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**
291 N. MAIN STREET, PORTERVILLE, CA
FEBRUARY 15, 2011

Roll Call: Agency Members

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

**REDEVELOPMENT AGENCY CLOSED SESSION:**
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning dispute with County of Tulare regarding project area amendment.
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

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

**CITY COUNCIL CLOSED SESSION:**
B. Closed Session Pursuant to:
5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Four Cases concerning facts not known to potential Plaintiffs.
6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three Cases.
7- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Brian Ward
Invocation

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 June 8, 2010 and January 18, 2011

2. Claim – Gayla Severns
Re: Consideration of a claim in an amount of $245.00 for monetary damages which the claimant incurred when a Porterville Police officer had her vehicle towed from the parking lot located at 885 W. Henderson on January 22, 2011

3. Claim – Mercury Insurance as Subrogee for Nichele Taghzout-Wells
Re: Consideration of a claim in an amount of $8176.10 for property damages which were incurred when the vehicle of their insured was struck by a City refuse truck on Date Avenue near Beverly Street, on November 23, 2010.

4. Authorization to Advertise for Bids – Jaye Street Improvements Project (Easterly Extension of Brown Avenue to Gibbons Avenue)
Re: Considering acceptance of Staff’s Plans and Project Manual for the project consisting of the reconstruction of Jaye Street to collector standards, including: storm drain pipeline with catch basins, fire hydrant relocation, asphalt paving, curb, gutter, sidewalk in drive approaches, and a median island with landscaping and street lighting.
5. **Authorization to Advertise for Bids – Scranton Avenue and Indiana Street Reconstruction Project**  
Re: Considering acceptance of Staff’s Plans and Project Manual for the project consisting of the reconstruction of Scranton Avenue (from Indiana Street to a point 400’ east of State Route 65) and Indiana Street (from Gibbons Avenue to Scranton Avenue) to arterial standards.

6. **Award of Contract – Veteran’s Park Booster Pump Project**  
Re: Considering awarding contract in the amount of $282,480.00 to HPS Mechanical of Bakersfield, Ca, for the project consisting of the installation of below ground and above ground 12” water main, booster pump, electrical equipment, SCADA integration and related appurtenances at the booster pump plant within Veteran’s Park.

7. **Acceptance of Project – Jaye Street Improvements Project Poplar Ditch Culvert Crossing**  
Re: Considering acceptance of project from Floyd Johnston Construction, and authorizing the filing of the Notice of Completion for the project consisting of the construction of a reinforced concrete box culvert within the Poplar Ditch.

8. **Acceptance of Project – Fire Station #2 Parking Lot Expansion**  
Re: Considering acceptance of project from Mitch Brown Construction, and authorizing the filing of the Notice of Completion for the project consisting of improvements for 34 parking stalls and the installation of 9 additional stalls at Fire Station #2 on Newcomb Street.

9. **Authorization to Enter Into Contracts with SCE for New Meter and Service for the Sports Complex Lighting Project**  
Re: Considering approval of payment in the amount of $13,017.74 to Southern California Edison for costs associated with the installation of a new 480v transformer and appurtenant conduit for the Sports Complex Lighting Project.

10. **Community Clean Up Events**  
Re: Considering approval of two clean up events: “Spring Clean-Up Day” on April 2, 2011, and “Fall Clean-Up Day” on October 15, 2011, which will offer City residential refuse customers free disposal of general trash, bulky items, wood-waste, and yard clippings at the City’s Corporation Yard.

11. **Approval of the Updated Disadvantaged Business Enterprise (DBE) Program**  
Re: Considering adoption of a resolution approving the updated Disadvantaged Business Enterprise Program.

12. **Authorization to Release Request for Proposal for Preparation of an Economic Development Strategic Plan**  
Re: Considering authorizing staff to distribute the Request for Proposal for preparation of an Economic Development Strategic Plan.

13. **Authorization to Travel**  
Re: Considering approval for a member of City staff to travel to Fort Worth, Texas, for the purpose of serving on Buxton’s 2nd Customer Advisory Board.

14. **ISO Rating Implications for Fire Station #3**  
Re: Informational report regarding the City’s Insurance Services Office rating and its effect on the community.
15. **Consideration of Modification to the Heritage Community Center Wall of Fame Policy**  
   Re: Considering approval of modifications to the Wall of Fame Policy.

16. **Putnam Avenue and Henry Street Property**  
   Re: An informational report regarding the future use of the Putnam Avenue and Henry Street property located at 604 N. Henry.

17. **Consideration of Proposed Budget Calendar for Fiscal Year 2011-2012**  
   Re: Considering approval of a budget calendar for the FY2011-2012.

18. **Review of Local Emergency Status and Re-scheduling of Study Session**  
   Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8690 of the California Emergency Services Act, and re-scheduling of the study session to review staff’s analysis of the response to the local emergency to March 10, 2011.

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

**SCHEDULED MATTERS**

19. **Appointments to the Arts Commission**  
   Re: Consideration of the appointment of two individuals to serve three year terms as members of the Arts Commission; and one individual to serve a two year term.

20. **Approval of Zalud Concession Building**  
    Re: Considering approval of the Zalud Park Concession Building and renewal of the Murry Park Concession License Agreement.

21. **Proposed Changes to Porterville Municipal Code – Article II, Fireworks**  
    Re: Considering approval of an ordinance amending Chapter 12, Article II, of the Municipal Code relative to the discharge dates and times of fireworks, fines associated with possession and/or discharge of dangerous fireworks, and the application timeline.

22. **Re-Visit Request for Water Service Outside the City (Schmid Family Descendent Trust – Lot 11 of Tract No. 467)**  
    Re: Consideration of a request for water service for Lot 11 of Tract No. 467, located at the northeast corner of Holcomb Street and Roby Avenue.

23. **Award of Contract - Martin Hill & Rocky Hill Water Reservoirs Project**  
    Re: Considering awarding contract in the amount of $3,602,763.00 to Specialty Construction of San Luis Obispo, CA, for the project consisting of: 1) the construction of a 3.0-million-gallon reservoir, 2,800-gpm booster pumping station, approximately 1.25 miles of 16” water main, and appurtenance facilities; and 2) construction of a 0.55-million-gallon reservoir, modifications to the existing Granite Hills booster pumping station, approximately 0.5 miles of 16” water main, and appurtenant facilities.

24. **Consideration of City Transit Program Administration and Management**  
    Re: Considering approval of the identification of Mr. Richard Tree to provide administrative services for the City’s Transit Program.
25. **Scheduling of Adjourned City Council Meeting for Annual Setting of Goals and Objectives**  
Re: Considering the scheduling of an adjourned meeting on a Saturday morning in March for the purpose of reviewing Fiscal Year 2010/2011 goals and objectives, and establishing goals and objectives for FY 2011/2012.

26. **Consideration of Naming City Conference Rooms**  
Re: Considering the renaming of the City’s conference rooms, including the Hamamatsu, La Barca, and North conference rooms in City Hall, as well as the naming of the Fire and Police Department conference rooms.

**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 March 1, 2011 at 5:30 p.m.

*Pursuant to Ordinance No. 1766, the Council Meeting shall adjourn no later than 9:45 p.m., unless otherwise approved by a majority of the Council Members present.*

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.
PORTERVILLE CITY COUNCIL MINUTES  
ADJOURNED MEETING  
HAMAMATSU CONFERENCE ROOM, CITY HALL  
291 N. MAIN STREET, PORTERVILLE, CA  
JUNE 8, 2010, 6:00 P.M.

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

Pledge of Allegiance led by Council Member Ronald L. Irish  
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS  
None

PUBLIC HEARINGS  
1. FISCAL YEAR 2010/2011 BUDGET STUDY SESSION

Recommendation: That the City Council hold a study session to review the FY 2010/2011 Budget.

City Manager John Lollis opened the discussion and provided an overview of the budget presented at the City Council Meeting of June 1, 2010.

The public hearing opened at 6:12 p.m.

- Dick Eckhoff, business address of 197 N. Main Street, made comments and inquiries to the Council regarding the Measure H fund, including: 1) Capitol project funding for a public safety station; 2) carryover from FY 09/10; and 3) Library Literacy Center Development;

The public hearing was closed at 6:17 p.m.

Council Member Irish inquired about the identification of formal goals/priorities for the Library. City Librarian Vikki Cervantes indicated that the Library Board of Trustees and staff meet to identify initiatives, but that a formal presentation had not been required by Council in previous years. Council Member Hamilton agreed that the library should make a formal presentation of their goals to the Council, to allow Council a means of determining the percentage of Measure H funds to be designated for the library each fiscal year.

A discussion ensued regarding the current process, and options available for funding library personnel out of Measure H. Council Member Irish proposed the use of a new process, and means of quantifying the amount of money to be allocated were explored. In response, the City Librarian provided statistics on library usage, which included an increase in library visits and circulation since the approval of Measure H.
The Council directed the Library Board to prepare a business type plan which identifies goals/priorities for use of Measure H funds.

In response to questions posed by Council Member Martinez with regard to infrastructure, a discussion ensued regarding water projects and the proposed rate increase. City Manager Lollis explained that new users were not coming on quickly enough to cover the debt service on California Infrastructure and Economic Development Bank loans.

Following an inquiry made by Vice Mayor Ward, City Manager Lollis spoke about increasing personnel costs and elaborated on problems with the Public Employees Retirement System. Council Member Irish requested a breakdown of costs relative to step/merit increases for unrepresented personnel.

At the Mayor’s request, Finance Director Maria Bemis elaborated on the status of gas tax monies and the possible impact to the City’s budget.

There was also a discussion regarding Equipment Replacement Fund, during which the City Manager informed the Council that it was fully funded, and assumed a 5-year replacement. He added that staff extended the use of equipment past the five years when appropriate.

City Manager Lollis spoke briefly about risk management funds.

Disposition: Direction provided to staff.

The Mayor confirmed with staff that the Closed Session item had been removed from the Agenda.

**CLOSED SESSION:**
A. Closed Session Pursuant to:

**ADJOURNMENT**
The City Council adjourned at 7:14 p.m. to the Meeting of June 15, 2010 at 6:00 p.m.

Luisa Herrera, Deputy City Clerk

ATTEST:

______________________________
Pete V. McCracken, Mayor
CITY COUNCIL AGENDA  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JANUARY 18, 2011, 5:30 P.M.

Called to Order at 5:30 p.m.
Roll Call: Council Member McCracken, Vice Mayor Hamilton, Council Member Shelton, Council Member Ward, Mayor Irish

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases. The first case concerning correspondence received from Stand Up California, and the second where facts and circumstances are not yet known to potential plaintiffs.
   4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.
   6- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no reportable action took place.

Pledge of Allegiance Led by Mayor Irish
Invocation – a moment of silence was observed.

PROCLAMATIONS
Health Academy Students
PRESENTATIONS
Employee of the Month – Bob Blankenship

REPORTS
• Council Member McCracken updated everyone on the completion and release of the survey by the Mosquito Abatement Committee, and noted that Council Member Shelton now served on the Committee.
• Council Member Ward advised of the recent Sesquicentennial Committee Meeting he attended, spoke of potential ideas for promotions and events to celebrate the anniversary, and invited everyone to attend the next meeting scheduled for January 26, 2011 at 12:00 p.m. at the Chamber of Commerce.
• Council Member Shelton spoke of his recent attendance at a Tea Party event and of the group’s interest in scheduling patriotic events on April 15th and July 4th. He then lauded the Porterville Historical Museum, and suggested that the Museum could assist in the Sesquicentennial celebration.

ORAL COMMUNICATIONS
• Don Wheeler, Board President of the Porterville Historical Museum, spoke of changes at the Museum, and of planned events for 2011.
• Charles Webber, voiced concern that a commercial sign near the intersection of Morton Avenue and Ohio Street obstructed drivers’ view and posed a safety risk. He requested that the City address the issue.
• Brock Neeley, spoke regarding Item 13 and inquired whether the City would receive a pro-rated reimbursement from the City of Visalia in the event the program ended; and advised of an upcoming viewing of an anti-bullying film on February 13th at 10:00 and invited everyone to attend.
• Jerry Eoff, spoke against extending nominations for the Wall of Fame (Item 19), and voiced concern with the policy that required the removal of the recipients’ photos and names after five years. He requested that the Council extend that time.
• Stephanie Cortez, advised that she was interested in serving on the Library and Literacy Commission and requested that the Council consider her appointment.
• Michael Mock, requested that the Council consider his father, a former teacher at Porterville High School, as a nominee to the Wall of Fame, and spoke of his service to the Community.

CONSENT CALENDAR
Item Nos. 2 through 15 and 17 were removed for further discussion.


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

Documentation: M.O. 01-011811
Disposition: Approved.

16. COUNCIL DIRECTION REGARDING INITIAL COMPOSITION OF ARTS COMMISSION

Recommendation: That the City Council direct staff to issue a press release regarding the Arts Commission; and solicit applications to fill three initial seats.

Documentation: 02-011811
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the Council approve Item Nos. 1 and 16. The motion carried unanimously (with a noted abstention for Council Member Shelton as to Item No. 1).

2. CLAIM – ELIZABETH BARRIOS AND ADRIANA BECERRA

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.

City Manager John Lollis presented the item. Staff provided clarification as to the claims process.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the Council approve staff’s recommendation on Item Nos. 2 M.O. 03-011811 and 3. The motion carried unanimously.

Disposition: Approved.

3. CLAIM – LEONARD MANUEL

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.

City Manager John Lollis presented the item.
COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the Council approve staff’s recommendation on Item Nos. 2 and 3. The motion carried unanimously.

Disposition: Approved.

4. CLAIM – ANDRES G. PRIETO

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.

City Manager John Lollis presented the item.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the Council approve staff’s recommendation. The motion carried unanimously.

Disposition: Approved.

5. CLAIM – ESMERALDA MARTINEZ

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.

City Manager John Lollis presented the item.

Council Member Shelton made a motion to accept said claim, which died for lack of a second.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council approve staff’s recommendation.

M.O. 05-011811

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

Disposition: Approved.

6. CLAIM – ARMANDO DE LA CRUZ

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.
City Manager John Lollis presented the item.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the Council approve staff’s recommendation. The motion carried unanimously.
M.O. 06-011811

Disposition: Approved.

7. CLAIM – SHIRLEY PENA

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.

City Manager John Lollis presented the item.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the Council approve staff’s recommendation. The motion carried unanimously.
M.O. 07-011811

Disposition: Approved.

8. AWARD OF CONTRACT – POLICE SHOOTING RANGE PROJECT

Recommendation: That the City Council:
1. Award the Police Shooting Range Project Base Bid and all Add Alternates to Steelex Industrial, in the amount of $170,880.16;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management, quality control and inspection.

Mayor Irish noted a conflict of interest, recused himself from the discussion, and exited the Council Chambers.

City Manager John Lollis presented the item.

Council Member Shelton thanked staff for their efforts.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the Council award the Police Shooting Range Project Base Bid and all Add Alternates to Steelex Industrial, in the amount of $170,880.16; authorize progress payments up to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management, quality control and inspection.
M.O. 08-011811
AYES: McCracken, Hamilton, Shelton, Ward
NOES: None
ABSTAIN: Irish
ABSENT: None

Disposition: Approved.

9. AWARD OF CONTRACT – WASTE WATER TREATMENT FACILITY HVAC REPLACEMENT PROJECT

Recommendation: That the City Council:
1. Award the Waste Water Treatment Facility HVAC Replacement Project to Zone Air Conditioning in the amount of $29,000.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management.

City Manager John Lollis presented the item.

Council Member Shelton voiced appreciation that a local contractor had won the bid.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Irish that the Council award the Waste Water Treatment Facility HVAC Replacement Project to Zone Air Conditioning in the amount of $29,000.00; authorize progress payments up to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management. The motion carried unanimously.

Disposition: Approved.

10. COMMUNITY DEVELOPMENT BLOCK GRANT BUSINESS ASSISTANCE PROGRAM UPDATE

Recommendation: For informational only.

City Manager John Lollis presented the item.

In response to Council Member Shelton’s inquiry, staff provided clarification indicating that the three pending loans had not been included in the schedule provided.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council accept the report. The motion carried unanimously.

Disposition: Approved.
11. REQUEST FOR A MASTER SIGN PROGRAM FOR DR. VEMURI'S PROFESSIONAL OFFICE COMPLEX LOCATED AT 557 W. MORTON AVENUE

Recommendation: That the Council approve the proposed master sign program for Dr. Vemuri’s professional office complex located at 557 W. Morton Avenue, subject to the conditions of approval.

City Manager John Lollis presented the item. Council Member Shelton voiced concern with creating red tape for business owners.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve the master sign program for Dr. Vemuri’s professional office complex located at 557 W. Morton Avenue, subject to the conditions for approval. The motion carried unanimously.

Disposition: Approved.

12. SEAFOOD CAFÉ/EL REVENTON 2010 YEAR END UPDATE

Recommendation: Informational report only.

City Manager John Lollis presented the item.

Council Member Shelton spoke favorably of El Reventon’s positive report.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council accept the informational report. The motion carried unanimously.

Disposition: Approved.

13. INTERIM SUPPORT FOR THE HAZARDOUS MATERIALS RESPONSE TEAM

Recommendation: That the City Council consider continuing its interim support for the City of Visalia Hazardous Materials Response Team.

City Manager John Lollis presented the item.

A discussion ensued as to the history of the City’s usage of the hazardous response team, the benefits of participation, and of the associated costs. Council Member Shelton spoke against continued support, citing costs and the infrequent use of the services.

Council Member Hamilton called for the vote.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Mayor Irish that the Council cease debate and vote on the item.
M.O. 12-011811
AYES: McCracken, Hamilton, Irish
NOES: Shelton, Ward
ABSTAIN: None
ABSENT: None

M.O. 13-011811
MOVED by Mayor Irish, SECONDED by Vice Mayor Hamilton that the City approve continued interim support for the City of Visalia’s Hazardous Materials Response Team.

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

Disposition: Approved.

14. ROTATING COLLECTION FOR SUMMIT CHARTER ACADEMY

Recommendation: That the City Council direct staff to create a Memorandum of Understanding between the City and Burton School District.

Council Member McCracken and Mayor Irish noted conflicts of interest, recused themselves from the discussion, and exited the Council Chambers.

City Manager John Lollis presented this item.

Council Member Shelton inquired as to funding and proposed that Measure H be utilized. City Manager Lollis advised that staff would provide funding options when the item returned to the Council for consideration of the MOU.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council direct staff to create a Memorandum of Understanding between the City and Burton School District.

M.O. 14-011811
AYES: Hamilton, Shelton, Ward
NOES: None
ABSTAIN: McCracken, Irish
ABSENT: None

Disposition: Approved.

15. PTMISEA BOND PROGRAM CERTIFICATION
Recommendation: That the City Council:
1. Authorize the Mayor to execute the Certifications and Assurances document on behalf of the City of Porterville; and
2. Further authorize the Mayor to execute the Resolution to be submitted with the Certifications and Assurances document to the requesting agency.

City Manager John Lollis presented the item.

Council Member Shelton spoke against the federal government charging fees on grant funds.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Irish that the Council authorize the Mayor to execute the Certifications and Assurances document on behalf of the City of Porterville; and further authorize the Mayor to execute the Resolution to be submitted with the Certifications and Assurances document to the requesting agency. The motion carried unanimously.

Disposition: Approved.

17. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: None – Information only.

City Manager John Lollis presented the item and offered clarification that the Council was required to review the status and make a determination as to whether to continue the emergency declaration.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council, pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

18. REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR AN UPGRADE OF AN OFF-SALE TYPE 20 (BEER AND WINE) LICENSE TO AN OFF-SALE TYPE 21 (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE MORTON AVENUE EXPRESS MARKET LOCATED AT 90 W. MORTON AVENUE

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 6-2010 subject to the conditions of approval.
City Manager John Lollis presented the item, and City Planner Bill Nebeker presented the staff report.

The public hearing opened at 7:54 p.m.

- Mark Hillman, Hillman Building Design, spoke on behalf of the applicant, advised of their agreement to all of the stated conditions, and lauded staff for the assistance provided.

The public hearing closed at 7:56 p.m.

A brief discussion ensued during which Council Member Ward voiced concern with the data used to determine that the upgrade would not have a negative impact on the surrounding properties, and the proximity to St. Anne’s.

COUNCIL ACTION: MOVED BY Council Member Shelton, SECONDED by Vice Mayor Hamilton that the Council adopt the draft resolution approving Conditional Use Permit 6-2010 subject to the conditions of approval.

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

Disposition: Approved.

SCHEDULED MATTERS
19. HERITAGE COMMUNITY CENTER “WALL OF FAME” NOMINATIONS

Recommendation: That the Council extend the time period for the City Council to submit nominations and reschedule consideration for the first regular meeting of February 2011 if any nominations are received.

City Manager John Lollis presented the item, and Parks and Leisure Services Director Milt Stowe presented the staff report.

A brief discussion ensued as to potential candidates and possibly amending the policy regarding the Wall of Fame. Staff directed to bring the item back on February 1, 2011.

Disposition: Direction provided to staff.

20. CONSIDERATION OF APPOINTMENTS TO THE TRANSACTIONS AND USE TAX “MEASURE H” OVERSIGHT COMMITTEE
Recommendation: That the City Council appoint two individuals to serve as members on the Transactions and Use Tax Oversight Committee to fill the unexpired terms of Dick Eckhoff and Augie Gonzalez.

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

Mayor Irish invited those interested in serving to come forward and address the Council.

- Michael MacDonald, voiced his experience and interest in serving on the Committee, and requested that the Council consider his appointment.

At the Council's direction, an open ballot system was employed with each Council Member casting two votes. The results were read and tallied by Ms. Hildreth as follows:

- Council Member McCracken: one vote for Michael MacDonald; one vote for John Simonich
- Vice Mayor Hamilton: one vote for Michael MacDonald; one vote for John Simonich
- Mayor Irish: one vote for Michael MacDonald; one vote for John Simonich
- Council Member Shelton: one vote for Michael MacDonald; one vote for John Simonich
- Council Member Ward: one vote for Michael MacDonald; one vote for John Simonich

The vote were tallied as follows: Case Lok – 0; Michael MacDonald – 5; Amy Pitigliano – 0; and John Simonich – 5.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council appoint Michael MacDonald and John Simonich to the Transactions and Use Tax Oversight Committee to serve the unexpired terms of Dick Eckhoff and Augie Gonzalez. The motion carried unanimously.

Disposition: Appointments made.

21. CONSIDERATION OF APPOINTMENTS TO THE LIBRARY AND LITERACY COMMISSION

Recommendation: That the Council:
1. Appoint one individual to serve as a member on the Library and Literacy Commission for a term expiring in October 2012;
2. Appoint one individual to serve as a member on the Library and Literacy Commission for a term expiring in October 2013; and
3. Extend the term of Commissioner Joe Moreno for one additional year to expire in October 2012.

City Manager John Lollis presented the item, and Administrative Services Manager Patrice Hildreth presented the staff report. Ms. Hildreth advised that subsequent to the distribution of the agenda packets, three additional Requests for Appointment were received from Ms. Stephanie N. Cortez, Ms. Joan Feleay, and Mr. Jason Berrones Porter.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council approve the extension of Commission Joe Moreno’s term for one additional year to expire in October 2012. The motion carried unanimously.

Mayor Irish invited anyone interested in serving to come forward and address the Council.

- Shannon Scott Ames, voiced his interest in serving on the Commission.
- Mary S. Leavitt, spoke of her interest in serving and requested the Council’s consideration.

At the Council’s direction, an open ballot system was employed with each Council Member casting two votes. It was determined that once the two appointees had been selected, the Council would determine who would serve which term. The results were read and tallied by Ms. Hildreth as follows:

Council Member McCracken: one vote for Mary S. Leavitt; one vote for Khris Saleh
Vice Mayor Hamilton: one vote for Stephanie N. Cortez; one vote for Mary S. Leavitt
Mayor Irish: one vote for Stephanie N. Cortez; one vote for Mary S. Leavitt
Council Member Shelton: one vote for Shannon Scott Ames; one vote for Stephanie N. Cortez
Council Member Ward: one vote for Stephanie N. Cortez; one vote for Mary S. Leavitt

The vote were tallied as follows: Shannon Scott Ames – 1; Stephanie N. Cortez – 4; Joan Feleay – 0; Mary S. Leavitt – 4; Khris Saleh – 0; Jason Berrones Porter – 0.

The Council briefly conferred with Ms. Cortez and Ms. Leavitt to determine who was interested in serving which term.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council appoint Mary Leavitt to the Library and Literacy Commission for a term expiring in October 2012; and appoint
Stephanie Cortez to the Library and Literacy Commission for a term expiring in October 2013. The motion carried unanimously.

Disposition: Approved.

22. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF ESTABLISHING COUNCIL AD HOC COMMITTEE TO REVIEW STORM DRAINAGE MITIGATION MEASURES

Recommendation: As directed by Council.

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

A brief discussion took place during which it was proposed that staff bring back an item to the Council at its meeting of February 1st to schedule a study session during which time staff would present an analysis of the response to the flood event and propose options for mitigating any identified issues in the future.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Shelton that the Council direct staff to bring back an item to the Council at its meeting of February 1st to schedule a study session during which time staff would present an analysis of the response to the flood event and propose options for mitigating any identified issues in the future. The motion carried unanimously.

Disposition: Approved.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member McCracken spoke of an upcoming Southern California Gas Company event at which Victor Davis Hanson is slated to speak.
- Council Member Shelton 1) requested that Finance discontinue providing him with the Accounts Payable Report; 2) spoke of letter recently received from David and Judy Pettis in which they thank City staff for their efforts in securing their property; 3) retracted his criticism regarding staff’s enforcement of the sign ordinance, noting staff had in fact worked with the business owner to resolve the issue; and 4) spoke of the recent election and seating of new Tule River Tribal Council Members.
- City Manager Lollis advised that Porterville Recorder reporter Denise Madrid would be going on maternity leave. The Council congratulated her on her pregnancy.

The Council then recessed for ten minutes at 8:32 p.m. and reconvened in Closed Session.
CLOSED SESSION
It was reported that no reportable action took place.

ADJOURNMENT
The Council adjourned at 9:16 p.m. to the meeting of February 1, 2011 at 5:30 p.m.

Patrice Hildreth, Chief Deputy City Clerk

SEAL

Ronald L. Irish, Mayor
SUBJECT: CLAIM – GAYLA SEVERNS

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Gayla Severns has filed a claim against the City in an amount of $245.00 for monetary damages which the claimant alleges were incurred when a Porterville Police officer had her vehicle towed from the parking lot located at 885 W. Henderson on January 22, 2011.

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: Gayla Severns  Claimant's Telephone #: [redacted]

SS#: [redacted]  DOB: [redacted]  Gender: Male ___  Female X

Claimant's address: 231 E. Van Buren #8

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

Date of incident/accident: 1-22-11

Date injuries, damages, or losses were discovered:

Location of incident/accident: 835 W. Henderson

What did entity or employee do to cause this loss, damage, or injury? Had my car towed.

