Call to Order
Roll Call

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

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA

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/Agency, all commentary shall be limited to three minutes.

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

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   2- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation – Claim filed by Theresa Breckenridge in the amount of $3,000 for personal injuries claimant allegedly sustained while she was a passenger on a City transit bus on March 18, 2011.
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation – Claim filed by John Almanza in the amount of $230 for damages to claimant’s vehicle’s rim and tire allegedly sustained when he struck a pothole while driving on West Olive Avenue on March 20, 2011.
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation – Claim filed by Mathew Nanamura in the amount of $750.00 for damages claimant’s vehicle allegedly sustained when it was struck by a City refuse truck while it was parked at 700 North Palm Place on March 8, 2011.
   5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation – Claim filed by Engelbert Cabeje in the amount of $1,222.52 for alleged damages to claimant’s vehicle which claimant attributes to repeated
travel over poor road conditions near the railroad tracks on North Grand Avenue.

6- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation – Claim filed by Ramon A. Ceballos in the amount of $2,100 for personal injuries allegedly sustained on December 11, 2010 when a City transit bus on which claimant was traveling was involved in an accident at the intersection of Indiana Street and Morton Avenue.

7- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation – One case pertaining to Development Impact Fees associated with property owned by Mary McClure at 821 E. Putnam.

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

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

PROCLAMATIONS
  Cinco de Mayo Week, April 28 – May 5, 2011
  Arbor Day – April 29, 2011
  Letter Carriers Food Drive Day – May 14, 2011

PRESENTATIONS
  Fire Station No. 2 Regional Training Facility

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 July 27, 2010

2. Budget Adjustment for the 2010/2011 Fiscal Year
  Re: Consideration of approving the appropriation of $15,000 from unallocated General Fund Reserves for the production of a community “Freedom Fest and Fireworks Show.”
3. Authorization to Advertise for Bids – Sports Complex & Skate Park Lighting Project  
Re: Considering approval of staff’s Plans and Project Manual for the project consisting of the installation of power service cabinet, conduit, four (4) light standards and related appurtenances at the City’s Sports Complex located at 2701 W. Scranton; and the installation of power sub-panel, conduit, four (4) light standards and related appurtenances at the City’s Skate Park located at 1051 W. Henderson Avenue.

4. Award of Contract – Demolition Project – Jaye Street Residential Unit  
Re: Considering awarding a contract in the amount of $4,791.65 to Housley Demolition Company for the demolition of a single-family residence located at 1011 S. Jaye Street.

5. Acceptance of Project – Waste Water Treatment Facility HVAC Replacement Project  
Re: Considering accepting the project as complete from Zone Air Conditioning, and authorizing the filing of the Notice of Completion for the project consisting of the installation of two HVAC units and related appurtenances at 1333 W. Grand.

6. Annual Adjustment of Fees by Application of the ENR Cost Index  
Re: Considering approval of the suspension of the Impact Fees ENR auto escalator for Fiscal Year 2011/2012.

7. Intent to Set a Public Hearing for Concrete Improvement Construction by the City – Jaye Street Improvements Project – Easterly Extension of Brown Avenue to Gibbons Avenue  

8. A Resolution Approving the Application for State Off-Highway Vehicle Grant Funds  
Re: Considering approval of a resolution authorizing the application for State Off-Highway Vehicle Grant funds totaling $146,335, with a $52,184 local match.

9. Tea at the Zalud House  
Re: An informational report regarding an event to take place on April 23, 2011, from 11:00 a.m. to 2:00 p.m., at the Zalud House.

10. Approval of Community Civic Event – WildPlaces Porterville River Clean Up  
Re: Considering approval of an event to take place on Saturday, April 30, 2011, from 8:00 a.m. to 1:00 p.m. along the pathways of Rails to Trails, west of Jaye Street and along the river bank heading towards Westwood Street.

11. License Agreement Between the City of Porterville and Funtastic Attractions for the Operation of a Trackless Train  
Re: Considering approval of a License Agreement for the operation of a trackless train at Murry and Veterans Parks.

12. Extended Hours for City Transit Service to Accommodate Step Up Gang Conference  
Re: Considering the authorization of extended hours of City’s transit service on May 5, 2011, at an estimated cost of $1,059.36 plus passenger fares, which is to be reimbursed by Tulare County.
13. **Review of Local Emergency Status**  
Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8690 of the California Emergency Services Act.

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

**SCHEDULED MATTERS**

14. **Amendment to Ordinance 1397 – Floodplain Management Ordinance**  
Re: Considering the adoption of an ordinance amending Chapter 7, Article XIV – Flood Damage Prevention Code of the Porterville Municipal Code to comply with new rules and regulations governing the National Flood Insurance Program as required by FEMA.

15. **Approval for Community Civic Event – Learning Network Foundation and Primetime Entertainment – Copa Budweiser Soccer Tournament**  
Re: Considering approval of an event to take place on Sunday, May 8, 2011, from 7:00 a.m. to 8:00 p.m. at the Porterville Sports Complex.

16. **Council Member Requested Agenda Item – City Manager’s Performance Evaluation**  
Re: Considering whether there is Council interest in considering the performance of the City Manager.

