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

3. Authorize the release of the 10% retention immediately after recordation, provided no stop notices have been filed.

ATTACHMENTS: Locator Map
SUBJECT: ACCEPTANCE OF PROJECT – MAINTENANCE GARAGE NATURAL GAS DETECTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Webb & Son has completed the Maintenance Garage Natural Gas Detection Project per plans and specifications. The project consisted of the installation of a natural gas leak detection system including sensors, control panel, exhaust fans with explosion proof motors and aluminum non-sparking fan blades, hazardous area emergency lighting, shunt trip control of existing circuit breakers, visible and audible enunciator (alarm) and other appropriate construction required to comply with current building codes allowing for maintenance and storage of compressed natural gas vehicles. Also included is removal of existing gas fired heaters and installation of a fresh make up air heating system ducted to specific locations.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On February 2, 2010 City Council authorized expenditure of $200,300 for construction and construction management for the Maintenance Garage Natural Gas Detection Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) construction management.

1) Final construction cost is $191,737.54.

2) Construction management costs are $2,133.13, which is 1.2% of the awarded construction contract. This amount is less than the $3,458.72 (1.9%) construction management amount requested at the time of award.

Total project construction costs equate to $193,870.67, which is less than the $200,300.00 overall budget approved by Council at the time of award.

American Recovery and Reinvestment Act (ARRA), Transit and Equipment Replacement are the funding sources for the project, as approved in the 2009/2010 budget.
Webb & Son requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete; and

2. Authorize the filing of the Notice of Completion.
SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP – RANCH VICTORIA, PHASE 2, 3 AND 4 (Gary Smee)

SOURCE: Public Works Department - Engineering Division

COMMENT: The subdivider, Smee Builders, Inc., has submitted the final map of the subject project for Council approval. The subdivider is requesting approval prior to the acceptance of the required improvements.

The subdivider has submitted the required guarantee to the City to complete and/or accept all necessary public improvements on the project. A subdivision agreement between the subdivider and the City has been signed by the subdivider, and all fees have been paid.

The final map is in conformance with the approved tentative map and City Council Resolution No. 136-2004. The improvement plans, specifications, dedications and the final map have been approved by the Public Works Director and City Engineer and all other requirements have been met.

RECOMMENDATION: That City Council:

1. Approve the final map of Ranch Victoria, Phase 2, 3 and 4 Subdivision;

2. Accept all offers of dedication shown on the final map; and

3. Authorize the City Clerk to file said map with the County Recorder.

ATTACHMENT: Final Map – Ranch Victoria, Phase 2, 3 and 4
SUBJECT: APPROVAL OF THE PRE-QUALIFICATION PROCEDURE FOR BIDDERS ON CERTAIN PUBLIC WORKS PROJECTS

SOURCE: Public Works Department

COMMENT: In 1999, the Legislature enacted a law that allows public agencies to require licensed contractors that wish to bid for public works jobs to "pre-qualify" for the right to bid on a specific public works project or, during a specified period of time. The Department of Industrial Relations (DIR) was directed to develop model guidelines for rating bidders and with drafting a standardized questionnaire. The law does not require, but rather authorizes, a public agency to adopt a pre-qualification system. Attachment 1.a "Introduction and Overview..." is attached for Council’s complete review.

On September 7, 2004, staff presented City Council all documentation necessary to implement pre-qualification policies and procedures for specific projects funded by the California Infrastructure and Economic Development Bank (CIEDB). The motivating factor at that time was the construction of several projects associated with the Cease and Desist Order promulgated by the State Regional Water Quality Control Board. All projects have been successfully completed by contractors hired by the City under these pre-qualification procedures.

Since that action, City Council secured a CIEDB Loan June 16, 2009 for the Eastside Water Project and Rocky Hill Water Reservoir Project, at an amount of $6,757,500 and $1,500,000 respectively. The same adopted procedures were utilized to pre-qualify contractors for all the projects on an annual basis. The allotted time has since lapsed, therefore, requiring staff to initiate the process once again. The City Attorney recommends that the City Council adopt these policies and procedures by Resolution to clarify and implement said policies and procedures. The Resolution approves two different kinds of prequalification procedures for public works projects; a procedure by which a contractor may qualify to bid on projects which are put out for bid by that agency for a period of one year after the date of initial prequalification, and a prequalification procedure linked to a specific project.

As part of the adoption, the City Council must designate an Appeals Panel. The Appeals Panel will conduct an appeal hearing upon notice by a contractor receiving a rating below that necessary to pre-qualify.
Documents used for the pre-qualification process include:
- single project (see Attachment 2.a),
- annual projects (see Attachment 2.b),
- processing time constraints (see Attachment 3.a and 3.b) for both types and quantity of projects that require pre-qualification,
- Contractor Pre-Qualification Questionnaire (Attachment 4),
- Sources for Verification of Information Given by Contractors (Attachment 5),
- Pre-Qualification Interview Questions and Instructions for Public Agencies (Attachment 6),
- A List of Scorable Questions and the Scoring Instructions (Attachment 7), and
- Resolution “Defining the Pre-Qualification Policy and Procedure for Bidders on Certain Public Works Projects” (Attachment No. 1).

RECOMMENDATION: That City Council:

1. Reaffirm, by Resolution, the adoption of the Pre-Qualification System for both single and annual projects for use in conjunction with construction projects funded by the CIEDB Loan and when otherwise authorized to do so by particular laws or programs;

2. Appoint a three-member “Appeals Panel” consisting of one council member plus an alternate, the Public Works Director and the City Engineer plus the Field Services Manager as an alternate; and

3. Approve the documents and procedure for use by City Staff during the pre-qualification process.

ATTACHMENTS: 1) Resolution (to include as Exhibit “A” the attachments listed below) 
1.a) Introduction and Overview of the 1999 Law and its Application
2.a) Request for Pre-Qualification of Bidders Commencing with Forthcoming Public Work Bid
2.b) Announcement of Pre-Qualification Procedures and Open Dates for Annual Pre-Qualification
3.a) Timeline for Pre-Qualification Period for Bidders on a Single Project
3.b) Timeline for Pre-Qualification on an Annual Basis
4) Contractor Pre-Qualification Questionnaire
5) Sources for Verification of Information Given by Contractors
6) Pre-Qualification Interview Questions and Instructions for Public Agencies
7) A List of the Scorable Questions and the Scoring Instructions
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
DEFINING THE PRE-QUALIFICATION POLICY AND PROCEDURE FOR BIDDERS ON CERTAIN PUBLIC WORKS PROJECTS

WHEREAS, in 1999, the Legislature enacted a law, Assembly Bill 574, Public Contract Code §20101, that allows public agencies to require licensed contractors that wish to bid for specific public works jobs to “pre-qualify” for the right to bid. In addition, the law directed the Department of Industrial Relations (DIR) to develop model guidelines for rating bidders and a standardized questionnaire; and

WHEREAS, the City Council of the City of Porterville adopted, on September 7, 2004 (M.O. #12-090704), those DIR models of the Pre-Qualification of Contractors procedures and documents, including an appeals panel, for use in conjunction with construction projects funded by the California Infrastructure and Economic Development Bank (CIEDB);

NOW THEREFORE, BE IT RESOLVED:

1. The City Council re-affirms the procedures adopted by M.O. 12-090704 and approves the procedures for use with any projects where such processes are allowed by law or in conjunction with a particular program.

2. The pre-qualification processes approved and attached hereto as Exhibit “A” to this Resolution include a) a process linked to a specific project or combination of projects to the extent permitted by law; and b) a procedure by which a contractor may qualify to bid on projects which are put out for bid by that agency for a period of one year after the date of initial prequalification.

3. The City Council re-affirms the appointment of a three-member Appeals Panel in the event a contractor is dis-qualified using the approved rating system, and said panel will consist of one council member plus an alternate, the Public

ATTACHMENT
ITEM NO. 1
Works Director and the City Engineer plus the Field Services Manager as an alternate.

PASSED, ADOPTED AND APPROVED this 19th day of October, 2010.

______________________________
Cameron Hamilton, Mayor Pro Tem

ATTEST:
John D. Lollis, City Clerk

______________________________
By Patrice Hildreth, Chief Deputy City Clerk
INTRODUCTION AND OVERVIEW OF THE 1999 LAW AND ITS APPLICATION

CITY OF PORTERVILLE – PUBLIC WORKS DEPARTMENT
BALDOMERO S. RODRIGUEZ, PUBLIC WORKS DIRECTOR
MICHAEL K. REED, DEP. PUBLIC WORKS DIRECTOR/CITY ENGINEER
291 N. MAIN STREET
PORTERVILLE, CA 93257
PHONE: 559-782-7462 FAX: 559-781-6457

EXHIBIT "A"
ATTACHMENT ITEM NO. 1.a
I. IMPORTANT PROVISIONS OF THE 1999 LAW

In 1999, the Legislature enacted a law that allows many public agencies to require licensed contractors that wish to bid for public works jobs to “pre-qualify” for the right to bid on a specific public works project, or on public works project undertaken by a public agency during a specified period of time. Public Contract Code section 20101 has the relevant provisions; it was enacted as part of Assembly Bill 574.

The law applies to all cities, counties, and special districts but does not apply to K-12 school districts (which have similar authority to create pre-qualification procedures, described in Public Contract Code section 20111.5, which was enacted in 1997).\(^1\)

The law does not require any public agency to adopt a pre-qualification system. Instead, it authorizes every public agency to adopt a pre-qualification system, and describes certain requirements that must be met (described below), if a public agency chooses to adopt such a system.

In fact, the 1999 law allows a public agency to establish two different kinds of pre-qualification procedures for public works projects. The law allows a public agency to establish a pre-qualification procedure linked to a single project (Section 20101[d]). Or, the public agency may adopt a procedure by which a contractor may qualify to bid on projects that are put out for bid by that agency for a period of one year after the date of initial pre-qualification. (Section 20101[d]).

The law requires every public agency that creates either kind of pre-qualification procedure to:

1. use a “standardized questionnaire and financial statement in a form specified by the public entity”(Section 20101[a]);

2. adopt and apply a uniform system of rating bidders on objective criteria, on the basis of the completed questionnaires and financial statements (Section 20101[b]);

3. create an appeal procedure, by which a contractor that is denied pre-qualification may seek a reversal of that determination. (Section 20101[d]).

II. ROLE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS

AB 574 required the Department of Industrial Relations (DIR) to “develop model guidelines for rating bidders, and draft the standardized questionnaire.” It required DIR to “consult with affected public agencies, cities and counties, the construction industry, the surety industry, and other interested parties.”

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\(^1\) Community College Districts also have specific authority to carry out pre-qualification procedures, in Public Contract Code section 20651.5, enacted in 1998. Community College Districts may also be covered by AB 574, since they are not specifically exempted.
From January through October 2000, DIR held a series of meetings in Sacramento with representatives of public agencies and other interested parties. More than 25 representatives of interested parties attended each meeting. All told, more than 60 people participated in at least one such meeting, and most representatives participated in more than one. Contractors, public agencies both large and small, and associations of each were well represented throughout the series of meetings. DIR’s initial draft of a questionnaire was revised after each meeting, and each revised draft was discussed at the next meeting, leading to additional revisions. Eventually, there was widespread consensus that the model questionnaire provided in this package offers a system of rating bidders based on objective criteria, and a useful and appropriate series of questions.

In addition, DIR, in compliance with the 1999 legislation, created model guidelines for rating bidders. The model rating system also is included in this package.

III. AN OVERVIEW OF THE DOCUMENTS

For use by the Public Entity in the Pre-Qualification Process are:

1. A model questionnaire to be sent to contractors. The questionnaire includes spaces for answers to be provided by the contractors, with the forms to be returned to the public agency. As required by the legislation, the information provided to the public agency by the contractors, other than the names, addresses and contractor license numbers of the contractors applying – is to be kept confidential.

2. A model scoring system, for rating the answers given by the contractors and by the references. Note: the documents provided here by DIR are designed to collect the information that a public agency will need to carry out a pre-qualification procedure, and the DIR has proposed a rating system. Each public agency, however, is free to devise its own “uniform system of rating prospective bidders . . . based on objective criteria.” That is, each public agency may determine its own scoring system and its own passing scores for different portions of the questionnaire and for the interviews.

3. A model series of questions to be used by representatives of the public agency when interviewing persons who are identified by contractors as their “references” – owners of projects that have been completed by each contractor in the recent past.

4. DIR’s suggestions for procedures to be used for conducting the reference interviews.

5. Two alternative forms: model announcements of pre-qualification procedures. Each is a summary and explanation of the pre-qualification procedure, prepared primarily for licensed contractors, although available for the general public as well. There are two slightly different versions of this document: one explains the pre-qualification procedure linked to a single project.

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2 The documents included in this package can be found at the Department of Industrial Relations web site, www.dir.ca.gov. Click on “Data bases.”

3 The explanation included in this document assumes that the pre-qualification procedure is taking place after the RFP or project announcement is published. A public agency may choose, instead, to have the pre-qualification
while the other explains the procedure of pre-qualification valid for a year and for more than one project.

6. A list of sources of information that may be used by a public agency to verify the accuracy of many of the answers given by the contractors to the questions on the questionnaire.  

IV. APPEAL PROCEDURE

Section 20101(d) requires every public agency that requires prospective bidders to pre-qualify pursuant to this law to establish “a process that will allow prospective bidders to dispute their proposed pre-qualification rating prior to the closing time for receipt of bids.” The appeal process must include written notification by the public agency of the basis for the prospective bidder’s disqualification “and any supporting evidence that has been received from others or adduced as a result of an investigation by the public entity.” (section 20101[d][1]). The prospective bidder must be given an opportunity to rebut any evidence used as a basis for disqualification and to present evidence to the public entity as to why the prospective bidder should be found qualified.” (section 20101[d][2]). The law does not describe the appeal procedure in any additional detail; each public agency is free to adopt its own procedures, as long as the statutory requirements are met. As an example, while Part I of the model questionnaire includes nine “Essential Requirements for Qualification,” a public agency may choose to allow contractors to appeal a disqualification based solely on an answer to a question in Part I.

DIR has devised two different schedules for appeal procedures. One schedule would be used in a system for pre-qualification for a single project. The sequence of steps in this appeal procedure are scheduled to allow for an appeal decision at least four business days prior to the submission for bids for the single project. The other schedule for an appeal is applicable to a system in which prospective bidders seek pre-qualification valid for one year, without a link to the bidding on a specific project. These two appeal sequences are described in the explanation to contractors (the two documents referred to in paragraph 5, above).

Each public agency should be certain that it distributes to licensed contractors only the description that is appropriate for the pre-qualification procedures that are in use.

There are a number of laws and court decisions that affect the nature of an appeal hearing provided by a public agency. Each public agency should consult its own attorneys for advice in this area.

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procedure start and end prior to the solicitation of bids for the specific project. If that is the case, the public agency would have to modify the document offered here to explain the sequence of events.

4 A CAUTIONARY NOTE: The information that will be given to public agencies by contractors seeking pre-qualification is provided under oath, with the understanding that the intentional providing of false information is, in itself, grounds for disqualification. We expect that the information given should be and will be accepted at face value in most instances. Our list of sources of information available to the public is provided for use in the few instances in which a public agency reviewing the answers given in a questionnaire has specific reason to believe that one or more answers should be verified in this manner.
V. APPLICATION OF THE PUBLIC RECORDS ACT

AB 574 provides that “The questionnaires and financial statements shall not be public records and shall not be open to public inspection; however, records of the names of contractors applying for pre-qualification status shall be public records subject to disclosure” under the Public Records Act. (Section 20101[a]). The model questionnaire forms provided by DIR indicate that the cover page of each questionnaire is a public record, and that all other pages of the questionnaire are not public records.

VI. WHAT ARE THE LAW’S PROVISIONS REGARDING PREQUALIFICATION OF SUBCONTRACTORS?

Public agencies are not required to pre-qualify sub-contractors, nor are public agencies prohibited from doing so. Section 20101(f) says:

Nothing in this section shall preclude the awarding agency from pre-qualifying or disqualifying a subcontractor. The disqualification by an awarding agency does not disqualify an otherwise pre-qualified [general] contractor.
REQUEST FOR
PRE-QUALIFICATION OF
BIDDERS COMMENCING
WITH FORTHCOMING
PUBLIC WORK BID

CITY OF PORTERVILLE – PUBLIC WORKS DEPARTMENT
Baldomero S. Rodriguez, Public Works Director
Michael K. Reed, Dep. Public Works Director/City Engineer
291 N. Main Street
Porterville, CA 93257
Phone: 559-782-7462 Fax: 559-781-6437

ATTACHMENT
ITEM NO. 2.a
REQUEST FOR PRE-QUALIFICATION OF BIDDERS COMMENCING WITH FORTHCOMING PUBLIC WORK BID

Notice is hereby given that the City of Porterville ("City") has determined that all bidders on [Name of specific project] to be undertaken by the City must be pre-qualified prior to submitting a bid on that project. It is mandatory that all Contractors who intend to submit a bid, fully complete the pre-qualification questionnaire, provide all materials requested herein, and be approved by the City to be on the final qualified Bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities submit a bid as part of a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid. The last date to submit a fully completed questionnaire is mm/dd/yyyy. [35 days prior to the bid closing date]. Contractors are encouraged to submit pre-qualification packages as soon as possible, so that they may be notified of omissions of information to be remedied or of their pre-qualification status well in advance of the bid advertisement for this project.