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

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

What specific injuries, damages, or losses did claimant receive:

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

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: if Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)] $245.00

How was this amount calculated (please itemize)? See Attachment

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

Date Signed: 1-27-11  Signature: Gayla Severns

If signed by representative:
Representative's Name __________________________ Address __________________________
Telephone # __________________________ Relationship to Claimant __________________________
**HULA TOWING**
27 N PROSPECT STREET
PORTERVILLE, CA 93257
PHONE (559) 784-7526

**ROAD SERVICE**

<table>
<thead>
<tr>
<th>TIME OF CALL</th>
<th>DATE IN</th>
<th>DATE OUT</th>
<th>TIME START</th>
<th>TIME FINISH</th>
<th>REQUESTED BY</th>
<th>F.D./CASE #</th>
<th>OFFICER NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:30 AM</td>
<td></td>
<td></td>
<td>9:30 AM</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME</th>
<th>PHONE #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connie Lynn Cannell</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>6475 KANAN OVE Road</td>
<td>Porterville</td>
<td>CA</td>
<td>93257</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>YEAR</th>
<th>MAKE</th>
<th>MODEL</th>
<th>COLOR</th>
<th>MILEAGE</th>
<th>DRIVER</th>
</tr>
</thead>
<tbody>
<tr>
<td>99</td>
<td>Nissan</td>
<td>280ZX</td>
<td>Gray</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MARKER PLATE</th>
<th>STATE / VIN</th>
<th>REGISTERED OWNER</th>
</tr>
</thead>
<tbody>
<tr>
<td>SN1C284545</td>
<td>CA</td>
<td>W. Henderson</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOCATION OF VEHICLE</th>
<th>TOWED TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>865</td>
<td>P.O. Box 130</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INSPECTED BY INSURANCE CO.</th>
<th>APPRAISER NAME</th>
<th>DATE</th>
<th>DRIVER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REASON FOR TOW</th>
<th>TYPE OF TOW</th>
<th>PERSONALS TAKEN BY</th>
<th>DATE</th>
<th>PHONE #</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VEHICLE STORAGE TIME</th>
<th>FROM</th>
<th>TO</th>
<th>DAYS</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Indicate damaged area(s) on vehicle: |
| Keys Left | Radio | \* |
| Y | Y | Y |

<table>
<thead>
<tr>
<th>MILEAGE</th>
<th>TOING CHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distance</td>
<td>$45</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Services</th>
<th>(20)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>SPECIAL EQUIPMENT USED</th>
<th>(10)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>METHOD OF PAYMENT</th>
<th>CASH</th>
<th>CHECK</th>
<th>DRIVERS LIC. #</th>
<th>CREDIT CARD #</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AUTHORIZED SIGNATURE</th>
<th>DATE</th>
<th>DRIVER SIGNATURE</th>
<th>DATE</th>
<th>TRUCK #</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Thank you**
SUBJECT: CLAIM – MERCURY INSURANCE AS SUBROGEE FOR NICHELE TAGHZOUT-WELLS

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mercury Insurance, as subrogee for Nichele Taghzout-Wells has filed a claim against the City in an amount of $8176.10 for property damages which claimant alleges were incurred when the vehicle of their insured was struck by a City refuse truck on Date Avenue near Beverly Street, on November 23, 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: Michelle Taghzout Wells
SS#: ____________

Claimant's DOB: ____________ Claimant's Telephone #: (800) 521-9693 ext

Claimant's Address: 1015 W Mulberry Porterville, CA 21818

Address where notices about claim are to be sent, if different from above:
PO Box 929 Santa Clarita, CA 91380

Date of incident/accident: 11-23-2010

Date injuries, damages, or losses were discovered: 11-23-10

Location of incident/accident: Date Avenue, 11S West of Beverly St

What did entity or employee do to cause this loss, damage, or injury? Employee pulled around parked vehicle & struck Ms. Taghzout Wells' vehicle.

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

What specific injuries, damages, or losses did claimant receive? Property damage to 2006 Dodge Nitro: $7600.99 + Rent $1 = $ 1569.01

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

How was this amount calculated (please itemize)? See enclosed estimate, photos

Date Signed: 12-22-10 Signature:

If signed by representative:
Representative's Name: Faith I. Shiwak
Representative's Telephone: (800) 521-9693 ext
Address: PO Box 929 Santa Clarita, CA 91380

Relationship to Claimant:
STATE OF CALIFORNIA
TRAFFIC COLLISION REPORT
CHIP 555 Page 1 (Rev. 11-08) OPI 005

SPECIAL CONDITIONS: 0

CITY: PORTERVILLE
JUDICIAL DISTRICT: PSC
LOCAL REPORT NUMBER: 10-8344

DATE OCCURRED: 1/23/13
TIME (HRS): 11:57

LOCATION:
DATE AVENUE

HIGHPRESS INFORMATION:
LATITUDE:
LONGITUDE:

ESTIMATED:

PARTY 1 DRIVERS LICENSE NUMBER: CA A M G

CLIFFORD RAY SAVAGE
1547B CEDAR ROAD
PORTERVILLE, CA 93257

HOME PHONE: *

CLIFORD RAY SAVAGE

OWNERS NAME: SAME AS DRIVER
CITY OF PORTERVILLE
OWNERS ADDRESS: SAME AS DRIVER

824 N. MAIN ST, PORTERVILLE, CA 93257

OFFICER: X DRIVER: X OTHER:

DRIVEN FROM SCENE: X

VEHICLE IDENTIFICATION NUMBER:

VEHICLE TYPE: AUTO/ENCLOSED TRUCK/UTR
LICENSE NUMBER: 1214123

PARTY 2 DRIVERS LICENSE NUMBER: CA A C M G

NICOLE LEE WILLS
PO. BOX 2710
PORTERVILLE, CA 93257

HOME PHONE: *

NICOLE LEE WILLS

OWNERS NAME: SAME AS DRIVER
CITY OF PORTERVILLE
OWNERS ADDRESS: SAME AS DRIVER

824 N. MAIN ST, PORTERVILLE, CA 93257

OFFICER: X DRIVER: X OTHER:

DRIVEN FROM SCENE: X

VEHICLE IDENTIFICATION NUMBER:

VEHICLE TYPE: AUTO/ENCLOSED TRUCK/UTR
LICENSE NUMBER: 6972686

PARTY 3 DRIVERS LICENSE NUMBER: CA A M G

CHRIS DA COURT
1547B CEDAR ROAD
PORTERVILLE, CA 93257

HOME PHONE: *

CHRIS DA COURT

OWNERS NAME: SAME AS DRIVER
CITY OF PORTERVILLE
OWNERS ADDRESS: SAME AS DRIVER

824 N. MAIN ST, PORTERVILLE, CA 93257

OFFICER: X DRIVER: X OTHER:

DRIVEN FROM SCENE: X

VEHICLE IDENTIFICATION NUMBER:

VEHICLE TYPE: AUTO/ENCLOSED TRUCK/UTR
LICENSE NUMBER: 6972686

PREPARER'S NAME: J. PAINTER
DATE REVIEWED: 11-24-10

C555_b064frp

Destroy previous editions
1 NOTIFICATION:
2 On 11-23-10 at approximately 1157 hrs. I was at the Porterville Police Department when I was notified by
3 Porterville Police Dispatch of a non-injury collision involving a city garbage truck in the area of Date Avenue and
4 Beverly Street. I arrived on scene at approximately 1214 hrs. and began the collision investigation. All times,
5 speeds, and measurements are approximate. Measurements were obtained by LIDAR.
6 SCENE:
7 This collision occurred on Date Avenue west of the intersection with Beverly Street. In the area of the
8 collision, Date Avenue is an east/west two-lane, two-way, undivided, straight level asphalt aggregate roadway.
9 Date Avenue is bordered to the north and south by raised concrete curbs. This portion of Date Avenue is a
10 residential zone and has a prima facie speed limit of 25 miles per hour.
11 Beverly Street is located east of the collision scene and is not directly related to the collision. Beverly
12 Street is used as a reference only.
13 PARTIES:
14 Party-1 Clifford Ray Savage
15 P-1 was located standing on the north side walk of Date Avenue next to V-1 which was parked along the
16 north curb line of Date Avenue west of the intersection with Beverly Street. P-1 was positively identified by his
17 valid California Driver License. P-1 was identified as the driver of V-1 through his own statement. P-1 was able to
18 provide the registration card for V-1. V-1 is insured by the City of Porterville. P-1 stated he was not injured in the
19 collision and he refused medical attention at the scene.
20 Vehicle-1 2006 Auto Garbage Truck
21 V-1 was located on its wheels parked along the north curb line of Date Avenue west of the intersection
22 with Beverly Street. V-1 had minor damage to the right front steel cab steps as well as minor damage to the front
23 bumper. V-1 was later driven from the scene by P-1.
STATE OF CALIFORNIA
NARRATIVE

<table>
<thead>
<tr>
<th>DATE OF INCIDENT</th>
<th>TIME</th>
<th>NCIC NUMBER</th>
<th>OFFICER I.D.</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-23-10</td>
<td>1157</td>
<td>5405</td>
<td>182</td>
<td>10-8344</td>
</tr>
</tbody>
</table>

1 Party-2 Nichole Lee Wells

2 P-2 was located standing on the north side walk of Date Avenue next to V-2 which was parked along the north curb line of Date Avenue west of the intersection with Beverly Street. P-2 was positively identified by her valid California Driver License. P-2 was identified as the driver of V-2 through her own statement. P-2 was able to provide a valid registration card and a valid insurance card for V-2 upon demand. P-2 stated she was not injured in the collision and she refused medical attention at the scene.

7 STATEMENTS:

8 Party-1 Clifford Ray Savage

9 P-1 stated he was emptying recycle cans on Date Avenue when came to a can that was close to a parked vehicle causing him to have to position his truck partially into the eastbound lane of travel. P-1 stated he stopped, picked up the recycle can and dumped it. P-1 stated he was putting the can down and is not sure if had released the can or not when the collision occurred. P-1 also stated that he is not sure whether or not he had let his foot off the brake or if V-1 was rolling at the time of the collision or not. P-1 had no further information to provide.

15 Party-2 Nichole Lee Wells

16 P-2 stated she was traveling eastbound on Date Avenue and she saw V-1 stopped partially blocking the east bound lane of travel. P-2 stated she did not observe any vehicles westbound so she began to pass V-1 on the left. P-2 stated she was almost passed V-1, when V-1 began moving forward and collided with the side of her vehicle. P-2 stated when she initially contacted P-1 to see if he was okay, P-1 stated to her “I didn’t see you, you were in my blind spot”. P-1 had no further information to provide.

21 SUMMARY:

22 V-1 was dumping recycle bins on Date Avenue west of Beverly Street and was partially blocking the eastbound lane at the same time V-2 was eastbound on Date Avenue. Due to conflicting statements, it is unclear if V-1 entered traffic as V-2 was passing V-1, or if V-2 moved to the right as V-1 was stopped, but both vehicles collided within the eastbound lane of Date Avenue west of the intersection with Beverly Street.

PREPARED BY       I.D. NUMBER       DATE       REVIEWER'S NAME       DATE
J. Painter          182            11-24-10       Z
**AREA OF IMPACT:**

- The AOI was determined by both parties' statements. The AOI was 200 feet west of the west curb line prolongation of Beverly Street and 15 feet north of the south curb line of Date Avenue.

**CAUSE:**

- Due to conflicting statements the cause this collision is undetermined.

**RECOMMENDATIONS:**

- None.
11/29/2010 at 02:17 PM

GOLDEN STATE PAINT AND BODY
License #:AH141571 Federal ID #:770575597
Always Quality First
1915 W. Olive
PORTERVILLE, CA 93257
(559)781-3604 Fax: (559)781-5802

PRELIMINARY ESTIMATE

Written By: Jose Perez
Adjuster: JOHN SIMPSON

Insured: LACHELE TAGHOUT
Owner: LACHELE TAGHOUT
Address: 

Day: (310)866-1028

Claim #201000165942-07
Policy #
Deductible:
Date of Loss: 
Type of Loss: 
Point of Impact: 3. Right T-Bone (R

Inspect GOLDEN STATE PAINT AND BODY
Business: (559)781-3604
Location: 1915 W. Olive
PORTERVILLE, CA 93257

Insurance MERCURY
Company: 

Day: (916)240-2279
Days to Repair: 

2008 DODG NITRO 4X2 R/T 6-4.0L-FI 4D UTV BLACK Int:GREY
VIN: 1D6GT58678W117354 Lic: 6BZL086 CA Prod Date: 09/2007 Odometer: 70312
Air Conditioning Rear Defogger Tilt Wheel
Cruise Control Intermittent Wipers Keyless Entry
Rear Window Wiper Steering Wheel Controls Message Center
Body Side Moldings Dual Mirrors Privacy Glass
Console/Storage Overhead Console Luggage/Roof Rack
Fog Lamps Clear Coat Paint Power Steering
Power Brakes Power Windows Power Locks
Power Driver Seat Power Mirrors Heated Mirrors
AM Radio FM Radio Stereo
Search/Seek CD Player Auxiliary Audio Connectio
Satellite Radio Anti-Lock Brakes (4) Driver Air Bag
Passenger Air Bag Head/Curtain Air Bags 4 Wheel Disc Brakes
Traction Control Stability Control Cloth Seats
Bucket Seats Automatic Transmission Overdrive
Aluminum Alloy Wheels

<table>
<thead>
<tr>
<th>NO.</th>
<th>OP.</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>EXT.</th>
<th>PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>FRONT BUMPER</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>R&amp;I</td>
<td>R&amp;I bumper cover</td>
<td>1.2</td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>GRILLE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>R&amp;I</td>
<td>Grille w/o chrome accent</td>
<td>1.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>FRONT LAMPS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>R&amp;I</td>
<td>RT Headlamp assy</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>FENDER</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Incl.
<table>
<thead>
<tr>
<th>NO.</th>
<th>OP.</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>EXT.</th>
<th>PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Blnd</td>
<td>RT Fender</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.0</td>
</tr>
<tr>
<td>9</td>
<td>R&amp;I</td>
<td>RT Applique</td>
<td></td>
<td>0.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>R&amp;I</td>
<td>RT Wheel flare textured</td>
<td></td>
<td>0.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td>FRONT DOOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Repl</td>
<td>RT Door shell</td>
<td>1</td>
<td>340.00</td>
<td>4.5</td>
<td>3.4</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td></td>
<td>Add for mirror</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.4</td>
</tr>
<tr>
<td>14</td>
<td>Repl</td>
<td>RT Handle, outside</td>
<td></td>
<td>44.45</td>
<td>Incl.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15*</td>
<td>R&amp;I</td>
<td>RT Side molding painted</td>
<td></td>
<td></td>
<td>Incl.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16*</td>
<td>Rpr</td>
<td>RT Side molding painted</td>
<td></td>
<td>0.3</td>
<td>0.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td></td>
<td>Overlap Minor Panel</td>
<td></td>
<td>-0.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18#</td>
<td>Repl</td>
<td>Clean &amp; retape mldng</td>
<td></td>
<td>3.00</td>
<td>0.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td></td>
<td>REAR DOOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Repl</td>
<td>RT Door shell</td>
<td></td>
<td>422.00</td>
<td>4.5</td>
<td>3.2</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td></td>
<td>Overlap Major Adj. Panel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>-0.4</td>
</tr>
<tr>
<td>21</td>
<td>Repl</td>
<td>RT Applique painted</td>
<td></td>
<td>127.00</td>
<td>Incl.</td>
<td></td>
<td>0.3</td>
</tr>
<tr>
<td>22</td>
<td>Repl</td>
<td>RT Applique rivet</td>
<td></td>
<td>5.80</td>
<td>Incl.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23*</td>
<td>R&amp;I</td>
<td>RT Side molding painted</td>
<td></td>
<td></td>
<td>Incl.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24*</td>
<td>Rpr</td>
<td>RT Side molding painted</td>
<td></td>
<td>0.3</td>
<td>0.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25*</td>
<td></td>
<td>Overlap Minor Panel</td>
<td></td>
<td>-0.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td></td>
<td>ROOF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>R&amp;I</td>
<td>RT R&amp;I luggage rack</td>
<td></td>
<td></td>
<td>1.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td></td>
<td>PILLARS, ROCKER &amp; FLOOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Blnd</td>
<td>RT Roof rail</td>
<td></td>
<td></td>
<td>1.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30#</td>
<td>R&amp;I</td>
<td>RT Pillar molding</td>
<td></td>
<td>0.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Repl</td>
<td>RT Rocker molding painted</td>
<td></td>
<td>255.00</td>
<td>0.6</td>
<td>1.2</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td></td>
<td>Clear Coat</td>
<td></td>
<td></td>
<td></td>
<td>2.5</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>R&amp;I</td>
<td>A/M RUNNING BOARD</td>
<td></td>
<td></td>
<td>0.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34#</td>
<td></td>
<td>QUARTER PANEL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Blnd</td>
<td>RT Quarter pul assy</td>
<td></td>
<td></td>
<td>1.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>R&amp;I</td>
<td>RT Wheel flare painted</td>
<td></td>
<td>0.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Rpr</td>
<td>RT Wheel flare painted</td>
<td></td>
<td>1.0</td>
<td>0.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38*</td>
<td></td>
<td>Add for Clear Coat</td>
<td></td>
<td>0.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Repl</td>
<td>RT Wheel flare rivet</td>
<td></td>
<td>4</td>
<td>5.80</td>
<td>Incl.</td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>Subl</td>
<td>RT Quarter glass Dodge tinted</td>
<td></td>
<td>81.25</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40*</td>
<td></td>
<td>+25%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41*</td>
<td></td>
<td>REAR LAMPS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>R&amp;I</td>
<td>RT Tail lamp</td>
<td></td>
<td>0.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td></td>
<td>REAR BUMPER</td>
<td></td>
<td></td>
<td>1.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>R&amp;I</td>
<td>R&amp;I bumper cover</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td></td>
<td>WHEELS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>Repl</td>
<td>RT/Rear Wheel, alloy 20x9&quot;</td>
<td></td>
<td>434.00</td>
<td>m</td>
<td>0.3</td>
<td>M</td>
</tr>
<tr>
<td>(WP2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Subl</td>
<td>MOUNT &amp; BALANCE</td>
<td></td>
<td>1</td>
<td>18.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>48#</td>
<td>Subl</td>
<td>HAZARDOUS WASTE REMOVAL</td>
<td></td>
<td>1</td>
<td>5.00</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>49#</td>
<td>Repl</td>
<td>SPRAY TEST PANEL / TINT COLOR</td>
<td></td>
<td>1</td>
<td>7.50</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>50#</td>
<td>Repl</td>
<td>SPRAY-ON OVERSPRAY MASK</td>
<td></td>
<td>1</td>
<td>10.00</td>
<td>T</td>
<td>0.2</td>
</tr>
<tr>
<td>51#</td>
<td>Rpr</td>
<td>DENIB/TEXTURE SAND &amp; POLISH</td>
<td></td>
<td></td>
<td>1.5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

2/2
PRELIMINARY ESTIMATE
2008 DODG NITRO 4X2 R/T 6-4.0L-FI 4D UTV BLACK Int: GREY

<table>
<thead>
<tr>
<th>NO.</th>
<th>OP.</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>EXT. PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1758.80</td>
<td>20.9</td>
<td>15.5</td>
</tr>
</tbody>
</table>

Subtotals =>

Line 19: USED NOT COST EFFECTIVE AT HIGGINS QUOTE #64289 AND LKQ QUOTE #9501108
Line 41: SUBLET TO GOLDEN STATE GLASS

Estimate Notes:
VEHICLE NEEDS TEAR DOWN TO CHECK EXTENT OF DAMAGE

Parts 1725.80
Body Labor 20.6 hrs @ $ 60.00/hr 1236.00
Paint Labor 15.5 hrs @ $ 60.00/hr 930.00
Mechanical Labor 0.3 hrs @ $ 70.00/hr 21.00
Paint 15.5 hrs @ $ 30.00/hr 465.00
Sublet/Misc. 33.00

SUBTOTAL $ 4410.80
Sales Tax $ 2119.55 @ 9.2500% 196.06

GRAND TOTAL $ 4606.86

ADJUSTMENTS:
Deductible 0.00

CUSTOMER PAY $ 0.00
INSURANCE PAY $ 4606.86

THIS ESTIMATE IS BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN STARTED. AFTER THE WORK HAS BEEN STARTED, WORN OR DAMAGED PARTS WHICH WERE NOT EVIDENT ON FIRST INSPECTION MAY BE DISCOVERED. NATURALLY, THIS ESTIMATE CANNOT COVER SUCH CONTINGENCIES. ALL PARTS WILL BE REPLACED WITH NEW PARTS UNLESS STATED OTHERWISE.

If, on further inspection, additional parts or repairs are needed, you will be contacted for authorization. We are not responsible for personal property left in your vehicle during repairs. All tests will be made by our employees at your risk. All repairs must be paid for in full, including the deductible, before vehicle can be released, unless prior arrangements are made.
PRELIMINARY ESTIMATE

2008 DODG NITRO 4X2 R/T 6-4.0L-FI 4D UTV BLACK Int: GREY

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM:

ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED: MOTOR

ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART A=APPROXIMATE PRICE LABOR TYPES:
B=BODY LABOR D=DIAGNOSTIC E= ELECTRICAL F=FRAME G=GLASS M=MECHANICAL P=PAINT LABOR S=STRUCTURAL T=TAXED MISCELLANEOUS X=NON TAXED MISCELLANEOUS PATHWAYS:

ADJ=ADJACENT ALIGN=ALIGN A/M=AFTERMARKET BLD=BLEND CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION D&R=DISCONNECT AND RECONNECT EST=ESTIMATE EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY INCL=INCLUDED MSC=MISCELLANEOUS NAGS= NATIONAL AUTO GLASS SPECIFICATIONS NON-ADJ=NON ADJACENT O/H=OVERHAUL OP=OPERATION NO=LINE NUMBER QTV=QUANTITY QUAL RECY=QUALITY RECYCLED PART QUAL REPL=QUALITY REPLACEMENT PART COMP REPL PARTS=COMPETITIVE REPLACEMENT PARTS RECOND=RECONDITION REFN=REFINISH REPL=REPLACE R&I=REMOVE AND INSTALL R&R=REMOVE AND REPLACE RPR=REPAIR RT=RIGHT SECT=SECTION SUBL=SUBLT LT=LEFT W/O=W/OUT W/=WITH/SYMBOLS: #=MANUAL LINE ENTRY **=OTHER (IE.MOTORS DATABASE INFORMATION WAS CHANGED) **=DATABASE LINE WITH AFTERMARKET N=NOTES ATTACHED TO LINE. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DRTG07, CCC Data Date 10/01/2010, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recorded parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2010 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.
GOLDEN STATE PAINT AND BODY
License #: AH 141571 Federal ID #: 770575597
Always Quality First
1915 W. Olive
PORTERVILLE, CA 93257
(559) 781-3604 Fax: (559) 781-5802

PRELIMINARY SUPPLEMENT 2 WITH SUMMARY

Written By: Jose Perez
Adjuster: JOHN SIMPSON

Insured: LACHELE TAGHOUTH
Owner: LACHELE TAGHOUTH
Address: 1915 W. Olive
Day: (310) 866-1028

Inspect GOLDEN STATE PAINT AND BODY
Location: 1915 W. Olive
PORTERVILLE, CA 93257

Business: (559) 781-3604
Day: (916) 240-2279
13 Days to Repair

2008 DODG NITRO 4X2 R/T 6-4.0L-FI 4D UTV BLACK Int: GREY
VIN: 1D6GT58678W117354 Lic: 6BZL086 CA Prod Date: 09/2007 Odometer: 70312
Air Conditioning Rear Defogger Tilt Wheel
Cruise Control Intermittent Wipers Keyless Entry
Rear Window Wiper Steering Wheel Controls Message Center
Body Side Moldings Dual Mirrors Privacy Glass
Console/Storage Overhead Console Luggage/Rooftop Rack
Fog Lamps Clear Coat Paint Power Steering
Power Brakes Power Windows Power Locks
Power Driver Seat Power Mirrors Heated Mirrors
AM Radio FM Radio Stereo
Search/Seek CD Player Auxiliary Audio Connectio
Satellite Radio Anti-Lock Brakes (4) Driver Air Bag
Passenger Air Bag Head/Curtain Air Bags 4 Wheel Disc Brakes
Traction Control Stability Control Cloth Seats
Bucket Seats Automatic Transmission Overdrive
Aluminum/Alloy Wheels

<table>
<thead>
<tr>
<th>NO.</th>
<th>OP.</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>EXT.</th>
<th>PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>S02</td>
<td>** ESTIMATE COPY GIVEN TO OWNER **</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>FRONT BUMPER</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>R&amp;I</td>
<td>R&amp;I bumper cover</td>
<td>1.2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>GRILLE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>R&amp;I</td>
<td>Grille w/o chrome accent</td>
<td>1.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>R&amp;I</td>
<td>FRONT LAMPS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NO.</td>
<td>OP.</td>
<td>DESCRIPTION</td>
<td>QTY</td>
<td>EXT.</td>
<td>PRICE</td>
<td>LABOR</td>
<td>PAINT</td>
</tr>
<tr>
<td>-----</td>
<td>-----</td>
<td>-------------</td>
<td>-----</td>
<td>------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>7</td>
<td>R&amp;I</td>
<td>RT Headlamp assy</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>FENDER</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Blnd</td>
<td>RT Fender</td>
<td></td>
<td></td>
<td>1.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>R&amp;I</td>
<td>RT Applique</td>
<td></td>
<td></td>
<td>0.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11*</td>
<td>S02</td>
<td>RT Wheel flare</td>
<td></td>
<td></td>
<td>0.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12#</td>
<td>S01</td>
<td>RT Mudguard</td>
<td></td>
<td></td>
<td>0.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td></td>
<td>FRONT DOOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14*</td>
<td>S02</td>
<td>Repl RT Door shell</td>
<td>1</td>
<td>519.00</td>
<td>4.5</td>
<td>3.4</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td></td>
<td>Add for mirror</td>
<td></td>
<td>44.45</td>
<td>Incl.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td></td>
<td>Repl RT Handle, outside</td>
<td>1</td>
<td>44.45</td>
<td>Incl.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17*</td>
<td>S02</td>
<td>Repl RT Cover cap</td>
<td>1</td>
<td>3.20</td>
<td>Incl.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>S01</td>
<td>Repl RT Side molding painted</td>
<td>1</td>
<td>58.20</td>
<td>Incl.</td>
<td>0.4</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>S01</td>
<td>Overlap Minor Panel</td>
<td></td>
<td>50.00</td>
<td>Incl.</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>20*</td>
<td>S02</td>
<td>Repl RT Surround w'strip</td>
<td>1</td>
<td>102.00</td>
<td>Incl.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td></td>
<td>REAR DOOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22*</td>
<td>S02</td>
<td>Repl RT Door shell</td>
<td>1</td>
<td>519.00</td>
<td>4.5</td>
<td>3.2</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td></td>
<td>Overlap Major Adj. Panel</td>
<td></td>
<td>32.00</td>
<td>Incl.</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td></td>
<td>Repl RT Applique painted</td>
<td>1</td>
<td>127.00</td>
<td>Incl.</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>25**S02</td>
<td>Repl A/M RT Applique rivet</td>
<td>1</td>
<td>0.41</td>
<td>Incl.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26*</td>
<td>S02</td>
<td>Repl RT Cover cap</td>
<td>1</td>
<td>3.20</td>
<td>Incl.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>S01</td>
<td>Repl RT Lower hinge</td>
<td>1</td>
<td>56.45</td>
<td>Incl.</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>28*</td>
<td>S02</td>
<td>R&amp;I RT Side molding painted</td>
<td>1</td>
<td>50.00</td>
<td>Incl.</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>29*</td>
<td>S02</td>
<td>Rpr RT Side molding painted</td>
<td>1</td>
<td>50.00</td>
<td>Incl.</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>S02</td>
<td>Overlap Minor Panel</td>
<td></td>
<td>50.00</td>
<td>Incl.</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>31#</td>
<td>S02</td>
<td>Repl CLEAN &amp; RETAPE MLDNG</td>
<td>1</td>
<td>0.00</td>
<td>Incl.</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td></td>
<td>ROOF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>R&amp;I</td>
<td>RT R&amp;I luggage rack</td>
<td></td>
<td>1.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td></td>
<td>PILLARS, ROCKER &amp; FLOOR</td>
<td></td>
<td>1.0</td>
<td>F</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35#</td>
<td>S01</td>
<td>Rpr Partial Frame Set Up</td>
<td>1</td>
<td>1.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36#</td>
<td>S01</td>
<td>Rpr PRE FILL RT CENTER PILLER</td>
<td></td>
<td>1.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37#</td>
<td>Blnd</td>
<td>RT Roof rail</td>
<td></td>
<td>1.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>S01</td>
<td>Repl RT Rocker molding painted</td>
<td>1</td>
<td>255.00</td>
<td>0.6</td>
<td>1.2</td>
<td></td>
</tr>
<tr>
<td>39**S02</td>
<td>Repl A/M Rocker molding rivet #1</td>
<td>1</td>
<td>0.41</td>
<td>Incl.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40#</td>
<td>R&amp;I</td>
<td>A/M RUNNING BOARD</td>
<td></td>
<td>0.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41*</td>
<td>S01</td>
<td>R&amp;I RT Lwr ctr plr trim</td>
<td></td>
<td>Incl.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>S01</td>
<td>R&amp;I RT Upr ctr plr trim w/side air bag</td>
<td></td>
<td>Incl.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43*</td>
<td>S01</td>
<td>R&amp;I RT Cowl side panel</td>
<td></td>
<td>0.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>S01</td>
<td>Sect RT Uniside panel cntr plr &amp; rocker</td>
<td>1</td>
<td>564.00</td>
<td>11.5</td>
<td>2.4</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>S01</td>
<td>Overlap Major Non-Adj. Panel</td>
<td></td>
<td>2.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46</td>
<td></td>
<td>Clear Coat</td>
<td></td>
<td>2.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>S01</td>
<td>Rpr RT Center plr reinf</td>
<td>s</td>
<td>4.5</td>
<td>0.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>48#</td>
<td>S01</td>
<td>Repl CORROSION PROTECTION</td>
<td>1</td>
<td>10.00</td>
<td>0.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49**S02</td>
<td>Repl A/M PLLER FOAM</td>
<td>1</td>
<td>24.92</td>
<td>0.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>S02</td>
<td>WINDSHIELD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>S02</td>
<td>Repl RT Reveal molding</td>
<td>1</td>
<td>34.85</td>
<td>0.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>52</td>
<td></td>
<td>QUARTER PANEL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PRELIMINARY SUPPLEMENT 2 WITH SUMMARY
2008 DODG NITRO 4X2 R/T 6-4.0L-FI 4D UTV BLACK Int:GREY