**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 May 3, 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
291 NORTH MAIN STREET
PORTERVILLE, CA
JULY 27, 2010, 6:00 P.M.

Called to Order at 6:00 p.m.

Roll Call: Council Member McCracken, Vice Mayor Hamilton, Council Member Shelton, Council Member Ward (arrived at 6:03 p.m.), Mayor Irish

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

ORAL COMMUNICATIONS
None

STUDY SESSION
1. FISCAL YEAR 2010/2011 BUDGET

City Manager Lollis indicated that the purpose of the meeting was to review the proposed General Fund revenue estimates, “discretionary” General Fund expenditures, and Airport and Transit Fund budgets.

He then introduced Finance Director Maria Bemis, who presented a review of General Fund revenue estimates. Following her presentation, the City Manager added that the presentation looked at the major revenue sources: sales tax, property tax, and Utility Users’ Tax (UUT). He spoke broadly of the three sources, identifying sales and UUT taxes as generally flat, and property taxes as experiencing a very minimal increase. Mr. Lollis also noted that the decline in sales of vehicles and construction materials had a significant impact on the City’s sales tax revenues.

Administrative Analyst Linda Clark gave a presentation regarding the Fiscal Year 2010/11 Transit Budget. During her presentation she highlighted the following items as pending approval of the Transit Budget: Sierra Management Agreement, Vehicle Repair of Transit Bus No. 8159, and Annual Transportation Agreement with Tulare County. Ms. Clark then identified and reviewed three categories of expenses for the Transit Fund Operating Budget: Transit Administration, Demand-Response, and Fixed Route. She then addressed questions from the Council regarding revenue required to operate Transit, specifically Local Transportation Funds (LTF).

City Manager Lollis gave an overview of discretionary costs and professional services relative to the City Council, which included but were not limited to: auditing services, lobbying services, meeting expenses per Council Member, the Council’s contingency fund, community promotion account, dues for participation in various entities, and Main Street Christmas lights.

The City Manager addressed questions from the Council with regard to the discretionary funds identified. Following some discussion regarding council member spending, staff was directed to terminate the contract for lobbying services, eliminate the contingency fund of $8,000; and provide
quarterly reports of council member expenses.

City Manager Lollis stated that he would identify additional discretionary expenses by department. He began by indicating that the departments had collectively committed to save 5%, which would equate to approximately one million in savings. A discussion ensued regarding increasing departmental savings to 6%, and the use of reserve funds. Council Member Ward spoke in favor of seeking additional savings via personnel costs, and concern was raised regarding reduction of services. The City Manager noted that the Council was afforded the opportunity to discuss labor relations in Closed Session, and recommended that it be included on the August 3rd Agenda.

Council Member McCracken requested that the Council consider the additional Council discretionary funds. The Council discussed costs associated with publications and dues, and directed that League of California Cities be cut. Additional discussion regarding the Christmas lights on Main Street took place, and the Mayor suggested that the Council turn over the responsibility to the Chamber. Staff was directed to approach the Chamber regarding their interest in receiving an administrative fee of $5,000 to seek corporate sponsors for Christmas lights each year.

The Council recessed for ten minutes. Council Member Ward did not return due to a previously arranged commitment.

City Manager Lollis spoke briefly regarding the structuring of the Airport Budget so as to allow for funding of capital projects at the airport. The re-structuring of landing fees was identified as a means of earmarking funds for projects such as the Runway Rehabilitation Project, which would occur approximately every twenty five years.

It was clarified that the Council had directed staff to achieve 6% departmental savings.

**ORAL COMMUNICATIONS**
None

**OTHER MATTERS**
City Manager Lollis thanked Finance Director Bemis for her attendance. He reported that her daughter had been involved in an automobile accident two days prior, and was fortunately okay.

**ADJOURNMENT**
The Council adjourned at 7:52 p.m. to the Council Meeting of August 3, 2010 at 5:30 p.m.

_________________________________
Luisa Herrera, Deputy City Clerk

SEAL

_________________________________
Ronald L. Irish, Mayor
SUBJECT: BUDGET ADJUSTMENT FOR THE 2010-11 FISCAL YEAR

SOURCE: Administration

COMMENT: During the course of the fiscal year, budget information becomes available that more accurately identifies revenue projections and project costs. Once known, budget modifications are necessary to complete projects and record revenues. To address budget adjustments in an orderly fashion, all adjustments will be presented as one agenda item for Council’s consideration.

There is one (1) adjustment proposed for Council consideration:

No. 1: Community “Freedom Fest and Fireworks Show”
At its Adjourned Meeting on April 12, 2011, the City Council approved the appropriation of $15,000 toward the production of a community “Freedom Fest and Fireworks Show”, in collaboration with the Tule River Tribal Council. Funds are available and recommended to be allocated from unallocated General Fund Reserves.

RECOMMENDATION: That the Council approve the attached budget adjustment, and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.