Answers to questions contained in the questionnaire, information about current bonding capacity, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. The City will use these documents as the basis of rating Contractors in respect to the size and scope of contracts upon which each Contractor is qualified to bid. The City reserves the right to check other sources available. The City’s decision will be based on objective evaluation criteria.

The City reserves the right to adjust, increase, limit, suspend or rescind the pre-qualification rating based on subsequently learned information. Contractors whose rating changes sufficient to disqualify them will be notified, and given an opportunity for a hearing consistent with the hearing procedures described below for appealing a pre-qualification rating.

While it is the intent of the pre-qualification questionnaire and documents required therewith to assist the City in determining bidder responsibility prior to bid and to aid the City in selecting the lowest responsible bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the City from a post-bid consideration and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness.

Pre-qualification packages are available from the Secretary – Public Works Department, 291 N. Main Street, Porterville, CA 93247, 559-791-7804, or an electronic questionnaire may be requested via e-mail from vschulz@ci.porterville.ca.us

The pre-qualification packages should be submitted under seal and marked “CONFIDENTIAL” to City of Porterville, Secretary - Public Works Department, 291 N. Main Street, Porterville, CA 93257.

The pre-qualification packages (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection. All information
provided will be kept confidential to the extent permitted by law. However, the contents may be disclosed to third parties for purpose of verification, or investigation of substantial allegations, or in the appeal hearing. State law requires that the names of contractors applying for pre-qualification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify the City and provide updated accurate information in writing, under penalty of perjury.

The City reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted, to make all final determinations, and to determine at any time that the pre-qualification procedures will not be applied to a specific future public works project.

Contractors may submit pre-qualification packages during regular working hours on any day that the offices of the City are open. Contractors who submit a complete pre-qualification package will be notified of their qualification status no later than ten business days after submission of the information.

The City may refuse to grant pre-qualification where the requested information and materials are not provided, or not provided by \textit{mm/dd/yy} [\textit{date specified in first paragraph – 35 days before bid closing}]. There is no appeal from a refusal for an incomplete or late application, but re-application for a later project is permitted. The closing time for bids will not be changed in order to accommodate supplementation of incomplete submissions, or late submissions.

Where a timely and completed application results in a rating below that necessary to pre-qualify, an appeal can be made. An appeal is begun by the Contractor delivering notice to the City of its appeal of the decision with respect to its pre-qualification rating, no later than ten business days prior to the closing time for the receipt of bids for this public works project. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of the City, whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than five business days after the City’s receipt of the notice of appeal, and no later than five business days prior to the last date for the receipt of bids on the project. The hearing shall be an informal process conducted by a panel to whom the City Council of the City of Porterville has delegated responsibility to hear such appeals (the “Appeals Panel”). At or prior to the hearing, the Contractor will be advised of the basis for the City’s pre-qualification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the rating. Within one day after the conclusion of the hearing, the Appeals Panel will render its decision. It is the intention of the City that the date for the submission and opening of bids will not be delayed or postponed to allow for completion of an appeal process.
Note: A contractor may be found not pre-qualified for bidding on a specific public works contract to be let by the City, or on all contracts to be let by the City until the contractor meets the City's requirements. In addition, a contractor may be found not pre-qualified for either:

(1) Omission of requested information or
(2) Falsification of information

* * * * *

NOTICE: To contractors who are using subcontractors for this job, please be advised that the City may require, as to subcontractors, one of the following:

☐ The qualification of subcontrators in the following crafts or trades, following acceptance of your bid, but before the award is made:

☐ Pre-qualification of all subcontractors.

☐ Pre-qualification of subcontractors in certain crafts.

☐ Post-bid qualification review.
ANNOUNCEMENT OF PRE-QUALIFICATION PROCEDURES AND OPEN DATES FOR ANNUAL PRE-QUALIFICATION

CITY OF PORTERVILLE - PUBLIC WORKS DEPARTMENT
BALDOMERO S. RODRIGUEZ, PUBLIC WORKS DIRECTOR
MICHAEL K. REED, DEP. PUBLIC WORKS DIRECTOR/CITY ENGINEER
291 N. MAIN STREET
PORTERVILLE, CA 93257
PHONE: 559-782-7462 FAX: 559-781-6437

ATTACHMENT
ITEM NO. 2.b.
ANNOUNCEMENT OF PRE-QUALIFICATION PROCEDURES AND OPEN DATES
FOR ANNUAL PRE-QUALIFICATION

Notice is hereby given that on __________, 20XX, the City of Porterville ("City") determined that all bidders on public works to be undertaken by the City must be pre-qualified prior to submitting bids for public works. It is mandatory that all Licensed General Contractors who intend to submit bids fully complete the pre-qualification questionnaire, provide all materials requested herein, and be approved by the City to be on the final Bidders list. No bid will be accepted from a General Contractor that has failed to comply with these requirements. If two or more business entities submit a bid on a project as a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid.

Pre-qualification applications may be submitted four times each year: (1) from January 1 through January 10; (2) from April 1 through April 10; (3) from July 1 through July 10; and (4) from October 1 through October 10. General Contractors who submit a complete pre-qualification package will be notified by first class mail of their qualification status, such notice to be mailed no later than fifteen business days after submission of the information.

Answers to questions contained in the questionnaire, information about current bonding capacity on an aggregate and per project limit, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. The City will use these documents as the basis of rating General Contractors in respect to the size and scope of contracts upon which each General Contractor is qualified to bid. The City reserves the right to check other sources available. The City’s decision will be based on objective evaluation criteria.

Pre-qualification approval will remain valid for one (1) calendar year from the date of notice of qualification, except that the City reserves the right during that calendar year to adjust, increase, limit, suspend or rescind the pre-qualification ratings based on subsequently learned information and after giving notice of the proposed action to the General Contractor and an opportunity for a hearing consistent with the hearing procedures described below for appealing a pre-qualification determination.

While it is the intent of the pre-qualification questionnaire and documents required therewith to assist the City in determining bidder responsibility prior to the submission of bids and to aid the City in selecting the lowest responsible bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the City from a post-bid consideration and determination on a specific project of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness. General Contractors are encouraged to submit pre-qualification packages as soon as possible, so that they may be notified of pre-qualification status well in advance of upcoming projects.

Pre-qualification packages are available from the Secretary – Public Works Department, 291 N. Main Street, Porterville, CA 93267, 559-791-7804, or an electronic questionnaire may be requested via e-mail from vschulz@ci.porterville.ca.us
The pre-qualification packages should be submitted under seal and marked "CONFIDENTIAL" to City of Porterville, Secretary - Public Works Department, 291 N. Main Street, Porterville, CA 93257.

The pre-qualification packages (questionnaire answers and financial statements) submitted by General Contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law, although the contents may be disclosed to third parties for the purpose of verification, investigation of substantial allegations, and in the process of an appeal hearing. State law requires that the names of general contractors applying for pre-qualification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the General Contractor on whose behalf that person is signing. If any information provided by a General Contractor becomes inaccurate, the General Contractor must immediately notify the City and provide updated accurate information in writing, under penalty of perjury.

The City reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted, to make all final determinations, and to determine at any time that the pre-qualification procedures will not be applied to a future public works project.

A General Contractor who has submitted a completed application form, and who receives a rating of "not qualified" from the City may appeal that determination. There is no appeal from a finding that a General Contractor is not pre-qualified because of a failure to submit required information, but re-application during one of the designated time periods is permitted. A General Contractor may appeal the City's decision with respect to its request for pre-qualification, and request a hearing, by giving notice to the City no later than ten business days after receipt of notice of its qualification status. Unless a General Contractor files a timely appeal, the General Contractor waives any and all rights to challenge the qualification decision of the City, whether by administrative process, judicial process or any other legal process or proceeding.

If the General Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than ten business days after the City's receipt of its Notice of Appeal. The hearing so provided shall be an informal process conducted by a panel to which the City Council of the City of Porterville has delegated responsibility to hear such appeals (the "Appeals Panel"). At or prior to the hearing, the General Contractor will be advised of the basis for the City's pre-qualification determination. The General Contractor will be given the opportunity to present information and present reasons in opposition to the pre-qualification determination. At the conclusion of the hearing or no later than one day after completion of the hearing, the Appeals Panel will render its decision. The date for submission and opening of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process.
Note: A General Contractor may be found not pre-qualified for bidding on a specific public works contract to be let by the City, or on all contracts to be let by the City until the General Contractor meets the City’s requirements. In addition, a General Contractor may be found not pre-qualified for either:
(1) Omission of requested information or
(2) Falsification of information

***

NOTICE: To General Contractors who are using subcontractors for this job, please be advised that the City of Porterville may require, as to subcontractors, one of the following:

☐ The qualification of subcontractors in the following crafts or trades, following acceptance of your bid, but before the award is made:

☐ Pre-qualification of all subcontractors.

☐ Pre-qualification of subcontractors in certain crafts.

☐ Post-bid qualification review.
<table>
<thead>
<tr>
<th>Task</th>
<th>DAYS</th>
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<tbody>
<tr>
<td>Day 0 - Start Advertisement for Pre-Qualification</td>
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<tr>
<td>Contractor Completion of Questionnaire</td>
<td></td>
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<tr>
<td>Deadline to Accept Contractor Questionnaire</td>
<td></td>
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<tr>
<td>(Must be 35 days prior to bid closing date)</td>
<td></td>
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<tr>
<td>City Review of Applications &amp; Interview Contractors</td>
<td></td>
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<tr>
<td>(Must be within 180 days of receipt of application)</td>
<td></td>
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<tr>
<td>Notification to Contractor of Past/Fail</td>
<td></td>
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<tr>
<td>(Must be within 180 days of receipt of application)</td>
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<tr>
<td>Deadline to Notify Contractor of Past/Fail</td>
<td></td>
</tr>
<tr>
<td>Appeal Period if results a rating constitutes a fail</td>
<td></td>
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<tr>
<td>(Contractor notifies City no later than 10 business days from bid closing)</td>
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<tr>
<td>Deadline for Appeals by Contractors</td>
<td></td>
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<tr>
<td>Review Appeal &amp; Panel Hearing</td>
<td></td>
</tr>
<tr>
<td>(Concluded no later than 5 days after receipt of appeal and no later than 5 days prior to bid opening)</td>
<td></td>
</tr>
<tr>
<td>Appeals Panel to Tender Decision</td>
<td></td>
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<tr>
<td>(Within 1 day of Hearing)</td>
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<tr>
<td>Pre-Qualification Completed</td>
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<tr>
<td>BID OPENING</td>
<td></td>
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</tbody>
</table>

50-Day Pre-Qualification Period
Business Days, Excludes Weekends and Holidays
<table>
<thead>
<tr>
<th>Task</th>
<th>January 1 - 10</th>
<th>April 1 - 10</th>
<th>July 1 - 10</th>
<th>October 1 - 10</th>
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<tbody>
<tr>
<td>Day 9 - Start Advertise for Pre-Qualification</td>
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<tr>
<td>Contractor Submission of Questionnaire</td>
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<tr>
<td>(TIME SPECIFIC PERIODS)</td>
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<tr>
<td>Deadline to Accept Contractor Questionnaire</td>
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<tr>
<td>City Review of Applications &amp; Interview Contractors</td>
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<tr>
<td>(Must be within 15 days of receipt of application)</td>
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<tr>
<td>Notification to Contractor of Pass/Fail</td>
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<tr>
<td>(No later than 15 days after receipt of application)</td>
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<tr>
<td>Deadline to Notify Contractor of Pass/Fail</td>
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<tr>
<td>Appeal Period if results of a rating constitutes a fail</td>
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<tr>
<td>(Contractor notifies City no later than 10 business days after receipt of notification of status)</td>
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<tr>
<td>Deadline for Appeals by Contractors</td>
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<td></td>
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<tr>
<td>Review Appeal &amp; Panel Hearing</td>
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<td></td>
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<tr>
<td>(conducted no later than 10 days after receipt of Notice to Appeal)</td>
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<td></td>
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<tr>
<td>Appeals Panel to render decision</td>
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<tr>
<td>(within 1 day of Hearing)</td>
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<tr>
<td>Pre-Qualification Completed</td>
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</tbody>
</table>

Business Days, Excludes Weekends and Holidays

ATTACHMENT
ITEM NO. 3.6
CONTRACTOR
PRE-QUALIFICATION
QUESTIONNAIRE
CONTACT INFORMATION

Firm Name: ______________________________ Check One: ☐ Corporation
(as it appears on license) ☐ Partnership
☐ Sole Prop.

Contact Person: __________________________________________

Address: ________________________________________________

Phone: __________________________ Fax: ______________________

If firm is a sole proprietor or partnership:

Owner(s) of Company ______________________________________

Contractor’s License Number(s):
________________________________________________________________
________________________________________________________________
________________________________________________________________
PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 5 is “no.”¹

Contractor will be immediately disqualified if the answer to any of questions 6, 7, 8 or 9 is “yes.”² If the answer to question 8 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

1. Contractor possesses a valid and current California Contractor’s license for the project or projects for which it intends to submit a bid.
   □ Yes □ No

2. Contractor has a liability insurance policy with a policy limit of at least $1,000,000 per occurrence and $2,000,000 aggregate.
   □ Yes □ No

3. Contractor has current workers’ compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.
   □ Yes □ No □ Contractor is exempt from this requirement, because it has no employees

4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information?³
   □ Yes □ No

NOTE: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that your current bonding capacity is sufficient for the project for which you seek pre-qualification if you

---

¹ A “no” answer to Question 4 will not be disqualifying if the contractor is exempt from complying with Question 4, for reasons explained in footnote 3.
² A contractor disqualified solely because of a “Yes” answer given to question 6, 7, or 9 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.
³ Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is “no more than 25 percent of the qualifying amount provided in section 14837(d)(1)).” As of January 1, 2001, the qualifying amount is $10 million, and 25 percent of that amount, therefore, is $2.5 million.
are seeking pre-qualification for a single project; or (if you are seeking pre-qualification valid for a year) (b) your current available bonding capacity? 

☐ Yes ☐ No

NOTE: Notarized statement must be from the surety company, not an agent or broker.

6. Has your contractor’s license been revoked at any time in the last five years? 

☐ Yes ☐ No

7. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years? 

☐ Yes ☐ No

8. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7? 

☐ Yes ☐ No

If the answer is “Yes,” state the beginning and ending dates of the period of debarment:

______________________________________________________________________________

9. At any time during the last five years, has your firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract? 

☐ Yes ☐ No

---

4 The City of Porterville may request an additional notarized statement from the surety at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid.
PART II.  ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

A.  Current Organization and Structure of the Business

For Firms That Are Corporations:

1a.  Date incorporated: ______________________________

1b.  Under the laws of what state: ______________________

1c.  Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least 10 percent of the corporation’s stock.

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Years with Co.</th>
<th>% Ownership</th>
<th>Social Security #</th>
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</table>

1d.  Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of 10 percent or more of the business, or 10 percent or more of its stock, if the business is a corporation.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Construction Firm</th>
<th>Dates of Person’s Participation with Firm</th>
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<tbody>
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</table>

For Firms That Are Partnerships:

1a.  Date of formation: ______________________________

1b.  Under the laws of what state: ______________________
1c. Provide all the following information for each partner who owns 10 percent or more of the firm.

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Years with Co.</th>
<th>% Ownership</th>
<th>Social Security #</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

1d. Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of 10 percent or more of the business, or 10 percent or more of its stock, if the business is a corporation.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Construction Company</th>
<th>Dates of Person’s Participation with Company</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

For Firms That Are Sole Proprietorships:

1a. Date of commencement of business.__________

1b. Social security number of company owner.__________

1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of 10 percent or more of the business, or 10 percent or more of its stock, if the business is a corporation.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Construction Company</th>
<th>Dates of Person’s Participation with Company</th>
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<tbody>
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</tbody>
</table>
For Firms That Intend to Make a Bid as Part of a Joint Venture:

1a. Date of commencement of joint venture. ______________
1b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

<table>
<thead>
<tr>
<th>Name of firm</th>
<th>% Ownership of Joint Venture</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

B. History of the Business and Organizational Performance

2. Has there been any change in ownership of the firm at any time during the last three years?

NOTE: A corporation whose shares are publicly traded is not required to answer this question.

☐ Yes  ☐ No

If “yes,” explain on a separate signed page.

3. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?

NOTE: Include information about other firms if one firm owns 50 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

☐ Yes  ☐ No

If “yes,” explain on a separate signed page.

4. Are any corporate officers, partners or owners connected to any other construction firms.

NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

☐ Yes  ☐ No

If “yes,” explain on a separate signed page.