<table>
<thead>
<tr>
<th>NO.</th>
<th>OP.</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>EXT.</th>
<th>PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
</tr>
</thead>
<tbody>
<tr>
<td>53</td>
<td>Blnd</td>
<td>RT Quarter pnl assy</td>
<td>1.4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>R&amp;I</td>
<td>RT Wheel flare painted</td>
<td>0.3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>55*</td>
<td>Rpr</td>
<td>RT Wheel flare painted</td>
<td>1.0</td>
<td></td>
<td>0.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>56</td>
<td></td>
<td>Add for Clear Coat</td>
<td></td>
<td></td>
<td></td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>57*</td>
<td></td>
<td>Repl RT Wheel flare rivet</td>
<td>4</td>
<td>5.80</td>
<td></td>
<td></td>
<td>Incl.</td>
</tr>
<tr>
<td>58*</td>
<td>S02</td>
<td>Repl RT Wheelhouse liner front</td>
<td>1</td>
<td>31.20</td>
<td>0.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>S01</td>
<td>R&amp;I LT Wheel flare painted</td>
<td>0.3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>60*</td>
<td>S02</td>
<td>Repl LT Wheel flare rivet</td>
<td>4</td>
<td>5.80</td>
<td></td>
<td></td>
<td>Incl.</td>
</tr>
<tr>
<td>N</td>
<td>61*</td>
<td>Subl RT Quarter glass NAGS</td>
<td>1</td>
<td>215.00</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>62</td>
<td></td>
<td>REAR LAMPS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>R&amp;I</td>
<td>RT Tail lamp</td>
<td>0.3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>S01</td>
<td>R&amp;I LT Tail lamp</td>
<td>0.3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>65</td>
<td></td>
<td>REAR BUMPER</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>R&amp;I</td>
<td>R&amp;I bumper cover</td>
<td>1.2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>67#</td>
<td>S01</td>
<td>R&amp;I LT Mudguard</td>
<td>0.2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>68#</td>
<td>S01</td>
<td>R&amp;I RT Mud guard</td>
<td>0.2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>69**</td>
<td>S02</td>
<td>Repl A/M LT Bumper cover rivet</td>
<td>8</td>
<td>3.28</td>
<td></td>
<td></td>
<td>Incl.</td>
</tr>
<tr>
<td>70</td>
<td>S01</td>
<td>RERAINT SYSTEMS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>71*</td>
<td>S01</td>
<td>R&amp;I RT Retractor</td>
<td>0.6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>S01</td>
<td>SEATS &amp; TRACKS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>73*</td>
<td>S01</td>
<td>R&amp;I RT Seat back cover</td>
<td>1.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>74</td>
<td></td>
<td>WHEELS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>75</td>
<td></td>
<td>Repl RT/Rear Wheel, alloy 20x9&quot; (WP2)</td>
<td>1</td>
<td>434.00</td>
<td>m</td>
<td>0.3</td>
<td>M</td>
</tr>
<tr>
<td>76#</td>
<td></td>
<td>Subl MOUNT &amp; BALANCE</td>
<td>1</td>
<td>18.00</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>77#</td>
<td></td>
<td>Subl HAZARDOUS WASTE REMOVAL</td>
<td>1</td>
<td>5.00</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>78#</td>
<td></td>
<td>Repl SPRAY TEST PANEL / TINT COLOR</td>
<td>1</td>
<td>7.50</td>
<td>0.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>79#</td>
<td></td>
<td>Repl SPRAY-ON OVERSPRAY MASK</td>
<td>1</td>
<td>10.00</td>
<td>T</td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>80#</td>
<td></td>
<td>Rpr DENIB/TEXTURE SAND &amp; POLISH</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.5</td>
</tr>
</tbody>
</table>

Subtotals ==> 3060.67 42.4 18.5

Line 21: USED NOT COST EFFECTIVE AT HIGGINS QUOTE #64289 AND LKQ QUOTE #9501108
Line 44: NO USED AVIL AT LKQ PER STEVE QUOTE #9564775
Line 47: INCLUDES TIME FOR WELD DAMAGE
Line 61: SUBLETO GOLDEN STATE, INCLUDES URETHANE KIT. GLASS BROKE AT R&I.

Estimate Notes:
VEHICLE NEEDS TEAR DOWN TO CHECK EXTENT OF DAMAGE
PRELIMINARY SUPPLEMENT 2 WITH SUMMARY
2008 DODG NITRO 4X2 R/T 5-4.0L-FI 4D UTV BLACK  Int:GREY

<table>
<thead>
<tr>
<th>Description</th>
<th>Hours</th>
<th>Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parts</td>
<td></td>
<td></td>
<td>3027.67</td>
</tr>
<tr>
<td>Body Labor</td>
<td>41.1</td>
<td>$60.00</td>
<td>2466.00</td>
</tr>
<tr>
<td>Paint Labor</td>
<td>18.5</td>
<td>$60.00</td>
<td>1110.00</td>
</tr>
<tr>
<td>Mechanical Labor</td>
<td>0.3</td>
<td>$70.00</td>
<td>21.00</td>
</tr>
<tr>
<td>Frame Labor</td>
<td>1.0</td>
<td>$65.00</td>
<td>65.00</td>
</tr>
<tr>
<td>Paint</td>
<td>19.0</td>
<td>$30.00</td>
<td>570.00</td>
</tr>
<tr>
<td>Sublet/Misc.</td>
<td></td>
<td></td>
<td>33.00</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td></td>
<td></td>
<td>$7292.67</td>
</tr>
<tr>
<td>Sales Tax</td>
<td></td>
<td>$3392.67@ 9.2500%</td>
<td>313.82</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td></td>
<td></td>
<td>$7606.49</td>
</tr>
<tr>
<td><strong>ADJUSTMENTS:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deductible</td>
<td></td>
<td></td>
<td>250.00</td>
</tr>
<tr>
<td><strong>CUSTOMER PAY</strong></td>
<td></td>
<td></td>
<td>$250.00</td>
</tr>
<tr>
<td><strong>INSURANCE PAY</strong></td>
<td></td>
<td></td>
<td>$7356.49</td>
</tr>
</tbody>
</table>

THIS ESTIMATE IS BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN STARTED. AFTER THE WORK HAS BEEN STARTED, WORN OR DAMAGED PARTS WHICH WERE NOT EVIDENT ON FIRST INSPECTION MAY BE DISCOVERED. NATURALLY, THIS ESTIMATE CANNOT COVER SUCH CONTINGENCIES. ALL PARTS WILL BE REPLACED WITH NEW PARTS UNLESS STATED OTHERWISE.

If, on further inspection, additional parts or repairs are needed, you will be contacted for authorization. We are not responsible for personal property left in your vehicle during repairs. All tests will be made by our employees at your risk. All repairs must be paid for in full, including the deductible, before vehicle can be released, unless prior arrangements are made.
FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM:

ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED: MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART A=APPROXIMATE PRICE LABOR TYPES: B=BODY LABOR D=DIAGNOSTIC E= ELECTRICAL F= FRAME G=GLASS M=MECHANICAL P=PAINT LABOR S=STRUCTURAL T=TAXED MISCELLANEOUS X=NON TAXED MISCELLANEOUS PATHWAYS: ADJ=ADJACENT ALGN=ALIGN A/M= AFTERMARKET BLND=BLEND CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION D&R=DISCONNECT AND RECONNECT EST=ESTIMATE EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY INCL.=INCLUDED MISC=MISCELLANEOUS NAGS= NATIONAL AUTO GLASS SPECIFICATIONS NON-ADJ=NON ADJACENT O/R=OVERHAUL OP=OPERATION NO=LINE NUMBER QTY=QUANTITY QUAL RECY=QUALITY RECYCLED PART QUAL REPL=QUALITY REPLACEMENT PART COMP REPL PARTS=COMPETITIVE REPLACEMENT PARTS RECOND=RECONDITION REFP=REFINISH REPL=REPLACE R/I=REMOVE AND INSTALL R&R=REPLACE AND REPLACE RPR=REPAIR RT=RIGHT SECT=SECTION SUBL=SUBLAT LT=LEFT W/O=WITOUT W/=WITH SYMBOLES: #=MANUAL LINE ENTRY *=OTHER [IE: MOTORS DATABASE INFORMATION WAS CHANGED] **=DATABASE LINE WITH AFTERMARKET N=NOTES ATTACHED TO LINE. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT. NWCPP=NATIONWIDE CRASH PARTS PROGRAM.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR3TG07, CCC Data Date 10/01/2010, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recorded parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2010 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.
**PRELIMINARY SUPPLEMENT 2 WITH SUMMARY**

**2008 DODG NITRO 4X2 R/T 6-4.0L-FI 4D UTV BLACK Int: GREY**

<table>
<thead>
<tr>
<th>NO.</th>
<th>OP.</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>EXT. PRICE</th>
<th>PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>R&amp;I</td>
<td>RT Wheel flare textured</td>
<td>-0.5</td>
<td>-340.00</td>
<td>-4.5</td>
<td>-3.4</td>
<td></td>
</tr>
<tr>
<td>11*</td>
<td>S02</td>
<td>RT Wheel flare</td>
<td>0.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Repl</td>
<td>RT Door shell</td>
<td>1</td>
<td>519.00</td>
<td>4.5</td>
<td>3.4</td>
<td></td>
</tr>
<tr>
<td>14*</td>
<td>S02</td>
<td>RT Door shell</td>
<td>1</td>
<td>519.00</td>
<td>4.5</td>
<td>3.4</td>
<td></td>
</tr>
<tr>
<td>19*</td>
<td>S01</td>
<td>Repl RT Cover cap</td>
<td>1</td>
<td>-3.20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17*</td>
<td>S02</td>
<td>RT Cover cap</td>
<td>1</td>
<td>3.20</td>
<td></td>
<td></td>
<td>Incl.</td>
</tr>
<tr>
<td>22</td>
<td>S01</td>
<td>Repl RT Surround w' strip</td>
<td>1</td>
<td>-92.70</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20*</td>
<td>S02</td>
<td>RT Surround w' strip</td>
<td>1</td>
<td>102.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Repl</td>
<td>RT Door shell</td>
<td>1</td>
<td>422.00</td>
<td>-4.5</td>
<td>-3.2</td>
<td></td>
</tr>
<tr>
<td>22*</td>
<td>S02</td>
<td>RT Door shell</td>
<td>1</td>
<td>519.00</td>
<td>4.5</td>
<td>3.2</td>
<td></td>
</tr>
<tr>
<td>28*</td>
<td>S02</td>
<td>Repl RT Cover cap</td>
<td>1</td>
<td>-3.20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26*</td>
<td>S02</td>
<td>Repl RT Cover cap</td>
<td>1</td>
<td>3.20</td>
<td></td>
<td></td>
<td>Incl.</td>
</tr>
<tr>
<td>47**</td>
<td>S01</td>
<td>Repl A/M PLLER FOAM</td>
<td>1</td>
<td>-45.00</td>
<td></td>
<td></td>
<td>-0.2</td>
</tr>
<tr>
<td>49**</td>
<td>S01</td>
<td>Repl A/M PLLER FOAM</td>
<td>1</td>
<td>24.92</td>
<td></td>
<td></td>
<td>0.2</td>
</tr>
<tr>
<td>54</td>
<td>S01</td>
<td>Repl RT Wheelhouse liner front</td>
<td>1</td>
<td>-31.75</td>
<td></td>
<td></td>
<td>-0.2</td>
</tr>
<tr>
<td>58*</td>
<td>S02</td>
<td>RT Wheelhouse liner front</td>
<td>1</td>
<td>31.20</td>
<td></td>
<td></td>
<td>0.2</td>
</tr>
<tr>
<td>57</td>
<td>S01</td>
<td>Repl LT Wheel flare rivet</td>
<td>4</td>
<td>-5.80</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>60*</td>
<td>S02</td>
<td>Repl LT Wheel flare rivet</td>
<td>4</td>
<td>5.80</td>
<td></td>
<td></td>
<td>Incl.</td>
</tr>
<tr>
<td>16*</td>
<td>R&amp;I</td>
<td>RT Side molding painted</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Incl.</td>
</tr>
<tr>
<td>17*</td>
<td>Rpr</td>
<td>RT Side molding painted</td>
<td>-0.3</td>
<td></td>
<td>-0.3</td>
<td></td>
<td>0.2</td>
</tr>
<tr>
<td>18</td>
<td>Overlap Minor Panel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19#</td>
<td>Repl</td>
<td>Clean &amp; retape mldng</td>
<td>1</td>
<td>-3.00</td>
<td></td>
<td></td>
<td>-0.3</td>
</tr>
<tr>
<td>28*</td>
<td>Repl</td>
<td>RT Applique rivet</td>
<td>4</td>
<td>-5.80</td>
<td></td>
<td></td>
<td>Incl.</td>
</tr>
<tr>
<td>39</td>
<td>S01</td>
<td>Repl Rocker molding rivet #1</td>
<td>1</td>
<td>-1.45</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>56*</td>
<td>S01</td>
<td>Repl RT Wheelhouse liner clip (per invoice)</td>
<td>1</td>
<td>-1.00</td>
<td></td>
<td></td>
<td>Incl.</td>
</tr>
<tr>
<td>67*</td>
<td>S01</td>
<td>Repl LT Bumper cover rivet</td>
<td>8</td>
<td>-32.00</td>
<td></td>
<td></td>
<td>Incl.</td>
</tr>
<tr>
<td>1#</td>
<td>S02</td>
<td>** ESTIMATE COPY GIVEN TO OWNER **</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Subtotals =>** 263.37 0.4 0.4

Line 47 : INCLUDES TIME FOR WELD DAMAGE
FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM:

ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED: MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART A=APPROXIMATE PRICE LABOR TYPES:

B=BODY LABOR D=DIAGNOSTIC E=ELECTRICAL F=FRAME G=GLASS M=MECHANICAL P=PAINT LABOR S=STRUCTURAL T=TAXED MISCELLANEOUS X=NON TAXED MISCELLANEOUS PATHWAYS: ADJ=ADJACENT ALIGN=ALIGN A/M=AFTERMARKET BLND=BLEND CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION D&R=DISCONNECT AND RECONNECT EST=ESTIMATE EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY INCL=INCLUDED MISC=MISCELLANEOUS NAGS=NATIONAL AUTO GLASS SPECIFICATIONS NON-ADJ=NON ADJACENT O/H=OVERHAUL OP=OPERATION NO=LINE NUMBER QTY=QUANTITY QUAL=QUALITY RECYL=QUALITY RECYCLED PART QUAL REPL=QUALITY REPLACEMENT PART COMP REPL PARTS=COMPETITIVE REPLACEMENT PARTS RECOND=RECONDITION RFN=REFINISH REPL=REPLACE R/I=REMOVE AND INSTALL R&R=REMOVE AND REPLACE RPR=REPAIR RT=RIGHT SECT=SECTION SUBL=SUBLET LT=LIFT W/O=W/O=WITH/

SYMBOLS: #=MANUAL LINE ENTRY **=OTHER [IE.. MOTORS DATABASE INFORMATION WAS CHANGED] **=DATABASE LINE WITH AFTERMARKET N=NOTES ATTACHED TO LINE. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT. NWCPP=NATIONWIDE CRASH PARTS PROGRAM.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR37G07, CCC Data Date 10/01/2010, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OEM parts are available at OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual REPL Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LQK, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recorded parts are described as Recored. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2010 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.
Estimate Notes:
VEHICLE NEEDS TEAR DOWN TO CHECK EXTENT OF DAMAGE

<table>
<thead>
<tr>
<th>Parts</th>
<th>263.37</th>
</tr>
</thead>
<tbody>
<tr>
<td>Body Labor</td>
<td>0.4 hrs @ $60.00/hr</td>
</tr>
<tr>
<td>Paint Labor</td>
<td>0.4 hrs @ $60.00/hr</td>
</tr>
<tr>
<td>Paint</td>
<td>0.4 hrs @ $30.00/hr</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBTOTAL</th>
<th>$323.37</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales Tax</td>
<td>$275.37 @ 9.2500%</td>
</tr>
</tbody>
</table>

| TOTAL SUPPLEMENT AMOUNT | $348.84 |

| NET COST OF SUPPLEMENT | $348.84 |

Estimate      4606.86 Jose Perez
Supplement S01 2650.79 Jose Perez
Supplement S02 348.84 Jose Perez

Job Total      $7606.49

CUSTOMER PAY $250.00
INSURANCE PAY $7356.49

THIS ESTIMATE IS BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN STARTED. AFTER THE WORK HAS BEEN STARTED, WORN OR DAMAGED PARTS WHICH WERE NOT EVIDENT ON FIRST INSPECTION MAY BE DISCOVERED. NATURALLY, THIS ESTIMATE CANNOT COVER SUCH CONTINGENCIES. ALL PARTS WILL BE REPLACED WITH NEW PARTS UNLESS STATED OTHERWISE.

If, on further inspection, additional parts or repairs are needed, you will be contacted for authorization. We are not responsible for personal property left in your vehicle during repairs. All tests will be made by our employees at your risk. All repairs must be paid for in full, including the deductible, before vehicle can be released, unless prior arrangements are made.
Rental Invoice

Make Payment To:
ENTERPRISE RENT-A-CAR (30FF)
146 E. AUTO CENTER DR.
FRESNO, CA 937105100
Federal ID: 83-1514861

Total Charges: $569.61
Less Amount Received: $0.00
Total Amount Due: $569.61

Please include on your check:
Invoice: D729006-30F7

NOTEBOOK:
Extensions Request Extension Maintain Authorization

<table>
<thead>
<tr>
<th>Date</th>
<th>Author</th>
<th>Message</th>
</tr>
</thead>
</table>
| 12/22/10 8:40 AM | JENSEN/RCU, JOHN | File Owner changed from RENTAL UNIT to ISHZUKA/16, FAITH
Rental transferred by JENSEN/RCU, JOHN at 10:40 AM. |
| 12/22/10 4:09 AM |              | INVOICE RECEIVED. AMOUNT DUE $569.61                                      |
| 12/21/10 2:00 PM | RENTAL, BRANCH | Ticket 729006 closed on 12/17/10 at 5:11 PM.                              |
| 12/21/10 1:47 PM | TREJO/RCU, RICHARD | Authorization changed by TREJO/RCU, RICHARD at 1:47 PM. Extended 3 days at $30.00/day. Last authorized day will be 12/17/10. Note to self by TREJO/RCU, RICHARD. RT-VEHICLE WAS COMPLETED AND RENTAL PENDED ON 12/17/2010, WHICH IS 5 WORKING DAYS OUT OF REPAIR RANGE. DELAY IS DUE TO PARTS. GIVEN THIS I WILL EXTEND RENTAL THRU 12/17/2010 TO CLOSE.

https://www.armswsweb.com/armsweb/payinvoice

12/22/2010
**Check Maintenance**

NextGen_03

**FDISHIZUKA**

12/22/2010

**Claims | WIP | Log Off**

---

**Claim Number**: 2010 0016 005942 - 07  
**Handling Unit**: 0016 FOOTHILL

**Policy Number**: 0401 07 007527778  
**Date of Loss**: 11/23/2010 11:50 AM

**Named Insured**: NICHELE L. TAGHZOUT  
**Claim Status**: Regular Open

**Adjuster**: 018100 Faith Ishizuka  
**Orig. Cost of Vehicle**: (800) 521-9993 Ext 21819 33,000.00

---

### Check Maintenance

<table>
<thead>
<tr>
<th>View</th>
<th>Check Number</th>
<th>Issue Date</th>
<th>Check Status</th>
<th>Status Date</th>
<th>Payee</th>
<th>Type</th>
<th>Amount</th>
<th>Exp Code</th>
<th>Covg</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>462329604</td>
<td>12/22/2010</td>
<td>Printed unauthorized</td>
<td>12/22/2010</td>
<td>ENTERPRISE RE</td>
<td>Loss</td>
<td>569.81</td>
<td>RC</td>
<td></td>
</tr>
<tr>
<td></td>
<td>462319555</td>
<td>12/20/2010</td>
<td>Authorized</td>
<td>12/20/2010</td>
<td>GOLDEN STATE</td>
<td>Loss</td>
<td>2,999.63</td>
<td>COLL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>462317148</td>
<td>12/17/2010</td>
<td>Honored</td>
<td>12/21/2010</td>
<td>GOLDEN STATE</td>
<td>Loss</td>
<td>250.00</td>
<td>COLL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>462300199</td>
<td>12/08/2010</td>
<td>Honored</td>
<td>12/21/2010</td>
<td>GOLDEN STATE</td>
<td>Loss</td>
<td>4,355.86</td>
<td>COLL</td>
<td></td>
</tr>
</tbody>
</table>

---

**Loss Checks | Expense Checks | All Checks | Expense Totals**
12/23/2010

CITY OF PORTERVILLE
281 N. MAIN ST
PORTERVILLE CA 93257

RE: Our Insured: NICHELE L. TAGHZOUT
    Our Claim Number: 2010 0016 005942-07
    Date Of Loss: 11/23/2010

Dear CITY OF PORTERVILLE

We have received a report of your loss. I am your Claims Representative and the assigned claim number is listed above. We are currently conducting an investigation of this matter. Our investigation will include confirming coverage for our insured and determining liability for the accident.

If we determine that our insured is a percentage liable, we may suggest or recommend a repair facility in your area. Please understand it is your right to have all repairs completed at a repair facility of your choice.

California Insurance Code SECTION 758.5 - Notice of Body Shop Repair Rights Provides: "We are prohibited by law from requiring that repairs will be done at a specific automotive repair dealer. You are entitled to select the auto body shop to repair damage covered by us. We have recommended (or may recommend in the future) an automotive repair dealer that will repair your damaged vehicle. We recommend you contact any other automotive repair dealer you are considering to clarify any questions you may have regarding services and benefits. If you agree to use our recommended automotive repair dealer, we will cause the damaged vehicle to be restored to its condition prior to the loss at no additional cost to you other than as stated in the insurance policy or as otherwise allowed by law. If you experience a problem with the repair of your vehicle, please contact us immediately for assistance."

If you are presenting a claim for damages, we must first confirm coverage, and liability must be determined prior to making any commitment or payment.

Please do not hesitate to contact me if you have any questions.

Sincerely,

MERCURY INSURANCE COMPANY

Faith Iahizuka
Claims Department
FOOTHILL
(800) 521-9693 Ext 21818
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – JAYE STREET IMPROVEMENTS PROJECT (EASTERLY EXTENSION OF BROWN AVENUE TO GIBBONS AVENUE)

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Jaye Street Improvements Project (easterly extension of Brown Avenue to Gibbons Avenue). The project consists of the reconstruction of Jaye Street to collector standards including storm drain pipeline with catch basins, fire hydrant relocation, asphalt paving, curb, gutter, sidewalk in designated areas, drive approaches, median island with landscaping and street lighting.

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

The Engineer’s Estimate for constructing the project is $1,173,230.00. An additional $82,126.10 is necessary for construction contingency (7%); and an additional $35,196.90 is required for construction management, quality control and inspection (3%). The total estimated cost associated with the project is $1,290,553.00.

Funding for the project was approved in the 2010/2011 Annual Budget and will be paid with Special Gas Tax, Local Transportation Fees (LTF) and Traffic Impact Fees (TIF).