ATTACHMENT: Budget Adjustment Worksheet

Dr. App./Fnd. CM

Item No. 2
CITY OF PORTERVILLE
Budget Adjustment

Date: April 19, 2011

<table>
<thead>
<tr>
<th>FUND - ACCT</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>001-5010-010-660</td>
<td>1</td>
<td>Community &quot;Freedom Fest&quot;</td>
<td>General Fund Reserves</td>
<td>$15,000.00</td>
</tr>
</tbody>
</table>

Modification No: 1-10/11
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – SPORTS COMPLEX & SKATE PARK LIGHTING PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT - Engineering Division

COMMENT: Staff has combined our design efforts on two separate projects by creating one set of construction plans and a single Project Manual for the Sports Complex and Skate Park Lighting Project. The Sports Complex portion of the project includes installation of power service cabinet, conduit, four (4) light standards and related appurtenances at the City of Porterville Sports Complex located at 2701 W. Scranton Avenue. The Skate Park portion of the project includes installation of power sub-panel, conduit, four (4) light standards and related appurtenances at the City of Porterville Skate Park located at 1501 W. Henderson Avenue.

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

The estimate of probable cost for the Sports Complex portion of the project is $71,075 with $7,107.50 required for the construction contingency (10%). It is estimated that an additional $7,107.50 is required for construction management/inspection and quality control (10%). City staff will be providing construction management/inspection services and the City’s on-call consulting firm, Consolidated Testing, will be providing quality control services (soil analysis and concrete testing). The total estimated cost associated with the project is $85,290.

Due to the proximity of the Sports Complex lighting project to the airport, staff worked with Tartaglia Engineering to coordinate with the Federal Aviation Administration (FAA) on determining whether the project would pose any potential airport related safety hazard. On March 3, 2011, the FAA issued a Determination of No Hazard to Air Navigation as it relates to the proposed lighting project. This factor was considered in environmental determination.

The estimate of probable cost for the Skate Park portion of the project is $51,345.00 with $5,134.50 required for the construction contingency (10%). It is estimated that an additional $5,134.50 is required for construction management/inspection and quality control (10%). City staff will be providing construction management/inspection services and the City’s on-call consulting firm, Consolidated Testing, will be providing quality control services (soil analysis and concrete testing). The total estimated cost associated with the project is $61,614.00.

Dir ___ Appropriated/Funded ___ CM ___ Item No. ___
An Estimate of Probable Cost is attached for Council's review.

Funds for these projects were made available from the CEQA mitigation measures for the Porterville Courthouse defined in the 2010/2011 Annual Budget.

ENVIRONMENTAL: The Environmental Coordinator on March 30, 2011 made a preliminary determination for the Sports Complex lighting project that a Notice of Exemption would be appropriate for the proposed project. The Environmental Coordinator also made a preliminary determination on February 28, 2011 for the Veteran’s Park – Skate Park lighting project that the project would be exempt. These projects would be exempt as per §15301 of the California Environmental Quality Act (CEQA) statutes and guidelines. Although separate projects from an environmental determination standpoint, they are being bid together for efficiency.

RECOMMENDATION: That City Council:

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

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

ATTACHMENTS: Estimate of Probable Cost
Locator Maps
**ESTIMATE OF PROJECT COST - 89-9452 SPORTS COMPLEX LIGHTING & 89-9469 SKATE PARK LIGHTING**

### BASE BID (PART 'A' - SPORTS COMPLEX)

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Mobilization and Demobilization</td>
<td>1</td>
<td>L.S.</td>
<td>$3,000.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>2.</td>
<td>Clearing, Stripping, and Grubbing</td>
<td>1</td>
<td>L.S.</td>
<td>$1,000.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>3.</td>
<td>Earthwork/Footing Excavation</td>
<td>1</td>
<td>L.S.</td>
<td>$2,000.00</td>
<td>2,000.00</td>
</tr>
<tr>
<td>4.</td>
<td>Power Service Cabinet</td>
<td>1</td>
<td>L.S.</td>
<td>$7,000.00</td>
<td>7,000.00</td>
</tr>
<tr>
<td>5.</td>
<td>3&quot; dia. PVC Conduit (inclusive of trenching/bedding)</td>
<td>1415</td>
<td>L.F.</td>
<td>$5.00</td>
<td>7,075.00</td>
</tr>
<tr>
<td>6.</td>
<td>Electrical Work (assembly of lights, erection of City Poles, and conductors)</td>
<td>4</td>
<td>E.A.</td>
<td>$10,250.00</td>
<td>41,000.00</td>
</tr>
<tr>
<td>7.</td>
<td>Pull Boxes, SCE related work, and appropriate appurtenant electrical items</td>
<td>1</td>
<td>L.S.</td>
<td>$10,000.00</td>
<td>10,000.00</td>
</tr>
</tbody>
</table>