5. State your firm’s gross revenues for each of the last three years:

_________________________________  _________________________  _____________________
6. How many years has your organization been in business in California as a contractor under your present business name and license number? _____ years

7. Is your firm currently the debtor in a bankruptcy case?
   ☐ Yes     ☐ No

   If “yes,” please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

8. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)
   ☐ Yes     ☐ No

   If “yes,” please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court’s discharge order, or of any other document that ended the case, if no discharge order was issued.

Licenses

9. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm:

   ______________________________________

   ______________________________________

10. If any of your firm’s license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license.

   ______________________________________

   ______________________________________

11. Has your firm changed names or license number in the past five years?
    ☐ Yes     ☐ No

    If “yes,” explain on a separate signed page, including the reason for the change.
12. Has any owner, partner or (for corporations:) officer of your firm operated a construction firm under any other name in the last five years?
☐ Yes  ☐ No

If “yes,” explain on a separate signed page, including the reason for the change.

13. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?
☐ Yes  ☐ No

If “yes,” please explain on a separate signed sheet.

Disputes

14. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?
☐ Yes  ☐ No

If yes, explain on a separate signed page, identifying all such projects by owner, owner’s address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

15. In the last five years has your firm, or any firm with which any of your company’s owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?
NOTE: “Associated with” refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.
☐ Yes  ☐ No

If “yes,” explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.
16. In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?
☐ Yes ☐ No

If “yes,” explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

* * * * *

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about “pass-through” disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than $50,000.

17. In the past five years has any claim against your firm concerning your firm’s work on a construction project been filed in court or arbitration?
☐ Yes ☐ No

If “yes,” on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

18. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?
☐ Yes ☐ No

If “yes,” on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

* * * * *

19. At any time during the past five years, has any surety company made any payments on your firm’s behalf as a result of a default, to satisfy any claims made
against a performance or payment bond issued on your firm’s behalf, in connection with a construction project, either public or private?
☐ Yes ☐ No

If “yes,” explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

20. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?
☐ Yes ☐ No

If “yes,” explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

Criminal Matters and Related Civil Suits

21. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?
☐ Yes ☐ No

If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

22. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?
☐ Yes ☐ No

If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

23. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?
☐ Yes ☐ No

If “yes,” identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.
Bonding

24. Bonding capacity: Provide documentation from your surety identifying the following:

Name of bonding company/surety: ________________________________

Name of surety agent, address and telephone number:

_________________________________________________________________

25. If your firm was required to pay a premium of more than one percent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one percent, if you wish to do so.

_________________________________________________________________

26. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds:

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

27. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required? □ Yes □ No

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.
C. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

28. Has CAL OSHA cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years?
   NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.
   ☐ Yes ☐ No
   If "yes," attached a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

29. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?
   NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.
   ☐ Yes ☐ No
   If "yes," attach a separate signed page describing each citation.

30. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?
   NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.
   ☐ Yes ☐ No
   If "yes," attach a separate signed page describing each citation.

31. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

32. List your firm’s Experience Modification Rate (EMR) (California workers’ compensation insurance) for each of the past three premium years:
   NOTE: An Experience Modification Rate is issued to your firm annually by your workers’ compensation insurance carrier.
Current year: ___________________________________________________________

Previous year: _________________________________________________________

Year prior to previous year: ____________________________________________

If your EMR for any of these three years is or was 1.00 or higher you may, if you wish, attach a letter of explanation.

33. Within the last five years has there ever been a period when your firm had employees but was without workers’ compensation insurance or state-approved self-insurance?
   □ Yes  □ No

If “yes,” please explain the reason for the absence of workers’ compensation insurance on a separate signed page. If “No,” please provide a statement by your current workers’ compensation insurance carrier that verifies periods of workers’ compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers’ compensation insurance carrier verifying continuous workers’ compensation insurance coverage for the period that your firm has been in the construction business.)

Prevailing Wage and Apprenticeship Compliance Record

34. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm’s failure to comply with the state’s prevailing wage laws?
   NOTE: This question refers only to your own firm’s violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.
   □ Yes  □ No

If “yes,” attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

35. During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements?
   □ Yes  □ No

If “yes,” attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were
initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

36. Provide the **name, address and telephone number** of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any public work project for which you are awarded a contract by the City of Porterville.

37. If your firm operates its own State-approved apprenticeship program:

(a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.

(b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).

(c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

38. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

**NOTE: You may omit reference to any incident that occurred prior to January 1, 1998, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.**

☐ Yes  ☐ No

If “yes,” provide the date(s) of such findings, and attach copies of the Department’s final decision(s).
PART III. RECENT CONSTRUCTION PROJECTS COMPLETED

1. Contractor shall provide information about its six most recently completed public works projects and its three largest completed private projects within the last three years. Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

   Project Name: ____________________________________________

   Location: ________________________________________________

   Owner: __________________________________________________

   Owner Contact (name and current phone number):

   __________________________________________________________

   Architect or Engineer: _____________________________________

   Architect or Engineer Contact (name and current phone number):

   __________________________________________________________

   Construction Manager (name and current phone number):

   __________________________________________________________

   Description of Project, Scope of Work Performed:

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

   Total Value of Construction (including change orders): ________

   Original Scheduled Completion Date: __________________________

   Time Extensions Granted (number of days): ____________________

   Actual Date of Completion: _________________________________

   *****

5 If you wish, you may, using the same format, also provide information about other projects that you have completed that are similar to the project(s) for which you expect to bid.
CERTIFICATION OF QUESTIONARIE

I, the undersigned, certify and declare that I have read all the foregoing answers to this pre-qualification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

Name: Signature

Company Name:

Address:

City, State and Zip Code:

Dated:

Name: Printed

Phone Number

Phone Number

FAX Number
SOURCES FOR VERIFICATION
OF INFORMATION GIVEN
BY CONTRACTORS
SOURCES FOR VERIFICATION OF INFORMATION GIVEN BY CONTRACTORS

A CAUTIONARY NOTE: The information that will be given to public agencies by contractors seeking pre-qualification is provided under oath, with the understanding that the intentional providing of false information is, in itself, grounds for disqualification. We expect that the information given should be and will be accepted at face value. The following information is provided for use in the few instances in which a public agency reviewing the answers given in a questionnaire has specific reason to believe that one or more answers should be verified by reference to publicly available information.

Information about a contractor’s license(s)
(Questionnaire Part I, question 6, and Part II, questions 6 and 9-13)

Names and addresses of licensed contractors, information about the type of license(s) issued and the dates when licenses were issued (and certain other information), are available from the Contractors’ State Licensing Board (CSLB), 9821 Business Park Drive, Sacramento, CA 95827. Telephone number 800-321-2752. The CSLB web site for public information is: www.CSLB.ca.gov.

Information about workers’ compensation insurance
(Part I, question 3 and Part II, questions 32-33)

Every workers’ compensation insurance carrier issues to each of its insured businesses a Certificate of Insurance. The contractor should be willing to provide a copy upon request.

Each contractor’s Experience Modification Rate for the year should be stated in a letter to the contractor from the contractor’s workers’ compensation insurance carrier.

Some large companies are legally self-insured for workers’ compensation, with the consent and authorization of the Department of Industrial Relations. The names of companies that are legally self-insured are available from the Department’s Office of Self-Insurance Plans, Workers’ Compensation, 2265 Watt Avenue, Suite 1, Sacramento, CA 95825; (916) 483-3392.

The names of each business’s current and recent workers’ compensation insurance carriers are available from the Workers’ Compensation Insurance Reporting Bureau (WCIRB), 575 Market Street, San Francisco, telephone (415) 777-0777. WCIRB is not a public agency but it provides information to the public. It will provide the names of the current and recent workers’ compensation insurance carriers of every employer in California, in response to a written request, for a fee of $8 for every year for which you seek information.
Information about whether surety insurance carriers are “admitted” to do business in California
(Part I, question 5)

The California Department of Insurance will verify whether an insurance carrier is “admitted” to issue insurance policies within the State. The Department has a “Hot-Line” number – 800-927-4357, and a web-site from which the information is available: www.insurance.ca.gov

Information on disqualification from bidding on public contracts
(Part I, question 8 and Part II, question 15)

Information on the identities of contractors that have been disqualified from bidding on public works contracts is available from the California Labor Commissioner, Division of Labor Standards Enforcement, 455 Golden Gate Avenue, San Francisco, telephone (415) 703-4810.

Information available from the Secretary of State about corporations
(Part II, questions 1a-1d, 2-4)

The California Secretary of State has certain current and historical information about all corporations that operate in California: dates of incorporation, articles of incorporation, the name of the original incorporators, the names of the corporate officers (who are not necessarily the corporate stockholders) and an agent for service of process for the corporation. This information is available from the Secretary of State upon written request. (Secretary of State, Business Programs Division, 1500 Eleventh Street, Sacramento, CA 95814. Telephone (916) 653-2121 or 653-1239). The Secretary of State does not ordinarily have a listing of the names of initial stockholders or current stockholders, and that information is generally not available in any public record.

Information available from County Clerks about partnerships and sole proprietorships
(Part I, questions 1a-1d, 2-4)

Every business, including a partnership, that operates under a “fictitious name” (for example, “Ajax Sheet Metal Contractors” or “Smith Brothers Electrical Contractors”) is required to file with the County Clerk in the county in which its home office is located a “Fictitious Business Name” statement. This statement will indicate the owner of the business, if the business is a sole proprietorship, and the names of partners, if the business is a partnership. The information is available to the public from the County Clerk upon request. A written request may be necessary.
Information about bankruptcy proceedings
(Part II, questions 7 and 8)

Bankruptcy petitions, which include the names of the person or business that is seeking protection from the Bankruptcy Court, are available for public inspection at the office of the Clerk of each Bankruptcy Court (which are federal courts). In California, Bankruptcy Courts are located in Sacramento, Modesto, Fresno, San Francisco, Oakland, San Jose, Los Angeles, Santa Ana, Riverside, and San Diego. Most documents filed in court in bankruptcy proceedings are available for public inspection, at the Bankruptcy Court clerk's office. Some information on bankruptcy filings may also be available from commercial enterprises that collect and sell information from public records. In addition some information about bankruptcy cases filed August 1990 and later is available on-line through the “PACER” (Public Access to Court Electronic Records) system. To obtain information from PACER, you must register with the system, and pay a fee for the materials obtained. Call 1-800-676-6856 or you may register online at http://pacer.psc.uscourts.gov/.

Information about civil suits and arbitration cases
(Part II, questions 14, 17 and 18)

Each court keeps records of every civil suit filed in that court, and of the judgments that are issued after trials. However, the exact terms of pre-trial settlements are generally not recorded in court files. Documents related to disputes submitted to arbitration are generally not available for public inspection. Public agencies, however, are required to disclose the terms of such settlements, when documents are requested under the California Public Records Act.

Information about criminal convictions
(Part I, question 9, and Part II, questions 21, 22, and 23)

Criminal convictions are a matter of public record. Each courthouse (in both the federal and state court systems) has an index of its own criminal records. In addition, a few data collection businesses have collected criminal conviction information from public records throughout the state, and the collected information about particular individuals or businesses is available for sale from these private businesses.

Information about Federal court civil and criminal cases
(Part I, question 9)

Information about federal criminal cases (filed August 1991 and later) and civil cases (filed August 1990 and later) is available on-line through the “PACER” (Public Access to Court Electronic Records) system. To obtain information from PACER, you must register with the system, and pay a fee for the materials obtained. Call 1-800-676-6856 or you may register online at http://pacer.psc.uscourts.gov/.
Information about citations issued for violation of industrial safety and health laws (Part II, questions 28 and 29)

Information about citations issued by both the federal Occupational Safety and Health Administration and the California Division of Occupational Safety and Health (Cal OSHA) are available on a web-site maintained by federal OSHA, http://www.osha.gov. At that web site, click on “Library.” On the Library page, click on “Statistics and Inspection Data.” Next, click on “Establishment Search.” When the next screen appears, enter the name of the contractor about whom you seek information in the “Establishment” window. In the “Process” window, enter the number 999999. Click on California in the “State” window. In the “Inspection Date” window, enter “1990.” Then click the submit button.

Information about prevailing wage law violations (Part II, question 34)

Information about recent prevailing wage law violations is available from the Division of Labor Standards Enforcement, at 2424 Arden Way, Suite 360, Sacramento, CA 95825. A model letter asking for such information is enclosed.

Citations from either Air Quality or Water Quality Board for violations of regulations (Part II, question 30)

Information about citations issued by the California Air Resources Board is available from that agency under the Public Records Act. Their address is 2020 L Street, Sacramento, CA 95814, or Post Office Box 2815, Sacramento, 95812. In addition, Regional Air Quality Management Districts and Regional Water Quality Control Boards throughout the state may issue citations for violation of air quality or water quality standards. Consult the appropriate board in your area for information about how to gather appropriate information.

Information about state-approved apprenticeship plans and violations of state apprenticeship laws (Part II, questions 36-38)

Information about violations of state apprenticeship laws can be obtained from the Division of Apprenticeship Standards, 455 Golden Gate Avenue, 8th Floor, Post Office Box 420603, San Francisco, CA 94142.
PRE-QUALIFICATION INTERVIEW QUESTIONS AND INSTRUCTIONS FOR PUBLIC AGENCIES

CITY OF PORTERVILLE – PUBLIC WORKS DEPARTMENT
BALDOMERO S. RODRIGUEZ, PUBLIC WORKS DIRECTOR
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ATTACHMENT ITEM NO. 6
PRE-QUALIFICATION INTERVIEW QUESTIONS

The following questions will be used to interview randomly selected contacts from at least two completed projects. The City of Porterville ("City") will conduct the interviews. No action on the contractor's part is necessary. These questions are included on the package given to the contractor for information only.

The highest possible score is 120 Points. A score less than 55 points disqualifies a contractor from bidding on projects that are proposed by the City. A score of between 56 and 72 indicates the City should conduct an interview of another contact, that is, a manager of another completed project. A score of 72 or higher on each of two interviews is sufficient for pre-qualification.

First, please give a brief description of the project.

1. Are there any outstanding stop notices, liens, or claims by the contractor that are currently unresolved on contracts for which notices of completion were recorded more than 120 days ago? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points)

2. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel? (Max. 10 points)

3. On a scale of 1-10, with 10 being the best, did the contractor provide adequate supervision? (Max. 10 points)

4. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)

5. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates? (Max. 10 points)

6. On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your [agency] [business] approved? (Max. 10 points)

7. Was the project completed on time? (10 points if the answer is "Yes").
   Or, if the answer is "no," on a scale of 1-10, with 10 being the best, to what extent was the contractor responsible for the delay in completion?

8. On a scale of 1-10, with 10 being the best, rate the contractor on the timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)

9. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed the work after a change order was issued, and how well the contractor integrated the change order work into the existing work. (Max. 10 points).
10. On a scale of 1-10, with 10 being the best, rate how has the contractor been performing in the area of turning in Operation & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points)

11. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were an unusually high number of claims, given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)

12. On a scale of 1-10, with 10 being the highest, rate the contractor with respect to timely payments by the contractor to either subcontractors or suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be “10.”)

13. On a scale of 1-10, with 10 being the best, how would you rate the quality of the work overall? (Max. 10 points)
INSTRUCTIONS FOR PUBLIC AGENCIES
Re: Interview Questions

The following is meant to assist the public agency to conduct the interviews of the managers of projects previously completed (that is, the people who supervised the projects for the project owners) by the contractor wishing to pre-qualify. The interview questions allow qualitative review of work performance for contractors who choose to bid and pre-qualify for public works contracts. The interview questions will be used to examine randomly selected contacts from at least two completed past projects.

In each question, the person being interviewed is asked to rate a certain aspect of contractor's performance, using a scale of 1 to 10. The highest possible score is 120 points. A score of less than 55 points disqualifies the contractor from bidding on projects that are proposed by the public agency. A score of 72 points or more on each interview is sufficient for a contractor to qualify on this portion of the pre-qualification process. If the scores resulting from an interview are between 55 and 72, the public agency should conduct another interview to collect additional information.

It is possible that the score given to any interview answer may be challenged in an appeal. For that reason, be sure to: (a) ask the person being interviewed for specific information or details, to explain or substantiate the numerical answer given; and (b) take written notes of the information provided.

Selection of the Interviewer:

(a) The public agency should select an individual who is at least moderately well informed about public works construction.

(b) The individual should be unbiased during the interview; this is to ensure accurate implementation of the interview questions.

(c) The individual should not use examples or deviate from the questions unless the project manager is unclear and prompts further explanation. The interviewer should offer additional explanation of the questions only if he/she is sure of the intent of the question in the interview.

Locating the respondent to interview:

(a) The interviewer should attempt to contact a project manager of a past project for the interview. The interviewer should be aware that for one interview to be completed, there may be a need to interview multiple individuals. That is, the interviewer may have to contact multiple individuals, such as the project manager concerning the building process, and a financial manager for warranty items, assessed liens, and the like.