RECOMMENDATION: That the City Council:

1. Approve staff’s recommended Plans and Project Manual for the Jaye Street Improvements Project (easterly extension of Brown Avenue to Gibbons Avenue); and

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

ATTACHMENTS: Locator Map
Engineer’s Estimate

P:\pub\works\General\Council\Authorization to Advertise for Bids - Jaye Street Improvements Project (Gibbons Ave to north 2700) - 2011-02-15.doc

Dir _Appropriated/Funded _CM _ Item No. _
## JAYE STREET IMPROVEMENTS PROJECT

### GIBBONS AVENUE TO NORTH 2700 FEET

2/9/2011  
City of Porterville

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization/Cementization and Clean Up</td>
<td>LS</td>
<td>1</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Sheetling and Shoring</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Demolition, Clearing and Grubbing</td>
<td>LS</td>
<td>1</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Roadway Excavation and Subgrade Preparation Including Sawcut and Pavement Removal by Grinding - Asphalt Grindings delivered to City Corporation Yard</td>
<td>CY</td>
<td>5032</td>
<td>$20.00</td>
<td>$100,640.00</td>
</tr>
<tr>
<td>6</td>
<td>Class 2 Aggregate Base</td>
<td>CY</td>
<td>3028</td>
<td>$50.00</td>
<td>$151,400.00</td>
</tr>
<tr>
<td>7</td>
<td>Asphalt Concrete</td>
<td>TN</td>
<td>5000</td>
<td>$80.00</td>
<td>$400,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Install Curb and Gutter</td>
<td>LF</td>
<td>4074</td>
<td>$17.00</td>
<td>$69,258.00</td>
</tr>
<tr>
<td>9</td>
<td>Install Sidewalk</td>
<td>SF</td>
<td>4784</td>
<td>$3.50</td>
<td>$16,744.00</td>
</tr>
<tr>
<td>10</td>
<td>Install Drive Approach</td>
<td>SF</td>
<td>2718</td>
<td>$4.50</td>
<td>$12,231.00</td>
</tr>
<tr>
<td>11</td>
<td>Install Median Curb</td>
<td>LF</td>
<td>824</td>
<td>$15.00</td>
<td>$12,360.00</td>
</tr>
<tr>
<td>12</td>
<td>Decorative Median Stamped Concrete</td>
<td>SF</td>
<td>2608</td>
<td>$15.00</td>
<td>$39,120.00</td>
</tr>
<tr>
<td>13</td>
<td>18&quot; Storm Drain &amp; Tie In to Existing</td>
<td>LF</td>
<td>254</td>
<td>$60.00</td>
<td>$15,240.00</td>
</tr>
<tr>
<td>14</td>
<td>18&quot; Storm Drain</td>
<td>LF</td>
<td>84</td>
<td>$70.00</td>
<td>$5,880.00</td>
</tr>
<tr>
<td>15</td>
<td>24&quot; Storm Drain</td>
<td>LF</td>
<td>1560</td>
<td>$80.00</td>
<td>$124,800.00</td>
</tr>
<tr>
<td>16</td>
<td>18&quot; Storm Drain End Cap</td>
<td>EA</td>
<td>2</td>
<td>$500.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>17</td>
<td>Outfall Structure per Detail Including Chain Link Fencing</td>
<td>EA</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>18</td>
<td>48&quot; SDMH</td>
<td>EA</td>
<td>6</td>
<td>$2,200.00</td>
<td>$13,200.00</td>
</tr>
<tr>
<td>19</td>
<td>60&quot; SDMH</td>
<td>EA</td>
<td>1</td>
<td>$2,700.00</td>
<td>$2,700.00</td>
</tr>
<tr>
<td>20</td>
<td>Storm Drain Catch Basin</td>
<td>EA</td>
<td>4</td>
<td>$1,800.00</td>
<td>$7,200.00</td>
</tr>
<tr>
<td>21</td>
<td>8&quot; PVC C-800 Water Main</td>
<td>LF</td>
<td>132</td>
<td>$70.00</td>
<td>$9,240.00</td>
</tr>
<tr>
<td>22</td>
<td>1.5&quot; Water Service for Landscaping including Backflow with cage</td>
<td>EA</td>
<td>1</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>23</td>
<td>Adjust Existing Water Valves to Grade</td>
<td>EA</td>
<td>11</td>
<td>$250.00</td>
<td>$2,750.00</td>
</tr>
<tr>
<td>24</td>
<td>Adjust Existing Manholes to Grade</td>
<td>EA</td>
<td>3</td>
<td>$400.00</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>25</td>
<td>12&quot; x 8&quot; Tapping Sleeve Including Valve &amp; Hot Tap</td>
<td>EA</td>
<td>3</td>
<td>$5,000.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>26</td>
<td>2.6&quot; Complete Temporary Blow Off</td>
<td>EA</td>
<td>3</td>
<td>$750.00</td>
<td>$2,250.00</td>
</tr>
<tr>
<td>27</td>
<td>1.6&quot; Street Light Conduit</td>
<td>LF</td>
<td>665</td>
<td>$12.00</td>
<td>$7,980.00</td>
</tr>
<tr>
<td>28</td>
<td>2&quot; Street Light &amp; Landscape Conduit</td>
<td>LF</td>
<td>3141</td>
<td>$14.00</td>
<td>$43,874.00</td>
</tr>
<tr>
<td>29</td>
<td>3&quot; Street Light Conduit Including Restoration of Existing Landscaping</td>
<td>LF</td>
<td>343</td>
<td>$16.00</td>
<td>$5,488.00</td>
</tr>
<tr>
<td>30</td>
<td>10.6&quot; x 12&quot; x 12&quot; Street Light Hand Hole</td>
<td>EA</td>
<td>12</td>
<td>$400.00</td>
<td>$4,800.00</td>
</tr>
<tr>
<td>31</td>
<td>13&quot; x 24&quot; x 24&quot; Street Light Hand Hole</td>
<td>EA</td>
<td>1</td>
<td>$400.00</td>
<td>$400.00</td>
</tr>
<tr>
<td>32</td>
<td>10.6&quot; x 17&quot; x 24&quot; Street Light Hand Hole</td>
<td>EA</td>
<td>1</td>
<td>$400.00</td>
<td>$400.00</td>
</tr>
<tr>
<td>33</td>
<td>Landscaping Electrical Service Pedestal Including Test Block (100A 120/240 1P) Per SCE UGS Std.</td>
<td>LS</td>
<td>4</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>34</td>
<td>Relocate Mail Boxes</td>
<td>EA</td>
<td>8</td>
<td>$150.00</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>35</td>
<td>1&quot; Water Service including Tie In to existing service line per detail</td>
<td>EA</td>
<td>6</td>
<td>$1,500.00</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>36</td>
<td>Relocate/Replace Barb Wire Fence</td>
<td>LF</td>
<td>483</td>
<td>$15.00</td>
<td>$7,245.00</td>
</tr>
<tr>
<td>37</td>
<td>Install Landscape &amp; Irrigation</td>
<td>SF</td>
<td>3478</td>
<td>$3.50</td>
<td>$12,173.00</td>
</tr>
<tr>
<td>38</td>
<td>Relocate Fire Hydrants</td>
<td>EA</td>
<td>2</td>
<td>$2,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>39</td>
<td>Signing, Striping &amp; Pavement Markings</td>
<td>LS</td>
<td>1</td>
<td>$12,500.00</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>40</td>
<td>Monumentation</td>
<td>LS</td>
<td>1</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>41</td>
<td>Project Site Maintenance &amp; Dust Control</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

Sub Total $1,173,230.00  
7% Construction Contingency $82,168.10  
3% Construction Engineering $35,196.90  
Total $1,290,553.00

Project Manager 2-9-11  
City Engineer 2-9-2011  
City Manager 2-9-2011
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – SCRANTON AVENUE AND INDIANA STREET RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Scranton Avenue and Indiana Street Reconstruction Project. The project consists of the reconstruction of Scranton Avenue and Indiana Street to arterial standards (84' wide right of way). The project encompasses all of Indiana Street from Gibbons Avenue to Scranton Avenue and Scranton Avenue from Indiana Street to a point about 400 feet east of State Route 65. The project consists of storm drain pipeline, fire hydrants, asphalt paving, curb, gutter, and street lighting. The storm drain system includes the installation of 18", 24", 36", and 48" reinforced concrete pipe, which will incorporate any future development within this area. The project also includes one (1) add alternate bid for the reconstruction of the remaining 400 feet on Scranton Avenue to Highway 65.

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

The Engineer's Estimate for constructing the project is $2,566,766.40. An additional $256,676.64 is necessary for construction contingency (10%); and an additional $128,338.32 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $2,951,781.36.

The estimated probable cost for the alternate is $320,683 with an additional $32,086.30 required for construction contingency (10%) and $16,034.15 for construction management. Staff will seek Council permission to include the add alternate to the extent the budget will allow. Total estimated probable cost (base bid plus add alternates and associated construction management costs) is $3,320,566.81.

Funding for the project was approved in the 2010/2011 annual budget and will be paid with "Regional" Measure 'R' funds. Staff will seek Council's authorization to award the base bid, plus the "add alternate," as funding permits.

RECOMMENDATION: That the City Council:

1. Approve staffs recommended Plans and Project Manual for the Scranton Avenue and Indiana Street Reconstruction and Storm Drain Project; and

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

ATTACHMENTS: Locator Map
Engineer's Estimate

P:\pub\workst\General\Council\Authorization to Advertise for Bids - Scranton and Indiana Reconstruction Project - 2011-02-15.doc

Dir \ Approved/Funded \ CM \ Item No. 5
## Scranton Avenue and Indiana Street Widening between Highway 65 and Gibbons Avenue

City of Porterville

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization and Clean Up</td>
<td>LS</td>
<td>1</td>
<td>$60,000.00</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Sheetng and Shoring shall also include the bracing of the Gas Line as Necessary</td>
<td>LS</td>
<td>1</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$45,000.00</td>
<td>$45,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Clearing and Grubbing</td>
<td>LS</td>
<td>1</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Roadway Excavation and Subgrade Preparation including Sawcut and Pavement Removal</td>
<td>CY</td>
<td>9940</td>
<td>$20.00</td>
<td>$19,880.00</td>
</tr>
<tr>
<td>6</td>
<td>14.5&quot; Class 2 Ag Base</td>
<td>CY</td>
<td>6900</td>
<td>$55.00</td>
<td>$379,500.00</td>
</tr>
<tr>
<td>7</td>
<td>6&quot; A.C.</td>
<td>TN</td>
<td>5770</td>
<td>$85.00</td>
<td>$490,450.00</td>
</tr>
<tr>
<td>8</td>
<td>Install Curb and Gutter</td>
<td>LF</td>
<td>4073</td>
<td>$20.00</td>
<td>$81,460.00</td>
</tr>
<tr>
<td>9</td>
<td>Install Driveway</td>
<td>SF</td>
<td>1235</td>
<td>$10.00</td>
<td>$12,350.00</td>
</tr>
<tr>
<td>10</td>
<td>Install Survey Monument</td>
<td>EA</td>
<td>2</td>
<td>$1,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>11</td>
<td>Install 1 1/2&quot; Street Light Conduit</td>
<td>LF</td>
<td>2157</td>
<td>$12.00</td>
<td>$25,844.00</td>
</tr>
<tr>
<td>12</td>
<td>Install 2&quot; Street Lights Conduit</td>
<td>LF</td>
<td>870</td>
<td>$15.00</td>
<td>$13,050.00</td>
</tr>
<tr>
<td>13</td>
<td>Install Edison Handhole</td>
<td>EA</td>
<td>5</td>
<td>$500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>14</td>
<td>Remove SD Corrugated Pipe</td>
<td>LF</td>
<td>42</td>
<td>$20.00</td>
<td>$840.00</td>
</tr>
<tr>
<td>15</td>
<td>Remove SD Inlets</td>
<td>EA</td>
<td>2</td>
<td>$250.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>16</td>
<td>Remove Storm Drain Line</td>
<td>LF</td>
<td>510</td>
<td>$10.00</td>
<td>$5,100.00</td>
</tr>
<tr>
<td>17</td>
<td>Remove and Relocate Ex. Pipe, Valve, and Meter per detail as shown on plans (Teapot Irrigation Line)</td>
<td>EA</td>
<td>1</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>18</td>
<td>Remove and Relocate Signs</td>
<td>EA</td>
<td>2</td>
<td>$400.00</td>
<td>$800.00</td>
</tr>
<tr>
<td>19</td>
<td>Adjust Sewer Manhole Rim to grade</td>
<td>EA</td>
<td>5</td>
<td>$1,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>20</td>
<td>Adjust Water Valve Cover to grade</td>
<td>EA</td>
<td>4</td>
<td>$500.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>21</td>
<td>18&quot; Storm Drain</td>
<td>LF</td>
<td>69</td>
<td>$70.00</td>
<td>$4,830.00</td>
</tr>
<tr>
<td>22</td>
<td>24&quot; Storm Drain</td>
<td>LF</td>
<td>817</td>
<td>$80.00</td>
<td>$65,360.00</td>
</tr>
<tr>
<td>23</td>
<td>36&quot; Storm Drain</td>
<td>LF</td>
<td>2425</td>
<td>$100.00</td>
<td>$242,500.00</td>
</tr>
<tr>
<td>24</td>
<td>48&quot; Storm Drain</td>
<td>LF</td>
<td>1725</td>
<td>$140.00</td>
<td>$241,500.00</td>
</tr>
<tr>
<td>25</td>
<td>Boring and Jacking 48&quot; Pipe</td>
<td>LF</td>
<td>30</td>
<td>$2,000.00</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>26</td>
<td>Outfall Structure per Caltrans Std. Detail including the Rip Rap</td>
<td>EA</td>
<td>1</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>27</td>
<td>Trench Patch 5'-8 wide (4&quot; A.C. over 6&quot; A.B.)</td>
<td>LF</td>
<td>2175</td>
<td>$40.00</td>
<td>$87,000.00</td>
</tr>
<tr>
<td>28</td>
<td>Install Storm Drain Catch Basin</td>
<td>EA</td>
<td>6</td>
<td>$4,500.00</td>
<td>$27,000.00</td>
</tr>
<tr>
<td>29</td>
<td>Install 48&quot; Storm Drain Manhole</td>
<td>EA</td>
<td>8</td>
<td>$4,000.00</td>
<td>$32,000.00</td>
</tr>
<tr>
<td>30</td>
<td>Install 60&quot; Storm Drain Manhole</td>
<td>EA</td>
<td>8</td>
<td>$6,000.00</td>
<td>$48,000.00</td>
</tr>
<tr>
<td>31</td>
<td>Provide Proper Connection to Storm Drain Manhole from existing 24&quot; Storm Drain Pipe</td>
<td>EA</td>
<td>2</td>
<td>$1,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>32</td>
<td>Install complete Fire Hydrant assembly including tap and 6&quot; PVC pipe</td>
<td>EA</td>
<td>8</td>
<td>$6,500.00</td>
<td>$52,000.00</td>
</tr>
<tr>
<td>33</td>
<td>Signing and Striping</td>
<td>LS</td>
<td>1</td>
<td>$50,000.00</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>34</td>
<td>Sewer Laterals and connection</td>
<td>EA</td>
<td>3</td>
<td>$1,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>35</td>
<td>Prepare and Implement Erosion Control and Pollution Prevention Mitigation per Plans, Specifications and State Water Resources Control Board Requirements</td>
<td>LS</td>
<td>1</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
</tr>
</tbody>
</table>

Sub Total $2,333,424.00

10% Contingency $233,424.40

Total $2,566,766.40
### SCRANTON AVENUE BETWEEN HIGHWAY 65 AND 400' EAST OF THE INTERSECTION OF HIGHWAY 65 AND SCRANTON AVENUE

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization and Clean Up</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Sheetcing and Shoring</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Clearing and Grubbing</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>Roadway Excavation and Subgrade Preparation including Sawcut and Pavement</strong></td>
<td>CY</td>
<td>1420</td>
<td>$20.00</td>
<td>$28,400.00</td>
</tr>
<tr>
<td>6</td>
<td>14.5&quot; Class 2 Ag Base</td>
<td>CY</td>
<td>980</td>
<td>$55.00</td>
<td>$53,900.00</td>
</tr>
<tr>
<td>7</td>
<td>6&quot; A.C.</td>
<td>TN</td>
<td>820</td>
<td>$85.00</td>
<td>$69,700.00</td>
</tr>
<tr>
<td>8</td>
<td>Install Curb and Gutter</td>
<td>LF</td>
<td>819</td>
<td>$20.00</td>
<td>$16,380.00</td>
</tr>
<tr>
<td>9</td>
<td>Install Driveway</td>
<td>SF</td>
<td>1026</td>
<td>$10.00</td>
<td>$10,260.00</td>
</tr>
<tr>
<td>10</td>
<td>Install 2&quot; Street Lights Conduit</td>
<td>LF</td>
<td>870</td>
<td>$15.00</td>
<td>$13,050.00</td>
</tr>
<tr>
<td>11</td>
<td>Install Edison Handhole</td>
<td>EA</td>
<td>4</td>
<td>$500.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>12</td>
<td>Adjust Sewer Manhole Rim to grade</td>
<td>EA</td>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>13</td>
<td>Adjust Water Valve Cover to grade</td>
<td>EA</td>
<td>1</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>14</td>
<td>18&quot; Storm Drain</td>
<td>LF</td>
<td>68</td>
<td>$70.00</td>
<td>$4,760.00</td>
</tr>
<tr>
<td>15</td>
<td>24&quot; Storm Drain</td>
<td>LF</td>
<td>401</td>
<td>$80.00</td>
<td>$32,080.00</td>
</tr>
<tr>
<td>16</td>
<td>Install Storm Drain Catch Basin</td>
<td>EA</td>
<td>2</td>
<td>$4,500.00</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>17</td>
<td>Install 48&quot; Storm Drain Manhole</td>
<td>EA</td>
<td>3</td>
<td>$4,300.00</td>
<td>$12,900.00</td>
</tr>
<tr>
<td>18</td>
<td>Install complete Fire Hydrant assembly including tap and 8&quot; PVC pipe</td>
<td>EA</td>
<td>1</td>
<td>$6,500.00</td>
<td>$6,500.00</td>
</tr>
<tr>
<td>19</td>
<td>Signing and Striping</td>
<td>LS</td>
<td>1</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>20</td>
<td>Caltrans Traffic Signal Pull Boxes to be Relocated and extension of Conduit to new pull box locations</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

**Sub Total** $291,530.00  
10% Contingency $29,153.00  
Total $320,683.00

---

**Certificate Signatures**

- **Project Manager**: 2-4-11  
- **Public Works Director**: 3/3/11  
- **City Engineer**: 2-8-2011  
- **City Manager**: 2-10-11
SUBJECT: AWARD OF CONTRACT - VETERAN’S PARK BOOSTER PUMP PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On January 20, 2011, staff received four (4) bids for the Veteran’s Park Booster Pump Project. Regrettably, one of the bidders failed to correctly complete the Subcontractors form within the Bid Proposal. That bidder has been identified below in the bidder’s list by an asterisk. The Subcontractor’s form serves two purposes; 1) identifies the subcontractors that the City can expect to appear during construction activities related to specific construction bid items; and 2) defines the total percentage of the total bid amount to be performed by subcontractors. Per the City adopted Standard Specifications, the Prime contractor is required to perform 50% or more of the total contract price. This clause is known as the “SELF PERFORMANCE” requirement of the City’s Standard Specification.

The base project consists of installing below ground and above ground 12” water main, a booster pump, electrical equipment, SCADA integration and related appurtenances. The booster pump plant is located on the east side of Newcomb Street, north of Morton Avenue within Veteran’s Park. The project also includes two (2) add alternate bids for the installation of one (1) additional booster pump per alternate. The purpose of the booster pump station is to draw water from our more prominent water source within the West Pressure Zone and pump it to the Central Pressure Zone where the City’s storage facilities are located.

The engineer’s estimate of probable cost, excluding add alternates is $310,030. The lowest responsive bid for the project is 8.9% below the Engineer’s estimate. An additional $28,248 is required for the construction contingency (10%). Construction management, quality control and inspection are being handled through a separate consultant contract. The estimated cost for the construction and construction contingency is $310,728.

The two California Infrastructure and Economic Development Bank (CIEDB) loans are the funding sources for the project as approved in the 2010/2011 Annual Budget.
The bids are as follows (* = Non-compliant with “SELF PERFORMANCE” Specification Clause):

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Base Bid</th>
<th>Add Alt 1</th>
<th>Add Alt 2</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. HPS Mechanical</td>
<td>$282,480</td>
<td>$67,250</td>
<td>$67,370</td>
<td>$417,100</td>
</tr>
<tr>
<td>Bakersfield, CA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. WM Lyles</td>
<td>$284,249</td>
<td>$62,100</td>
<td>$62,100</td>
<td>$408,449</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. West Valley Const.</td>
<td>$304,895.51</td>
<td>$70,290.33</td>
<td>$70,290.33</td>
<td>$445,440.17 *</td>
</tr>
<tr>
<td>San Jose, CA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Steve Dovali Const.</td>
<td>$326,993</td>
<td>$85,642</td>
<td>$86,342</td>
<td>$498,977</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Given the bid document language used in this specific project manual and statutory provisions that require that the base bid be utilized for determining the lowest bid unless explicit instructions are given for award for particular combination of base bid and add alternates; this contract award is based on the lowest responsive base bid.

RECOMMENDATION: That City Council:

1. Award the Veteran's Park Booster Pump Project to the lowest responsive bidder HPS Mechanical in the amount of $282,480;

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

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

ATTACHMENTS: Locator Maps
SUBJECT: ACCEPTANCE OF PROJECT – JAYE STREET IMPROVEMENTS PROJECT POPLAR DITCH CULVERT CROSSING

SOURCE: Public Works Department - Engineering Division

COMMENT: Floyd Johnston Construction has completed the Jaye Street Improvements Project Poplar Ditch Culvert Crossing per plans and specifications. The project consisted 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 South Jaye Street Extension Project.

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 November 16, 2010 City Council authorized expenditure of $215,880 for construction, construction management and quality control services for the Jaye Street Improvements Project Poplar Ditch Culvert Crossing. 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 $179,600.

2) Construction management and quality control costs are $16,724.42, which is 9.3% of the awarded construction contract. This amount is lower than the 10% construction management and quality control amount requested at time of award.

Total project construction costs equate to $196,324.42, which is less than the $215,880.00 overall budget approved by Council at the time of award.

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

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

RECOMMENDATION: That City Council:

1. Accept the project as complete;

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

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

ATTACHMENT: Locator Map
SUBJECT: ACCEPTANCE OF PROJECT – FIRE STATION #2 PARKING LOT EXPANSION

SOURCE: Public Works Department - Engineering Division

COMMENT: Mitch Brown Construction has completed the Fire Station #2 Parking Lot Expansion Project per plans and specifications. The project is located at 500 N. Newcomb. The Base Bid included improvements for 34 parking stalls and consisted of installing new paving, barrier curbs, drive approach, and appurtenances. Add Alternate ‘A’ included improvements for 9 additional stalls and consisted of installing new paving, barrier curbs, and appurtenances.

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 September 7, 2010 City Council authorized expenditure of $53,972.43 for construction, construction management and quality control services for the Fire Station #2 Parking Lot Expansion 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 $42,110.38.

2) Construction management and quality control costs are $6,647.97, which is 15.7% of the awarded construction contract. This amount is lower than the 17.8% construction management and quality control amount requested at time of award.

Total project construction costs equate to $48,758.35, which is less than the $53,972.43 overall budget approved by Council at the time of award.

General Fund Carryover is the funding source for this project as approved in the 09/10 Annual Budget.

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

RECOMMENDATION: That City Council:

1. Accept the project as complete;

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

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

ATTACHMENT: Locator Map
SUBJECT: AUTHORIZATION TO ENTER INTO CONTRACTS WITH SCE FOR NEW METER AND SERVICE FOR THE SPORTS COMPLEX LIGHTING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual are nearing completion for the City of Porterville's Sports Complex Lighting Project.

The lighting project will initially provide power for lighting the youth football fields at the southern end of the sports complex. Ultimately, the lighting goals for the complex will include perimeter and interior lighting for the entire facility.

The lighting project requires the installation of a new 480v transformer and appurtenant conduit for the immediate needs of the football field lighting and for the future lighting plans at the sports complex. It should be noted that this proposed upgrade in power will conveniently provide for expansion potential of our existing sewer lift station adjacent to the sports complex, and the installation of new street lights. The cost for the power upgrade is as follows:

New Meter and Service $13,017.74 (Rule 16)

SCE plans are available in the La Barca Conference Room for Council's review and the contracts are attached for reference purposes.

Funds for this project were made available from the CEQA mitigation measures for the Porterville Courthouse defined in the 2010/2011 fiscal year.

RECOMMENDATION: That the City Council:

1. Approve the costs associated with the installation of a new transformer; and

3. Authorize the City Engineer to sign the SCE application and issue a $13,017.74 payment.

ATTACHMENT: SCE Contracts

P:\pubwork\General\Council\Authorization to Execute Contracts with SCE for Sports Complex Lighting Project - 2011-02-15.doc

Dir Bezdvc Appropriated/Funded Mb CM J Item No. 9
January 17, 2011

City of Porterville
291 N. Main St.
Porterville, CA 93257

Subject: SCE Project Number: 6551-2148; 02149 (SAP#: TD494672)
Project Location: 43720 Plant, Porterville, CA 93257

LOC: 2644' S/O SCRANTON, 2408' E/O WEST

Thank you for the opportunity to assist you with your electrical needs. The information provided below indicates requirements needed to complete your project. Please read and follow the directions so that your project may be completed in a timely manner.

- Enclosed are two copies of our invoice. Return one copy of the invoice with your payment.

- An Edison Inspector must approve all underground systems. Call (559) 685-3275 prior to construction.

- Call the Edison Company at (800) 655-4555 to make applications for electrical service.

- Final electrical inspection from the Local Governmental Building and Safety Department must be received before we can energize your service.

Please return the documents and/or payment in the enclosed self-addressed envelope. After receipt of the required documents, your project will be scheduled for construction. If you have any questions, feel free to call me at (559) 684-3558 or (559) 331-2426.

Sincerely,

\[Signature\]

Dustin Underwood
Customer Service Planner

Enclosures
2425 So. Blackstone Ave.
Tulare, CA 93274
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Request Number: 1381309 494672/02149 - NEW PRIMARY DIP TO 277/480V PADMOUNT TO SERVE BALL PARK, PER RULE 16...LOC:</td>
<td></td>
</tr>
<tr>
<td>Project Address: 43720 PLANT PORTERVILLE CA 93257</td>
<td></td>
</tr>
<tr>
<td>Item # 99617 325651</td>
<td>$13,017.74</td>
</tr>
<tr>
<td>494672 - NEW METER &amp; SERVICE</td>
<td></td>
</tr>
</tbody>
</table>

Previous Payment
* Enclosed are 2 copies of our invoice. Please return 1 copy of the invoice with your payment.
* Final electrical inspection from the local governmental building and safety department must be received before we can energize your service.
* All prices are applicable for a period of 90 days from this date and are subject to change thereafter.
* An Edison Inspector must approve all underground systems. Please call your designated inspector 48 hours prior to construction to schedule an inspection.
* Call the Edison company at 1-800-655-4555 to make application for electrical service.

Invoice Total $13,017.74

Please detach and return payment stub with payment

Payment Stub

Please pay total amount now due: $13,017.74

Thank you for paying promptly

Make check payable to Southern California Edison
2425 SOUTH BLACKSTONE AVENUE
TULARE CA 93274
SUBJECT: COMMUNITY CLEAN UP EVENTS

SOURCE: Public Works Department - Field Services Division

COMMENT: To encourage property maintenance and beautification, the City sponsors two clean up events every year; one in the Spring and one in the Fall. These events offer City residential refuse customers free disposal of general trash, bulky items, woodwaste and yard clippings at the City's Corporation Yard. Last year's events were well received with approximately 60 tons of general refuse received and an additional 40 tons of recyclable material diverted from the landfill. Total cost of both events, including disposal fees and personnel, was approximately $6,500.

Based on the success of prior events, staff recommends the City host two Community Clean Up Events in 2011. The proposed event dates are Saturday, April 2nd, and Saturday, October 15th. Staff is unaware of any community event conflicts with these dates. As in the past, the events are open to all residents receiving City refuse service. Staff estimates City costs for both events to be approximately $6,500 funded through the Solid Waste Operating Budget.

RECOMMENDATION:

That City Council:

1. Declare April 2, 2011, "Spring Clean Up Day" and October 15, 2011, "Fall Clean Up Day";

2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;

3. Authorize the City to accept trash, litter, and yard clippings delivered by City residents receiving City refuse service to the Spring and Fall Clean Up Events for free disposal; and

4. Authorize the cost of both events be funded from the Solid Waste Operating budget.
SUBJECT: APPROVAL OF THE UPDATED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

SOURCE: Public Works Department - Engineering Division

COMMENT: With the distribution of Federal stimulus funds, the Federal Highway Administration (FHWA) approved the California Department of Transportation’s (Caltrans) Disadvantaged Business Enterprise (DBE) in 2009. Caltrans and local agencies receiving federal-aid funds must conform to the DBE Program Plan by adopting and submitting the Implementation Agreement for Local Agencies by June 1 of each year.

This year the DBE Program Plan has removed the mandatory 10% race neutral and 9% race conscious goals and is requiring project specific goals to be calculated. As before, all FHWA funded contracts must include Underutilized Disadvantaged Business Enterprises (UDBE) race conscious wording to include African American, Asian-Pacific American, Women and Native American businesses in advertised contracts that include federal funds. Hispanic American and Subcontinent Asian American businesses (DBE’s) are not included in the race conscious portion of the program but do count towards meeting the race neutral goals. The revised DBE Program Plan assists the California Department of Transportation in meeting the overall goals of the State.

RECOMMENDATION: That the City Council:

1. Approve the updated Disadvantaged Business Enterprise Program;

2. Authorize the Public Works Director to sign the updated Disadvantaged Business Enterprise Program; and

3. Approve the Resolution of Adoption.

ATTACHMENTS: Disadvantaged Business Enterprise Program Resolution

P:\pubworks\General\Council\Approval of the Updated DBE Program - 2011-02-15.doc

Dir Appropriated/Funded N/A CM Item No. 11
CALIFORNIA
DEPARTMENT OF TRANSPORTATION
DISADVANTAGED BUSINESS ENTERPRISE
IMPLEMENTATION AGREEMENT
FOR
LOCAL AGENCIES
CALIFORNIA DEPARTMENT OF TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE IMPLEMENTATION AGREEMENT

For the City of Porterville, hereinafter referred to as "RECIPIENT."

I Definition of Terms

The terms used in this agreement have the meanings defined in 49 CFR § 26.5.

II OBJECTIVE/POLICY STATEMENT (§26/1. 26/23)

The RECIPIENT intends to receive federal financial assistance from the U. S. Department of Transportation (DOT) through the California Department of Transportation (Caltrans), and as a condition of receiving this assistance, the RECIPIENT will sign the California Department of Transportation Disadvantaged Business Enterprise Implementation Agreement (hereinafter referred to as Agreement). The RECIPIENT agrees to implement the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan (hereinafter referred to as the DBE Program Plan) as it pertains to local agencies. The DBE Program Plan is based on U.S. Department of Transportation (DOT), 49 CFR, Part 26 requirements.

It is the policy of the RECIPIENT to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also their policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- To create a level playing field on which DBE’s can compete fairly for DOT-assisted contracts.
- To ensure that their annual overall DBE participation percentage is narrowly tailored, in accordance with applicable law.
- To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in DOT-assisted contracts.
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

III Nondiscrimination (§26.7)

RECIPIENT will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR, Part 26 on the basis of race, color, sex, or national origin. In administering the local agency components of the DBE Program Plan, the RECIPIENT will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.
IV Annual DBE Submittal Form (§26.21)

The RECIPIENT will provide to the Caltrans District Local Assistance Engineer (DLAE) a completed "Local Agency DBE Annual Submittal Form (Exhibit 9-B)" by June 1 of each year for the following Federal Fiscal Year (FFY). This form includes an Annual Anticipated DBE Participation Level (AADPL), methodology for establishing the AADPL, the name, phone number, and electronic mailing address of the designated DBELO, and the choice of Prompt Pay Provision to be used by the RECIPIENT for the following FFY.