**Part A - Sports Complex**

| Figures | 71,075.00 |

### BASE BID (PART 'B' - SKATE PARK)

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td>Mobilization and Demobilization</td>
<td>1</td>
<td>L.S.</td>
<td>$1,500.00</td>
<td>1,500.00</td>
</tr>
<tr>
<td>9.</td>
<td>Clearing, Stripping, and Grubbing</td>
<td>1</td>
<td>L.S.</td>
<td>$500.00</td>
<td>500.00</td>
</tr>
<tr>
<td>10.</td>
<td>Earthwork/Footing Excavation</td>
<td>1</td>
<td>L.S.</td>
<td>$1,000.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>11.</td>
<td>100 amp Power Sub-panel Cabinet</td>
<td>1</td>
<td>L.S.</td>
<td>$800.00</td>
<td>800.00</td>
</tr>
<tr>
<td>12.</td>
<td>2&quot; dia. PVC Conduit (inclusive of trenching/bedding)</td>
<td>1870</td>
<td>L.F.</td>
<td>$3.50</td>
<td>6,545.00</td>
</tr>
<tr>
<td>13.</td>
<td>Electrical Work (assembly of lights, erection of City Poles, and conductors)</td>
<td>4</td>
<td>E.A.</td>
<td>$10,000.00</td>
<td>40,000.00</td>
</tr>
<tr>
<td>14.</td>
<td>Pull Boxes and appropriate appurtenant electrical items</td>
<td>1</td>
<td>L.S.</td>
<td>$1,000.00</td>
<td>1,000.00</td>
</tr>
</tbody>
</table>

**Part B - Skate Park**

| Figures | 51,345.00 |

**TOTAL (PART 'A' + PART 'B')**

$122,420.00

---

*Project Manager*

*City Engineer*

*Public Works Director*

*City Manager*
SUBJECT:  AWARD OF CONTRACT – DEMOLITION PROJECT – JAYE STREET RESIDENTIAL UNIT

SOURCE:  Public Works Department - Engineering Division

COMMENT:  On April 12, 2011 staff received five (5) bids for the demolition of one single-family residence located at 1011 S. Jaye Street. The City negotiated and reached an agreement with the property owner to purchase the home during right of way acquisition negotiations for the upcoming Jaye Street Improvements Project. The home is in conflict with the proposed public improvements related to the project. Staff reviewed the home and found it unsalvageable.

The engineer’s estimate of probable cost for the project is $12,000. The low bid for the project is 60% below the Engineer’s estimate. An additional $479.17 is required for construction contingency (10%), and $2,500.00 is required for construction management. The total estimated cost for the project is $7,770.82.

Funding is provided from Special Gas Tax, Local Transportation Funds (LTF) and Traffic Impact Fees (TIF) as approved in the 2010/2011 Annual Budget for the Jaye Street Improvements Project.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Housley Demolition Co., Inc.</td>
<td>$4,791.65</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
<tr>
<td>2. MD Concrete Cutting &amp; Demo</td>
<td>$6,500.00</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
<tr>
<td>3. Bryan Company</td>
<td>$6,700.00</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
<tr>
<td>4. Greg Bartlett Construction</td>
<td>$6,950.00</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>5. Wise Engineering Inc.</td>
<td>$7,630.00</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.
RECOMMENDATION: That City Council:

1. Award the Demolition Project – Jaye Street Residential Unit to Housley Demolition Company in the amount of $4,791.65;

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

3. Authorize a 10% contingency to cover unforeseen construction costs and $2,500.00 for construction management.

ATTACHMENT: Locator Map

P:\pubworks\General\Council\Award of Contract - Demo Project Jaye St Residential Unit - 2011-04-19.doc
SUBJECT: ACCEPTANCE OF PROJECT – WASTE WATER TREATMENT FACILITY HVAC REPLACEMENT PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT - Engineering Division

COMMENT: Zone Air Conditioning has completed the Waste Water Treatment Facility HVAC Replacement Project. The project consisted of the installation of two HVAC units and related appurtenances on the Control Building and one HVAC unit and related appurtenances on the Sludge Pump Station Building located at 1333 W. Grand Ave.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On January 18, 2011 City Council authorized expenditure of $34,800.00 for construction and construction management services for the WWTF HVAC Replacement Project. The following itemizes the construction-related cost in two categories: 1) the construction contract, and 2) construction management.

1) Final construction cost is $31,400.00

2) Construction management costs are $2,389.04, which is 8.2% of the awarded construction contract. This amount is lower than 10% construction management amount requested at time of award.

Total project construction costs equate to $33,789.04, which is less than the $34,800.00 overall budget approved by Council at the time of award.

The Waste Water Treatment Facility Reserve Fund is the funding source for this project as approved in the 2010/2011 Annual Budget.

Zone Air Conditioning 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

P:\pubworks\General\Council\Acceptance of Project - WWTF HVAC Replacement Project - 2011-04-19.doc

Item No. 5
1. WWTF CONTROL BUILDING
2. WWTF SLUDGE PUMP STATION

WWTF - BUILDINGS 1 & 2

CITY OF PORTERVILLE
ENGINEERING DIVISION

03-11-09
DATE

CITY ENGINEER

HVAC REPLACEMENT PROJECT
SUBJECT: ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

SOURCE: PUBLIC WORKS DEPARTMENT – Engineering Division

COMMENT: Staff received a 'Procedural Notice pursuant to Government Code Section 66016' from the Home Builders Associates requesting 14-day advance written notice of any Public Hearing held before the City Council of the City of Porterville for which development impact fee increases or changes will be discussed.