(b) Once reached, the interviewer should review the information contained in the questionnaire of the past project with the project manager. That is, review who is being interviewed and why (purposes of pre-qualifying for public works), the past project type, completion date, and other pertinent information to ensure that the project manager is sure of the project he/she is asked to review.
Interview Length:

(a) The interview should take 8-12 minutes, under normal circumstances.

(b) The interviewer, when contacting the project manager, should convey the expected time which it takes to conduct the interview. This is to ensure the individual is not discouraged from taking part in the interview.

Conducting the interviews:

(a) The interview should examine at least two separate past projects listed in the questionnaire.

(b) After the interview is scored, the interviewer should compare the interview score with the same contractor's score on the written questionnaire. If the ratings (overall scores) are far apart, the interviewer should conduct at least one/two more interviews to determine how past performance should be weighted.

(c) While conducting the interview, the interviewer should be consistent with the way the questions are presented. That is, if the interviewer changes the way questions are presented during the review, it could potentially change the way the respondent answers the questions and jeopardize the overall scoring.
A LIST OF THE SCORABLE QUESTIONS AND THE SCORING INSTRUCTIONS
A LIST OF THE SCORABLE QUESTIONS AND THE SCORING INSTRUCTIONS

The scorable questions arise in three different areas:

(I) History of the business and organizational performance;

(II) Compliance with occupational safety and health laws, workers’ compensation and other labor legislation; and

(III) Completion of recent projects and quality of performance.

The interview questions (interviews by the public agency or project managers on projects completed recently by the contractor) are included in group III. In a pre-qualification procedure for a single project, this last category would also include a scoring of the number of recently completed projects that are similar to the project on which pre-qualification is at issue. However, scoring linked to the similarity of past projects would probably not be possible or useful if the public agency as part of a procedure to pre-qualify contractors for an extended period.

Note: Not all questions in the questionnaire are scorable; some questions simply ask for information about the contractor firm’s structure, officers and history. This document includes only those questions that are “scorable.” The question numbers in this document are the numbers used in the questionnaire. Thus, the questions included here begin with question number 6, and there are a few breaks in the numerical sequence.

The Scores Needed for Pre-qualification

To pre-qualify, a contractor would be required to have a passing grade within each of the three large categories referred to above.

For Section I, “History of the business and organizational performance,” DIR recommends use of a passing score of 57 on this portion of the questionnaire (of a maximum score of 76 on this portion of the questionnaire).

For Section II, Compliance with occupational safety and health laws, workers’ compensation and other labor legislation DIR recommends use of a passing score of 38 on this portion of the questionnaire (of a maximum score of 53 points on this portion of the questionnaire).

Section III, Completion of recent projects and quality of performance, includes a series of interview questions, and may also include questions about recently completed (public or private) construction projects. For the interview questions, DIR recommends that a public agency interview project managers for the owners of two completed projects. DIR recommends a scoring system that would allow
a maximum score of 120 points for each interview. For these questions, DIR recommends qualification for a contractor whose score on each of two interviews is 72 points or more; a denial of pre-qualification for a contractor whose score on either interview is less than 55 points; and an additional interview with another reference if the score resulting from one interview is between 55 points and 72 points.

DIR makes no recommendation about how to score a contractor's answers about recently completed past projects. Because of the wide range of projects that a public agency may be planning, and the similarly wide range in the skills, abilities, and experience that a public agency will consider most important for a pending project, it is impossible to propose a useful model scoring system to apply to the answers given about a contractor's completed projects.

Questions about History of the Business and Organizational Performance
(16 questions)

1. How many years has your organization been in business in California as a contractor under your present business name and license number? _____ years

   3 years or more = 2 points
   5 years = 4 pts.
   4 years = 3 points
   6 years or more = 5 points

2. Is your firm currently the debtor in a bankruptcy case?
   □ Yes    □ No

   “No” = 3 points “Yes” = 0 points

3. Was your firm in bankruptcy any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above).
   □ Yes    □ No

   “No” = 3 points “Yes” = 0 points

4. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?
   □ Yes    □ No

   No = 5 points Yes = 0 points
5. At any time in the last five years, has your firm been assessed and paid liquidated damages after completion of a project, under a construction contract with either a public or private owner?

☐ Yes ☐ No

No projects with liquidated damages of more than $50,000, or one project with liquidated damages = 5 points.

Two projects with liquidated damages of more than $50,000 = 3 points

Any other answer: no points

6. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

NOTE: “Associated with” refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

☐ Yes ☐ No

No = 5 points Yes = 0 points

7. In the last five years, has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

☐ Yes ☐ No

No = 5 points Yes = 0 points

* * * * *

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about “pass-through” disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than $50,000.
8. In the past five years, has any claim against your firm concerning your firm’s work on a construction project, been filed in court or arbitration?  
☐ Yes ☐ No

If the firm’s average gross revenue for the last three years was less than $50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1 such instance.
3 points for “Yes” indicating 2 such instances.
0 points for “Yes” if more than 2 such instances.

If your firm’s average gross revenue for the last three years was more than $50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.
3 points for “Yes” indicating either 4 or 5 such instances.
0 points for “Yes” if more than 5 such instances.

9. In the past five years, has your firm made any claim against a project owner concerning work on a project or payment for a contract, and filed that claim in court or arbitration?  
☐ Yes ☐ No

If your firm’s average gross revenues for the last three years was less than $50 million scoring is as follows:

5 points for either “No” or “Yes” indicating 1 such instance.
3 points for “Yes” indicating 2 such instances.
0 points for “Yes” if more than 2 such instances.

If your firm’s average gross revenues for the last three years was more than $50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.
3 points for “Yes” indicating either 4 or 5 such instances.
0 points for “Yes” if more than 5 such instances.

10. At any time during the past five years, has any surety company made any payments on your firm’s behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm’s behalf in connection with a construction project, either public or private?  
☐ Yes ☐ No

5 points for either “No” or “Yes” indicating 1 such claim.
3 points for “Yes” indicating no more than 2 such claims
Subtract five points for “Yes” if more than 2 such claims
11. In the last five years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?
☐ Yes ☐ No

5 points for either “No” or “Yes” indicating 1 such instance.
3 points for “Yes” indicating 2 such instances.
0 points for “Yes” or if more than 2 such instances.

12. Has your firm, or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity?
☐ Yes ☐ No

No = 5 points  Yes = subtract 5 points

13. Has your firm, or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?
☐ Yes ☐ No

No = 5 points  Yes = subtract 5 points

14. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?
☐ Yes ☐ No

No = 5 points  Yes = subtract 5 points

15. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

%  

5 points if the rate is no more than one per cent
3 points if the rate was no higher than 1.10 per cent.
0 points for any other answer.
16. During the last five years, has your firm ever been denied bond credit by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?
☐ Yes  ☐ No

No = 5 points  Yes = 0 points

Questions about compliance with safety, workers compensation, prevailing wage and apprenticeship laws.
(11 questions)

1. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?
Note: If you have filed an appeal of a citation and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.
☐ Yes  ☐ No

If the firm’s average gross revenues for the last three years was less than $50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1 such instance.
3 points for “Yes” indicating 2 such instances.
0 points for “Yes” if more than 2 such instances.

If the firm’s average gross revenues for the last three years was more than $50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.
3 points for “Yes” indicating either 4 or 5 such instances.
0 points for “Yes” if more than 5 such instances.

2. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?
Note: If you have filed an appeal of a citation and the appropriate appeals Board has not yet ruled on your appeal, you need not include information about it.
☐ Yes  ☐ No

If yes, attach a separate signed page describing each citation.

If the firm’s average gross revenues for the last three years was less than $50 million, scoring is as follows:
5 points for either “No” or “Yes” indicating 1 such instance.
3 points for “Yes” indicating 2 such instances.
0 points for “Yes” or if more than 2 such instances.

If the firm’s average gross revenues for the last three years was more than $50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.
3 points for “Yes” indicating either 4 or 5 such instances.
0 points for “Yes” if more than 5 such instances.

3. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.
☐ Yes  ☐ No

If the firm’s average gross revenues for the last three years was less than $50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 1 such instance.
3 points for “Yes” indicating 2 such instances.
0 points for “Yes” or if more than 2 such instances.

If the firm’s average gross revenues for the last three years was more than $50 million, scoring is as follows:
5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.
3 points for “Yes” indicating either 4 or 5 such instances.
0 points for “Yes” if more than 5 such instances.

4. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

3 points for an answer of once each week or more often.
0 points for any other answer

5. List your firm’s Experience Modification Rate (EMR) (California workers’ compensation insurance) for each of the past three premium years:

NOTE: An Experience Modification Rate is issued to your firm annually by your workers’ compensation insurance carrier.
Current year: __________________________
Previous year: __________________________
Year prior to previous year: __________________________
If your EMR for any of these three years is or was 1.00 or higher, you may, if you wish, attach a letter of explanation.
NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

5 points for three-year average EMR of .95 or less
3 points for three-year average of EMR of more than .95 but no more than 1.00
0 points for any other EMR

6. Within the last five years, has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

☐ Yes  ☐ No

5 points for either "No" or "Yes" indicating 1 such instance.
0 points for any other answer.

7. Has there been more than one occasion during the last five years on which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws?

☐ Yes  ☐ No

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

If your firm's average gross revenues for the last three years was less than $50 million, scoring is as follows:

5 points for either "No," or "Yes" indicating either 1 or 2 such instance.
3 points for "Yes" indicating 3 such instances.
0 points for "Yes" and more than 3 such instances.

If your firm's average gross revenues for the last three years was more than $50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating no more than 4 such instances.
3 points for "Yes" indicating either 5 or 6 such instances.
0 points for "Yes" and more than 6 such instances.
8. During the last five years, has there been more than one occasion on which your own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements?

☐ Yes    ☐ No

*If your firm’s average gross revenues for the last three years was less than $50 million, scoring is as follows:*

5 points for either “No,” or “Yes” indicating either 1 or 2 such instance.
3 points for “Yes” indicating 3 such instances.
0 points for “Yes” and more than 3 such instances.

*If your firm’s average gross revenues for the last three years was more than $50 million, scoring is as follows:*

5 points for either “No” or “Yes” indicating no more than 4 such instances.
3 points for “Yes” indicating either 5 or 6 such instances.
0 points for “Yes” and more than 6 such instances.

Provide the **name, address and telephone number** of the apprenticeship program sponsor(s) (approved by the California Division of Apprenticeship Standards) that will provide apprentices to your company for use on any public work project for which you are awarded a contract by the City of Porterville.

---

5 points if at least one approved apprenticeship program is listed.
0 points for any other answer.

10. If your firm operates its own State-approved apprenticeship program:

(a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.

(b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).

(c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.
5 points if one or more persons completed an approved apprenticeship while employed by your firm.

0 points if no persons completed an approved apprenticeship while employed by your firm.

11. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

NOTE: You may omit reference to any incident that occurred prior to January 1, 1998 if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor’s violation at the time they occurred.

☐ Yes ☐ No.

If yes, provide the date(s) of such findings, and attach copies of the Department’s final decision(s).

If your firm’s average gross revenues for the last three years was less than $50 million, scoring is as follows:

5 points for either “No,” or “Yes” indicating either 1 or 2 such instance.
3 points for “Yes” indicating 3 such instances.
0 points for “Yes” and more than 3 such instances.

If your firm’s average gross revenues for the last three years was more than $50 million, scoring is as follows:

5 points for either “No” or “Yes” indicating no more than 4 such instances.
3 points for “Yes” indicating either 5 or 6 such instances.
0 points for “Yes” and more than 6 such instances.

Questions concerning recent construction projects completed:
(One question, plus 11 interview questions)

The following question to be scored only where a public agency is undertaking a prequalification procedure valid for a single project only.

1. Contractor shall provide information about its six most recently completed public works projects and its three largest completed private projects within the last three years.¹ Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

¹ If you wish, you may, using the same format, also provide information about other projects that you have completed that are similar to the project(s) for which you expect to bid.
Scoring of previous projects completed:

For pre-qualification for a single project that may require specific skills and capabilities, public agencies may choose to score contractors for the number of similar projects completed, and the degree of similarity between past projects and the planned project. DIR has not suggested any scoring for this aspect of the pre-qualification process, because of the numerous possible variations in both the type of project to be built and the points of similarity between the pending project and past projects that may be significant to the public agency.
COUNCIL AGENDA: OCTOBER 19, 2010

SUBJECT: PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – FOUR CNG REFUSE TRUCKS

SOURCE: Public Works Department - Engineering Division

COMMENT: The Department of Transportation has submitted Program Supplement Agreement Number n040, and requests that the City execute said agreement. The executed agreement becomes a part of the Agency-State Agreement for Federal-Aid Projects No. 06-5122R.

The attached Program Supplement is for the purchase of four (4) CNG Refuse Trucks. The City’s local match is included in the 2012/2013 Annual Budget. TCAG asked and the City agreed to accelerate this project to fiscal year 2010/2011. Staff respectfully asks that Council authorize a budget adjustment in the amount of $122,000 to FY 2010/2011. The funding source is the Equipment Replacement Fund.

RECOMMENDATION: That the City Council:

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

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

ATTACHMENTS: Program Supplement Agreement No. N040
Resolution

P:\PUBWORKS\ENGINEERING\COUNCIL ITEMS\PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - FOUR CNG REFUSE TRUCKS - 2010-10-19.DOC

[Signatures]

Item No. 9
This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/20/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the Administering Agency on (See copy attached).

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

PROJECT LOCATION:
City of Porterville

TYPE OF WORK: Purchase four CNG on road trash trucks.

<table>
<thead>
<tr>
<th>Estimated Cost</th>
<th>Federal Funds</th>
<th>Matching Funds</th>
<th>OTHER</th>
</tr>
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<tr>
<td>$1,060,000.00</td>
<td>L4OE $938,000.00</td>
<td>LOCAL $122,000.00</td>
<td>$0.00</td>
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</tbody>
</table>

CITY OF PORTERVILLE

By
Title
Date
Attest

STATE OF CALIFORNIA
Department of Transportation

By
Chief, Office of Project Implementation
Division of Local Assistance
Date

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

Accounting Officer
Date
$938,000.00

Program Supplement 06-5122R-N040- ISTEA
STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION
PROGRAM SUPPLEMENT AND CERTIFICATION FORM
PSCF (REV. 01/2015)

TO:  STATE CONTROLLER'S OFFICE
     Claims Audits
     3301 "C" Street, Rm 404
     Sacramento, CA 95816

DATE PREPARED: 9/20/2010

FROM: Department of Transportation

REQUISITION NUMBER / CONTRACT NUMBER:
RQS060000000047

SUBJECT: Encumbrance Document

PROJECT NUMBER: 0600020320

CITY OF PORTERVILLE

CONTRACT AMOUNT: $938,000.00

PROCUREMENT TYPE: Local Assistance

I HEREBY CERTIFY UPON MY OWN PERSONAL KNOWLEDGE THAT BUDGETED FUNDS ARE AVAILABLE FOR THIS
ENCUMBRANCE AND PURPOSE OF THE EXPENDITURE STATED ABOVE.

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>STATUTES</th>
<th>ITEM</th>
<th>YEAR</th>
<th>PEC / PECT</th>
<th>TASK / SUBTASK</th>
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<td>$938,000.00</td>
</tr>
</tbody>
</table>

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 654-6410 of TDD (916) 3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.
1. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

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

4. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award or with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract, whichever is earlier.

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

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

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

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

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

7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).
RESOLUTION NO.______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN PROGRAM SUPPLEMENT NO. N040 TO ADMINISTER THE AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 06-5122R

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. N040 to Local Agency-State Master Agreement No. 06-5122R, for the purchase of four (4) CNG Refuse Trucks.

PASSED, ADOPTED AND APPROVED this 19th day of October, 2010.

__________________________
Cameron Hamilton, Mayor Pro Tem

ATTEST:
John D. Lollis, City Clerk

__________________________
By Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: FOOTHILL PARKWAY ALIGNMENT OPTIONS

SOURCE: City Manager

COMMENT: At its meeting on August 3rd, the City Council gave direction for staff to coordinate with Mr. Jim Winton in the development of alignment options for the Foothill Parkway that is presented in the City's General Plan. Initially, Mr. Winton declined the City's invitation to participate in the alignment effort, citing the potential for conflict of interest due to a client potentially affected by the proposed Foothill Parkway. However, recently, Mr. Winton has agreed to participate with City staff in this effort, on the condition that he is not placed in a position of either supporting or not supporting any particular option. City staff is working with Mr. Winton to schedule a meeting to develop alignment options.

RECOMMENDATION: None - information only

ATTACHMENTS: None
SUBJECT: GRANT APPLICATION FOR THE U.S. SOCCER FOUNDATION

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City has been notified of qualification for $100,000 of funding from the U.S. Soccer Foundation's Field Building Grant. The Field Building Grants are awarded for four primary projects: irrigation, lighting, field maintenance equipment and modular surfaces. Staff will be preparing an application for installation of permanent lighting at the Sports Complex. The grant will be awarded in the form of credits from Musco Sports Lighting.