V Race-Neutral Means of Meeting the Overall Statewide Annual DBE Goal (§26.51)

RECIPIENT must meet the maximum feasible portion of its AADPL by using race neutral means of facilitating DBE participation. Race neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low-bid system to award subcontracts).

Race neutral means include, but are not limited to, the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);

2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);

3. Providing technical assistance and other services;

4. Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs and other small businesses on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);

5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;

6. Providing services to help DBEs and other small businesses, improve long-term development, increase opportunities to participate in a variety of types of work, handle increasingly significant projects, and achieve eventual self-sufficiency;

7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;

8. Ensuring distribution of your DBE directory through print and electronic means to the widest feasible universe of potential prime contractors; and

9. Assisting DBEs and other small businesses to develop their capability to utilize emerging technology and conduct business through electronic media.
VI    Race Conscious Means of Meeting the Overall Statewide Annual DBE Goal (§26.51(d))

RECIPIENT must establish contract goals for Underutilized Disadvantaged Business Enterprises (UDBEs) to meet any portion of your AADPL you do not project being able to meet using race neutral means. UDBEs are limited to these certified DBEs that are owned and controlled by African Americans, Native Americans, Women, and Asian-Pacific Americans.

VII    Quotas (§26.43)

RECIPIENT will not use quotas or set-asides in any way in the administration of the local agency component of the DBE Program Plan.

VIII   DBE Liaison Officer (DBELO) (§26.25)

RECIPIENT has designated a DBE Liaison Officer. The DBELO is responsible for implementing the DBE Program Plan as it pertains to the RECIPIENT, and ensures that the RECIPIENT is fully and properly advised concerning DBE Program Plan matters. [Specify resources available to the DBELO; e.g., the DBELO has a staff of two professional employees assigned to the DBE program on a full-time basis and two support personnel who devote a portion of their time to the program.] The name, address, telephone number, electronic mail address, and an organization chart displaying the DBELO’s position in the organization are found in Attachment 1 to this Agreement. This information will be updated annually and included on the DBE Annual Submittal Form.

The DBELO is responsible for developing, implementing, and monitoring the RECIPIENT’s requirements of the DBE Program Plan in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to determine projected Annual Anticipated DBE Participation Level.
4. Ensures that bid notices and requests for proposals are made available to DBEs in a timely manner.
5. Analyzes DBE participation and identifies ways to encourage participation through race neutral means.
6. Participates in pre-bid meetings.
7. Advises the CEO/governing body on DBE matters and DBE race neutral issues.
8. Provides DBEs with information and recommends sources to assist in preparing bids, obtaining bonding and insurance.
10. Provides outreach to DBEs and community organizations to fully advise them of contracting opportunities.
IX  Federal Financial Assistance Agreement Assurance (§26.13)

RECIPIENT will sign the following assurance applicable to and to be included in all DOT-assisted contracts and their administration, as part of the program supplement agreement for each project.

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR, Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR, Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient’s DBE Program, as required by 49 CFR, Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under 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.). [Note – this language is to be used verbatim, as it is stated in §26.13(a).]

X  DBE Financial Institutions (§26.27)

It is the policy of the RECIPIENT to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBELO. The Caltrans Disadvantaged Business Enterprise Program may offer assistance to the DBELO.

XI  Directory (§26.31)

RECIPIENT will refer interested persons to the Unified Certification Program DBE directory available from the Caltrans Disadvantaged Business Enterprise Program’s Web site at: www.dot.ca.gov/hq/bep.

XII  Required Contract Clauses (§§26.13, 26.29)

RECIPIENT ensures that the following clauses or equivalent will be included in each DOT-assisted prime contract:

A. Contract Assurance

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

[Note – This language is to be used verbatim, as is stated in §26.13(b). See Caltrans Sample Boilerplate Contract Documents on the Internet at www.dot.ca.gov/hq/LocalPrograms under “Publications.”]
B. Prompt Payment

Prompt Progress Payment to Subcontractors

The local agency shall require contractors and subcontractors to be timely paid as set forth in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-day is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over thirty (30) days may take place only for good cause and with the agency’s prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment of Withheld Funds to Subcontractors

The local agency shall ensure prompt and full payment of retainage from the prime contractor to the subcontractor within thirty (30) days after the subcontractor’s work is satisfactorily completed and accepted. This shall be accompanied by including either (1), (2), or (3) of the following provisions [local agency equivalent will need Caltrans approval] in their federal-aid contracts to ensure prompt and full payment of retainage [withheld funds] to subcontractors in compliance with 49 CFR 26.29.

1. No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency’s prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

2. No retainage will be held by the agency from progress payments due to the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in thirty (30) days after the subcontractor’s work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency’s prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
3. The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within thirty (30) days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency’s prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

XIII Local Assistance Procedures Manual

The RECIPIENT will advertise, award and administer DOT-assisted contracts in accordance with the most current published Local Assistance Procedures Manual (LAPM).

XIV Transit Vehicle Manufacturers (§ 26.49)

If FTA-assisted contracts will include transit vehicle procurements, RECIPIENT will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on transit vehicle procurements; to certify that it has complied with the requirements of 49 CFR, Part 26, Section 49.

XV Bidders List (§26.11(c))

The RECIPIENT will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on its DOT-assisted contracts. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of the firm.

XVI Reporting to the DLAE

RECIPIENT will promptly submit a copy of Local Agency Proposer UDBE Commitment (Consultant Contracts), (Exhibit 10-01) or Local Agency Bidder UDBE Commitment (Construction Contracts) (Exhibit 15-G1) of the LAPM to the DLAE at the time of award of the consultant or construction contracts.

RECIPIENT will promptly submit a copy of Local Agency Proposer DBE Information (Consultant Contracts) (Exhibit 10-02) or Local Agency Bidder DBE Information (Construction Contracts) (Exhibit 15-G2) or of the LAPM to the DLAE at the time of execution of consultant or construction contract.

RECIPIENT will promptly submit a copy of the Final Utilization of DBE participation to the DLAE using Exhibit 17-F Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors of the LAPM immediately upon completion of the contract for each consultant or construction contract.

XVII Certification (§26.83(a))

RECIPIENT ensures that only DBE firms currently certified by the California Unified Certification Program will participate as DBEs on DOT-assisted contracts.
XVIII Confidentiality

RECIPIENT will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information consistent with federal, state, and local laws.

By ____________________________
(Signature)

Baldomero Rodriguez, Public Works Director
(Print Name and Title) ADMINISTERING AGENCY
(Authorized Governing Body Representative)

Phone Number: 559-782-7462

This California Department of Transportation’s Disadvantaged Business Enterprise Program Implementation Agreement is accepted by:

[Signature of DLAE] __________________________
(Date: _____________________________)

[Print Name of DLAE] __________________________

Distribution: (1) Original – DLAE
(2) Signed copy by the DLAE – Local Agency

(Updated: March 4, 2009)
TO: CALTRANS DISTRICT 6
District Local Assistance Engineer

The information for exhibit 9-B presented herein, in accordance with Title 49 of the Code of Federal Regulations (CFR), Part 26, and the State of California Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan.

The City of Porterville, submits our annual 9-B information for the Federal Fiscal Year 2010 / 2011, beginning on October 1, 2010 and ending on September 30, 2011.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

Name: Baldomero Rodriguez
Address: 291 N. Main Street
Porterville, CA 93257
Phone: (559) 782-7462
E-Mail: brodriguez@ci.porterville.ca.us

Planned Race Neutral Measures
The City of Porterville has developed and updates on its website a DBE section that provides a link to the CUCP Directory, a link to the Office of Civil Right’s website that provides information on small business activities, and current City of Porterville Bidder’s List tracking DBE participation on all jobs. The City also holds mandatory pre-bid meetings when necessary, ensures compliances to prompt payment specifications, and maintains a current list of projects that are bidding on the City’s website.

Prompt Pay

Federal regulation (49 CFR 26.29) requires one of three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor. (See Attached)

Prompt Pay Enforcement Mechanism

In compliance with 49 CFR, Part 26.29(d) the City of Porterville has contractual procedures in place with general contractors to insure payment to subcontractors is timely unless payment has been withheld for good cause. Project Managers may at any time request verification of timely payment to subcontractors, otherwise penalties may be accrued.
Local Agency DBE Annual Submittal Form

(Signature) ____________________________ Date ________________

Baldomero Rodriguez ____________________________ (559) 782-7462 Phone Number ________________
(Print Name and Title) ADMINISTERING AGENCY (Authorized Governing Body Representative)

(Signature of Caltrans District Local Assistance Engineer [DLAE]) ____________________________ Date ________________

Distribution: (1) Original - DLAE  (2) Signed copy by the DLAE - Local Agency

DBE Annual Submittal Form (07/1/10)
(Attachment)

Prompt Payment of Withheld Funds to Subcontractors

Federal regulation (49 CFR 26.29) requires one of the following three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Please check the box of the method chosen by the local agency to ensure prompt and full payment of any retainage.

☐ Method 1: No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency’s prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

☒ Method 2: No retainage will be held by the agency from progress payments due to the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor’s work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency’s prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

☐ Method 3: The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency’s prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE ADOPTING
THE 2010/2011 DISADVANTAGED
BUSINESS ENTERPRISE PROGRAM

WHEREAS, the Department of Transportation's Disadvantaged Business
Enterprise Program (Program) has been approved by the Federal Highway
Administration; and

WHEREAS, the updated Program has removed race-conscious and race-neutral
goals opting instead for project specific goals to be calculated on all federally funded
projects beginning October 1, 2010 through September 30, 2011;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of
Porterville hereby approves the updated Disadvantaged Business Enterprise Program
for October 1, 2010 through September 30, 2011.

PASSED, ADOPTED AND APPROVED this 15\textsuperscript{th} day of February, 2011.

______________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

______________________________
By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: AUTHORIZATION TO RELEASE REQUEST FOR PROPOSAL FOR PREPARATION OF AN ECONOMIC DEVELOPMENT STRATEGIC PLAN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The City's initial Economic Development Plan and Program was adopted in 1984-85. Until 1999, the City diligently updated its economic development plan every three to five years consistent with recommendations from the initial Plan. During the mid 2000's, staff was developing the City's 2030 General Plan, which included an Economic Development Element to provide the supportive zoning infrastructure, facilitate the approval process, and provide policies on how assessments can be translated into specific action plans. Since the adoption of the General Plan, staff has been seeking funding mechanisms to provide for an update of the 1999 Economic Development Strategic Plan.

On February 1, 2011, City Council approved a budget adjustment to accept grant funds from the Department of Housing and Urban Development (HUD) Sustainable Communities Initiative (SCI). One project funded under the HUD-SCI grant is the update of the Economic Development Strategic Plan. The update will refine and implement the City’s strategy for economic development as set forth in the 2030 General Plan.

Staff is seeking City Council authorization to distribute a Request for Proposals to engage a consultant to prepare an Economic Development Strategic Plan.

Recommendation: That City Council authorize staff to distribute the Request for Proposal for preparation of an Economic Development Strategic Plan.
SUBJECT: AUTHORIZATION TO TRAVEL

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In 2008, the City of Porterville embarked on a retail recruitment strategy to attract new retail development to the community, primarily to fill voids in the range of retail/services already offered to local residents. The primary driver in this effort is the relationship established between the City and Buxton who has been assisting the City with the preparation of consumer buying patterns to facilitate the City’s efforts in targeting retailers that would be complementary to the needs of Porterville.

Through this relationship and the observations of Buxton staff regarding the City’s efforts, Brad Dunlap has been invited to serve on Buxton’s 2nd Customer Advisory Board (CAB). The CAB is a tool used by Buxton to improve their service by hearing directly from their customers. The one year commitment would include the following:

• Attendance at one meeting per year (April 14 and 15, 2011)
• Open and honest communication regarding our current use of Buxton’s products and services
• A view into the City’s short and intermediate term goals and initiatives

Buxton is headquartered in Fort Worth, Texas, which is the location of the annual meeting. Buxton will cover all expenses such as travel, lodging, and meals. It does not include any payment or honorarium for participating.

RECOMMENDATION: That the City Council approve travel for Brad Dunlap to Fort Worth, Texas for attendance at the annual Customer Advisory Board meeting on April 14 and 15, 2011.
SUBJECT: ISO Rating Implications for Fire Station # 3

SOURCE: Fire Department

COMMENT: At the request of Council, staff has provided information relating to effects of an Insurance Services Office (ISO) rating on our community, and the operating cost for Fire Station # 3. The purpose of ISO is to collect information on municipal fire-protection efforts in communities throughout the United States. In each of those communities, ISO analyzes the relevant data using the Fire Suppression Rating Schedule (FSRS). ISO then assigns a Public Protection Classification from 1 to 10. Class 1 generally represents superior property fire protection, and Class 10 indicates that the area’s fire-suppression program doesn’t meet ISO’s minimum criteria. The City of Porterville’s current ISO rating is 3.

A question was asked by Council regarding what the difference would be if our City was reclassified from an ISO rating of 3 to 5. Staff contacted various insurance companies (see attached list) to verify what impact such a reclassification would have on our community.

There was not one specific answer; all insurance brokers/companies either use the ISO format or the Department of Insurance Services. Those that use the Department of Insurance Services assess their premiums based on value of the home, address, zip code, location to fire hydrants, and response times. The others use the ISO rating. Some insurance companies noted that they have a cut-off for not insuring a home if the ISO rating is in excess of 7.

However, two local insurance companies indicated that there would be an increase in premium rates if the ISO rating changed from 3 to 5. One company indicated that the premiums would increase 60%, and the other stated that a 25% increase would be incurred. Other companies would not commit to provide information on premium increases.

As for the operational cost for Fire Station # 3, a cost has been determined and will be discussed during budget preparations, in particular during Measure H discussions.
RECOMMENDATIONS: No action required. Report provided for informational purpose only.

ATTACHMENTS: List of Insurance Companies
<table>
<thead>
<tr>
<th></th>
<th>Insurance Company</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>AAA Insurance</td>
<td>24 W. Morton</td>
</tr>
<tr>
<td>2.</td>
<td>All State</td>
<td>311 N. Second</td>
</tr>
<tr>
<td>3.</td>
<td>Cheap Down Payment.com</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Farmers Insurance</td>
<td>341 N. Main</td>
</tr>
<tr>
<td>5.</td>
<td>Fidelity</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Magana Insurance</td>
<td>492 W. Olive</td>
</tr>
<tr>
<td>7.</td>
<td>State Farm</td>
<td>1034 W. Morton</td>
</tr>
</tbody>
</table>
COUNCIL AGENDA: FEBRUARY 15, 2011

SUBJECT: CONSIDERATION OF MODIFICATION TO THE HERITAGE COMMUNITY CENTER WALL OF FAME POLICY

SOURCE: Parks and Leisure Department

COMMENT: At the February 1, 2011 meeting, City Council requested that staff bring back potential changes to be considered for the Wall of Fame Policy. The current policy was adopted by Minute Order 14-121906, at the December 19, 2006 Council meeting. The initial recognition period was for three (3) years; however, in January 2010, a five (5) year recognition period was adopted.

A few of the suggested changes to be considered are:
• Honorees’ pictures will remain on the wall for an indefinite period of time.
• A brief biography of the Honorees to accompany their picture.
• Include the Honorees biography on the City’s website.
• A perpetual plaque with name plates to recognize the Honorees whose pictures in the future may have to be removed due to limited space.

Staff supports the consideration of the changes, with the sponsors maintaining their responsibilities.

RECOMMENDATION: That the City Council approve suggested modifications.

ATTACHMENTS: 1. Item 18 of the December 19, 2006 adopted Minutes
2. Nomination Procedure

ITEM NO.: 15
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
DECEMBER 19, 2006, 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez (arrived at 6:07 p.m.), Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: John Hale et al. v. City of Porterville et al.
   4- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.

The City Manager read the list of items and the Council adjourned at 6:02 p.m. to the La Barca Conference Room where Council Member P. Martinez joined them prior to the discussion on A-1.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

City Attorney Julia reported that action had been taken in Closed Session to approve a one year lease of industrial Airport property to Southern California Edison at $2,100 per month.

A-1. AUTHORIZATION OF LEASE OF AIRPORT INDUSTRIAL PROPERTY – A PORTION OF APN 302-110-071

Recommendation: That the City Council:
   1) Approve the lease of 10-acres of property located within the 74-acres along West Street, adjacent to the Municipal Airport, and
   2) Authorize the Mayor to sign all necessary documents to complete the transaction.
16. ORDINANCE EXTENDING NON-EXCLUSIVE CABLE TELEVISION FRANCHISE

Recommendation: That the City Council consider the proposed ordinance and give first reading to the Ordinance of the City Council of the City of Porterville Extending Ordinance No. 1544, as Transferred by Ordinance No. 1582, Being a Non-Exclusive Franchise to Construct, Operate, and Maintain a Cable Television System within the City of Porterville.

The City Manager presented the item and Julia Lew, the City Attorney, gave the staff report.

Council Member P. Martinez asked that the City enter into discussions with the Charter Company regarding an educational (PEG) channel for cable access for the Council meetings.

The City Manager stated that he and the City Attorney would meet with the cable company regarding this issue. He stated that they would respond back to Council as soon as possible.

COUNCIL ACTION: MOVED by Mayor Pro Tem F. Martinez, SECONDED by Council Member P. Martinez that the Council approve Ordinance 1710 and give first reading to the ordinance being An Ordinance of the City Council of the City of Porterville Extending Ordinance No. 1544, as Transferred by Ordinance No. 1582, Being a Non-Exclusive Franchise to Construct, Operate, and Maintain a Cable Television System within the City of Porterville. The motion carried unanimously.

The City Manager read the ordinance by title.

Disposition: Order to Print.

18. HERITAGE CENTER “WALL OF FAME” PLACEMENT PROCEDURE

Recommendation: That the City Council:
1. Adopt the Heritage Center “Wall of Fame” Placement Procedure; and,
2. Consider the nomination of Mrs. Carmen Martinez-Eoff for placement on the “Wall of Fame.”

The City Manager presented the item and Jim Perrine, Director of Parks and Leisure Services, gave the staff report.

Council discussed the item and the following items were recommended by Council:

• Mrs. Carmen Martinez-Eoff would be considered at the first meeting held in January 2007, along with any other nominees.
• The portrait to be placed on the “Wall of Fame” for five years and not three
• Nominations will be considered at the first regular meeting held in each calendar year.
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member P. Martinez that Council accept the placement procedure as recommended by staff. The motion carried unanimously.

MOVED by Council Member Hernandez, SECONDED by Council Member P. Martinez that the Council amend the procedure to change the duration from three to five years.

M.O. 13-121906

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

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member P. Martinez that the Council accept the placement procedure as amended.
M. O. 14-121906 The motion carried unanimously.

Disposition: Approved as amended.

19. PROPERTY IMPROVEMENT AWARD PROGRAM

Recommendation: Provide direction for further development of a Property Improvement Award Program.

The City Manager presented the item and Jim Perrine, Director of Parks and Leisure Services, gave the staff report.

After a brief discussion the Mayor stated that he would come back with something for Council instead of ‘hashing’ it out that evening.

Disposition: Continued.

20. FRANK ‘BUCK’ SHAFFER CLOCK FOR CENTENNIAL PARK

Recommendation: That the City Council:
1. Receive the recommendation from the Parks and Leisure Services Commission that a clock not be installed in Centennial Plaza and instead be located in front of City Hall; and
2. Consider staff’s two suggestions for possible locations for a pole mounted clock in or adjacent to Centennial Plaza; and
3. Consider ‘Buck’ Schaffer’s stated desire to have a nostalgic clock located in Centennial Plaza; and
4. Provide direction and appropriate authorizations related to the installation of a clock and/or other memorial.

The City Manager presented the item and Jim Perrine, Director of Parks and Leisure Services, gave the staff report.
HERITAGE COMMUNITY CENTER “WALL OF FAME”
PLACEMENT PROCEDURE

The “Wall of Fame” is a portion of the hallway wall within the Porterville Heritage Center, located at 256 E. Orange Avenue. Those who are honored on the “Wall of Fame” are posthumously recognized for their significant efforts and service to the Porterville community. The City Council will determine the appropriateness of each nomination for placement on the “Wall of Fame”. Recognition shall consist of a framed five by seven inch portrait and bronze engraved name plate of common and similar style to the “Mayor’s Wall of Honor” within City Hall.

Only the Mayor and members of the City Council may submit nominations for this honor. The nomination shall be in writing to the City Clerk stating the type and duration of services the nominated individual provided to the Porterville community prior to their passing. A nomination shall identify a sponsoring contact person willing to assume responsibility for supplying the framed portrait and nameplate, and who shall be responsible for all cost of such. All nominations will be retained by the City Clerk and placed on the agenda for consideration by the City Council at their first regular meeting held in each calendar year.

The City Council shall make the sole determination regarding the worthiness of the nominated individual’s service to the heritage of the community in regards to the honor of being included for placement on the “Wall of Fame”. The honor of recognition on the “Wall of Fame” shall be for a period of five (5) years, at which time the portrait will be returned to the sponsoring contact person. The City Council may at its discretion, consider at any time the removal of the honor and return of the portrait to the sponsor.
SUBJECT: PUTNAM AVENUE AND HENRY STREET PROPERTY

SOURCE: Parks and Leisure Services Department

COMMENT: At the direction of City Council staff sought the recommendation from the Parks and Leisure Services Commission regarding the future use of the Putnam Avenue and Henry Street property located at 604 N. Henry.

The Commissioners unanimously agreed that the property would be a wonderful addition to the Murry Park site. As much as they like the idea of extending Murry Park, they also had concerns such as improving the fence line along Putnam Avenue to deter children from crossing midway of a major thoroughfare; including a parking lot in the improvements to assist in alleviating pedestrian traffic crossing Putnam Avenue; and a block wall between the property and residents along the easterly side of the site. The Commission also suggested a pavilion, irrigation and turf improvements, as well as possibly converting the home located on the property to office space and/or a conference room.

A couple of neighboring homeowners, Dr. and Mrs. Myron Lord and Mr. and Mrs. John Rankin, attended the meeting to express their thoughts and concerns. They were favorable of using the property as an extension of Murry Park, and they had similar concerns as the Commission.

RECOMMENDATION: None - Information Only

ATTACHMENT: Site Map

ITEM NO.: 16
COUNCIL AGENDA: February 15, 2011

SUBJECT: CONSIDERATION OF PROPOSED BUDGET CALENDAR FOR FISCAL YEAR 2011-2012

SOURCE: Finance Department

COMMENT: For the Council's consideration, please find enclosed the proposed budget calendar for the fiscal year 2011-2012.

RECOMMENDATION: That the City Council approve the proposed budget calendar for the 2011-2012 fiscal year.

ATTACHMENTS: FY 2011-2012 Budget Calendar

D.D. Appropriated/Funded N/A C.M. Item No. 17
<table>
<thead>
<tr>
<th>Date</th>
<th>Task</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 18</td>
<td>Budget worksheets to Departments</td>
<td>Finance</td>
</tr>
<tr>
<td>February 28</td>
<td>Preliminary revenue estimates completed</td>
<td>Finance</td>
</tr>
<tr>
<td>March 16 - 17</td>
<td>10-Year Capital Projects update</td>
<td>CM/Directors</td>
</tr>
<tr>
<td>March 25</td>
<td>Budget retreat</td>
<td>CM/Directors</td>
</tr>
<tr>
<td>April 8</td>
<td>Completed budget worksheets to Finance</td>
<td>Directors</td>
</tr>
<tr>
<td>April 25</td>
<td>Preliminary budget completed</td>
<td>Finance</td>
</tr>
<tr>
<td>April 25</td>
<td>Preliminary budget approved by City Manager</td>
<td>CM</td>
</tr>
<tr>
<td>May 10</td>
<td>Preliminary budget Council study session - Capital Projects</td>
<td>Council</td>
</tr>
<tr>
<td>May 24</td>
<td>Preliminary budget Council study session - Gen Fund / Meas H</td>
<td>Council</td>
</tr>
<tr>
<td>June 7</td>
<td>Preliminary budget presented to Council</td>
<td>Council</td>
</tr>
<tr>
<td>June 21</td>
<td>Final budget public hearing and approval by Council</td>
<td>Council</td>
</tr>
</tbody>
</table>
COUNCIL AGENDA – FEBRUARY 15, 2011

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS AND RESCHEDULING OF STUDY SESSION

SOURCE: Administration

COMMENT: In accordance with the City Council’s Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8690 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review, on February 1, 2011, as a follow up to the damage assessment conducted by state and federal representatives on January 5th, pertinent City staff attended an Applicants’ Briefing presented by FEMA and CalEMA on February 7, 2011. While the City’s preliminary estimates of damages have been accepted, receipt of official documentation remains pending, and all costs associated with the event continue to be tracked by staff.

In addition, at its last meeting, the Council scheduled a study session to review the local emergency for February 24, 2011. However, several Council Members have requested that the study session be rescheduled from this date due to other community commitments that evening. Therefore, staff recommends that the Council reschedule the study session for March 10, 2011 at 6:00 p.m.

RECOMMENDATION: That the Council:
1. Receive the status report and review of the designated local emergency;
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation; and
3. Schedule a study session for March 10, 2011 at 6:00 p.m. to review staff’s analysis of the response to the local emergency and discuss options for future mitigation of any identified issues.

Item No. 18
SUBJECT: APPOINTMENTS TO THE ARTS COMMISSION

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: On October 19, 2010, the City Council adopted Ordinance 1767 which established an Arts Commission to be comprised of up to 11 members. The Ordinance provides that no less than three and no more than seven of the members shall be directly appointed by the City Council and the remaining four members shall be recommended for appointment by the Commissioners through subcommittees, representing four areas of the arts: 1) theatrical/performing; 2) visual/graphic; 3) music; and 4) youth. The Council will have the authority in making the final appointments.

At the meeting of January 18, 2011 the Council approved the initial appointment of three members for a term of three years (with the exception of the initial term of one member, who will serve an initial term of two years, so as to stagger the terms to prevent concurrent expiration), which would provide for an initial full Commission of seven seats.

Pursuant to Council’s direction at said meeting, staff has published notice and solicited applications from individuals interested in serving on the Committee. As of the time of Agenda compilation and distribution, staff has received Requests for Appointment from the following:

- Joan Claire Givan
- Rebecca Grayson
- Deana Worthington
- Carolyn Petermann Turner

All Requests for Appointment received after Agenda distribution will be provided to the Council and made available to the public prior to the City Council Meeting.

RECOMMENDATION: That the City Council appoint two individuals to serve three year terms as members of the Arts Commission; and one individual to serve a two year term.

ATTACHMENT: Requests for Appointment

Item No. 19
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: JOAN CLAIRE GIVAN
(Please Print)

Appointment to: ART - COMMISSION
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 522 N. MURRY ST
PORTERVILLE, CA 93257

Mailing Address: SAME

Name of Business: CENTURY 21 ALL STAR REALTY
☐ Own ☐ Operate

Business Address: 878 W. MORTON AVE
PORTERVILLE, CA 93257

Telephone: Home 559-784-2300
Work 781-1414
FAX 781-3630
E-mail: JOAN.GIVAN@PORTERVILLE.CA 21.COM
X CELL 310-1076

City of Porterville resident: ☑ Yes
☐ No

Registered Voter: ☑ Yes
☐ No
Qualifications: UCLA Graduate 64012 63
\checkmark\ MAJORED IN ART - B.A. DEGREE
\checkmark\ PLAYED A SAXOPHONE AT SAN JOSE STATE
BAND TRAVELED TO FOOTBALL GAMES
WAS IN A SUMMERStock "Catalina Players"
IN 1954 ON CATALINA ISLAND - ACTOR
DIRECTED PLAYS FOR CHILDREN
\checkmark\ INTERIOR DESIGNER IS SOUTHERN CALIF
FROM 1965 - 1984 - OWNED BUSINESS
\checkmark\ BOARD OF DIRECTORS, 8 YEARS
ACTIVE, ACTING IN PRODUCTIONS + DIRECTING

☐ Resume attached

☐ Letter of request attached

Submitted By: [Signature]
Date: 02/07/2011

Received By: [Signature]

Forwarded to: City Clerk
☐ Date: 2/7/11
City Council
☐ Date: ________________________________
City Manager
☐ Date: ________________________________
Applicable Dept.
☐ Date: ________________________________

Tentative Council Mtg Date: 2/15/11
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Rebecca Grayson

(Please Print)

Appointment to: Art Commission

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 554 N Bulmoral
Porterville, CA 93257

Mailing Address:  

Name of Business: Imagine Community Arts Center

☒ Own ☒ Operate

Business Address: 93 N Main St
Porterville, CA 93257

Telephone: Home 559-310-1960
Work 559-793-1500

FAX

E-mail imagine.arts.center@gmail.com

City of Porterville resident: ☒ Yes ☐ No

Registered Voter: ☒ Yes ☐ No

Page 1 of 2
Qualifications: I have supported the arts in the area since I moved here in 1994 by offering arts education through the Porterville Art Association, and now through the Imagine Community Arts Center. The arts are supported with lessons, shows, and participation. I have contributed artwork to shows in Porterville City Art Walk, Santa Clara, Porterville College, my most recent display was in Bethesda's Gallery in Nineteen in January of this year. Currently, I am working towards a Masters in fine arts at the Academy of Art in San Francisco.