On April 6, 2010, City Council, per MO #20-040610, suspended the Engineering News Record (ENR) Cost Index automatic development impact fee increase for one year. In addition, the Council received a report regarding Water, Sewer, Treatment Plant, and Storm Drain Impact Fees on December 21, 2010 that provided a direct correlation of master plan improvement costs versus collection of impact fees. The report summarized fees collected, Master Plan improvement costs and Master Plan debt service expenditures from the date of the individually adopted Master Plans to December of 2010.

In light of the current economic climate and the lack of development within the community, staff recommends that the City Council not implement the ENR Cost Index auto escalator for fiscal year 2011/2012. However, if the City Council elects to raise development impact fees, a Public Hearing can be set for May 17, 2011. Staff would in turn notify the Home Builders Association within the necessary time period.

RECOMMENDATION: That City Council suspend the Impact Fees ENR auto escalator for fiscal Year 2011/2012.
SUBJECT: INTENT TO SET A PUBLIC HEARING FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY – JAYE STREET IMPROVEMENTS PROJECT – EASTERLY EXTENSION OF BROWN AVENUE TO GIBBONS AVENUE

SOURCE: Public Works Department - Engineering Division

COMMENT: The Jaye Street Improvements Project (Gibbons Avenue to Easterly Extension of Brown Avenue) includes the construction of curbs, gutters, sidewalks and/or drive approaches in front of undeveloped properties and/or developed properties that lack these public improvements. Section 20-40.1 of the Municipal Code stipulates that these improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code allows the City to recover the cost of the concrete improvements when the owner pulls a building permit(s) from the City and said permit(s) has a valuation of $18,421.00 or more within a two (2) year period.

Section 20-40.8 of the Municipal Code requires that each property owner affected by the project be notified of this Public Hearing. The notification clearly describes the City’s intent to seek reimbursement for the concrete improvements constructed by the City. This section also requires that City Council hold at least one additional Public Hearing prior to the establishment of a fee. Once the fee is established, the City shall record a general notice of “reimbursement fee” with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

RECOMMENDATION: That the City Council:

1. Set a Public Hearing for May 3, 2011 to discuss the proposed construction of concrete improvements for the subject project; and

2. Authorize staff to publish the public notice and notify all affected property owners of the Public Hearing.

ATTACHMENT: Locator Map
A RESOLUTION APPROVING THE APPLICATION FOR STATE OFF-HIGHWAY VEHICLE GRANT FUNDS

PARKS AND LEISURE SERVICES DEPARTMENT

Staff has prepared an application for Off-Highway Vehicle Grant Funds. The process entailed an on-line preliminary application and the ability for the public to review and comment on the preliminary application. Preliminary application review and comment is conducted on the State OHV website allowing the world-wide public an ability to participate. In addition, State OHV personnel review the preliminary application and provide comments on the completeness and accuracy of the preliminary application. We are then given the opportunity to revise the preliminary application for purposes only of responding to public and State comments, prior to confirming the submission of a final application.

Staff prepared a preliminary application for $198,519 in activities, which is comprised of a $146,335 grant request and a $52,184 local match and the public comment period has been completed. The preliminary application is in two activity areas, Ground Operations and Law Enforcement.

The Ground Operations activity is for the annual ongoing maintenance and operational enterprise, and includes the proposed purchase of an all terrain weed sprayer.

The Law Enforcement activity is for patrol of city facilities and private lands to deter illegal OHV activities, as well as educational outreach and awareness efforts. The Police Department conducts this effort and they utilize the ATV patrol vehicle acquired through the current grant program, as well as their contract airship services.

The Ground Operations and Law Enforcement activities are for one year commencing July 2011. The local match for the proposed grants is comprised of volunteer efforts, administrative services, and general fund expenses anticipated within the Parks & Leisure and Police Department operational budgets. The final application submission must be made by May 2, 2011, and results of the competitive scoring will be known by June 6, 2011.

[Signatures]
<table>
<thead>
<tr>
<th>Activity</th>
<th>Grant Request</th>
<th>Match</th>
<th>Total Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Operations</td>
<td>$126,235</td>
<td>$45,484</td>
<td>$171,719</td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>$20,100</td>
<td>$6,700</td>
<td>$26,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$146,335</strong></td>
<td><strong>$52,184</strong></td>
<td><strong>$198,519</strong></td>
</tr>
</tbody>
</table>

**RECOMMENDATION:**  Adopt a Resolution approving the application for State Off-Highway Vehicle Grant Funds.

**ATTACHMENTS:**  Resolution  Project Descriptions
RESOLUTION NO. ______-2011

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING THE APPLICATION
FOR THE STATE OF CALIFORNIA, DEPARTMENT OF
PARKS AND RECREATION, OFF-HIGHWAY VEHICLE GRANT FUNDS

WHEREAS, The people of the State of California have enacted the Off-Highway Motor Vehicle Recreation Act of 2003, which provides funds to the State of California and its political subdivisions for Operation and Maintenance, Restoration, Law enforcement, and Education and Safety for off-highway vehicle recreation; and

WHEREAS, the Off-Highway Motor Vehicle Recreation Division with the California Department of Parks and Recreation has been delegated the responsibility to administer the program; and