Highest priority will be given to projects in economically disadvantaged urban areas, encompassing populations of 50,000 or more. Credits must be utilized in one year's time. Recipients of the grants must provide follow up reports on the impact of the grant and the U.S. Soccer Foundation will occasionally ask for use of the field for foundation events. Matching funds are not required, however, additional funding sources must be identified. Grant submission deadline is October 29, 2010 and awards will be announced in mid-January.

It is requested that Council approve the attached resolution for application to the U.S. Soccer Foundation Field Building Grant.

RECOMMENDATION:

1. Adopt the draft resolution approving the grant application for the U.S. Soccer Foundation; and

2. Authorize the Director of Parks and Leisure Services to sign the grant application and act as agent for the City for this grant.

ATTACHMENTS: Resolution

Director  Appropriated/Funded  City Manager ITEM NO.:  11
RESOLUTION NO. ____-2010

APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FROM THE U.S. SOCCER FOUNDATION

WHEREAS, the U.S. Soccer Foundation has enacted the grants to support projects throughout the U.S. that focus on keeping children in vulnerable communities active, healthy and safe from the dangers of the streets; and

WHEREAS, the foundation awards grants to help pay for field development, uniforms, player equipment, travel costs, facility rental, registration costs, and training for players, coaches and referee; and

WHEREAS, applicants must enter into a grant agreement with the U.S. Soccer Foundation to carry out the award of credits.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville:

1. Approves the filing of an application for the U.S. Soccer Foundation Program Grant funds; and
2. Certifies that the City of Porterville has or will have sufficient funds to operate and maintain the project; and
3. Certifies that the project will be well maintained during its useful life; and
4. Certifies that his agency will provide proof of additional funding sources (as applicable); and
5. Certifies that the public and adjacent property owners have been notified of this project (as applicable); and
6. Certifies U.S. Soccer Foundation will occasionally ask for use of the field for foundation events and
7. Appoints Milt Stowe, Parks & Leisure Services Director to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments which may be necessary for the completion of the grant project.

APPROVED AND ADOPTED this 19th day of October 2010.

Cameron Hamilton, Mayor Pro-Tem

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION APPROVING THE APPLICATION FOR CALIFORNIA STATE PARKS LAND AND WATER CONSERVATION FUND

PARKS AND LEISURE SERVICES DEPARTMENT

Under previous direction from Council, the City of Porterville prepared grant applications for funding under the Prop 84 Statewide Park Program for the Heritage Ballfields Project and the Chase Avenue Park Project. It is requested that Council approve the attached resolution for the Heritage Ballfields Project for an application to the Land and Water Conservation Fund to fulfill the application submission requirements.

RECOMMENDATION: That Council adopt the resolution approving the application for Land and Water Conservation Fund Grant-In-Aid program, for the Heritage Ballfields.

ATTACHMENTS: Resolution approving the California State Parks Land and Water Conservation Fund Grant Application for the Heritage Ballfields Project
RESOLUTION NO: ________-2010

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING THE APPLICATION FOR LAND
AND WATER CONSERVATION FUND
HERITAGE BALLFIELDS PROJECT

WHEREAS, The Congress Under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-aid program, providing Matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing Applications by local agencies under the program; and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of Application(s) and the availability of eligible Matching funds prior to submission of said Applications to the State; and

WHEREAS, the proposed Heritage Ballfields Project is consistent with the most recent California Outdoor Recreation Plan (CORP); and

WHEREAS, the Project must be compatible with the land use plans of those jurisdictions immediately surrounding Project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby:

1. Approves the filing of an Land and Water Conservation Fund assistance; and

2. Agrees to abide by SECTION 6(F)(3) of Public Law 88-578 which states "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

3. Certifies that said agency has Matching funds from eligible sources (s) and can finance 100 percent of the Project, which up to half may be reimbursed; and

4. Certifies that the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project; and

5. Appoints the Director of Parks and Leisure Services as agent of the APPLICANT to conduct all negotiations and execute and submit all documents, including, but not limited to, Applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project.
Approved and adopted the 19th day of October, 2010.

Cameron Hamilton, Mayor Pro-Tem

ATTEST:
John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Staff proposes to conduct the fourth Annual Food for Fines Campaign from October 25 to December 20 an eight-week period. The library benefits from this program by recovering lost library materials and from the clearing of fines on patron accounts.

Last year the campaign ran for eight weeks, 192 library patrons participated by returning overdue materials and clearing other overdue fines off their accounts. During the implementation of this campaign, the library recovered 156 materials, collected 961 items of food, and waived $875.25 in fines. The Library coordinated food distribution with Love L.n.c. who arranged onsite pickup and provided food for their annual family food basket program. Staff has identified a partnership with the local Kiwanis Club who annually distribute food through their Family Food Basket program.

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

RECOMMENDATION: That Council authorizes the fourth Annual Food for Fines Campaign to run October 25 through December 20, 2010.
SUBJECT: AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN AND
HEALTH PLAN DOCUMENT

SOURCE: ADMINISTRATIVE SERVICES/HUMAN RESOURCES

COMMENT: Within the scope of the Meyers-Milias-Brown Act, City representatives have been
in labor negotiations with the five employee associations, namely, Management and
Confidential Series (MCS), the Porterville City Employees’
Association (PCEA), the Porterville Police Officers’ Association (PPOA), the
Public Safety Support Unit (PSSU), and the Porterville City Firefighters
Association (PCFA). City representatives and four of the five associations
have reached agreement, and a written Memorandum of Understanding has
been executed. Negotiations, however, remain ongoing with one of the
associations, PCFA, and have thereby delayed implementation of various
City-wide items to which the City and other associations have previously
agreed. These items include amendments pertaining to bereavement leave,
 bilingual pay, preventative care, life insurance, California Public Employee
Retirement System (CalPERS), uniform allowance, vacation donation, and
physical fitness incentive testing.

Inasmuch as some agreements were reached as long as six months ago and to
exhibit good faith, staff recommends that the City Council approve the
proposed amendments to the Employee Pay and Benefit Plan and Health Plan
Document, and proceed with implementation for the four employee
associations. Although the amendment to the Health Plan Document and
employee life insurance will require City-wide implementation (including
PCFA), costs for same will be tracked as negotiations are ongoing.

RECOMMENDATION: That the City Council:
1. Approve the draft resolution amending the Employee Pay and
   Benefit Plan;
2. Approve the proposed amendment to the Health Plan
   Document; and
3. Authorize the City Manager to execute all necessary
documentation to implement the proposed amendments.

Item No. 13
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN
AND HEALTH PLAN DOCUMENT

WHEREAS, the City Council has determined and reiterated that an Employee Pay and
Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan and
Retirement Plan are essential for the proper administration of the City’s affairs, including
employee recruitment and retention, and for proper supervision of City Employees; and

WHEREAS, the City Council recognizes the necessity of amending and/or changing the
contents of such plans and regulations from time to time, and of keeping provisions thereof
current, and to maintain the relevancy of the same and;

WHEREAS, there has been concurrence on a Memorandum of Understanding with the
Management and Confidential Series (M.C.S.), Porterville City Employees’ Association
(P.C.E.A.), Porterville Police Officers’ Association (P.P.O.A.) and the Porterville Safety Support
Unit (P.S.S.U.) for the period from July 1, 2009 to July 1, 2011, covering provisions to amend
the Employee Pay and Benefit Plan, as they relate to employees holding positions represented by
such recognized employee organizations.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
Porterville approve that the Employee Pay and Benefit Plan and Health Plan Document for
employees holding positions represented by the aforementioned recognized employee
organizations is hereby amended as follows:

I. TERM OF MEMORANDUM OF UNDERSTANDING

Twenty-four (24) months. i.e., from July 1, 2009, until July 1, 2011.
II. BEREAVEMENT LEAVE

Effective 07-01-10, the Employees’ Pay and Benefit Plan, Section III., C. Sick Leave shall be amended as follows:

5. Sick leave may be applied to:

d. An absence of not more than forty (40) hours for employees other than Fire Shift personnel, and fifty-six (56) hours for Fire Shift personnel, for absence necessitated by the death or critical illness of a member of the employee’s immediate family. Immediate family includes: father, mother, brother, sister, spouse, child, child’s spouse, spouse’s mother and father, grandchildren, and grandparents of the employee. For purposes of this section, a critical illness is defined as illness of such severity that death is imminent or a physician has directed that someone be immediately available to assist the afflicted and/or monitor his/her condition. A “child” means a biological, foster, or adopted child, a stepchild, a legal ward, or a child of a person standing in loco parentis. “Parent” means a biological, foster, or adoptive parent, a stepparent, or a legal guardian.

III. BILINGUAL PAY

The City acknowledges the benefit of bilingual compensation, and will implement a tiered plan for all employees, structured as follows:

Effective 07-01-10, the Employee Pay and Benefit Plan, Section II. K., Bilingual Differential, shall be amended to wit:

Employees who successfully demonstrate the ability to provide bilingual services to the public in the languages designated below shall be compensated as follows:

Occasional translation compensation - $20.00 per month
- American Sign Language
- Hmong
- Spanish
- Tagalog

Frequent translation compensation - $40.00 per month
- American Sign Language
- Spanish

Bilingual/Bi-literate certified compensation - $80.00 per month
- Spanish

Upon passing the testing procedure administered by Human Resources, Department Heads will assign occasional or frequent translation compensation to the employee.
Employees may receive Bilingual/Bi-literate certified compensation upon successfully passing an exam that tests their oral communication skills, reading and writing ability.

IV. PREVENTATIVE CARE

Effective 07-01-10, or as soon thereafter as possible, the Employee Benefit Trust Fund, Eligible Medical Expenses shall be amended to include preventative care at a cost of an additional $5.00 per month paid by each employee with two or more dependent coverage.

Preventive Care includes:

- One annual physical exam for a Covered Person age 16 or over, including related lab tests and x-rays;
- One routine GYN exam annually, and related lab tests (e.g. Pap smear);
- Screening mammograms upon referral by a Physician;
- One routine prostate screening annually and related lab tests as prescribed by a Physician;
- Hepatitis, meningococcal and HPV vaccines;
- Well child periodic check-ups to age 16, including routine lab test and x-rays, necessary immunizations and booster shots, eye and ear screenings to determine the need for refractions or audiograms, tuberculin tests, and screenings for blood lead levels for Dependent children at risk for lead poisoning as determined and prescribed by a physician.
- Sports Medical Physical for grades K-12

V. LIFE INSURANCE

Effective 07-01-10, or as soon thereafter as possible, the Employees’ Pay and Benefit Plan, Section III, A. Life Insurance shall be amended to reflect that the City shall provide $50,000 Life and A.D. & D. Insurance through the City of Porterville Self-Insured Plan.

VI. CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS)

Effective 07-01-11, the City shall implement a two-tiered retirement plan for all new employees hired on or after July 1, 2011. The plan formulas shall be as follows:

<table>
<thead>
<tr>
<th>Local Miscellaneous</th>
<th>Formula</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees hired before July 1, 2011</td>
<td>2.7% @ 55</td>
</tr>
<tr>
<td>Employees hired on or after July 1, 2011</td>
<td>2% @ 55</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Safety (Police)</th>
<th>Formula</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees hired before July 1, 2011</td>
<td>3% @ 55</td>
</tr>
<tr>
<td>Employees hired after July 1, 2011</td>
<td>2% @ 50</td>
</tr>
</tbody>
</table>
In an effort to establish consistency throughout all departments and bargaining groups, a committee has been formed and tasked with developing a program for deferred compensation with a City match component, or other supplemental retirement benefit, for employees hired on or after July 1, 2011. Said deferred compensation program will be implemented concurrently with said CalPers two-tiered program.

VII. UNIFORM ALLOWANCE

In an effort to establish consistency throughout all departments, the City has created a uniform committee to develop guidelines that meet the needs and safety requirements for all employees.

Effective 07-01-10, the Employee Pay and Benefit Plan, Section III, H. Uniform and Safety Equipment shall be amended to wit:

7. Polo Shirts:
   Employees who are not required to wear a uniform, may purchase their own polo shirts and have the City pay to have the logo embroidered, or the employee may purchase an embroidered polo shirt from a contracted company. Both options shall not exceed $40.00 per fiscal year.

Effective 07-01-10, the City agrees to amend the Administrative Policy, IV-B-4 Use of Employee Uniforms to include polo shirts.

VIII. VACATION DONATION

Effective 07-01-10, the Employees’ Pay and Benefit Plan, Section III., D. Vacation shall be amended as follows:

7. Use of Vacation Time:

f. Regardless of salary range, employees may voluntarily donate their accrued vacation time to other employees who are experiencing a catastrophic event and have exhausted all leave balances. In no circumstances shall the vacation leave of the employee who is donating the leave incur a negative balance, nor shall the leave balance fall below a sufficient number of hours (40) to cover unanticipated emergencies of the donator.

IX. PHYSICAL FITNESS INCENTIVE

The City realizes the importance of physical fitness as a part of its overall Wellness Program and therefore strongly encourages each employee to participate in a voluntary fitness incentive testing.
Said fitness incentive testing shall take place on a quarterly basis, and will measure participant's strength and endurance.

<table>
<thead>
<tr>
<th>Rating</th>
<th>Cash Incentive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superior</td>
<td>$135.00</td>
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<tr>
<td>Excellent</td>
<td>$100.00</td>
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<tr>
<td>Good</td>
<td>$70.00</td>
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The number of repetitions and time limits required to receive a cash incentive award varies depending upon your age and gender. (The Fitness Evaluation form is available in the Human Resources office.)

X. **STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS**

Benefits and working conditions as were previously agreed upon through the Meet and Confer process, and subsequently approved and implemented by appropriate authority shall, unless herein expressly modified or eliminated, remain in effect until such time as they are subsequently modified or eliminated through the Meet and Confer process and mutually agreed upon by the City and the Association.

BE IT FURTHER RESOLVED that the City Manager of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

**PASSED, APPROVED, AND ADOPTED** this _______ day of October, 2010.

__________________________
Ronald L. Irish, Mayor

**ATTEST:**

John Lollis, City Clerk

By _________________________
Patrice Hildreth, Chief Deputy City Clerk
AMENDMENT & SUMMARY OF MODIFICATIONS
CITY OF PORTERVILLE

Document being Amended: 2009 Plan Document of the Medical and Dental Benefits

As of November 1, 2010, City of Porterville hereby amends the plan as follows:

<table>
<thead>
<tr>
<th>ELIGIBLE MEDICAL EXPENSES</th>
<th>Covered Person Pays</th>
<th>Plan Pays</th>
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</thead>
<tbody>
<tr>
<td>Preventive Care</td>
<td>20%</td>
<td>80%</td>
</tr>
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</table>

"Preventive Care" covers:
- One annual physical exam for a Covered Person age 16 or over, including related lab tests and x-rays;
- One routine well-woman exam annually, and related lab tests (e.g. Pap smear);
- Screening mammograms upon referral by a Physician;
- One routine prostate screening annually and related lab tests as prescribed by a Physician;
- Hepatitis, meningococcal and HPV vaccines;
- Well child periodic check-ups to age 16, including routine lab test and x-rays, necessary immunizations and booster shots, eye and ear screenings to determine the need for refractions or audiograms, tuberculosis tests, and screenings for blood lead levels for Dependent children at risk for lead poisoning as determined and prescribed by a physician;
- Sports Medical Physical for grades K-12

This amendment is accepted by:

Signature of Authorized Representative

Date

NOTICE TO PLAN PARTICIPANT: REVIEW THIS AMENDMENT CAREFULLY AND THEN INSERT IT INTO YOUR BENEFIT BOOKLET. THIS AMENDMENT REFLECTS CHANGE(S) TO YOUR SUMMARY PLAN DESCRIPTION AND MAY INCLUDE MATERIAL MODIFICATIONS IN PLAN BENEFITS.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
VETERANS' HOMECOMING COMMITTEE
VETERANS' DAY PARADE - NOVEMBER 11, 2010

SOURCE: Finance Department

COMMENT: The Veterans' Homecoming Committee is requesting approval to hold
its annual Veterans' Day Parade on Thursday, November 11, 2010,
from 5:00 a.m. to 12:00 p.m. They are requesting the closure of Main
Street from Danner Avenue to Orange Avenue.

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

RECOMMENDATION: That the Council approves the attached Community Civic
Event Application and Agreement submitted by the
Veterans' Homecoming Committee, subject to the stated
requirements contained in Exhibit 'A.'

ATTACHMENTS: Community Civic Event Application, Agreement,
Exhibit 'A'; Exhibit 'B'; Map; and Outside Amplifier Permit.

DD MB Appropriated/Funded MB CM Item No. 14
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:  8/14/10  Event date:  11-11-2010
8/20/10  Event time:  5 Am - 12 Pm

Name of Event: Veterans Day Parade

Sponsoring organization: Veterans Home Community Committee
Address: 1238 Linda Vista, Porterville, CA 93257
Authorized representative: Don R. Cowling
Phone # 784-7759 - 920-2059
Address: Maureen Rock
Phone # 784-8805

Event chairperson: Ed. Flory Phone # 784-6730

Location of event (location map must be attached): Main Street, Porterville

Type of event: Annual Historical Parade

Non-profit status determination: __________________________

City services requested (fees associated with these services will be billed separately):
Barricades (quantity):  50  Street sweeping  Yes X  No __
Police protection  Yes X  No __  Refuse pickup  Yes X  No __
Other: __________________________

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

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

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<th>Appr.</th>
<th>Deny</th>
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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.