☐ Resume attached

☐ Letter of request attached

Submitted By: Rebecca Dragon 2/7/2011 Date

Received by: Rush Henecke

Forwarded to: City Clerk ☑ Date: 2/7/2011

City Council ☐ Date:

City Manager ☐ Date:

Applicable Dept. ☐ Date:

Tentative Council Mtg Date: 2/15/2011
Deana Worthington  
96 Olive Terrace Street  
Porterville, CA 93257  

February 8, 2011  

Porterville City Council  
City Hall  
291 North Main Street  
Porterville, CA 93257  

Dear City Council:  

I would like to be considered for a position on the Arts Commission.  
I feel I have obtained the needed skills and experience to qualify for this position and would be honored to represent the City of Porterville as an Arts Commission member.  

Please review my qualifications on the attached sheet.  

If you have questions, please call me at (559) 920-1233, I look forward to hearing from you soon.  

Sincerely,  

Deana Worthington
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: **DEANA L. WORTHINGTON**
(Please Print)

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

☐ Reappointment; or IF NEW, please provide:

Street Address: **96 Olive Terrace St**
**Porterville, CA 93257**

Mailing Address: **SAME**

Name of Business: **County of Tulare**
☐ Own ☐ Operate

Business Address: **1055 W Henderson**
**Porterville, CA 93257**

Telephone: **Home** 559-784-9005
**Work** 559-793-3600
FAX

E-mail **dlworthin@hotmail.com**

City of Porterville resident: ☒ Yes
☐ No

Registered Voter: ☒ Yes
☐ No

Page 1 of 2
Qualifications: **SEE ATTACHMENT**

☑ Resume attached
☑ Letter of request attached

Submitted By: [Signature]  
Date: 2/8/11

Received by: ___________________________

Forwarded to: City Clerk ☐ Date: ___________________________
                City Council ☐ Date: ___________________________
                City Manager ☐ Date: ___________________________
                Applicable Dept. ☐ Date: ___________________________

Tentative Council Mtg Date: ___________________________

Page 2 of 2
QUALIFICATIONS:

I am a Porterville resident and active in the community. I currently hold the position of President with Porterville Emblem Club #82. My term as President will be ending in March. I have been an involved member for over 30 years and have held a number of different offices. A few of the local projects I am involved with are, Porterville Homeless Project, New Hope Food Pantry, Americanism in Veteran’s Park, Porterville Parks and Leisure activities (Kids Day in the Park: Murray and Veterans, Veterans Day Run), I also support Love of Animals Spay & Neuter program, and our local Animal Shelter with bedding.

Education is a very important part of our community and every year Emblem Club gives 4 High School Scholarships and 1 College scholarship to our local students, through the year we try to support as many youth in their extracurricular needs as possible. We have supported Sober Grad Night for many years. In addition to Emblem Club, I am a member of the Porterville Chamber of Commerce and participate as much as possible.

While raising my children, I served on School Site Councils, held PTSO offices as President, Treasurer, and Secretary, as a Parent Board Member of the Porterville Schools Combined Orchestra; we planned community events and raised the funds needed to send the Orchestra to Carnegie Hall in New York City for a week.

I have been interested and involved in different forms of Art most of my life. I have performed with dance troops entertaining at elderly group homes. I volunteered to teach clay and glazing classes to children when Art budgets had been cut. I recently assisted a group with creating greeting cards for children to send to parents in the Military.

I feel I could make valuable contributions to this Commission.

Thank You,

[Signature]

Deana Worthington
DEANA WORHTINGTON
96 Olive Terrace Street
Porterville, CA 93257
Home# (559) 784-8005  Cell# (559) 920-1233

Employment

COUNTY OF TULARE, VISALIA, CA
Administrative Aide, 9/09-Current
Work with Tulare County Health and Human Services Director, Division Manager and Unit Managers in implementing new programs and tracking existing programs. Maintain data and statistics of County programs, compile reports for State audits. Work on special projects and duties as assigned.
Administrative Aide, 3/07-9/09
Work with Tulare County Mental Health Director and Unit Manager in implementing new programs and tracking existing programs. Maintain data and statistics of County programs, compile reports for State audits. Liaison between State/County programs and providers. Inspect new program sites and certify for Medi-Cal reimbursement programs. Schedule training, travel, and accommodations for program staff. Organize and conduct training sessions. Organize public meetings and information forums. Assist in interviewing prospective staff, assist in developing contracts for providers, and orientate staff in county policies and procedures. Maintain payroll and benefit records for department.
Administrative Aide, 7/02-3/07
Worked with Tulare County Medical Director to help maintain staff in medical clinics and hospital emergency on call. Recorded statistical data for state reports. Scheduled continued medical training for Doctors, NPs and PAs. Arrange travel and accommodations for extra help medical staff. Organize and conduct training sessions for medical staff. Assist Medical Director in interviewing prospective staff, assist in developing contracts for new providers, and orientate new staff in county policies and procedures.
Job Developer Vocational Rehabilitation, 9/01-7/02
Work with clients with special needs to gain training and/or employment to become self-sufficient. Work with employers to provide clients with employment opportunities. Develop training curriculum for employment classes to assist clients in obtaining employment. Counsel clients with drug and alcohol problems. Refer clients to needed services.
Self-Sufficiency Resource Specialist, 08/00-09/01
Work with the hard to serve participants, evaluate and approve MOVE program and self initiated education program requests, assess welfare to work plans, cure sanctions, train new Self Sufficiency Counselors, counsel alcohol and drug clients, compile and maintain stats for two self sufficiency units.
Self Sufficiency Counselor I/II, 07/98-08/00
Conduct orientation, instruct job club/job search, assess participants, assign work experience and or vocational training, and update/complete welfare to work plans and data input.

Eligibility Worker I/II, 12/97-07/98
Interview clients and process information to determine eligibility for public funded programs. Maintain a case load and stay current with State and County regulations.

CARROWS RESTURANT, PORTERVILLE, CA
Bar Manager, 06/01-01/04
Supervise and train patio staff, maintain bar stock, mix drinks for patio customers, restaurants customers and hotel guests. Set up and supervise special events when needed.

Education

GOLDEN STATE BUSINESS COLLEGE, VISALIA, CA
Full Charge Bookkeeping

OHOLONE JR. COLLEGE, FREMONT, CA
Business Administration

BAKERSFIELD JR. COLLEGE, BAKERSFIELD, CA
Business Administration

PORTERVILLE JR. COLLEGE, PORTERVILLE, CA
Business Administration

COLLEGE of the SEQUOIAS, VISALIA, CA
Business Administration

Skills

X Business Administration &GE Scheduling and Charting
X Windows XP, Microsoft Word/Excel/Access
X Departmental Budgeting & Accounting
X Office procedures, Customer Service, Public Relations, Staff training
X Job Services, Facilitator/Trainer, Counsel/Assess clients
X County/State Data Collections/Tracking/Reporting Programs
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Carlynn J. Petermann Turner
(Please Print)

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

☐ Reappointment; or IF NEW, please provide:

Street Address: 12593 Road 251
Porterville, CA 93257

Mailing Address: Same

Name of Business: Turner Homes
☐ Own ☐ Operate

Business Address: 12593 Rd 251
Porterville, CA 93257

Telephone: Home 559-781-5678 / 859-5778
Work 784-4579
FAX 559-781-5678
E-mail breathin@gmail.com

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

Page 1 of 2
Carlynn J. Petermann Turner

Academics:

2010  Admission to International University, PsyD program
       Fresno Pacific College for BCBA credential

2000-2004  Capella University – 65 credits completed toward PhD, School Psychology

1990-91    Fresno Pacific College: Fresno, CA  May, 1991
       Masters of Education – Special Education

1982-88  Fresno Pacific College: Fresno CA
       Credentials for Special Education and Resource Specialist

1978-80    University of Minnesota: Minneapolis, MI
       Bachelor of Science: Music Therapy Registry MT, Internship at Arizona
       Training Center, Coolidge, AR.

1971-73   Moorhead State University: Moorhead, MN
       Bachelor of Science: Music Education K-12

1957-69  Mandan Public Schools: Mandan, North Dakota
       High School Diploma

Certification/  
Memberships:

Education Professional Credentials
Present:  California Single Subject, Multiple Subject, Severely Handicapped, Learning
         Handicapped, Resource Specialist clear credential through 2008.

Past:  North Dakota, South Dakota, Minnesota, and Arizona education credentials including
        elementary, secondary and junior college.

Professional
Organizations:  Sigma Alpha Iota – Professional Women’s Fraternity of Music, National Assoc. of
Music Therapy

Commission on Status of Women Board Member for District 5, 1985-87

1986-87 – Chairperson, Education Staff Professional Service Organization, PDC
Community Involvement:

1990 – 2004 Barn Theater Board Member; served as President, Secretary, Treasurer.
1987-88 President of parent’s group, Serendipity Community School

Active in Barn Theater and Porterville College Theatre productions as Musical Director, Director of Children’s Theatre Workshop

Active in local church as organist, pianist, children’s teacher, musical productions.

Scholarship/ Honors:

2003 CTA Scholarship
1997-98 Mentor teacher for Severely Handicapped, TCOE
1979, 1982-83 United Commercial Travelers Scholarship for the study of Special Education.
1974 Scholarship for Vocal Study, Santiago de Compostela, Spain.
1973 Cum Laude graduation honors.
1970 European Tour Band, International Music Camp, Bottineau, North Dakota

Experience: Porterville Learning Center Porterville, CA
Supervisors: Mike Stephens, Liz Pruitt, Dave Wachner, Donna Martin

11-87 – Present:

- Behavioral management of classroom students
- Individual Education Plan development.
- Understanding of laws and regulations governing special education.
- Program development to meet individual needs and documentation of required records and data collection procedures.
- Workshop training presentations to fellow professionals and parents in behavioral modification techniques and management within the school and home.
- Working closely with parents and care providers in program management and procedures developed to meet individual needs of clients.
- Developing programs for integration into community living: working with PHS teachers with or without peer partners
- Establishing workability projects in community for paid work experience
- Working with JTPA projects during summer.
2/96- Present: Good Shepherd Lutheran Homes of the West
Porterville, CA 93257
Supervisor: Judy Norway, Director

Responsibilities of QMRP to review and keep in order all programming for clients assigned. This would include all
- Medical, social, emotional and personal needs.
- All charts will be monitored for programming success and licensure requirements.
- Lead all habilitation meetings and complete all notes and minutes to ensure proper programming
- Work with house staff and managers to ensure safe environments and program needs cared for properly.

10/80-11/87 Porterville Developmental Center
Porterville, CA
Supervisors: Marilyn O' Bosky and Cliff Pearce Program 5
Kent Kilburn, Program 9, Laretta Thompson, Program 2

Primary responsibility for programming of D.D clients include:
- Behavior management programs for self-abusive, physically aggressive, and PICA clients
- Assessment of needs to determine focus of programming
- Designing and implementing programs to meet needs determined, collection of data, recording of data and information necessary for documenting of client progress
- Understanding of current recording systems to insure benefit to clients progress
- Staff training in areas of client needs and information to assure understanding by staff of client needs and recording aspects, supervisory duties of teaching assistants and other classroom staff in the areas of education needs and developmental policies as determined by immediate supervisor
- Member of interdisciplinary team, in charge of Compensatory and Adult Education project requirements within unit, as well as within program as determined by supervisor
- Coordinated special activities for clients as well as special programs to develop further independence in functioning at this facility and within a community setting
- Served as Education Staff Professional Services Organization Chairperson 1986-1987 with responsibilities of Christmas Pageant, 1986 and compiling and securing all workshop presenters for 2 days of staff training entitled ESPO Staff Developing Days, 1986 and 1987 with training task force;
- Attending trainings in areas of education, supervisory and medical to upgrade programming for clients served;
- QMRP responsible for complete review of all facts of client programming and needs, following up on all written documentation and physical needs to ensure proper programming with no right denials
- Extensive training in behavior management and self-injurious behavior as well as behavior modification techniques
- Responsible for all yearly and semi-annual team meeting notations and recording.

1/1/80-7/7/80 Arizona Training Program at Coolidge Coolidge, Arizona.
Bernis Starr, Internship Supervisor
Vivian Winfree, Habilitation Supervisor

Responsibilities for direct programming of clients include
- Assessment
- Implementation
- Data Collection
• Recording in charts
• Staff Training
• Supervisory duties upon absence of supervisor
• ID team member

2/25/80-5/5/80  Central Arizona College Woodruff at Overfield Coolidge, Arizona

Instructor of Adult Continuing Education for DD students including

• Assessment
• Planning
• Implementing
• Data collection
• Recording

1/79-3/79  Kinko’s
Minneapolis, Minnesota 55414
Jeff Wilkins, Manager

• College employment in copy service with supervisory experience over night crew in co-manager position

2/78-7/78  Mandan Public School District
Mr. M. McDowall, Principal
Roosevelt Elementary
Mandan, North Dakota 58554

• Special Education preschool program team member training self-care skills
• Music
• Communication

9/77-2/78  Mandan Golden Age Services
Mrs. V. Rask, Director
Mandan, North Dakota 58554

Served as Outreach/Recreation Director for senior citizens

• In charge of activities
• Visitation and federal programs accessible to seniors

8/75-5/77  Beulah Public Schools
Mr. D. Gijje, Superintendent
Beulah, North Dakota

• Responsible for music education classes grades 1-8, with special education mainstreamed
• Planning
• Implementation
• Assessing and data recording for all enrolled students

8/73 – 5/74  McLaughlin Public School District
Mr. W. B. Rorvig, Superintendent
MoLaughlin, South Dakota

Responsible for music education for grades 1-12, planning, implementing, and data recording for all students enrolled.

9/78 – 6/79
Music therapy volunteer work completed in special education, child and adolescent psychiatric groups.

1973 – 75
Various employment in areas as summer stock theatre, Dean of Students and Community Center Swimming Pool manager for city of Mandan, North Dakota.

Community Care Provider – Adult Residential Facility
1/2004 – present
Turner Home
12593 Road 252
Porterville, CA 93257
559-781-5678

Administrator training with recertification completed through Community Education
First Aid/CPR; HIV; Sexual Harassment; Elder Abuse; DSP certification
Vendorized through CVRC
Facility licensed through CCL
COUNCIL AGENDA: FEBRUARY 15, 2011

SUBJECT: APPROVAL OF ZALUD CONCESSION BUILDING

SOURCE: Parks and Leisure Services Department

COMMENT: Mr. Richard Sanchez submitted a proposal to convert the Zalud Park storage rooms to a concession building. The two rooms currently are separated by a temporary wall and have a few custodial supplies as well as some old athletic equipment. The plumbing, electrical outlets, shelving and counters will all be added at Mr. Sanchez’ expense.

At their January 6, 2011 meeting the Parks and Leisure Services Commission recommended this item for further discussion at the City Council level; at the February 1, 2011 City Council meeting, Council approved of the concept and directed staff to return with a License Agreement prior to approval. Mr. Sanchez has requested to consolidate the Murry Park (expired October 2010) and Zalud Park Agreements. Staff has prepared an Agreement to accommodate the two facilities; The Murry Park Agreement will be active through September, while the Zalud Park Agreement will be effective April through October, each maintaining a five (5) year Lease Agreement with a five (5) year option with mutual agreement by both parties involved.

Staff views this second proposal as another innovative idea that will provide a beneficial service to the park patrons.

RECOMMENDATION: That the City Council approve the Zalud Park Concession Building and Renewal of Murry Park Concession License Agreement.

ATTACHMENTS: 1. Sketch of existing Zalud storage room
2. Sketch of proposed Zalud storage room
3. Cost estimation of remodel
4. Draft of the License Agreement

ITEM NO.: 20

[Signatures] Director Appropriated/Funded City Manager
**Proposal**

VAUGHN CONSTRUCTION

Job# 355776

JOHN RESURRECION  719-0564

Proposal Submitted To:  RICHARD SANCHEZ  ZALDU CONCESSION STAND

<table>
<thead>
<tr>
<th>Job Name</th>
<th>Job #</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZALDU CONCESSION STAND</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Job Location</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Date of Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/6/11</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone #</th>
<th>Fax #</th>
</tr>
</thead>
<tbody>
<tr>
<td>359-4612</td>
<td></td>
</tr>
</tbody>
</table>

We hereby submit specifications and estimates for:

**Remodel Storage Room at Zaldu Park into a Concession Stand.**

- Demo: Room dividing wall and shelves (as needed)
- Plumbing: Install 2 in-floor sink drains, a 3 basin stainless steel sink, pedistool sink, water and sewer to each (if applicable) and 7 gal hot water heater (elect)
- Electrical: Install 3 outlets above south facing windows controlled by a switch for wall mounted fans (future use)
- Replace light covers as needed; electric to water heater, outlet for frige and verify electrical in stand is in proper working order
- Paint inside white, install plexiglass and screens in opening windows

We propose hereby to furnish material and labor — complete in accordance with the above specifications for the sum of:

$19,000.00

with payments to be made as follows:

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Note — this proposal may be withdrawn by us if not accepted within 14 days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Signature

Date of Acceptance

Signature

NC3819
Proposal

We hereby submit specifications and estimates for:

1. Convert metal over window to open (match existing one)
2. Add security door on one door
3. Plans and permits included

$9440.00

We propose hereby to furnish material and labor — complete in accordance with the above specifications for the sum of:

$NINE THOUSAND FOUR HUNDRED FORTY AND 00/100

Dollars

with payments to be made as follows:

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Note — this proposal may be withdrawn by us if not accepted within 14 days.

Acceptance of Proposal

We hereby accept the above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Signature

Date of Acceptance

PAGE 2 OF 2
CITY OF PORTERVILLE
MURRY AND ZALUD PARKS
CONCESSION LICENSE

The City of Porterville, hereinafter referred to as “CITY” hereby grants to RICHARD SANCHEZ, hereinafter referred to as “LICENSEE,” a license for services to the public in general, of the sale of soft drinks, ice cream, hot dogs, pre-packaged and outdoor grilled food, and general confectionary articles and products at the Murry Park Pool Concession building located at Murry Park (“Facility One”), and the Zalud Park Concession building located at Zalud Park (Facility Two”).

A. TERMS AND CONDITIONS APPLICABLE TO FACILITY ONE ONLY

1. Term of this license shall be five months commencing April 21, 2011 through September 20, 2011.

2. This License Agreement replaces and supercedes any and all prior License Agreements.

B. TERMS AND CONDITIONS APPLICABLE TO FACILITY TWO ONLY.

1. The term of this license shall be six months commencing April 21, 2011, through October 20, 2011.

2. This license is contingent upon Licensee completing the improvements to the Zalud Park Storage Rooms/Concession Building as specified in the Proposal attached hereto as Exhibit “A.” All such work shall be performed in accordance all applicable laws and regulations, at the applicant’s sole cost and expense.

C. TERMS APPLICABLE TO BOTH FACILITIES ONE AND TWO:

1. The LICENSEE shall not sell or serve any type of alcoholic beverage or sell tobacco product on the premises.

2. The LICENSEE shall, at all times during the term of said License, keep and maintain concession building open for the convenience of patrons at Murry and Zalud Parks during the hours in which said Park is being utilized for recreational and family swimming or at any other time the CITY, deems the operation of the concession necessary for special activities.

3. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair.
4. The LICENSEE may operate the concession facility during times other than pool operations as a convenient for Park patrons. Concession facility during time of operation at Zalud Park as convenient for Park patrons.

5. In the event the LICENSEE shall coordinate the placement of refrigerators or vending and dispensing machines at the facility, LICENSEE shall ensure such machines are disengaged from CITY-provided utilities promptly at the conclusion of the term of this license.

6. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License and in the event of a termination of this License, the LICENSEE shall surrender up and deliver to the CITY complete possession of the premises were said License is being operated with 30 days after receiving notice to vacate.

7. If this Agreement is terminated or concluded, and a nonprofit organization enters in to Concession License Agreement for the facility, the CITY shall reimbursed Licensee for the documented start-up expenditures including but not limited to structural improvements. In this event the concession fee specified in paragraph 11 shall be credited against said start-up costs.

8. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY.

9. The CITY, by its authorized agents and servants, reserves the right of entry upon the premises where said license is being operated for purposes of inspection.

10. Nothing herein shall be construed as making the CITY and the LICENSEE partners and/or the parties engaging in joint ventures.

11. The LICENSEE shall pay to the City of Porterville by the 5th day of each month a fee of $200 for each month in which the concession building is utilized for concession activities.

12. To the fullest extent permitted by law, the LICENSEE shall and hereby does agree to save, defend and indemnify the CITY, all of its officers, agents and employees of and from all manner of claims, demands, actions or causes of actions of all persons arising from or in any way connected with the use, occupation or employment of said License, or activities engaged in, or carried on, or conducted upon the premises by the LICENSEE, together with costs and attorney’s fees and shall secure, at LICENSEE’S expense, liability insurance including product liability indemnifying the CITY and the LICENSEE in the sum of one million dollars ($1,000,000) combined single limit for property damage and injury, including death, to one or more persons, and deposit with
the CITY an original certificate of said insurance, name the CITY, its officers, agents and employees as an additional insured on LICENSEE'S policy.

13. The LICENSEE shall maintain Workers' Compensation Insurance for all its employees and volunteers who are in any way connected with the performance of LICENSEE'S concessionary interest to the extent as provided by law.

14. The LICENSEE shall maintain a City of Porterville Business License during the term of this Concession License.

15. The LICENSEE shall maintain and keep adequate records of its sales from the Licensed premises and agrees to permit the City to examine said records on demand.

16. The LICENSEE shall have the right and privilege, provided it is not in default of the terms and provisions of the License, at the end of the term or sooner termination thereof, to remove from the Licensed premises all personal property belonging to the LICENSEE, together with their stocks, goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.

17. Notwithstanding any provision of this agreement to the contrary this agreement may be terminated by either party, with or without cause, by giving the other party thirty (30) days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.

18. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation to a reasonable sum as and for its attorneys fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.
IN WITNESS WHEREOF the parties have executed this License Agreement at Porterville, California this ______ day of ____________, 2011.

CITY OF PORTERVILLE

BY: __________________________
    Ron Irish, Mayor

LICENSEE

BY: __________________________
    Richard Sanchez

ATTEST:
John Lollis, Mayor

BY: Patrice Hildreth, Chief Deputy Clerk

APPROVED AS TO FORM:

____________________________
Julia M. Lew, City Attorney
COUNCIL AGENDA: February 15, 2011

SUBJECT: PROPOSED CHANGES TO PORTERVILLE MUNICIPAL CODE – ARTICLE II, FIREWORKS

SOURCE: Fire Department

COMMENT: At its May 4, 2010 meeting, the City Council adopted Ordinance 1763, An Ordinance of the City Council of the City of Porterville Repealing Ordinance 1761, Amending Chapter 12, Article II, Fireworks, of the Porterville Municipal Code. Staff was directed by the Council to meet with stakeholders to acquire feedback regarding amendments, and bring back recommendations for Council consideration in early 2011. After meeting with the public, staff identified the following areas of concern:

1. Discharge date and time
2. Fines
3. Distance between booths
4. Application timeline

Staff reviewed ordinances throughout the state to assist in its recommendations to Council.

In regards to the discharge date, we addressed our concern with discharge time being different than sales. The meeting held in council chambers on September 13, 2010, revealed that all stakeholders wished to see the discharge time to be the same as sales. Currently the City of Porterville Municipal Code allows sales to commence at twelve o’clock (12:00) noon on June 28. The discharge time starts at twelve o’clock (12:00) noon on July 1. The main issue is the question of our ability to enforce this portion of the code. It is impractical for the public to purchase Safe and Sane fireworks and not be able to discharge them. A survey of over fifteen jurisdictions that allow the sale of Safe and Sane fireworks all allowed the discharge time to be concurrent with sales. Staff recommends allowing the discharge time to be concurrent with sales.
In regards to fines, the survey varied widely. The City of Porterville’s current fine is $100 for discharge of illegal fireworks. Citizens have made comments to us, as in other jurisdictions, e.g. they were willing to “pay the fine right then”, stating that it was insignificant to what they were paying for the fireworks. Fines varied in amounts from our current fine to over $2500. The intent of the fine is to discourage the use of illegal fireworks. In 2008 a four-year-old juvenile was struck in the chest with an illegal firework. Our only concern is the safety of the citizens of the community. Staff proposes the fine to be adjusted to $1500 in order to make an impact on the usage of illegal fireworks. Staff would conduct a media blitz utilizing news paper, radio, utility bills, available TV, web sites, and other media to inform the public of the new fine.

After a meeting with Chief Joe Garcia from Tulare County Fire Department, we feel that we have resolved the issue that created complaints from booth locations primarily located at Newcomb and W. North Grand. Staff has proposed a 250-ft. distance restriction from city and county boundaries and between any other fireworks stands.

Also discussed at the stakeholder meeting was the timeline for the application process. Stakeholders stated that they wanted to see a shorter period for submittal of the application period. They felt that there was more time needed to prepare for the event after they were notified of successfully being selected for the year. It is staff’s recommendation that the timeline for submitting an application be from January 15 through February 15 of each year and selection to occur at the end of February.

Staff has also edited the current code, addressing minor issues by adding wordage to help eliminate gray areas.

RECOMMENDATIONS:  That the City Council:

1. Allow the discharge time to be changed to the same time as sales, i.e. twelve o’clock (12:00) noon on June 28;

2. Adjust the fine from $100 to $1500 for the possession or discharge of dangerous fireworks;
4. Adjust the application due date to February 15 at 5:00 p.m. and lottery selection to occur at the end of February; and
5. Approve the proposed changes to Article II, give first reading to the draft ordinance approving the above, waive further reading, and order the ordinance to print.

ATTACHMENTS: Draft Ordinance
Article II
FIREWORKS

12-2.1: DEFINITIONS:

For the purposes of this article, definitions shall have the respective meaning ascribed to them in section 12500 et seq., of the Health and Safety Code of the State of California, and, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

CITY: The City of Porterville.

DANGEROUS FIREWORKS: Any fireworks specified as such in the state fireworks law, section 12500 et seq., of the Health and Safety Code of the state, and such other fireworks as may be determined to be dangerous by the state fire marshal—State Fire Marshal.

ELIGIBLE ORGANIZATION: An organization which has met all of the following criteria for a continuous period of not less than one full year preceding submittal of an application for the permit required by this article (and which continues to do so thereafter):

A. The organization must be a duly organized not for profit charitable, religious, civic, patriotic or community service organization;

B. The organization must be headquartered within and clearly affiliated or identified with Porterville.

C. The organization must be one which provides direct and regular community services and benefits to the citizens of the city; and

D. The organization must hold its regularly scheduled meetings within the city.

E. Must maintain a bona fide membership of at least twenty (20) members.

F. The organization must have a tax exempt identification number assigned to them;

G. One application per tax exempt I.D. number will be allowed; and

H. One permit per tax exempt number will be allowed.

FIREWORKS: Any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation,
and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance; except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty five one hundredths (0.25) of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

Fire Chief shall mean the Fire Chief or his/her duly authorized designee.

SAFE AND SANE FIREWORKS: Shall mean and include any fireworks not designated as "dangerous fireworks", except that, in any case, only end fuses may be used. The California state fire marshal's State Fire Marshal's seal of registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter or wholesaler and shall indicate the classification assigned by the state fire marshal.