WHEREAS, procedures established by the California Department of Parks and Recreation require the Applicant’s Governing Body to certify by resolution the approval of the Application to apply for Off-Highway Motor Vehicle Grant funds; and

WHEREAS, this Project appears on, or is in conformance with this jurisdiction’s adopted general or master plan and is compatible with the land use plans of those jurisdictions immediately surrounding the Project:

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

1. Approves the filing of an Application(s) for an Off-Highway Vehicle Grant or Cooperative Agreement; and

2. Certifies that this agency understands its legal obligations to the State upon approval of the Grant; and

3. Certifies that this agency understands the California Public Resources Code requirement that Acquisition and Development Projects be maintained to specific conservation standards; and

4. Certifies that the Project will be well-maintained during its useful life; and

5. Certifies that this agency will implement the Project with diligence once funds are available and the Applicant reviewed, understands, and agrees with the Project Agreement; and

6. Certifies that this agency will provide the required matching funds; and
7. Certifies that the public and adjacent property owners have been notified of this Project (as applicable); and

8. Appoints the Director of Parks and Leisure Services as agent to conduct all negotiation, execute and submit all documents including, but not limited to Applications, agreements, amendments, payment requests and so on, which may be necessary for completion of the Project.

PASSED, APPROVED AND ADOPTED this 19th day of April, 2011.

______________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

______________________________
By: Patrice Hildreth, Chief Deputy City Clerk
City of Porterville
2010-2011 OHV Preliminary Grant Application Project Descriptions

Ground Operations:

Porterville OHV Park is part of a comprehensive recreational area with approximately 30 acres of land devoted to various OHV tracks for youth and adult OHV recreation. Four separate tracks are available, each providing a unique OHV riding opportunity. The entire recreational area is operated and maintained 12 months of the year.

The Ground Operations activity includes continued routine maintenance of the OHV Park including track refurbishing weed abatement, dust/erosion control, building maintenance, safety personnel, equipment maintenance, fuel, publicity, and utilities costs. All tracks are regularly refurbished and moisture conditioned for optimum riding traction as well as fugitive dust control. An on-site equipment storage building and a separate public restroom building are provided for maintenance and operational convenience. This grant includes purchase of a weed sprayer as well as rental of heavy equipment, when needed, is included in this project as is the rental of portable toilet facility for a remote portion of the OHV Park.

Law Enforcement:

The requested funds will be used for enforcement of applicable laws relating to the operation of off-highway vehicles, as well as the purchase and distribution of educational materials. Officers will patrol identified areas utilizing motorcycles and helicopter patrols. The helicopter patrols are part of the Tulare County Multi-Agency Air Support Unit patrol missions. The flight crew includes a Tactical Flight Officer specially trained for the air support unit. Grant funds will be utilized to provide continued air patrol of the park and surrounding areas. During land patrols, off-highway vehicle riders will be educated as to applicable laws pertaining to the operation of those vehicles. This will be done both with distribution of materials, as well as actual citations/arrests as necessary. In addition, law enforcement personnel will participate in various community gatherings, such as the local fair, and distribute educational material to enhance community awareness and public safety with regard to the operation of off-highway vehicles. Periodic visits to the Porterville OHV Park during public activities will also take place with efforts to verify current registration of vehicles and disseminate educational materials.
COUNCIL AGENDA: APRIL 19, 2011

SUBJECT: TEA AT THE ZALUD HOUSE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Garden Club plans to host an event at the Zalud House with its purpose being to serve as a fundraiser for the Zalud House garden enhancement and house renovation. The event will be a joint effort between the Garden Club and the Parks and Leisure Services Department.

The Garden Club will organize and conduct the event. Parks and Leisure Services will provide promotional and logistical support.

The date of the 'Tea at the Zalud House' will be April 23, 2011. The Tea will be from 11:00 a.m. - 2:00 p.m. Sandwiches, cookies, tea and coffee will be served. Admission is $15. Tickets may be purchased from Garden Club members, at the Parks and Leisure Services office in City Hall, or at the Heritage Center.

RECOMMENDATION: This report is meant to be informational only.

ATTACHMENT: None

[Signature]
Director

APPROPRIATED/FUNDED

CM
ITEM NO.: 9
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – WILD PLACES PORTERVILLE RIVER CLEAN UP

SOURCE: Finance Department

COMMENT: WildPlaces, a Stewardship in the Southern Sierra is requesting approval to hold a volunteer clean up along the pathways of Rails to Trails, west of Jaye Street and along the river bank heading towards Westwood Street. Their mission is to preserve, support, and protect California's natural and rural places and the peoples of these landscapes through volunteer-driven habitat restoration, nature and culture education and career development. The clean up will be held on Saturday, April 30, 2011, from 8:00 a.m. to 1:00 p.m. No street closures are requested; however, they have requested the use of the Jaye Street Park 'n Ride parking lot.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the WildPlaces of Springville, subject to the stated requirements contained in Exhibit ‘A.’