[Signature]

(Name of Organization)

(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: Veterans Day Parade
Sponsoring organization: Veterans Homecoming Committee
Location: Main St. Event date: 11-11-2010 Event time: 5-12pm

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>
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*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: **Veterans Day Parade**

Sponsoring organization: **Veterans Homecoming Committee**

Event date: **11-11-2010**

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

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main St.</td>
<td>Henderson</td>
<td>Orange</td>
<td>Vets Day Parade</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main St.</td>
<td>Henderson</td>
<td>Orange</td>
<td>Parade</td>
</tr>
</tbody>
</table>

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

VETERANS' HOMECOMING COMMITTEE

VETERANS’ DAY PARADE

NOVEMBER 11, 2010

Business License Supervisor:  
S. Hartman

Business License Department requires list of vendors prior to event.

Public Works Director:  
B. Rodriguez

No requirements.

City Planner:  
B. Nebeker

Community Development/Planning has no outstanding issues or concerns with this event.

Field Services Manager:  
B. Styles

City sponsored event and City Staff will provide the barricades, close streets, Provide trash pick up and street sweeper.

Fire Chief:  
M.G. Garcia

Parks and Leisure Services Director:  
M. Stowe

Please keep parade spectators out of the downtown planters.

Police Seargant:  
R. Standridge

Please keep the same recommendations as previous years.

Administrative Services Manager:  
P. Hildreth

Name RDA additional insured. Please see attached Exhibit 'A', page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Veterans’ Homecoming Committee
Event: Veterans’ Day Parade
Event Chairman: Ed Flory
Location: Main Street from Danner Ave. to Orange Ave.
Date of Event: November 11, 2010

RISK MANAGEMENT: Conditions of Approval

1. The following street sections are not authorized for closure and shall remain open to vehicular traffic.
   a. Division Street and Hockett Street between Oak Avenue and Olive Avenue
   b. Oak Avenue from Division Street to ‘D’ Street
   c. Streets adjacent to the Police Station and Fire Station No.1
   d. Orange Avenue, east and west traffic flow

2. That the Veterans’ Homecoming Committee provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $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 Sponsoring Organization’s operation and sponsorship of the aforementioned Community Civic Event. If this 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.

3. The use of sidewalks, during this event, for any purpose other than normal pedestrian traffic, e.g., food booths, sales booths, displays, bleachers, etc., is prohibited within a ten-foot radius of all walk-up Versa-Teller operations.

EXHIBIT ‘A,’ Page 2
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: Don R. Dowling
   1235 W. Linda Vista Ave., Porterville CA

2 Address where amplification equipment is to be used: Main St., Porterville

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

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

5 Dates and hours of operation of amplification equipment: 11-11-2010

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

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 or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, 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 such any 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
SUBJECT: BUDGET ADJUSTMENT/CITIZENS’ OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING

SOURCE: Police Department

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

RECOMMENDATION: That the City Council:

1) Conduct the public hearing to receive public comment; and
2) Authorize use of these funds to offset costs for personnel assigned to the department’s Patrol Division, including necessary training, equipment, and overtime costs; and
3) Approve an increase to the Police Department’s 2010-2011 budget, in the amount of $100,000.

Attachment: Draft Resolution
RESOLUTION NO. _____-2010

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

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

1. That the City of Porterville accepts the 2010/2011 Citizens’ Option for
   Public Safety (COPS) Grant Funds; and

2. That the Police Department appropriation is increased by amount of the
   COPS grant funds received for Fiscal Year 2010/2011 to allow for the
   expenditure of those Grant Funds in support of personnel assigned to the
   Patrol Division and their operational costs.

APPROVED AND ADOPTED this 19th day of October, 2010.

________________________
Ron Irish, Mayor

ATTEST:
John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
CONTINUED PUBLIC HEARING

SUBJECT: CONDITIONAL USE PERMIT 4-2010 - PROPOSED OFFICE SPACE AT 122 & 126 N. MAIN STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for office space in an existing single story building. The site is designated by the General Plan for Downtown Retail and Zoned Downtown Retail North (DR-N), which permits office uses up to 25% of the ground floor by right. Proposed office uses in excess of 25% require approval of a Conditional Use Permit. The proposed project is located at 122 & 126 N. Main Street.

The building is more than 50 years old and is the location of the former downtown Porterville Hardware Store. The building was last used as a dance studio, but for more than a year, the building has been vacant. The building has two sides, two addresses and each was constructed separately. Although the project site is divided in two, the proposed project is on one underlying parcel. The total area under consideration is approximately 6600 square feet. Two entrances come in off Main Street and two more off the alley. The applicant has expressed that the intent of the project is to provide attorney offices on one side of the building and retail space on the other half. Additionally, the applicant would request that the council consider allowing the retail space be converted to office space if the retail portion does not succeed and/or if there is a demand for additional office space.

Pursuant to Section 15301, Class 1 (a) of the California Environmental Quality Act (Existing Facilities- interior/exterior alterations), the project, as proposed, is exempt from CEQA. No further environmental review is required.

Staff met with the applicant at its regularly scheduled Project Review Committee meeting on September 22, 2010 to discuss the project and provide additional comments and feedback. Staff discussed the project and the process for the proposed Conditional Use Permit. As a result, the project is being proposed to the City Council for consideration.

Staff is providing the City Council with three options for consideration on the project:

Option 1 - Approve the Conditional Use Permit and Draft Resolution for the project site as proposed to ultimately allow for 100% office space use of the ground floor area subject to conditions of approval.

Option 2 - Approve the Conditional Use Permit and Draft Resolution for the proposed project site not to exceed 50% office space, and maintain 50% of retail at all times subject to conditions of approval.
Option 3 – Deny the Conditional Use Permit. Applicant would be required to develop the property with office space up to a maximum of 25% by right as per the PDO.

RECOMMENDATION: That the City Council adopt a draft resolution approving Conditional Use Permit No. 4-2010 subject to conditions of approval.

ATTACHMENT: Complete Staff Report
CONDITIONAL USE PERMIT 4-2010
FOR CITY COUNCIL MEETING OF OCTOBER 19, 2010

For that site generally located 122 & 126 N. Main Street.

APPLICANT/AGENT:  
Gary Weaver  
1210 Lotas Way  
Porterville, CA 93257

PROPERTY OWNER:  
Avtar Basra  
947 W. Olive Ave  
Porterville, CA 93257

PROJECT DESCRIPTION:  
The applicant is requesting approval of a Conditional Use Permit (CUP) to ultimately allow for office space on the ground floor up to 100%. The site is designated by the General Plan for Downtown Retail and Zoned Downtown Retail North (DR-N), which permits office uses up to 25% of the ground floor. Proposed office uses in excess of 25% require approval of a Conditional Use Permit. The proposed project is located at 122 & 126 N. Main Street.

SIZE OF PROPERTY:  
6,477± square feet

GENERAL PLAN CLASSIFICATION:  
Downtown Retail

ZONING CLASSIFICATION:  
Downtown Retail – North (DR-N)

SURROUNDING ZONING LAND USE:

North:  
City – DR-N - Commercial

West:  
City – DR-N - Commercial

South:  
City – DR-N - Commercial

East:  
City – DR-N - Private Parking lot and other Commercial uses beyond

LEGAL NOTICES:

<table>
<thead>
<tr>
<th>Date Environmental Document Distributed</th>
<th>Date Notice Published in Porterville Recorder</th>
<th>Date Notice Mailed to Property Owners within 300 feet of property</th>
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<tbody>
<tr>
<td>Categorically exempt from CEQA</td>
<td>October 8, 2010</td>
<td>October 6, 2010</td>
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ENVIRONMENTAL SETTING:

Pursuant to Section 15301, Class 1 (a) of the California Environmental Quality Act (Existing
Facilities- interior/exterior alterations), the project, as proposed, is exempt from CEQA. No further environmental review is required.

PROJECT ANALYSIS:

The project consists of a single story building with proposed office space in the downtown area where office space is allowed by right up to 25% of the ground floor area with no square footage limits on the floors above. It is the intent of the Porterville Development Ordinance (Code) and General Plan to provide a pedestrian oriented atmosphere with a variety of mixed uses in the downtown area. The PDO specifically discusses and limits office uses in the downtown by right to 25%. Any proposed office uses above the allowed 25% could be authorized if approved by City Council with a Conditional Use Permit. This project is proposing to ultimately provide 100% of office space which is four times the amount allowed by right, therefore a Conditional Use Permit is required.

The proposed plans and renderings (attachments 1-4) represent what the applicants are initially planning for the project. As shown on the plans, there is both an office and retail component which could be considered consistent with what the Code and the General Plan call out for in the Downtown area. General Plan, Section 2.9 Downtown Porterville - Guiding Policies:

- LU-G- 20 Enhance Porterville’s Downtown as a pedestrian-oriented district that reflects local history and culture.
- LU-G- 21 Attract and retain specialty retail and restaurant businesses that will enhance Porterville’s unique character.
- LU-G- 22 Promote vertical mix of uses with residential and office uses above the ground floor retail to add vitality to Downtown Porterville.

The project proponent has stated that ultimately, if the retail component of the building is not successful, the intent would be to provide office space on both sides of the building resulting in no use of retail space. Staff believes that this proposed use of the site would not meet the intent of the Code or the General Plan for the Downtown area. Staff generally supports the proposed project allow a maximum of 50% of office and maintaining 50% retail space.

The original building design had a combination of wood façade (which has been removed) and brick façade on the frontage along Main Street and brick on the rear alley side. The proposed exterior improvements include a continued use of the historical brick, a new neutral two-tone stucco finish with areas for new signage above the brick, new burgundy toned canopies extending over the sidewalk and classic gooseneck lighting above the canopies. The design and new materials to the front of the building bring fresh life to a historic building in the Porterville downtown.

Staff is providing the City Council with three options for consideration on the project:

Option 1 – Approve the Conditional Use Permit and Draft Resolution for the project site as proposed to ultimately allow for 100% office space use of the ground floor area subject to conditions of approval.

Option 2 - Staff recommends approval of the Conditional Use Permit and Draft Resolution for the proposed project site not to exceed 50% office space, and maintain 50% of retail at all times subject to conditions of approval.

Option 3 – Deny the Conditional Use Permit. Applicant would be required to develop the property with office space up to a maximum of 25% by right as per the PDO.
STAFF RECOMMENDATION: That the Council consider the options provided and direct staff on how to proceed.

ATTACHMENTS:

1. Locator map
2. Site Plan
3. Rendering/Elevation of building frontage
4. Rendering/Elevation of rear of building
5. Conditional Use Permit application
6. Notice of Exemption
7. Option 1 Draft Resolution of approval
8. Option 2 Draft Resolution of approval

Jose B. Ortiz 10/11/10
Project Planner Date
CITY OF PORTERVILLE
APPLICATION FOR CONDITIONAL USE PERMIT

NOTE: The basic purpose of the Conditional Use Permit Article 29 of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

PROJECT NAME: Retail Space & Professional Office Space

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
Autar Basra 947 W. Olive
350-8599

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:
Gary Weaver 1210 Lotus Way
764-9789

PROJECT ADDRESS AND NEAREST CROSS STREETS:
122 & 120 N. Main St.
Oak Ave.

The applicant requests a Conditional Use Permit to use the above described property for the following purposes: Professional Office Space

Date of most recent sale of property: 2003

If applicant is the lessee, give date property was leased: ______________________

List below the original deed restrictions pertaining to the type of improvements permitted:

Date said restrictions expire: ________________________

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features or restrictions that are to be exempt from the above uses permitted).
REQUIREMENTS FOR FILING APPLICATION FOR CONDITIONAL USE PERMIT

1. Conditional Use Permit Application Form
2. 300-Foot Radius Map
3. Property Owners’ List
4. Plot Plan, Drawings or Photographs
5. Filing fee $1,164

1. The Conditional Use Application form must be filled out completely. The application must be signed by the owner or authorized agent under penalty of perjury in the space provided on Page 3.

2. The 300-Foot Radius Map accompanying the application must be to a suitable scale and must be correctly prepared. It must show each parcel within 300 feet of the exterior boundaries of property involved, not just the center point. In addition, the map must label the uses of each parcel or present type of occupancy, such as single-family residence, duplex, apartment house, business building or type of industrial use, or vacant. The various zones surrounding the subject property must also be shown. Each parcel must be consecutively numbered to correspond to owner’s name on the Property Owners’ List (as explained below).

3. The Property Owners List should be typewritten or printed on Avery 5160 or equivalent mailing labels, and must include the owner’s name and mailing address. Each owner’s name on this list must be numbered to correspond with the numbering placed on the 300-foot Radius Map. The list must be of the latest available assessment roll and may be obtained through the Tulare County Assessor’s Office or Title Company.

4. The Plot Plan, if applicable, must be drawn to a readable and accurate scale and size showing the parcel dimensions, its location with respect to adjacent streets, and the location of all existing and proposed buildings, structures or other improvements, with their distances from the parcel line clearly shown (9 copies initially with additional copies to be submitted prior to public hearing). It is suggested to include photos and drawings of the proposed buildings on a scale large enough to illustrate the subjects under discussion. Photographs or drawings of structures are also helpful, and elevation drawings, including color scheme, may be required.

Submit this information and the application to the Planning Division, City Hall, Porterville, California. The application must be complete in every respect, with all questions answered completely, before the City Planner can receive and certify the petition.

This application is not a permit. A public hearing will be held on your application.
A Plot Plan and 300’ radius property owners map, and corresponding mailing list are attached and made a part of this application. (See detailed instructions on Page 4 of this form).

1. State how the proposed use will not be materially detrimental to the public welfare or pose injury to property or improvements in such vicinity and zone in which the use is proposed.

   The existing building will be improved mainly on the interior & minor improvements on the exterior. We are asking for a zone change that will allow professional offices.

2. Principal requirements of intended use (Please answer the following statements as completely as possible).

   (a) Total number of people that the building can accommodate at one time, or grounds if the use is not conducted in the building at one time (Occupancy Capacity).

      
      120 A. Main Pro. Off. - 30
      122 A. Main Retail - 50
      total 80

   (b) Total number of employees that will work on the property.

      120 A. Main Pro. Off. - 10
      122 A. Main Retail - 3
      total 13

   (c) Total number of off-street parking spaces provided or planned.

      exist. Parking on Main, Oak, Parking lot on 2nd St. total 43

   (d) Maximum height of buildings or structures.

      exist: 20’

   (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.

      permanent
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the fact stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not required).

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<thead>
<tr>
<th>No. on Map</th>
<th>Name</th>
<th>Address</th>
<th>APN</th>
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**OWNER’S DECLARATION**

**STATE OF CALIFORNIA  )  ss  
COUNTY OF TULARE   )

I, _______ Amin Basra _______, being duly sworn, declare and say that I am the owner of part (or all) of the property involved and that this application has been prepared in compliance with the requirements of the Porterville City Council as printed herein and that the foregoing information thoroughly and completely, to the best of my ability, presents the argument in behalf of the application except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at this 29 day of SEPT., 2010.

Telephone 559.350-0599  
Signed  
Mailing Address 947 W. Olive Porterville CA 93257

This is to certify that the foregoing application has been inspected by me and found to be complete and acceptable for filing with the Porterville City Council.

Received  
Date  
Receipt No.  

By
NOTICE OF EXEMPTION

TO: Office of Planning and Research
    1400 Tenth Street, Room 121
    Sacramento, CA 95814

X Tulare County Clerk
    County Civic Center
    Visalia, CA 93291

FROM: City of Porterville
    291 North Main Street
    Porterville, CA 93257

Conditional Use Permit 4-2010
Project Title

122 & 126 N. Main Street – Avtar Basra
Project Location

City of Porterville
    Project Location (City)

Tulare
    Project Location (County)

A Conditional Use Permit to allow for office space up to 100% of ground floor in the Downtown Retail – North Zone
Description of Nature, Purpose, and Beneficiaries of Project

City of Porterville
Name of Public Agency Approving Project

Mr. Avtar Basra
Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

Ministerial (Section 15073)
Declared Emergency (Section 15071 (a) )
Emergency Project (Section 15071 (b) and (c) )
Categorical Exemption- State type and section number: Section 15332

X Categorical Exemption” – Section 15301, Class 1(a) (Existing facilities – interior/exterior alterations)

See project description above; Section 15301, Class 1(a)

Reasons why project is exempt – The building is an existing 6,600± square foot building that will have interior and exterior improvements.