STAND: Any building, counter, or other structure of a temporary nature used in the sale or offering for sale of fireworks pursuant to a permit duly issued. (Ord. 1650 § 2, 4-6-2004)

12-2.2: SALES OF FIREWORKS; PERMITS REQUIRED:

A. It shall be unlawful for any person to sell or offer for sale any dangerous fireworks in the city.

B. It shall be unlawful for any person to sell or offer for sale any Safe and Sane Fireworks in the city without first obtaining a permit. (Ord. 1650 § 3, 4-6-2004)

12-2.3: PUBLIC DISPLAYS OF FIREWORKS:

The Fire Chief shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent licensed operator approved by the fire chief and shall be of such character and so located, discharged or fired so as, in the opinion of the Fire Chief after proper investigation, not to be hazardous to property or endanger any person. Said rules and regulations are as follows:
A. Applications: Applications for permits shall be made in writing at least ten (10) days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

B. Bond For Fireworks Display Required: The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the city's risk manager for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permit holder, his agents, employees or subcontractors.

C. Disposal of Unfired Fireworks: Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (Ord. 1650 § 3, 4-6-2004)

12-2.4: NUMBER OF PERMITS LIMITED/PREAPPLICATION:

The maximum number of permits to sell Safe and Sane Fireworks which may be issued pursuant to this article during any one calendar year shall not exceed one permit for each four thousand (4,000) residents of the city, or major fraction thereof, based on the most recent population figure as determined by the federal decennial census and updated annually by the California state department of finance. If the number of pre-applications received up to and including the last day for making applications pursuant to this article exceeds the number of permits to be issued for the city, the Fire Chief shall thereafter supervise a public drawing to determine an order of priority for each pre-application. All applicants will be assigned a number in the order in which the pre-application is received and applicants for permits will be notified of date and time of drawing. Pre-applications can be obtained at the fire department between January 15 and March 15 each year. The drawing will be held between March 16 and March 31 each year, with the exception that the application timelines for the calendar year 2001 shall be set by separate resolution. (Ord. 1650 § 3, 4-6-2004)

12-2.5: SALES OF SAFE AND SANE FIREWORKS; APPLICATIONS FOR PERMITS:

Permits to sell Safe and Sane fireworks shall be issued by the Fire Chief. Application packets for a permit will be furnished to eligible organizations whose number has been drawn. Each organization must meet all the applicable
requirements set forth in the application for permits section and the permit issuance section.

A. Any eligible organization desiring to sell Safe and Sane Fireworks in the city of Porterville shall obtain and return an application during the period commencing on the first business day of April and ending on the last business day of April each year at the fire department.

B. Such applications shall be signed by a bona fide officer of the eligible organization, wherein the officer, on behalf of the organization and its agents, shall agree to abide by state laws and administrative regulations and all the stipulations of this code and the permit if permission to operate a fireworks stand shall be granted to the organization.

C. Completed applications shall be returned to the fire department no later than five o'clock (5:00) P.M. February 15 each year. Any eligible organization making an application for a permit to sell Safe and Sane Fireworks that fails to return the completed application prior to five o'clock (5:00) P.M. on the last regular business day in April shall not be issued a permit to sell Safe and Sane Fireworks. (Ord. 1650 § 3, 4-6-2004)

D. The licensee shall use the net proceeds derived from its operations under such license only for such nonprofit, charitable, or religious service projects that shall be of direct benefit to the City of Porterville and for no other purpose.

12-2.6: PERMIT ISSUANCE BASED ON DRAWING SELECTIONS:

A. All eligible organizations shall obtain and submit to the fire department the following forms supplied by the fire department. Forms will be supplied to those organizations whose drawn assigned number is sequentially within the total number of permits to be issued. All other applicants will be placed on a waiting list in the sequence of their drawn assigned number. If an applicant does not satisfy the requirements of this section within the time periods identified in this section, the next drawn assigned number on the waiting list will be notified and provided with the following paperwork:

1. The property owner's release form signed by the property owner authorizing permission to erect a fireworks stand on his property;
2. The fireworks storage form indicating where and how the fireworks will be stored when not in the approved stand;

3. The state fire marshal's State Fire Marshal license to sell Safe and Sane fireworks;

4. A copy of the temporary seller's permit issued by the state board of equalization; and

   a. The certificate of insurance required by section 12-2.14 of this article.

   b. A statement of organization eligibility.

   c. A site plan indicating location of stand, distance to nearest building, ingress, egress, parking, etc.

B. These forms must be returned to the fire department between the first working day of April and the last business day of April.

C. No permit issued or authorized shall be transferrable or assignable.

D. When all the application requirements have been completed and the fireworks stand location has been approved, the fire department shall authorize the erection of a fireworks stand. Each qualified organization shall pay to the administrative services director or designee a permit fee amount as listed in the master administrative fee schedule amended from time to time by resolution of the city council. This fee will include a refundable cleanup deposit. Each permit shall be for only one stand per eligible organization and shall be forwarded to the fire department for delivery as set forth in subsection E of this section.

E. Permits will be effective only when issued by the fire department after the final inspection of the stand shows compliance with all the requirements of this article. (Ord. 1650 § 3, 4-6-2004)

12-2.7: PERIOD OF DISCHARGE:

Safe and Sane Fireworks, as defined by section 12529 of the California Health
and Safety Code, as amended ("Fireworks"), may be discharged within the city limits of the City of Porterville ("City") during the period beginning at twelve o'clock (12:00) noon on July 4 June 28 and ending at eleven fifty nine o'clock (11:59) P.M. on July 4 of any year. (Ord. 1650 § 3, 4-6-2004)

12-2.8: PROHIBITIONS ON DISCHARGE:

It shall be unlawful for any person to ignite, explode, project, or otherwise fire or use, or permit the ignition, explosion or projection of any fireworks upon, over, or onto the private property of another, or to ignite, explode, project, or otherwise fire or make use of any fireworks within fifteen feet (15') of any residence, dwelling or any other structure, or public property, fields or river area waterway. (Ord. 1650 § 3, 4-6-2004)

12-2.9: TIME PERIOD FOR SALE:

Safe and Sane Fireworks may be sold within the city limits of the City of Porterville during the period beginning twelve o'clock (12:00) noon on June 28 and ending at ten o'clock (10:00) P.M. on July 4. The hours of operation of any stand shall be limited to nine o'clock (9:00) A.M. to ten o'clock (10:00) P.M. daily during the days identified in this article, except that hours of operation of any stand on June 28 shall commence at twelve o'clock (12:00) noon. (Ord. 1650 § 3, 4-6-2004)

12-2.10: PROHIBITIONS:

A. The manufacture of fireworks is prohibited within the jurisdiction.

B. No person shall possess, sell, deliver, deal in, use, explode or fire, or cause to be used, exploded or fired, any form of fireworks designated as "dangerous fireworks" by section 12505 of the Health and Safety Code of the state of California.

C. The possession, sale, delivery, dealing in, use, exploding or firing of any form of fireworks designated as Safe and Sane Fireworks by section 12529 of the Health and Safety Code of the state of California is expressly prohibited, except as limited by this article. (Ord. 1650 § 4, 4-6-2004)
D. It shall be unlawful to store any fireworks in any residence, home, garage, or automobile within the City of Porterville. It shall also be unlawful to store any fireworks in any building or other place within the City of Porterville without having first applied for and received a permit pursuant to PMC 12-2.2.

E. No fireworks shall be stored within one hundred (100) feet of any gasoline service station or any garage located within twenty-five (25) feet of any other structure. Any facility for the storage of fireworks shall maintain a minimum setback from the street curbing of ten (10) feet.

F. No person shall light, or cause, or permit to be lighted, any fireworks, or any other article or material, within any structure approved for fireworks storage, or within fifty (50) feet thereof.

G. No smoking shall be allowed in any structure used for the storage of fireworks nor within fifty (50) feet of said structure. "No Smoking" signs shall be prominently displayed.

12-2.11: REGULATIONS:

It shall be unlawful for any eligible organization to which a permit has been issued:

A. To operate in violation of California Code of Regulations title 19, chapter 6, regulating the storage, transportation, sale and use of fireworks.

B. To obtain or use more than one permit for one stand per year.

C. To fail to clear all flammable or burnable materials within thirty feet (30') from any fireworks stand and to maintain such conditions during the period prescribed for the sale of fireworks.

D. To allow smoking within twenty-five feet (25') fifty feet (50') of any such business location or stand or to fail to post "No Smoking" signs with such
wording in red letters not less than four inches (4") in height on a white background on all sides of any such stand.

E. To fail to have immediately available within the stand a certified fire extinguisher or other fire extinguishing device of a type approved by the fire department.

F. To sell fireworks earlier than twelve o'clock (12:00) noon on June 28 or later than ten o'clock (10:00) P.M. on July 4.

G. To fail to dismantle and remove any stand or structure of any nature where fireworks were sold as of five o'clock (5:00) P.M. July 8.

H. To sell fireworks to persons under sixteen (16) years of age.

I. No person other than a member (or their spouse) of the organization or a volunteer who is associated with the organization having a permit shall be permitted to sell or otherwise participate in the sale of fireworks. At least one individual participating in the sale of fireworks in a stand must have attended a safety meeting provided by the fire department. A maximum of one member for every four (4) linear feet of stand (i.e., if the stand is 32 feet long, 32 divided by 4 equals 8 members allowed in the stand) is permitted within the stand at any one time, and all persons selling fireworks must be at least eighteen (18) years old.

J. No sleeping inside the fireworks stand will be permitted at any time.

K. No person shall use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within the fireworks stand.
L. All electrical/spark producing appliances (fans, coolers, air conditioners, etc.) are prohibited inside the fireworks stands and shall not block the means of egress. (Ord. 1650 § 4, 4-6-2004)

12-2.12: FIREWORKS STANDS; REQUIREMENTS:

All retail sales of "safe and sane fireworks" shall be permitted only from within a temporary fireworks stand and sales from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:

A. No fireworks stand shall be located within twenty five feet (25') of any other building or within one hundred feet (100') of a gasoline pump, or within 250' of another fireworks stand, when measured closest to closest point. Minimum setback from the street curbing, alley, or driveway shall be 10'. Stands shall not cover or impede any public rights-of-way.

B. No stand shall have a floor area in excess of four hundred (400) square feet. The width and length of each stand shall be a maximum of ten feet by forty feet (10' x 40'), respectively.

C. Each stand must have at least two (2) exits located on separate walls. Fireworks stands with only three (3) sides and open from the back will not require exits. Fireworks stands shall have exits at least thirty (30) inches in width at both ends of the structure. An aisle with a minimum width of thirty (30) inches shall lead to each exit. Exits shall remain unobstructed. No supplies or other materials shall be stored in front of exit doors. All exit doors shall remain unlocked and unlatched whenever the stand is occupied.

D. Each stand shall keep easily accessible a minimum of one 2 1/2-gallon water pressure type fire extinguisher and one 2A10BC rated dry chemical fire extinguisher and each shall be in good working order and bear a current inspection sticker. Extinguishers must be of a type approved for such use by the Porterville Fire Department.

E. All stands must be constructed of solid wood or metal.
F. After hours, stands must be properly secured or a security guard must be provided to patrol the premises. Under no circumstances shall the night watchman sleep within the fireworks stand.

G. All unsold stock and accompanying litter shall be removed from the location by five o'clock (5:00) P.M. July 5.

H. Fireworks stand may be brought to the site one week prior to June 28 and must be dismantled and removed by five o'clock (5:00) P.M. July 8.

I. Temporary lighting may be installed in the fireworks stands. Approved temporary lights must have a guard protecting the bulbfixture and all wiring and fixtures must be 3-wire and grounded.

J. Primary power to the temporary lighting may be by means of on site commercial power in a fixed facility or by means of an on site portable generator. Either source of primary power. Generators must be located at least twenty five feet (25') from the fireworks stand. Location of portable generators must be approved by the Fire Department.

K. Fuel for portable generators is not allowed to be kept on the premises.

L. No switches, electrical receptacles (plug-ins), or splices are permitted within the stand.

M. Extension cords to the stand are to be heavy duty, minimum of fifteen (15) amp capacity, and protected from vehicular damage. Romex is not an acceptable extension cord. (Ord. 1650 § 4, 4-6-2004)
N. All trash shall be removed from the premises and the fireworks stand each evening at the close of business.

O. No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any such stand, or within fifty (50) feet thereof.

P. No alcoholic beverages shall be allowed on the premises. No person who is under the influence of alcoholic beverages shall enter, or be allowed in, the sales booth.

Q. No stand shall be constructed within 250' from city limits boundary.

R. Canopy's within 25' of a stand shall meet the requirements set forth in the California Code of Regulations Title 24 Part 9, Chapter 24 and Title 19, Division 1.

12-2.13: FIREWORKS STANDS; LOCATIONS:

The adequacy and suitability of firework stand locations shall be preapproved by the fire chief.

A. In no instance shall any firework stand be located within a residential area zoned district.

(Ord. 1330, 5-7-1985; Ord. 1588, 1-19-1999; Ord. 1601, 5-1-2001)

B. No stand shall be located within 250' of any city boundary

C. No stand shall be located closer than 500' from another.

12-2.14: CERTIFICATE OF INSURANCE:

Prior to the issuance of a permit, the eligible organization shall procure a certificate of insurance acceptable to the city. The certificate shall name the city of Porterville, its officers, agents, employees and volunteers as "additional insured". The certificate shall evidence coverage in an amount determined by the city's risk manager; providing, however, the amount shall not be less than one million dollars ($1,000,000.00) combined bodily injury and property damage for each occurrence, and the deductible, if any, shall not be greater than one thousand dollars ($1,000.00). The certificate shall specify the time, location, and dates to be covered by the policy. The certificate shall be provided to the fire department no later than five o'clock (5:00) P.M. on the last regular business day
in April of the subject year or at such other time as the chief of the fire department may allow. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.15: STATE FIREWORKS LAW:

The provisions of this article shall be construed so as not to conflict with the state fireworks law. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.16: REVOCAION OF PERMITS:

Any violation of this article or other city laws, or the terms and conditions of the permit, or state laws or administrative regulations, or safety rules of the fire department shall be grounds for the immediate revocation of the permit. All officers, agents, and employees of the eligible organization shall be responsible for compliance with all the provisions of this article. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.17: NONISSUANCE OF PERMITS:

The final decision to issue permits shall rest with the fire chief. In cases such as civil unrest, severe drought conditions, or any other such situation deemed to be harmful or to have the possibility of creating an extreme hazard to persons and/or property the fire chief shall be the final authority in granting permits for fireworks sales. The right to refuse permits to applicants who have violated the regulations in this article in previous years shall also rest with the fire chief. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.18: SEIZURE OF FIREWORKS:

The fire chief shall have the authority to seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.19: EXCEPTIONS:

Nothing in this article shall be construed as prohibiting the use of torpedoes, flares, or fuses by railroads or other transportation agencies for signal purposes of illumination; or the sale or use of blank cartridges for ceremonial purposes, athletic, or sports events or military ceremonials or demonstrations; or the sale, discharge or display of fireworks by permit holders having a permit as herein provided; or the use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals, or operas when such use and display is a necessary part of such production; or the transportation of fireworks through the city in regular course, and in original packages or
containers from any point outside of the city to any other point outside the city. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

12-2.20: VIOLATIONS; PENALTIES:

Persons violating this article shall be deemed guilty of a misdemeanor, and if convicted, may be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail for a period not exceeding thirty (30) days, or by both fine and imprisonment. (Ord. 1330, 5-7-1985; Ord. 1568, 1-19-1999; Ord. 1601, 5-1-2001)

Fine for possession or discharge of dangerous fireworks within the City of Porterville shall be $1500.00

Any verbiage added

Language stricken
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE
PORTERVILLE MUNICIPAL CODE

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

Section 1. Purpose: The purpose of this ordinance is to address issues that have
arisen since the writing of the ordinance. It is also the intent to address grammatical
issues that have been discovered.

Section 2. Chapter 12, Article II, Section 2.1: Definitions of the Porterville
Municipal Code is amended to read as follows: Paragraph 1 Line 1
For the purposes of this article, definitions shall have the respective meaning
ascribed to them in section 12500 et seq., of the Health and Safety Code of the
State of California, and, unless otherwise apparent from the context, certain words
and phrases used in this article are defined as follows:

Paragraph 2 line 1: CITY: The City of Porterville

Paragraph 3 line 1: DANGEROUS FIREWORKS: Any fireworks specified as such in
the state fireworks law, section 12500 et seq., of the Health and Safety Code of the
State and such other fireworks as may be determined to be dangerous by the State
Fire Marshal.

Paragraph 5 line 1: Fire Chief shall mean the Fire Chief or his/her duly authorized
designee.

Paragraph 7 line 2: SAFE AND SANE FIREWORKS: Shall mean and include any
fireworks not designated as dangerous fireworks, except that in any case, only end
fuses may be used. The California State Fire Marshal's seal of registration shall be
applied to all classified fireworks and pyrotechnic devices by a licensed
manufacturer, importer, exporter or wholesaler and shall indicate the classification
assigned by the State Fire Marshal.

Section 3. Chapter 12, Article II, Section 12-2.3 PUBLIC DISPLAYS OF
FIREWORKS of the Porterville Municipal Code is amended to read as follows:
Paragraph 11 line 1: The Fire Chief shall have power to adopt reasonable rules and
regulations for the granting of permits for supervised public displays of fireworks by
a jurisdiction, fair associations, amusement parks, other organizations or for use of
fireworks by artisans in pursuit of their trade.
Paragraph 11 line 2: Every such use or display shall be handled by a licensed operator approved by the Fire Chief and shall be of such character and so located, discharged or fired so as, in the opinion of the Fire Chief after proper investigation, not to be hazardous to property or endanger any person.

Section 4. Chapter 12, Article II, Section 12-2.5 SALES OF SAFE AND SANE FIREWORKS; APPLICATIONS FOR PERMITS of the Porterville Municipal Code is amended to read as follows:

A. Any eligible organization desiring to sell safe and sane fireworks in the City of Porterville shall obtain and return an application during the period commencing on the first business day of April and ending on the last business day of April each year at the fire department.

D. The licensee shall use the net proceeds derived from its operations under such license only for such nonprofit, charitable, religious or eleemosynary service projects that shall be of direct benefit to the City of Porterville and for no other purpose.

Section 5. Chapter 12, Article II, Section 12-2.6 PERMIT ISSUANCE BASED ON DRAWING SELECTIONS of the Porterville Municipal Code is amended to read as follows:

2. The fireworks storage from indicating where and how the fireworks will be stored when not in the approved stand.

3. The State Fire Marshal's license to sell Safe and Sane Fireworks;

Section 6. Chapter 12, Article II, Section 12-2.7 PERIOD OF DISCHARGE of the Porterville Municipal Code is amended to read as follows:

Safe and Sane Fireworks, as defined by section 12529 of the California Health and Safety Code, as amended ("fireworks"), may be discharged within the city limits of the City of Porterville ("City") during the period beginning at twelve o'clock (12:00) noon on June 28 and ending at eleven fifty-nine o'clock (11:59) P.M. on July 4 of any year.

Section 7. Chapter 12 Article II, Section 12-2.8: PROHIBITIONS ON DISCHARGE of the Porterville Municipal Code is amended to read as follows:

It shall be unlawful for any person to ignite, explode, project, or otherwise fire or use, or permit the ignition, explosion or projection of any fireworks upon, over, or onto the private property of another, or to ignite, explode, project, or otherwise fire or make use of any fireworks within fifteen feet (15') of any residence, dwelling or any other
structure, public property, fields or waterway.

Section 8. Chapter 12, Article II, Section 12-2.10 PROHIBITIONS of the Porterville Municipal Code is amended to read as follows:

D. It shall be unlawful to store any fireworks in any residence, home, garage, or automobile within the City of Porterville. It shall also be unlawful to store any fireworks in any building or other place within the City of Porterville without having first applied for and received a permit pursuant to PMC 12-2.2.

E. No fireworks shall be stored within one hundred (100) feet of any gasoline service station or any garage located within twenty-five (25) feet of any other structure. Any facility for the storage of fireworks shall maintain a minimum setback from the street curbing of ten (10) feet.

F. No person shall light, or cause or permit to be lighted, any fireworks, or any other article or material, within any structure approved for fireworks storage, or within fifty (50) feet thereof.

G. No smoking shall be allowed in any structure that is used for storing fireworks nor within fifty (50) feet of said structure. "No Smoking" signs shall be prominently displayed.

Section 9. Chapter 12, Article II, Section 12-2.11 REGULATIONS of the Porterville Municipal Code is amended to read as follows:

D. To allow smoking within fifty feet (50') of any such business location or stand or to fail to post "No Smoking" signs with such wording in red letters not less than four inches (4") in height on a white background on all sides of any such stand.

L. All electrical/spark-producing appliances (fans, coolers, air conditioners, etc.) are prohibited inside the fireworks stands and shall not block the means of egress.

Section 10. Chapter 12, Article II, Section 12-2.12 FIREWORKS STANDS; REQUIREMENTS of the Porterville Municipal Code is amended to read as follows:

A. No fireworks stand shall be located within twenty five feet (25') of any other building or within one hundred feet (100') of a gasoline pump, or within 400' of another fireworks stand, when measured closest to closest point. Minimum setback from the street curbing, alley, or driveway shall be 10'. Stands shall not cover or impede any public rights-of-way.
C. Each stand must have at least two (2) exits located on separate walls. Fireworks stands with only three (3) sides and open from the back will not require exits. Fireworks stands shall have exits at least thirty (30) inches in width at both ends of the structure. An aisle with a minimum width of thirty (30) inches shall lead to each exit. Exits shall remain unobstructed. No supplies or other materials shall be stored in front of exit doors. All exit doors shall remain unlocked and unlatched whenever the stand is occupied.

D. Each stand shall keep easily accessible a minimum of one 2½-gallon water pressure-type fire extinguisher and one 2A10BC rated dry chemical fire extinguisher and each shall be in good working order and bear a current inspection sticker. Extinguishers must be of a type approved for such use by the Porterville Fire Department.

F. After hours, stands must be properly secured or a security guard must be provided to patrol the premises. Under no circumstances shall the night watchman sleep within the fireworks stand.

J. Primary power to the temporary lighting may be by means of on-site commercial power in a fixed facility or by means of an on site portable generator. Generators must be located at least twenty five feet (25') from the fireworks stand. Location of portable generators must be approved by Fire Department.

L. No switches, electrical receptacles (plug-ins), or splices are permitted within the stand.

N. All trash shall be removed from the premises and the fireworks stand each evening at the close of business.

O. No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any such stand, or within fifty (50) feet thereof.

P. No alcoholic beverages shall be allowed on the premises. No person who is under the influence of alcoholic beverages shall enter or be allowed into the sales booth.

Q. If a toilet is not immediately available during all open or sale hours of the fireworks stand, then an approved chemical one must be provided.

R. Canopy's within 25' of a stand shall meet the requirements set forth in the California Code of Regulations Title 24 Part 9, Chapter 24 and Title 19, Division 1.

Section 11. Chapter 12, Article II, Section 12-2.13 FIREWORKS STANDS; LOCATIONS of the Porterville Municipal Code is amended to read as follows:
A. In no instance shall any firework stand be located within a residential zoned district.
B. No stand shall be located within 250' of any city boundary
C. No stand shall be located closer than 250' form another.

Section 12. Chapter 12, Article II, Section 12-2.18 SEIZURE OF FIREWORKS of the Porterville Municipal Code is amended to read as follows:

The Fire Chief shall have the authority to seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article.

Section 13. Chapter 12, Article II, Section 12-2.20 VIOLATIONS; PENALITIES of the Porterville Municipal Code is amended to read as follows:

Fine for possession or discharge of dangerous fireworks within the City of Porterville shall be $1500.00.

Section 14. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED & ADOPTED this ______ day of ____________, 2011.

_________________________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Manager

_________________________________________
Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: FEBRUARY 15, 2011

SUBJECT: RE-VISIT REQUEST FOR WATER SERVICE OUTSIDE THE CITY
(SCHMID Family Decedent Trust – Lot 11 of Tract No. 467)

SOURCE: Public Works Department – Engineering and Building Division

COMMENT: The City Council considered this item at the February 1st Council meeting and determined that additional information was needed to properly evaluate this matter. Specifically, the Council asked the City Attorney to provide an opinion on the payment of prevailing wage for any work performed in the County and subsequent payment of prevailing wage on all City projects thereafter even if the work is performed within City boundaries.

The City Attorney’s comment on this issue is contained within the attached documents and is summarized as follows:

“prevailing wages do apply to the capital improvement project done to extend the services to a disadvantaged community outside the City, but any subsequent work done (inside the City’s boundaries) to the City’s systems will not trigger the wage requirements”. It should be noted that the “request for water service outside the City limits” does not require the extension of any City water mains nor that the City enter into or contract with a private construction company to perform any work. The City water main is adjacent to the requesting party’s property and requires only the installation of a private water service which is wholly funded by the developer. The City’s involvement, if service is granted, will be the installation of water meters.

As stated at the February 1st Council meeting, Roberts Engineering has submitted a request on behalf of their client, Schmid Family Decedent Trust, for water service in the east Porterville area, more specifically Lot 11 of Tract No. 467, which is located on the northeast corner of Holcomb Street and Roby Avenue. Tract No. 467 is a subdivision that was approved by Tulare County Planning Commission in 1968 and partially developed after the approval. 1967 conditions of approval state that East Porterville Water Company will provide water services to all lots within the development. Many years subsequent to the development, the City of Porterville purchased the East Porterville Water Company’s water systems in several isolated areas within the east Porterville area.
The Schmid Family Decedent Family Trust property is within the City’s East Porterville Water System limits and is currently outside the Urban Development Boundary and therefore the property is considered not annexable. The property does lie within the City’s Urban Area Boundary and City Council has the authority to consider approval of the water connection request under Section I A and Section I C of Porterville’s Municipal Services Policy for the Unincorporated Areas hereinafter referred to as MSP. Specifically, the MSP requires that the following conditions be met:

1. Make application for water connection consideration to the City Council.
2. Execute a “Consent to Annex” form by all owners.
3. Proposed uses and improvements must be consistent with the adopted Land Use Element of the Porterville General Plan.
4. Existing uses and improvements not consistent with the Land Use Element shall be considered at the discretion of the City Council and may be subject to other restrictions.
5. The approval may include time restriction as a condition of approval.

Regardless of the stated policy, the City purchased the water system designed to provide water within the boundaries of Tract No. 467 and staff recommends that Council consider this fact when deciding if the City will provide water to Lot 11. What makes this request unique compared to recent requests is the requesting party has property within a service area of a water company, East Porterville Water Company, purchased by the City of Porterville. An initial obligation or commitment by the original water company to provide water to Lot 11 was memorialized in 1967.

RECOMMENDATION: That City Council:

1. Approve the request on the facts presented herein; and
2. Require the requesting party to comply with all herein stated MSP requirements and pay all applicable fees.

ATTACHMENTS: Locator Map
Roberts Engineering Request letter
1967 Tulare County Tract No. 467 Correspondences
Memorandum from Julia Lew, City Attorney
Mr. Michael K. Reed  
City Engineer / Assistant Public Works Director  
City of Porterville  
291 North Main Street  
Porterville, CA  93257  

Dear Mr. Reed:

On behalf of our clients, Schmid Family Decedent Trust, we would like to have approval of water service to their property located at the northeast corner of Holcomb Street and Roby Avenue. This property is designated as APN 263-030-041 and described as Lot 11 of Tract No. 467. As per your request, enclosed is a check in the amount of $797.00.

As you are aware, water service from the East Porterville Water company for this tract was approved in 1968 by the County Planning Commission. Since the City has purchased that water company, we are asking that the City Council approve service to this lot. We also request that the connection fee and any other City fees be waived for the first connection.

It is the intent of the property owners to seek approval of a 4-parcel map through Tulare County Resource Management Agency. Three (3) of the parcels will be for future residential development and the fourth parcel will be the County's existing ponding lot which is there under an easement agreement (copy enclosed).

If you have any questions, please contact our office.

Very truly yours,

[Signature]

Donna Shamley

encl.
Mr. Mike Reed  
City Engineer  
City of Porterville  
291 North Main Street  
Porterville, CA 93257

Re: Schmid Family Trust  
Tract No. 467  
Holcomb Street

Dear Mike:

We have finally located the original approval documents for the above referenced site. We have highlighted the pertinent parts of the approval for this subdivision. As you can see, the East Porterville Water Company was to supply water to all 12 lots within this subdivision. It is our opinion that even though the City now owns the subject water company, service must be provided to the lots within this tract.