DD \[\text{mb}\] Appropriated/Funded \[\text{mb}\] C.M \[\text{f}\] Item No. \[10\]
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: March 31st  
Event date: April 30th
Event time: 8:00 AM

Name of Event: Porterville River Clean-Up

Sponsoring organization: Willplays  
PHONE # 552-5355263
Address: P.O. Box 853, Porterville, CA 93257

Authorized representative: Coloma Grubb  
PHONE #
Address: P.O. Box 853, Porterville, CA 93257

Event chairperson:  
PHONE #

Location of event (location map must be attached): Stage Street, Porterville River Drive.

Type of event: Street cleaning along Stage Street, River Drive, and Eastern Avenue.

Nonprofit status determination: 501-C-3

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

<table>
<thead>
<tr>
<th>Barricades (quantity):</th>
<th>Street sweeping</th>
<th>Refuse pickup</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police protection Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>
| Other: We would like the City to pick up the trash, signs for us
| Parks facility application required: | Yes | No | Attached |
| Assembly permit required: | Yes | No | Attached |

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

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

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

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

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

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

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

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

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

[Signature]
(Name of Organization) [Signature] (Date)
CITY OF PORTERVILLE

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

Name of event: Porterville River clean-up

Sponsoring organization: Wild Places

Location: Main Street Park & Rail Event date: 4/30/11 Event time: 8:00 a.m.

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

There will be no vendors.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business is carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Porterville River Clean-up

Sponsoring organization: WildPlace

Event date: April 26th

Hours: 8:00 a.m. - 10:00 a.m.

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Closed From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>8th St. Park &amp; Pool</td>
<td>Parking lot at 8th &amp; Park w/ Hands on hiring subject to Park use</td>
<td>River clean-up</td>
</tr>
<tr>
<td>10th St. Park &amp; Pool</td>
<td>Parking lot at 10th &amp; Park w/ Hands on hiring subject to Park use</td>
<td>River clean-up</td>
</tr>
<tr>
<td></td>
<td>Parking lot at 10th &amp; Park w/ Hands on hiring subject to Park use</td>
<td>River clean-up</td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

WILD PLACES

PORTERVILLE RIVER CLEAN UP

APRIL 30, 2011

Business License Supervisor: S. Hartman

Business License has no requirements.

Public Works Director: B. Rodriguez

Community Development Director: B. Dunlap

Clean up to be limited to trash and debris clean up only. No vegetation clearing to be performed under this approval.

Field Services Manager: B. Styles

Parks to supply bags and arrange for refuse pickup.

Fire Chief: M.G. Garcia

Parks and Leisure Services Director: M. Stowe

Police Captain: S. Rodriguez

Administrative Services Manager: P. Hildreth

Please see Exhibit ‘A,’ Page 2. Risk Management recommend that volunteers be required to sign a waiver of liability for this endeavor.

EXHIBIT ‘A,’ Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: WildPlaces  
Event: Porterville River Clean Up  
Event Chairman: Cabrina Grubb  
Location: Porterville Rails to Trails and along river bank  
Date of Event: April 30, 2011

RISK MANAGEMENT: Conditions of Approval

That WildPlaces provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event

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

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

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

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

ACORD
ACORD
4/4/2011

PRODUCER
Walter Mortensen Insurance
CA License #0044424
89 East Mill Ave.
Porterville CA 93257

CONTACT NAME: Colleen Kimbrell
PHONE: (559) 781-8200
FAX: (559) 781-3329
E-MAIL: akimbrell@excelsa-ins.com
PRODUCER CONTACT #: 00117618

INSURED
Mahmet Mackillan dba
Wild Places
P.O. Box 853
Springville CA 93265

INSURER AFFORDING COVERAGE
INSURER A: Landmark American Ins. Co.
INSURER B:
INSURER C:
INSURER D:
INSURER E:

COVERAGE
CERTIFICATE NUMBER: CLI14449923
REVISION NUMBER:

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

<table>
<thead>
<tr>
<th>EARN LIMIT</th>
<th>TYPE OF INSURANCE</th>
<th>LIABILITY</th>
<th>PERIOD PO VS</th>
<th>POLICY NUMBER</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>COMMERCIAL GENERAL LIABILITY CLAIMS-MADE</td>
<td>1/9/2011 - 1/9/2012</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LIMIT</th>
<th>EACH OCCURRENCE</th>
<th>GENERAL AVERAGE LIMIT</th>
<th>INSURED OCCURRENCE LIMIT</th>
<th>INSURED GENERAL AVERAGE LIMIT</th>
<th>INSURED AGGREGATE LIMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,000,000</td>
<td>$100,000</td>
<td>$5,000</td>
<td>$2,000,000</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>

AUTO INSURANCE LIABILITY

<table>
<thead>
<tr>
<th>LIMIT</th>
<th>EACH OCCURRENCE</th>
<th>AGGREGATE</th>
<th>INSURED OCCURRENCE LIMIT</th>
<th>INSURED GENERAL AVERAGE LIMIT</th>
<th>INSURED AGGREGATE LIMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,000,000</td>
<td>$100,000</td>
<td>$5,000</td>
<td>$2,000,000</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES

The City of Porterville, Parks & Leisure Services Dept., is added as Additional Insured in regards to the General Liability policy maintained by named insured. Coverage under this certificate is subject to all policy terms, conditions, and exclusions.