Bill Nebeker, City Planner
Contact Person
If Filed by Applicant:

1. Attached certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes____ No____

Signature: ______________________________________
Title: City Planner

291 N. Main St., Porterville, CA 93257 PHONE 559.782.7460 FAX 559.781.6437
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING CONDITIONAL USE PERMIT 4-2010 TO ALLOW A 100 PERCENT OFFICE SPACE IN THE 6,600± SQUARE-FOOT BUILDING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF EAST OAK AVENUE AND NORTH MAIN STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 19, 2010, conducted a public hearing to consider Conditional Use Permit 4-2010, being a request to allow a 6,600± square-foot building to be utilized as office space for that site located generally on the southeast corner of East Oak Avenue and North Main Street; and

WHEREAS: Pursuant to 202.02 Land Use Regulations of the Porterville Development Ordinance, general office uses are limited to 25 percent of ground floor area unless additional floor area is approved with a Conditional Use Permit. No square footage limitation on the upper floors.; and

WHEREAS: Pursuant to Section 15301, Class 1(a) of the California Environmental Quality Act (existing facilities – interior/exterior alterations), as proposed, is exempt from the provisions of the California Environmental Quality Act (CEQA); and

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Downtown Retail. The subject site is zoned Downtown Retail - North (DR-N) which is supported by the General Plan. The proposed use is allowed pursuant to approval of a Conditional Use Permit.

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

3. That the design of the project is not likely to cause substantial environmental damage. The subject site is developed with an existing building and the proposed parking area is absent of any vegetation. As such, no endangered, threatened, or rare species or habitats exist and no impact will occur.

4. That the proposed location of the project and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. Conditions of approval are included to ensure adequate development standards are met.

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

6. That the project, as proposed, complies with all design standards of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-2010 to allow 100 percent office space in the following conditions:

ATTACHMENT
ITEM NO. 1
1. The applicant must file an Encroachment Permit and pay a fee of $319 for the placement of the new awnings and the new gooseneck lighting on the front of the building.


3. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

4. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, alley, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).

5. The developer/applicant shall provide ADA parking adjacent to Oak Avenue within the existing parking lot under the ownership of the developer.

6. The developer/applicant shall comply with the Americans with Disabilities Act, the California Building Code and Section 304.10 of the Development Ordinance for on-site travel ways.

7. The developer/applicant shall install a refuse container enclosure which will accommodate solid waste and recyclable materials removal or collection according to City Standards (PMC Sec. 13-15) Enclosure location to be approved by the City prior to issuance of a building permit. Enclosure shall be oriented for direct pick-up. An accessible path of travel to the enclosure must be provided in compliance with the Americans with Disabilities Act and the California Building Code. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

8. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615. A back-flow device is required on the water meter.

9. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

10. Compliance with all applicable codes is required, including access laws (both State and Federal).

11. Plan check fees are required at time of building permit submittal.

12. All construction offices, storage containers, etc. for temporary use must receive Chief Building Official approval.

13. Signs require separate permits
14. Proposed remodel requires occupancy re-classification: Proposed office area will be "B" occupancy. Proposed retail area will be "M" occupancy.

15. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.

16. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.

17. A Knox box may be required. An application may be obtained from the Fire Department.

Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By __________

Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO._________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING
CONDITIONAL USE PERMIT 4-2010 TO ALLOW A 25 PERCENT OFFICE SPACE IN THE
6,600± SQUARE-FOOT BUILDING GENERALLY LOCATED AT THE SOUTHEAST CORNER
OF EAST OAK AVENUE AND NORTH MAIN STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
October 19, 2010, conducted a public hearing to consider Conditional Use Permit 4-2010, being a
request to allow a 6,600± square-foot building to be utilized as office space for that site located
generally on the southeast corner of East Oak Avenue and North Main Street; and

WHEREAS: Pursuant to 202.02 Land Use Regulations of the Porterville Development
Ordinance, general office uses are limited to 25 percent of ground floor area unless additional floor
area is approved with a Conditional Use Permit. No square footage limitation on the upper floors.; and

WHEREAS: Pursuant to Section 15301, Class 1(a) of the California Environmental Quality
Act (existing facilities – interior/exterior alterations), as proposed, is exempt from the provisions of
the California Environmental Quality Act (CEQA); and

WHEREAS: The City Council made the following findings with respect to the subject
project:

1. The General Plan designates the subject site as Downtown Retail. The subject site is zoned
Downtown Retail - North (DR-N) which is supported by the General Plan. The proposed use
is allowed pursuant to approval of a Conditional Use Permit.

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

3. That the design of the project is not likely to cause substantial environmental damage. The
subject site is developed with an existing building and the proposed parking area is absent of
any vegetation. As such, no endangered, threatened, or rare species or habitats exist and no
impact will occur.

4. That the proposed location of the project and the conditions under which it will be operated
and maintained will not be detrimental to the public health, safety or welfare, or materially
injurious to properties or improvements in the vicinity. Conditions of approval are included
to ensure adequate development standards are met.

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

6. That the project, as proposed, complies with all design standards of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville
does hereby approve Conditional Use Permit 4-2010 to allow 25 percent office space, subject to the
following conditions:
1. The applicant must file an Encroachment Permit and pay a fee of $319 for the placement of the new awnings and the new gooseneck lighting on the front of the building.


3. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

4. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, alley, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).

5. The developer/applicant shall provide ADA parking adjacent to Oak Avenue within the existing parking lot under the ownership of the developer.

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8. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615. A back-flow device is required on the water meter.

9. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.

10. Compliance with all applicable codes is required, including access laws (both State and Federal).

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14. Proposed remodel requires occupancy re-classification: Proposed office area will be “B”
occupancy. Proposed retail area will be “M” occupancy.

15. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.

16. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.

17. A Knox box may be required. An application may be obtained from the Fire Department.

Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By ____________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: SECOND READING – ORDINANCE 1767, FORMATION OF AN ARTS COMMISSION

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1767, An Ordinance of the City Council of the City of Porterville Adding Chapter 5A, Article I, Sections 5A – 1 through 5A – 8 to the Porterville Municipal Code regarding the formation of an Arts Commission was given first reading on October 5, 2010, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1767, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1767
ORDINANCE NO. 1767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDMING 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. 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.

______________________________
Cameron Hamilton, Mayor Pro Tem

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT BUSINESS ASSISTANCE PROGRAM – MARK SIDLEY AUTO GROUP, INC.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Community Development Block Grant (CDBG) Program contains a component for the Business Assistance Program (BAP), which is intended to provide incentives for the investment in existing commercial or industrial facilities while addressing one or more of the national objectives of benefiting low income persons and helping in the elimination of slum and blight. City Council has previously approved and funded six projects under this program, the most recent being the assistance provided to Charles and Jan Crissman for the acquisition of the Clevenger Paint and Body Shop.

Mark Sidley (Sidley), owner of Mark Sidley Auto Group, Inc. operating as Porterville Chrysler Jeep Dodge, purchased the Chrysler dealership from Dilfer Chrysler in 2004. In 2006, Sidley invested additional capital into the dealership by remodeling the showroom and purchasing the feed lot on the west side of Villa Street to increase his used car inventory. In 2009, the automotive industry was adversely impacted by the poor economic climate and dealers faced poor sales due to the uncertainty of each manufacturer’s future. More recently, financial institutions have tightened lending standards making it harder to get loans and lines of credit.

To weather the economic conditions, Sidley has made a number of adjustments to the management of the dealership to reduce expenses, while at the same time providing quality service and merchandise to the community. One of the adjustments was to downsize the number of employees at the dealership. As business recovers, Sidley plans to re-hire the previous employees and increase staff as needed.

While the above referenced adjustments have benefitted Sidley’s bottom line, they are not sufficient to provide the flooring and working capital needed until a new lender can be secured. In July 2010, Sidley contacted the City regarding financial assistance. Sidley indicated that in 2009, Key Bank, the financial institution used to finance the flooring (inventory) of cars, placed a demand for payment of existing capital loans. Sidley secured a Small Business Administration (SBA) loan for payment of the capital loan. During this period, inventory was reduced creating a loss of infusion of working capital into the dealership. Key Bank has indicated that flooring credit for many of their automotive customers, including Porterville Chrysler, will be discontinued in the near future.
Sidley is in the process of making contact with several lending institutions regarding the need for both flooring and working capital; however, with Key Bank's indication that funding will soon be discontinued, Sidley is concerned that he may be left with a financial gap between lenders which would be detrimental to the dealership. Sidley is requesting a loan in the amount of $250,000 from the City's Business Assistance Program for flooring ($150,000) and working capital ($100,000).

The project falls within the CDBG eligible activities of assisting a private, for-profit business, including grants and loans, and would meet the national objective of job creation for low and moderate income persons. However, historically under the Program Model for the Business Assistance Loan Program adopted in the City's CDBG Five Year Consolidated Plan, business assistance loans and grants have only been used for acquisition and/or improvements to commercial and industrial properties and have not been approved for working capital only. The Small Business Revolving Loan Fund does provide for working capital assistance but on a much reduced level with a maximum of $50,000 allowed. If this funding request is approved, the City Council would be setting a new precedence, and therefore, staff recommends that the Program Model be amended to specifically allow working capital assistance for larger projects on a case by case basis with a special emphasis given to projects which have an economic impact to the City, i.e. estimated sales tax received vs. possible loss of sales tax if the business closed. Additionally, loans for working capital in these higher amounts should be secured by real property. Over the past 4 years, the City has received between $120,000 to $150,000 annually in sales tax from Porterville Chrysler Jeep Dodge.

Terms and conditions of the proposed loan are listed below:

1. A Loan Agreement shall be signed between the City and Sidley, outlining the terms of the loan, including monthly payments, indemnification of the City, and a five year term. The loan will be secured with a lien against real property.

2. The loan shall bear simple annual interest of 2%. The interest rate proposed is in keeping with the Revolving Loan program policy which provides for loans to bear interest equivalent to the Local Agency Investment Fund (LAIF) rate or 2%, whichever is greater at the time of funding. As of August 2010 LAIF rate was .513%.
3. Sidley will enter into a Hiring Agreement with the City of Porterville to hire at least 7 positions at the dealership, per the 1:$35,000 of provided assistance as outlined in the BAP policies. The Agreement will include language to assure that 51 percent of the jobs retained or created by the CDBG funding will be filled by or made available to persons of low and moderate-income.

4. If at any time during the term of the Agreement Sidley fails to operate the business located at 777 W. Olive Avenue, Porterville, California, as a Chrysler Jeep Dodge dealership, the then current loan amount for the project, including simple interest, shall become due and payable to the City.

The financing should be considered an interim measure until Sidley can secure permanent financing from a lending institution. While the loan will have a five-year term, it is understood that once funding is secured from another source, the loan, with any accrued interest, would be repaid in full.

RECOMMENDATION: That the City Council:

1) Consider the use of Community Development Block Grant Business Assistance Program funds in the amount of $250,000 to Mark Sidley Auto Group, Inc. under the terms and conditions identified in items 1 through 4 above; and

2) If approved, direct the amendment of the Program Model for the Business Assistance Program to specifically allow working capital assistance for larger projects on a case by case basis; and

3) Authorize the Mayor to sign all necessary documents to complete the Sidley transaction.

ATTACHMENT: Program Model for Business Assistance Program
## 1984 Community Development Block Grant Program Model
(Revised March 2010)

### Business Assistance Loan Program and Parking Lot Improvements and Development

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### Program Plan:

**Commercial and Industrial Property Assistance Projects**

The Central Business District (CBD) and other peripheral business and industrial areas of the City of Porterville are abundantly developed with numerous structures which have been used for commercial, commercial/residential (apartment/hotels), and industrial use for many years. The commercial areas continue to function as the social and cultural centers of the community. The significance of these areas as a center of activity for Porterville is borne out when one considers the fact that location near these districts is a prime attraction for the construction of seniors’ multi-family housing and that, for example, promotions, holidays and most various significant local celebrations are conducted in these areas. Industrial areas provide employment opportunities for local residents. Many of these facilities were constructed several years ago and suffer from functional obsolescence, or there is vacant land available in industrial parks for the expansion of existing businesses or for the construction of a facility for a new industry. Furthermore, strong business associations and the Chamber of Commerce virtually assure that

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**Attachment Item No. 4**
there will be a continued interest in the future of Porterville’s commercial and industrial areas.

Some of the ground floors of multiple-story commercial structures are dedicated to a commercial usage and enjoy the environmental advantages of comparison shopping districts. However, the upper stories of most have fallen into a state of considerable disrepair. The County has even exempted most upper floors from assessment of property taxes and the result has been an absence of incentives to invest in the upkeep of these resources.

Commercial and industrial development within the City of Porterville contributes to stabilization and improvement of the local economy. Expansion of commercial and industrial enterprises in Porterville provides a variety of benefits to the community. Not only is the tax base broadened and expanded, but increased employment opportunities are one of the single largest factors in the prevention of homelessness and poverty.

It is the desire of the community to provide incentives and methods to encourage the investment of time and money on a city-wide basis in commercial, industrial, and professional office districts. This can be done using a variety of approaches which have been investigated by staff and include private financing, Small Business Administration participation through the Business Finance Center, Certified Development Corporation, and additional injection financing with CDBG loan pools. This program is based on the Community Development Block Grant (CDBG) National HUD objective of job creation for low and moderate income persons (24 CFR 570.208(a)(4)) and is an eligible activity by Federal Regulations 24 CFR Section 570.203(a). The City will require that a business assisted with these funds meet the public benefit standard of creating or retaining one full-time equivalent job for every $35,000 in assistance.

**Small Business Revolving Loan Fund**

To assist small business start-ups and expansions, the City has implemented a Revolving Loan Program (RLP) to fill the financing gap that is often faced by small businesses. The RLP will only provide funds to bridge the “financial gap” that allows business to move forward and is designed to provide no more than one-half of a small business’s total financing requirements. RLP assistance is a minimum of $1,000 and a maximum of $50,000 and will be directed towards businesses that have the greatest potential for long-term job creations. The guidelines were developed for the program in 2008. This activity will be eligible under Federal Regulations 24 CFR Section 570.201(O) and the National Objective will be either job creation for low and moderate income persons (LMJ) or assistance to Limited Clientele (LMC).

**Public Facilities Program for Commercial/Industrial Areas (Parking Lot and Park Improvement and Development):**

If funds are available, it is proposed that this program will also provide improvements to downtown public parking lots, acquisition of property and construction of new public parking lots, and the development of a park in the downtown area. Use of these funds will assist in enhancing the infrastructure needed to attract employers to currently vacant and underutilized buildings. The downtown parking lots are currently in need of substantial reconstruction in order to adequately serve the surrounding commercial businesses. Their deteriorated conditions have
contributed substantially to the extensive and prolonged high vacancy rate of adjacent buildings. In conjunction with the CDBG Business Assistance Program, which will provide funding for improvements to the buildings, the reconstruction of the parking lots and development of new lots can eliminate blighted conditions and provide economic development opportunities. The downtown area serves the entire community and is the commercial activity center located immediately adjacent to the area’s two most economically disadvantaged census tracts (Census Tracts 39 and 41). As a result of developing the Porterville Redevelopment Agency Strategic Plan, it became evident that for downtown to thrive, improvements were necessary to increase pedestrian access and safety, and to promote downtown as a destination place to go to, not through. In these respects, sidewalks were improved, street lighting and streetscape designs developed, and one-way traffic was redirected to two-way traffic. Another major element of the Redevelopment Strategic Plan was the need for improvements to existing public parking lots and developing new public parking areas and public open space to assist in downtown revitalization.

These CDBG funds may also be used for construction of new parking improvements for commercial, professional office, or industrial use. Completion of newly constructed parking lot improvements, in conjunction with commercial, professional office, or industrial business development will generate employment opportunities for low-and moderate income persons and eliminate blighted conditions.

For over thirty years, a JC Penney retail store was a successful and vibrant anchor on Main Street and the building was even a recipient of Porterville Redevelopment Agency Façade Improvement Funds in the mid 1990’s. However, on one fateful night in 2006, the fire engulfed the building and the business inventory and building were destroyed. Today it stands as a vacant blighted site with a chain link fence surrounding it, mainly to protect people from falling into open slough traversing the property. The City has been working with the property owner to consider the possibilities for the site and currently the proposal is for the City to acquire the site and develop a park that would also feature a paseo for pedestrian access to the parking lots on the adjacent street. The proposed facility is an eligible activity under 24 CFR 570.201 (c) Public Facilities and Improvements and predicated on the Community Development Block Grant (CDBG) HUD National Objective of addressing slum and blight on an area basis, or in some cases on a spot basis (570.208 (b)(2)).

This program will meet the CDBG National Objective for either job creation for low and moderate income persons (LMJ) or addressing slum and blight on an area basis, or in some cases on a spot basis (570.208 (b)(2)). This is an eligible activity by Federal Regulations 24 CFR Section 570.201(c).