If you have any questions, please contact our office.

Very truly yours,

[Signature]
Donna Shamley

encl.

xc: Mr. Greg Schmid
March 23, 1967

Re: Tentative Subdivision Tract No. 467

Mr. Loren Schmid
P.O. Box 1182
Porterville, California

Dear Mr. Schmid:

At its meeting of March 22, 1967, the Tulare County Planning Commission reviewed the Tentative Map of Subdivision Tract No. 467, located between Olive and Roby Avenue, East of Holcomb Street, one mile East of Porterville.

The Planning Commission found the street design not in conflict with the provisions of the Tulare County Area General Plan and approved the map, subject to the following conditions:

1. That the boundaries of the subdivision extend to the center of the adjacent streets.

2. That the barn located on the East boundary of the subdivision be removed.

3. That the Deed Restrictions of this subdivision be corrected to be applicable to the approved design.

4. That the easements shown be labeled "Easements For Public Utilities".

5. That the recommendations of the Tulare County Health Department and Tulare County Road Commissioner-Surveyor be adhered to.

Very truly yours,

TULARE COUNTY PLANNING COMMISSION

Harry R. Comaway, Director of Planning

HRC:MIL:imjh

cc: Althouse-Strauss Engineering Services — State Division of Highways
    Board of Supervisors — Pacific Telephone and Telegraph
    County Surveyor — Southern California Edison Company
    Health Department — Southern California Gas Company
    Porterville City Clerk — Alta Vista School District
March 22, 1967

1. Location: Between Olive and Ruby Avenue, East of Holcomb Street, one mile East of Porterville.


3. Street Design: All lots to front on existing streets. No new streets to be constructed.


5. Lot Design: Lots 8, 11, and 12 have sufficient area to allow animals. The remaining 9 lots are to be Single-Family Residential.

6. Encroachment: No additional easements for public utilities are necessary.

7. Improvements: As required by Ordinance.


10. City Recommendations: Read

11. Area General Plan: The street design is not in conflict with the provisions of the Area General Plan.


13. Staff Recommendations:

   It is recommended that Subdivision Tract No. 467 be approved subject to the following conditions:

   1. That the boundaries of the subdivision extend to the center of the adjacent streets.

   2. That the barn located on the East boundary of the subdivision be removed.

   3. That the Deed Restrictions of this subdivision be corrected to be applicable to the approved design.

   4. That the easements shown be labeled "Easements For Public Utilities".

   5. That the recommendations of the Tulare County Health Department and Tulare County Road Commissioner-Surveyor be adhered to.
STATEMENT OF COUNTY HEALTH OFFICER
CONCERNING TRACT 467

Being a subdivision of a portion of the NW 1/4 NW 1/4 Section 32, T21S, R28E, M.D.B. and M., Tulare County.

Subdivider: Loren Schmid et al
P. O. Box 1182
Porterville, California

The tentative map of the above tract is herewith approved by the Tulare County Health Department.

Sewage disposal systems for this tract shall consist of septic tanks discharging effluent into a minimum of three seepage pits per dwelling.

Such pits shall be instilled to a depth of thirty (30) feet, four feet in diameter, brick lined, or other approved lining material.

In the event that ground water is encountered in the drilling of any pit, the bottom of such pit shall be backfilled with clean coarse sand and at least two feet above water table.

The foregoing restrictions shall be considered standard for development in the subject tract, but should be subject to design change in the event that favorable strata are encountered in the drilling of any facility on any specific lot.

Seepage pits shall be separated by a minimum of one hundred (100) feet from any water well contiguous or adjacent to any of the subject lots of this tract.

The East Porterville Water Company, under permit with this Department, will supply water to this tract.

March 15, 1967
L. F. Chamberlen, M.D.
Tulare County Health Officer

By [Signature]
George G. Cox, R.S.
Director of Sanitation

GGC:bm
cc: Board of Supervisors
    Planning Commission
    Division of Real Estate
    Loren Schmid
    Althouse-Strauss Engineering Services
    Building Department
In 2008, we reviewed the status of the prevailing wages issues related to providing extraterritorial water and sewer services. The Department of Industrial Relations ("DIR") had issued determinations finding that once a Charter City had provided service to a community outside its jurisdictional boundaries, prevailing wages were triggered on any future capital improvement projects for work to the system as a whole. These determinations pertained to projects that provided services to communities (and not individual properties), but the language in these determinations is vague as to what level of additional service is considered "incidental" (i.e. not enough to cause the system to be construed as a "regional" rather than purely "municipal" system.)

At the time this was discussed, I had also mentioned that there was proposed legislation in the works to allow for the provision of extraterritorial services to Tulare County disadvantaged communities without triggering prevailing wage requirements on all subsequent work to the system as a whole. There had already been an effort in 2005 to put legislation on the books that would assist the communities of Porterville and Exeter in extending water service to such communities, but this language did not include other services, and the portion referencing Porterville and Exeter was not codified into any particular statute and had other issues with its clarity. Since our last discussion of these issues, legislation has been adopted and codified and is set forth below.

Legislation adopted in 2009 (effective May 21, 2009):

Water Code Section 8007:
"A capital improvement project undertaken by a charter city to extend that city's water, sewer, or storm drain system or similar system to a disadvantaged community in an unincorporated area shall be considered a public work for the purpose of Section 1720 of the Labor Code, but any subsequent project to construct, expand, reconstruct, install or repair such system that have been so extended and that are conducted within that city's political boundaries, shall not be considered a public work for the purpose of Section 1720 of the Labor Code as a result of the extension. For the purpose of the section, "disadvantaged community" means a disadvantaged community as defined in Section 79505.5."
Water Code Section 79505.5
(a) "Disadvantaged Community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income."

In summary, per the new provision, prevailing wages do apply to the capital improvement project done to extend the services to a disadvantaged community outside the City, but any subsequent work done (inside the City’s boundaries) to the City’s systems will not trigger the wage requirements. This language certainly will help with any efforts by the City to provide extraterritorial service to economically impoverished areas, but there are still open questions as to whether prevailing wages can be triggered on the system as a whole due to the provision of services to properties outside the City’s jurisdictional boundaries on an individual basis. Currently, this would be subject to the DIR’s interpretation (see prior memos).
TO: Porterville City Council  
CC: John Longley, City Manager  
Baldomero Rodriguez, Public Works Director

FROM: Julia M. Lew, City Attorney

DATE: June 3, 2008

SUBJ: Extraterritorial Water Service

This is prepared in response to questions concerning whether the provision of water service to areas outside the City limits could potentially trigger the application of prevailing wages to capital improvement projects involving general improvements to the City’s water system as a whole. Given decisions made by the Department of Industrial Relations (DIR) in the past several years, providing extraterritorial water service does increase the risk of a determination that prevailing wages should apply.

Prevailing wages generally do not apply to Charter Cities for improvements and projects subject to the city’s “home rule” power over its own municipal affairs. However, when cities provide services to areas outside the city limits, the DIR has found that the home rule exception no longer applies. In fact, seven years ago the City of Lindsay received an unfavorable DIR ruling that prevailing wages applied to improvements the City made to its wastewater treatment facilities. The reasons used for the determination included the use of federal funds for the improvements, the fact that the treatment plant was outside the City limits, and the wastewater facilities provide services, at least in part, to areas outside city boundaries. The ruling was never enforced by the DIR, but the decision still stands.

There have been similar rulings in other cities as well; consequently cities have been hesitant to approve applications for extraterritorial water or sewer service, particularly for areas that are not readily annexable. There was an effort a few years ago to obtain legislative clarification that would allow the cities of Porterville and Exeter to provide service to economically impoverished areas outside the respective jurisdictions, but the language of the legislation unfortunately is not extremely helpful in providing clarity to the issue. It is my understanding that there is currently another effort underway to develop legislation that would provide an exception to prevailing wage triggers when service is provided to any unincorporated areas in Tulare County, given the water quality issues many of these areas face.

Due to the above-described risks, the cities we represent have been extremely hesitant to extend service beyond their city limits, and when they do have done so under fairly restrictive policies. For example, the City of Tulare will consider extending service only to water systems (not individual property owners) and only with consent to annex.

If you have any questions, please feel free to contact me (on my cell phone – I am out of the office this afternoon), or I can answer additional questions at the meeting tonight.
SUBJECT: AWARD OF CONTRACT – MARTIN HILL & ROCKY HILL WATER RESERVOIRS PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On January 20, 2011, staff received ten (10) bids for the Martin Hill & Rocky Hill Water Reservoirs Project. However, two (2) of the bids submitted had addition errors or missing bid information and were considered non-responsive. Of the remaining eight (8) bids, five (5) bids had minor bid defects that may be waived. Two (2) of the remaining eight (8) bids did not meet the 50% self performance requirement.

The Martin Hill Water Reservoir consists of the construction of a 3.0-million-gallon reservoir, 2,800-gpm booster pumping station, approximately 1.25 miles of 16-inch water main, and appurtenant facilities. The Rocky Hill Water Reservoir consists of the construction of a 0.55-million-gallon reservoir, modifications to the existing Granite Hills booster pumping station, approximately 0.5 miles of 16-inch water main, and appurtenant facilities.

The engineer’s estimate of probable cost is $4,471,826. The lowest responsive bid for the project is 19.4% below the Engineer’s estimate. An additional $360,276 is required for the construction contingency (10%). Construction management, quality control and inspection are being handled through a separate consultant contract. The estimated cost for the construction and construction contingency is $4,075,181.

The two California Infrastructure and Economic Development Bank (CIEDB) loans are the funding sources for the project as approved in the 2010/2011 Annual Budget.

The bids received are as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Halopoff &amp; Sons</td>
<td>$3,441,397.81</td>
</tr>
<tr>
<td></td>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Emmett’s Excavation</td>
<td>$3,555,362.00</td>
</tr>
<tr>
<td></td>
<td>Clovis, CA</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Specialty Construction</td>
<td>$3,602,763.00</td>
</tr>
<tr>
<td></td>
<td>San Luis Obispo, CA</td>
<td></td>
</tr>
</tbody>
</table>

Item No. 23
Bidder | Contractor | Amount       
--- | --- | ---
4. | Teichert Construction Fresno, CA | $3,704,710.00 
5. | HPS Mechanical Bakersfield, CA | $3,942,890.00 
6. | Nicholas Construction Shafter, CA | $4,174,496.00 
7. | MGE Underground Paso Robles, CA | $4,087,800.00 
8. | Paso Robles Tank Hemet, CA | $4,317,419.00 
9. | Floyd Johnston Construction Clovis, CA | $4,372,967.00 
10. | West Valley Construction San Jose, CA | $4,729,589.00 

After evaluating the bids, Bidders 1 and 6 provided incomplete and/or erroneous bid information, and these are material defects that cannot be waived. Bidders 2 and 10 did not meet the 50% self performance requirement, and this is also a material defect. Bidders 3, 5, 7, 8, and 9 had minor bid defects that may be waived, and Bidder 4 provided a responsive bid. Staff has found Bidder 3 to be the lowest responsive bidder.

RECOMMENDATION: That City Council:

1. Award the Martin Hill & Rocky Hill Water Reservoirs Project to the lowest responsive bidder, Specialty Construction, in the amount of $3,602,763.00;

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

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

ATTACHMENTS: Locator Maps
CONSIDERATION OF CITY TRANSIT PROGRAM
ADMINISTRATION AND MANAGEMENT

SOURCE: Administration

COMMENT: Over the past decade, Ms. Linda Clark has served the City extraordinarily in administering its Transit Program operations. Recognized and respected for her knowledge of Transit functions and regulations, the City has experienced the Transit Programs growth and success, including the successful expansion and transition to a designated Federal 5307 program. Unfortunately for the City, Ms. Clark is planning toward her retirement from the City this coming July 1st, and thus the interest to confirming her successor.

Equally to credit for the City's successful Transit Program is its contracted Operator, Sierra Management, and especially its manager, Mr. Richard Tree. For the past 15 years, Sierra Management has effectively and efficiently served as the City's Transit Operator, and Mr. Tree has been an integral reason for the operations success. Given Mr. Tree's education, training, and experience in Transit operations, the City would be well-served in his assuming the administration and management responsibilities of the City's Transit Program.

Staff has met with Mr. Tree to determine his interests in expanding his Transit responsibilities, and he is intrigued at the prospects of administering and managing the City's Transit program (please see enclosed "Scope of Work" proposal). Staff would prefer Mr. Tree be hired as a City employee in the role of administering and managing the Program, however, due to his financial interest and familial relationship with Sierra Management presenting a perceived conflict of interest, modifying the existing contract with Sierra Management to include administration and management of the City's Transit program is the best alternative, and is a common practice in Transit Program operations. From an expense viewpoint, the contracting with Mr. Tree for his management services versus employment presents a cost-savings of more than $5,000 annually, with City employment budgeted at $91,647 for salary and benefits, compared to $86,476 under contracted services. A potential future challenge in modifying the current contract with Sierra Management for Transit Program

Item No. 24
operations to include Mr. Tree providing administration and management, is that the contract will expire at the end of June 2012, and the possibility exists that another Contractor could be selected by the City Council to operate the City's Transit Program, which would necessitate the reevaluation of the employment versus contract relationship with Mr. Tree.

The function of the City's Transit Program falls within the Public Works Department, as much of the funding for Transit is intertwined with funding for street projects through Federal and State transportation apportionments. There is a current employee within the Public Works Department employment (Mr. Nathan Delk) who would perform well in this position as well given his experience in managing Transit Program construction projects, however, his interest (as well as that of the Public Works Department) is for him to continue as the City's construction manager.

**RECOMMENDATION:** That the City Council consider the identification of Mr. Richard Tree to provide administrative services for the City's Transit Program.

**ATTACHMENT:** Sierra Management “Scope of Work” for City Transit Administration Services
SCOPE OF WORK

TRANSIT ADMINISTRATION SERVICES
FOR THE
CITY OF PORTERVILLE

January 1, 2011 through June 30, 2012

Prepared for:

City of Porterville
291 N. Main Street
Porterville, CA 93257
SCOPE OF WORK
CITY OF PORTERVILLE
“TRANSPORT ADMINISTRATION SERVICES”

This Scope of Work is intended to provide the City of Porterville with Transit Administration services. These services will achieve the following:

1. Provide public transportation administration assistance to maintain ongoing support for the City’s general public transit service, to ensure efficient and effective operations for residents of Porterville, and to maximize existing and potential transit funds to the City.

2. Maximize the City’s use of Federal, State, and Local Transportation Funds (LTF). Funding sources include those from the Federal Transit Administration (FTA), California Transportation Development Act (TDA), State Proposition 1B (PTMISEA Funds), Office of Homeland Security, and Measure R.

3. Identify and develop new funding resources for the City’s transportation needs, including public transportation, facilities, transportation and environmental enhancement, capital equipment, and potential transportation air quality/congestion management-related projects.

4. Ensure that the City is represented at key transportation-related meetings, is fully informed of important issues, and actively participates in the transportation planning decision-making processes.

5. Work closely with City, County, and contracted staff to evaluate the City’s transit needs, secure resources, and implement and modify services to meet such needs.

6. Recommend policies and strategies to the City staff to most effectively meet community objectives and to deal with current issues; keep City staff informed of Porterville Transit operations and programs.

Transit administration services will promote maximum coordination of the City of Porterville’s efforts with Federal, State and local transportation planning agencies and will promote fiscal policies and efficient and effective City operations. The tasks below reflect fundamental planning efforts and requirements to ensure dynamic and successful implementation of services within the City of Porterville. They represent activities that directly impact the performance of the City and are designed to result in tangible, ongoing efficiencies.
SPECIFIC WORK TASKS

1. PROVIDE PUBLIC TRANSIT ADMINISTRATION SERVICES

The Porterville City Council is the policy-making body for the City of Porterville. As such, it adopts the Short Range Transit Plan; and through the annual budgetary process, establishes operational and funding levels for the system. The City Council also approves operational policies and parameters for both services.

Through the execution of this Agreement, Sierra Management will be responsible for the overall administrative management of the public transportation service reporting to and coordinating with the City’s Public Works Director. Sierra Management will also continue to perform the daily operations of both the Porterville Transit and COLT systems.

The County of Tulare contracts with the City of Porterville to provide transit service to unincorporated areas surrounding Porterville. The County reimburses the City for service provided to County residents using Local Transportation Funds. The annual preparation of the cost analysis and proposal for cost reimbursement provided by the City to the County will be timely completed to effect a smooth transition from one fiscal year to the next.

The work effort described below is designed to provide a comprehensive operational framework addressing the multi-faceted requirements of directing a public transit system. The requirements must address, at a minimum, five basic areas including: (A) operations, (B) planning, monitoring, and grants management, (C) maintenance, (D) administration, and (E) marketing and outreach.

A. Operations
The smooth implementation of the daily operation of Porterville Transit is vital to ensure that a high level of service is provided. Service must be responsive, efficient and dispatched effectively to maintain consistency and reliability of the City’s transit system. Improvements to this operation will be implemented periodically to respond to community and system needs.

B. Planning, Monitoring, and Grants Management
Transit planning policies have been established to enable the City of Porterville to monitor its public transit system. These procedures will continue to be refined to provide the City with a means to operate an effective service, establish capital and operating needs, and monitor performance through the development of key transit service indicators to determine system productivity.

Based on the performance indicators, necessary changes will be recommended to improve the performance of Porterville Transit. This may include a reassessment of the fare structure to ensure minimum State farebox recovery requirements are met, adjusting the service area, improving dispatching for improved on-time
performance and responsiveness, etc. On-board ridership surveys will be conducted annually in accordance with Federal Transit Administration guidelines.

Appropriate projects will be programmed in the Federal Transportation Improvement Program (FTIP), and the City’s Federal Transit Administration Section 5307 grant applications will be timely prepared and submitted. All transit-related grants will be monitored on a continuous basis, and all reports will be timely filed. The Section 5303 planning funds reimbursement program through the Tulare County Association of Governments (TCAG) will be fully utilized on an annual basis.

All monthly, quarterly and annual reports will be timely prepared and filed, including, but not limited to, such programs as the National Transit Database, California Air Resources Board (CARB), the Federal Transit Administration, the Federal Reporting website, DOT Drug and Alcohol Testing, MIS Reports, and PTMISEA. Additionally, the lead role of responsibility for all City Transit-related audits will be assumed, including the FTA Triennial Review and the Triennial Performance Audits. Emphasis will be placed on staying abreast of all grant requirements and amendments affecting the FTA TEAM program, the ECHO electronic reimbursement program, and the National Transit Database and ARRA reporting sites, as well as new programs implemented in the future.

Key meetings impacting Porterville Transit services will be attended, including the Social Services Transportation Advisory Committee (SSTAC), Tulare County Transit Forum, and City Council meetings, when required.

C. **Maintenance**

The City’s Public Works Department, through its Field Services Division, is responsible for the maintenance of the transit fleet. Continued cooperation and communication with the Field Services staff will be primary in order to maximize the maintenance and optimum usage of the transit system, facilities and equipment. Stringent maintenance policies are required to ensure maximum public safety and compliance with all mandated Federal and State requirements, including required Maintenance Plans, maintenance logs, daily vehicle inspection protocol, California Highway Patrol inspections and requirements, fueling procedures, etc.

D. **Administration**

Sound accounting procedures are critical to the ongoing, successful implementation of the City of Porterville’s public transit system. Continued cooperation will be maintained with the City’s Finance Director to ensure that City budgeting and auditing procedures are reviewed for potential improvements to ensure compliance with auditing requirements and regulations associated with the State Transportation Development Act, Measure R, PTMISEA, etc.
Important communication, cooperation and monitoring will continue managing the City's agreement with its transportation consultant, TPG Consulting, Inc., as well as bus advertisement agreements affecting the City transit buses. Additionally, emphasis will be extended to fostering existing relations with transportation-dependent agencies, such as the Central Valley Regional Center (CVRC).

Operational policies and procedures will be revised, as needed, to ensure that efficient and effective service standards are maintained. Porterville Transit operational policies and procedures, at a minimum, shall address:

- Risk Management
- Service Area
- Days and Hours of Operation
- Fare Structure
- Fare Collection Policies and Procedures
- Dispatch Procedures
- Drivers Training Policies
- Driver Logs
- The City's Random Drug and Alcohol Program
- System Supervision Requirements
- Complaint Procedures
- Emergency Service Procedures
- Americans with Disabilities Act (ADA) Compliance

Administration of the Porterville Transit ADA Paratransit Eligibility program will be assumed, and the Title VI program will be reviewed and updated, as required.

Transit-related files will continue to be maintained to ensure appropriate reference materials are available and easily accessible, including Federal and State regulations, and information related to local/regional funding opportunities.

E. **Marketing and Outreach**

Emphasis will be placed on the timely marketing of the transit services provided. Major tasks will include updating the system brochure, media advertising, and identification of primary distribution points to maximize ridership potential.

2. **MAXIMIZE THE CITY'S USE OF FEDERAL, STATE, AND LOCAL TRANSPORTATION FUNDS**

The City is eligible to receive a variety of Federal, State, and Local Transportation Funds. The City must maintain a proactive transportation planning process, together with sound procedures to accurately account for and claim these funds.

This task includes the following:
Continued programming of primary funding sources such as California Transportation Development Act and Federal Transit Administration Section 5307 funds.

Assist the City in programming and seeking all eligible State TDA and Measure R funds by coordinating with City staff, Tulare County Association of Governments staff, financial auditors, and City Council, as needed.

Continue to monitor the City’s claim process through the Finance Department to collect TDA and Measure R funds to maximize future State transportation dollars. Expedite reimbursements to the City from Section 5307 grant funds, while providing accurate records for annual financial auditing purposes through the ECHO process.

Secure maximum PTMISEA funds, and other funds such as Federal stimulus dollars for the City. This effort will entail close monitoring of PTMISEA and stimulus fund requirements and guidelines, identifying eligible projects through close coordination with City staff, preparing and submitting appropriate applications and documentation as needed, and monitoring and follow-up of awarded projects to ensure timely filing of required reports.

3. IDENTIFY AND DEVELOP INCREASED FUNDING RESOURCES

The City is committed to seeking new potential sources of transportation revenue to enhance its organization. This task will focus on identifying and developing increased and new transportation funding for the City, and to leverage the use of available funds by allocating/budgeting for appropriate activities to maximize their effectiveness to the City.

4. REPRESENT THE CITY AND PARTICIPATE IN KEY TRANSPORTATION MEETINGS

Key transportation-related meetings are held throughout the year that may impact the City of Porterville. These meetings will be attended on behalf of the City to ensure that the City is aware of transportation issues and opportunities in Tulare County and throughout the region and actively participates in transportation planning decisions. These transportation meetings include:

- Porterville City Council meetings, as required
- City of Porterville budget meetings
- Technical Advisory Committee (TAC) meetings, as required for transit-related issues
- Bi-monthly Tulare County Transit Forum meetings
- Tulare County Unmet Transit Needs workshops and hearings
- Meetings relating to Federal/State transit funding
- Specialized transportation planning meetings, if applicable.
SUBJECT: SCHEDULING OF ADJOURNED CITY COUNCIL MEETING FOR ANNUAL SETTING OF GOALS AND OBJECTIVES

SOURCE: City Manager

COMMENT: In preparation for the approaching fiscal year and establishing budgetary priorities, the City Council has traditionally met in an adjourned meeting to review the Council’s prior fiscal year’s goals and priorities, and to establish goals and priorities for the coming fiscal year. For the past several years, the Council has utilized a “project driven” process for the setting of goals and objectives, with the Council identifying specific projects for particular attention and focus. However, several Council Members have recently expressed their interest in utilizing a “strategic planning” process for establishing goals and priorities, including broader community input as well.

Under the “strategic planning” process, potentially with the assistance of a moderator, a cross-section of community stakeholders (i.e., business/industry, education, healthcare, faith-based, non-profit, etc) would join the Council and staff in defining goals and priorities toward the direction and benefit of the community.

It is recommended that an adjourned meeting of the Council be scheduled for a Saturday morning during the month of March, as it is anticipated that the Council will begin conducting its budgetary study sessions for the upcoming 2011-2012 fiscal year during the month of May.

RECOMMENDATION: That the City Council consider utilizing the “strategic planning” process for establishing its goals and priorities for the coming fiscal year, and schedule an adjourned meeting for establishing such goals and priorities on a Saturday morning during the month of March.

ATTACHMENT: 2010-2011 Priority Projects

Item No. 25
COUNCIL AGENDA: February 2, 2010

SUBJECT: ADOPTION OF 2010 PRIORITY PROJECTS AND OBJECTIVES

SOURCE: City Manager

COMMENT: On Saturday, January 23, 2010, the Council met in an adjourned session to consider priority projects for the coming year. After considering the priorities advanced by each City department, as well as accepting public comment, the Council gave direction in establishing the following projects and objectives as the priorities for the 2010 calendar year:

- Heritage Sports Complex
- Plano Street Bridge
- Porterville Hotel
- Public Safety Station
- Range Relocation
- Skate Park Lighting
- Technology Resources

In addition to the priorities considered above, the Council also gave direction that staff consider and provide options for road improvements on Date Avenue between Jaye and “G” Streets, as well as again focusing on the Newcomb Street bridge over the Tule River.

RECOMMENDATION: That the City Council adopt the 2010 Priority Projects and Objectives.

ATTACHMENT: None
CONSIDERATION OF NAMING CITY CONFERENCE ROOMS

A couple of City Council Members have recently suggested that the Council consider the renaming of the City's conference rooms, including the Hamamatsu, La Barca, and North conference rooms in City Hall, as well as the naming of the Fire and Police Department conference rooms. In recognition of the City's sister cities Mikkabi (later renamed Hamamatsu) and La Barca, the Council in 2004 by Resolution named the conference rooms of its respective sister cities in Japan and Mexico.

It has been suggested that the Hamamatsu conference room in City Hall be renamed the “Distinguished Employee Conference Room” or “Distinguished Staff Conference Room”, in recognition of City employees who have served at least twenty-five (25) years in the City’s employ. It has been further suggested that a photo of each employee who has given this term of service be hung in their recognition.

It has also been suggested that the La Barca conference room in City Hall be renamed the “Guy Huffaker Conference Room” or “City Manager’s Conference Room”, in recognition of the contributions of Mr. Huffaker and/or the City’s past Managers to the City of Porterville. Similar to the “Employee” conference room, photo(s) of Mr. Huffaker and/or past City Managers would be hung in their recognition.

It has further been suggested that the North conference room in City Hall be renamed the “Unser Conference Room”, in recognition of the contributions of Mr. Mike Unser to the City of Porterville as its long-time Community Services Director.

It has finally been suggested that the conference room in the Fire and Police Departments could also be named the “Chiefs Conference Room” in honor of the Department Chiefs of the past, present, and future, with a plaque to recognize the past Chiefs of the Departments.

Item No. 246
RECOMMENDATION: That the City Council consider the suggestions made in the naming of City conference rooms.

ATTACHMENT: Council Resolution 125-2004
RESOLUTION NO. 125-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE IN SUPPORT AND PROMOTION OF PORTERVILLE’S SISTER CITIES THROUGH THE NAMING OF TWO CITY HALL MEETING ROOMS

WHEREAS, the City of Porterville has had positive and long-term relations with its two Sister Cities, the Town of Mikkabi, Japan, and La Barca, Jalisco, Mexico; and

WHEREAS, one of the purposes of the Sister Cities Program has been to develop an international exchange process to discuss agricultural and industrial economic development; and

WHEREAS, an additional goal of the Sister Cities Program is to stimulate cultural exchanges relating to social customs and political processes which are mutually beneficial; and

WHEREAS, numerous citizens from Porterville, Mikkabi, Japan, and La Barca, Jalisco, Mexico have exchanged visits—-from local dignitaries to local school children; and

WHEREAS, in an effort to reinforce its support of the Sister Cities Program, the City Council of the City of Porterville desires to officially name two of the City Hall conference rooms at 291 North Main Street, Porterville, after our Sister Cities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the main City Hall Conference Room is hereby designated as “The Mikkabi Room,” and the City Manager’s Conference Room is hereby designated as “The La Barca Room.”

Adopted this 21st date of September, 2004.

Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

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

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21st day of September, 2004.

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

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

JOHN LONGLEY, City Clerk

by Georgia Hawley, Chief Deputy City Clerk