**SPECIFIC PROGRAM OBJECTIVES:**

**Commercial and Industrial Development:**

The rehabilitation of commercial, commercial/residential, industrial, and professional office structures on a city-wide basis and/or the acquisition of vacant land for commercial and industrial use accomplishes a multitude of objectives. The first, and most obvious, is that of revitalizing by providing for facelifting and interior remodel of the shopping, industrial, and
professional office places of Porterville residents. To the extent that these areas are shown to be enhanced significantly in the offering of these program funds, the City benefits, in that Porterville is a safer and more attractive place to shop, maintain an office, or industrial operations. These efforts make Porterville more appealing to the consumer; the subsequent effect being a retention of jobs, and the addition of employment opportunities.

The development of upper stories of historical, commercial buildings provides a wider degree of choice in housing opportunities and housing in attractive surroundings which is accessible to services and also expands business location options. The development of housing over commercial structures downtown would provide for the housing of special needs groups, specifically those who desire studio or efficiency apartments which are close to services and provide for an attractive environment apart from traditional housing sources.

The renovation of structures in commercial areas of Porterville removes blight conditions, attracts businesses, and serves to provide an anchor of on-going services for neighborhoods and the community as a whole. Renovating industrial structures or assisting in the acquisition of property for expansion or new construction will assist manufacturing, warehousing, and service industries desiring to locate or expand in Porterville.

**Small Business Revolving Loan Fund**

The main objective of this program is to provide “gap” funding for small businesses that are either just starting business in Porterville or are trying to expand their business. Of course, providing resources for small businesses helps to stabilize the local economy and produce much needed jobs in the community. As the business pays back the City loan, program income will be realized and used to assist other businesses.

**Public Facilities Program for Commercial/Industrial Areas (Parking Lot and Park Improvement and Development):**

The parking lot reconstruction and new construction development projects and the park development project will result in the local community being enhanced by removing blighted conditions thereby encouraging viable businesses to become established, expand, or relocate to the area. The parking lot improvements will also provide one of the main infrastructure necessities for businesses, and therefore create employment and economic opportunities for low- and moderate-income persons. It will address factors contributing to the area’s blighted conditions, high unemployment rate, and low-income levels.

The outcome/objective for this program in the HUD Performance Measurement System is “availability/accessibility for the purpose of creating economic opportunities”.

4
SPECIFIC PROGRAM ACTION:

Commercial and Industrial Development:

Eligible businesses will apply for these funds in accordance with the program guidelines. Servicing of loans should be accomplished through City staff or the use of a private sector entity. Control of the terms of the financing will have the effect of enabling the City to ensure benefit to low- and moderate-income persons.

Small Business Revolving Loan Fund

Eligible businesses will apply for those funds in accordance with the adopted guidelines for the program. Loan applications will be reviewed by the Community Development Financial Assistance Committee who will make the determination for assistance. The Loans will be serviced by City staff.

Public Facilities Program (Parking Lot and Park Improvement and Development):

The reconstruction of the parking lots downtown will be designed and constructed as funds are available. Priority needs will be determined for the phasing of the reconstruction parking lot projects.

New construction efforts will be contingent upon yet to be specified commercial, professional office, or industrial projects or upon additional parking needs in the downtown area.

Funds have been allocated for the acquisition and development of the site of the former JC Penney store on Main Street. The City is currently in the process of negotiating with the property owner.
SUBJECT: DESIGN OVERLAY SITE REVIEW 02-2008, MODIFICATION NO. 2 TO ALLOW FOR A CHANGE IN ARCHITECTURAL FEATURES FOR THE DRIVE THROUGH CAR WASH, ON THE SOUTHEAST CORNER OF WEST SPRINGVILLE AVENUE AND SOUTH JAYE STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting a modification to Design “D” Overlay Site Review 02-2008 for a change in architectural features for the drive through car wash, on the southeast corner of West Springville Avenue and South Jaye Street. The proposed project site is identified by the General Plan Land Use Map as Retail Centers and Zoned Retail Centers (CR).

BACKGROUND: On June 3, 2008, the City Council adopted Resolution 49-2008 containing findings and conditions in support of Design “D” Overlay Site Review 02-2008 to facilitate the development of the 75,000± square foot Jaye Street Crossing commercial center. Included in the resolution were design and architectural features as well as colors and tones of materials to be used. The architectural style approved for the commercial center would be Spanish-Mediterranean with plastered walls, columns and a flat roof. The center includes two Major Buildings (“A & B”) and six (6) building pads. The developer of buildings “C, G, Major A, and Major B” were required to submit final designs for City Council’s consent and incorporate the architectural theme, elements, and colors of the commercial center while still allowing some flexibility for tenants.

On April 6, 2010, the City Council adopted Resolution 41-2010 for Modification No. 1 to “D” Overlay 02-2008 containing findings and conditions in support of the development of Building “C” for a self serve carwash. The modification included some architectural diversity at the entrance and exit of the car wash tunnel which included a rounded roofline and the incorporation of awnings. While developing a similar product elsewhere, the rounded roof was found to be technically challenging. The applicant’s agent requested the entrance and exit of the car wash tunnel be modified to a gable roofline using clay tile (Attachment 3).

Resolution 41-2010 condition 7 states, “That any future changes or revision in design which substantially alters the condition or nature of the appearance will require approval by the City Council.” While the gable roofline varies from the approved design concept, the purpose of Resolution 49-2008 identifying buildings “C, G, Major A, and Major B” was to allow flexibility in architectural style for these tenants.

The request does not require a modification to Conditional Use Permit 03-2010.
RECOMMENDATION:  Staff recommends that the City Council adopt the draft resolution approving Design “D” Overlay Site Review 02-2008, Modification No. 2.

ATTACHMENTS:

1. Locator Map
2. Resolution 41-2010
3. Elevations/Renderings
RESOLUTION NO. 41-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR DESIGN “D” OVERLAY SITE REVIEW 02-2008, MODIFICATION NO. 1 TO ALLOW THE DEVELOPMENT OF A DRIVE THROUGH CAR WASH FOR THAT SITE LOCATED ON THE SOUTHEAST CORNER OF WEST SPRINGVILLE AVENUE AND SOUTH JAYE STREET.

WHEREAS: On February 20, 2007, the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report (EIR) evaluating the development and containing mitigation measures and land use changes necessary to facilitate the development of a 10.7± acre site with a 75,000± square foot commercial center known as Jaye Street Crossing; and

WHEREAS: On June 3, 2008, the City Council adopted Resolution 49-2008 containing findings and conditions in support of Design “D” Overlay Site Review 02-2008 to facilitate the development of the 75,000± square foot Jaye Street Crossing commercial center. Included in the resolution were design and architectural features as well as colors and tones of materials to be used.

WHEREAS: The developer of buildings “C, G, Major A, and Major B” was required to submit final design for City Council’s consent and incorporate the architectural theme, elements, and colors of the commercial center while still allowing some flexibility for tenants; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of April 6, 2010, conducted a public hearing to consider Modification No. 1 to Design “D” Overlay Site Review 02-2008 to approve the site plan and final design of Building “C”; and

WHEREAS: In conjunction with Design “D” Overlay Site Review 02-2008, Modification No. 1, pursuant to Section 801.5 (Central Commercial Zone) of the Porterville Zoning Ordinance, a car wash may be allowed subject to the approval of a Conditional Use Permit; and

WHEREAS: Due to the nature of the applications, Design “D” Overlay Site Review 02-2008, Modification No. 1 cannot be approved without Conditional Use Permit 03-2010. As such, a condition of approval has been included in Design “D” Overlay Site Review 02-2008, Modification No. 1 requiring the approval of Conditional Use Permit 03-2010 prior to the Design “D” Overlay Site Review; and

WHEREAS: Pursuant to Article 18 (Supplemental “D” – Design Review Overlay Zone) of the Porterville Zoning Ordinance, the City Council made the following findings:

1. That the proposed project is consistent with the General Plan designation of Retail Centers and Zoning for the site which is C-2(D) (Central Commercial – Design Overlay Site Review).
2. That the project incorporated the unified colors and architectural theme as consistent with Design "D" Overlay Site Review 02-2008.

3. That the design and architectural features of the project are compatible with that of surrounding uses. Access to the facility would be from a common ingress/egress, accessible from West Springville Avenue and South Jaye Street. The landscaping and pedestrian access has been designed for appeal, convenience and ease of access. The colors and tones of materials used are neutral and blend and transition well with the surrounding uses.

4. That the site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaping areas either meet or exceed the minimum requirements which will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Design "D" Overlay Site Review 02-2008, Modification No. 1 subject to the following conditions:

1. That the applicant/owner shall implement the mitigation measures incorporated into the project approval of the certified Final EIR (Resolution 8-2007) for the project.

2. That the applicant/owner shall comply with the Conditions set forth in Design "D" Overlay Site Review 02-2008 (Resolution 49-2008) unless otherwise modified herein.

3. A Master Sign Program must be approved by City Council for the Jaye Street Crossing commercial center prior to issuance of a sign permit for the project.

4. That Design "D" Overlay Site Review 02-2008, Modification No. 1 is contingent upon the approval of Conditional Use Permit 03-2010.

5. Construction of Springville Avenue frontage improvements, reimbursement of existing frontage improvements previously constructed by the City, right of way purchases and other pertinent development requirements shall conform to a fully executed agreement between the property owner and the City of Porterville. A copy will be delivered to the developer/applicant upon request.

6. The applicant and adjacent property owner must have signed a reciprocal ingress/egress agreement recorded prior to issuance of building permit.

7. That any future changes or revision in design which substantially alters the condition or nature of the appearance will require approval by the City Council.
8. That the subject site will be developed/maintained in accordance with the plans labeled Exhibit A through D.

Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk
STATE OF CALIFORNIA 
CITY OF PORTERVILLE 
COUNTY OF TULARE 

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 6th day of April, 2010.

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

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<th>F. Martinez</th>
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JOHN D. LOLLIS, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR DESIGN “D” OVERLAY SITE REVIEW 02-2008, MODIFICATION NO. 2 TO ALLOW A CHANGE IN ARCHITECTURAL FEATURE TO THE PROPOSED CAR WASH, LOCATED ON THE SOUTHEAST CORNER OF WEST SPRINGVILLE AVENUE AND SOUTH JAYE STREET.

WHEREAS: On February 20, 2007, the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report (EIR) evaluating the development and containing mitigation measures and land use changes necessary to facilitate the development of a 10.7± acre site with a 75,000± square foot commercial center known as Jaye Street Crossing; and

WHEREAS: On June 3, 2008, the City Council adopted Resolution 49-2008 containing findings and conditions in support of Design “D” Overlay Site Review 02-2008 to facilitate the development of the 75,000± square foot Jaye Street Crossing commercial center. Included in the resolution were design and architectural features as well as colors and tones of materials to be used.

WHEREAS: On April 6, 2010, the City Council adopted Resolution 41-2010 containing findings and conditions in support of Modification No. 1 to Design “D” Overlay Site Review 02-2008 to approve the site plan and final design of Building “C”; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of October 19, 2010, considered at the applicant’s request Modification No. 2 to Design “D” Overlay Site Review 02-2008 to approve the requested change in architectural features for the drive through car wash; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan designation of Retail Centers and Zoning for the site which is CR (Retail Centers).

2. That the project incorporated the unified colors and architectural theme as consistent with Design “D” Overlay Site Review 02-2008. The colors and tones of materials used are neutral and blend and transition well with the surrounding uses.

3. That the design and architectural features of the project are compatible with that of surrounding uses.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Design “D” Overlay Site Review 02-2008, Modification No. 2 subject to the following conditions:

1. That the applicant/owner shall implement the mitigation measures incorporated into the project approval of the certified Final EIR (Resolution 8-2007) for the project.
2. That the applicant/owner shall comply with the Conditions set forth in Design "D" Overlay Site Review 02-2008 (Resolution 49-2008) and Modification No. 1 (Resolution 41-2010) unless otherwise modified herein.

3. That any future changes or revision in design which substantially alters the condition or nature of the appearance will require approval by the City Council.

4. That the subject site will be developed/maintained in accordance with the plans labeled Exhibit A.

_________________________________________
Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By _________________________________

Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: October 19, 2010

SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Consideration of Amendment to Municipal Code in Reference to the Library Board of Trustees

SOURCE: City Manager

COMMENT: Councilmember Ward has requested that the City Council consider amending Porterville Municipal Code to rename the Library Board of Trustees to “Library and Literacy Board of Trustees”, as well as to allow for an increase in the number of members to the Board. Municipal Code Chapter 14, Article II establishes the Library Board of Trustees, as well as the composition of its members. With the emphasis on literacy supported by the community’s passage of Measure H, Councilmember Ward proposes that the word “Literacy” be incorporated into the title of the Library Board. Also, with the Parks & Leisure Services Commission, as well as the newly-created Arts Commission, having memberships of more than five, Councilman Ward proposes to increase the number of members on the Library Board.

RECOMMENDATION: That the City Council consider amending the Municipal Code in reference to the Library Board of Trustees.

ATTACHMENT: Municipal Code Chapter 14, Article II

C.M. 

Item No. 20
Article II
LIBRARY BOARD OF TRUSTEES

14-3: DUTY TO MANAGE LIBRARY; COMPOSITION; APPOINTMENT:

There is hereby created a library board of trustees consisting of five (5) members, who shall be residents of the city of Porterville. The board shall serve in an advisory capacity to the city council. Said board members shall be appointed by the mayor with the consent of a majority of the city council. (Ord. 1538 § 2, 8-20-1996)

14-4: VACANCIES:

Vacancies on the library board of trustees shall be filled by appointment for the unexpired term in the same manner as the original appointments are made. All appointments shall be made for a three (3) year period on a rotating 2-2-1 basis and shall conform to chapter 11 of the Government Code (sections 54970 to 54975). (Ord. 1538 § 2, 8-20-1996)

14-5: APPOINTMENT OF CHAIRMAN, VICE CHAIRMAN AND SECRETARY:

The library board of trustees shall appoint one of its members chairman, one of them vice chairman and a secretary. (Ord. 1538 § 2, 8-20-1996)

14-6: TERM OF OFFICERS:

The officers thus appointed shall serve for one year, until their successors in office have been elected and appointed by the library board of trustees. (Ord. 1538 § 2, 8-20-1996)

14-7: MEETINGS:

The library board of trustees shall prescribe the time and place of its meetings and shall meet not less frequently than once each month; provided, however, that no meetings need be held during the months of June, July and August. All meetings shall conform to section 54950 et seq., of the state Government Code, also commonly known as the "Brown act". (Ord. 1538 § 2, 8-20-1996)
14-8: SPECIAL MEETINGS; QUORUM; RECORDS:

Special meetings of the library board of trustees may be called at any time by the chairman or by three (3) of the trustees, by written notice mailed or personally delivered to each member, and to each local newspaper of general circulation, radio or television station requesting notice in writing, at least twenty four (24) hours before the time specified for the proposed meeting as specified in the California Government Code section 54950 et seq.; a majority of the board shall constitute a quorum for the transaction of business and the board shall cause a proper record of all its proceedings to be kept and maintained. (Ord. 1538 § 2, 8-20-1996)

14-9: POWERS AND DUTIES GENERALLY:

A. Shall recommend library policy to the city council for adoption.

B. Shall define the objectives and goals of the library.

C. Shall advise the city council and staff on the management and control of the library.

D. May establish all reasonable rules and regulations necessary for the day to day operation of the library.

E. Shall interpret library services to the community.

F. Shall serve as a sounding board on which staff may test their plans and ideas. (Ord. 1538 § 2, 8-20-1996)
SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Consideration of Amendment to Municipal Code to Allow the Burning of Tumbleweeds

SOURCE: City Manager

COMMENT: Councilmember Shelton has requested that the City Council consider amending Porterville Municipal Code to allow the burning of tumbleweeds. Municipal Code 12-1.8 (adopted by Ordinance in 2004) prohibits all outdoor fires within the city, with the exception for cooking or religious purposes, including for the purpose of disposal of rubbish, weeds, trimmings, lumber, wood, or any such material. In addition, though not applicable to tumbleweeds, Municipal Code 13-16 prohibits the burning of any solid waste for disposal purposes.

Prior to Municipal Code adoption in 2004, the City allowed for the burning of tumbleweeds through a permit process administered by the Fire Department.

RECOMMENDATION: That the City Council consider amending Municipal Code to allow for the burning of tumbleweeds.

ATTACHMENT: Municipal Code 12-1.8
Municipal Code 13-16
12-1.8: WARMING/RECREATIONAL FIRES:

It shall be unlawful for any person to ignite or burn any type of material(s) for the purpose of disposal of rubbish, weeds, trimmings, lumber, wood, or any such material, for the purpose of creating a warming/recreational fire. Outdoor fires shall be limited to cooking or religious purposes. (Ord. 1650 § 1, 4-6-2004)
13-6: UNLAWFUL DISPOSITION OF SOLID WASTE GENERALLY:

It shall be unlawful for any person to engage in or carry on the business of hauling or removing garbage, refuse or waste matter within the city without written permission from city manager. Any person engaging in or carrying on the business of hauling or removing recyclables must have the written permission of the city manager as set forth in section 13-19 of this chapter. Disputes over whether material should be classified as recyclable or solid waste will be resolved by the city manager or his designee. (Ord. 1494A, 7-20-1993; Ord. 1615, 10-1-2002)