CERTIFICATE HOLDER

mbascom@ci.porterville.ca
City of Porterville
Parks & Leisure Services Dept.
281 N. Main Street
Porterville, CA 93257

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Ronald Burcham / CKIMBR

© 1988–2009 ACORD CORPORATION. All rights reserved.
# Certificate of Liability Insurance

**Date**: 4/6/2011

---

### Important

If the certificate holder is an **additional insured**, the policy(ies) must be endorsed. If **subrogation is waived**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

### Producer

**Name**: Colleen Kimbrell  
**Phone**: (559) 781-5200  
**Fax**: (559) 781-3229  
**E-mail**: ckimbrell@texcal-ins.com

### Insured

**Name**: Mohet McMillan dba Wild Places  
**Address**: P.O. Box 853  
**City**: Springville  
**State**: CA  
**Zip**: 93265

---

**Certificate Number**: CL11444923  
**Revision Number**:

This is to certify that the policies of insurance listed below have been issued to the **insured** named above for the policy period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

### General Liability

<table>
<thead>
<tr>
<th>Type of Insurance</th>
<th>POLICY NUMBER</th>
<th>POLICY DURATION</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial General Liability</td>
<td>LBA09745600</td>
<td>1/9/2011 - 1/9/2012</td>
<td>EACH OCCURRENCE $1,000,000</td>
</tr>
</tbody>
</table>

### Automobile Liability

- **Any Auto**
- **All Owned Autos**
- **Scheduled Autos**
- **Hired Autos**
- **Non-Owned Autos**

### Umbrella Liability

- **Excess Liability**
- **Deductible**

### Workers' Compensation

- **Any Proprietor, Partner, Executive Officer, Employee Excluded**

### Description of Operations / Locations / Vehicles

The City of Porterville Redevelopment Agency is added as Additional Insured in regards to the General Liability policy maintained by named insured. Coverage under this certificate is subject to all policy terms, conditions, and exclusions.

### Certificate Holder

City of Porterville Redevelopment Agency  
291 N. Main Street  
Porterville, CA 93257

### Cancellation

**Signature**: Ronald Burcham/CKIMBR

---

© 1988-2009 ACORD CORPORATION. All rights reserved.
ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person or Organization:
City of Porterville
City of Porterville Redevelopment Agency
291 N. Main Street
Porterville, CA 93257

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

A. Section II – Who Is An Insured is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of your ongoing operations performed for that insured.

B. With respect to the insurance afforded to these additional insureds, the following exclusion is added:

2. Exclusions
   This insurance does not apply to "bodily injury" or "property damage" occurring after:

(1) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the site of the covered operations has been completed; or

(2) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.
COMMON POLICY DECLARATIONS

THIS POLICY IS ISSUED BY THE COMPANY NAMED BELOW

COMPANY NAME: Landmark American Insurance Company, 201 Robert S. Kerr Avenue, Suite 600, Oklahoma City, OK 73102-4267 (An Oklahoma Stock Company)

BRANCH ADDRESS: Executive Offices:

945 East Paces Ferry Road, Suite 1800, Atlanta, GA 30326-1160

RENEWAL OF: LBA055041

POLICY NO.: LBA097456.00

NAMED INSURED:
Wild Places
DBA: Mehmet McMillan

MAILING ADDRESS:
P.O. Box 853
Springville CA 93265

POLICY PERIOD: From 01/09/2011 to 01/09/2012 12:01 A.M. Standard Time at your Mailing Address above.

IN RETURN FOR THE PAYMENT OF THE PREMIUM AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

<table>
<thead>
<tr>
<th>COVERAGE PARTS</th>
<th>PREMIUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Property</td>
<td>$180.00</td>
</tr>
<tr>
<td>Commercial General Liability</td>
<td>$1,070.00 MP</td>
</tr>
<tr>
<td>Liquor Liability</td>
<td>$NOT COVERED</td>
</tr>
<tr>
<td>Commercial Inland Marine</td>
<td>$NOT COVERED</td>
</tr>
<tr>
<td>Commercial Professional Liability</td>
<td>$NOT COVERED</td>
</tr>
<tr>
<td>Annual Minimum and Deposit Premium</td>
<td>$1,250.00</td>
</tr>
</tbody>
</table>

Audit Period: Annual unless otherwise stated:

SL taxes & fees STATE TAX: $37.50
STAMP FEE: $ 3.13
Other POLICY FEE - FULLY EARNED: $225.00

TRIA Premium $EXCLUDED
Other charges (SL taxes, fees) $265.63
TOTAL POLICY PREMIUM $1,515.63

FORMS AND ENDORSEMENTS APPLICABLE TO ALL COVERAGE PARTS:

SEE SCHEDULE OF FORMS AND ENDORSEMENTS - GBA900002

BUSINESS DESCRIPTION: NON-PROFIT ORGANIZATION FOR ECOLOGICAL RESTORATION & EDUCATION

THESE DECLARATIONS TOGETHER WITH THE COMMON POLICY CONDITIONS, COVERAGE PART DECLARATIONS, COVERAGE FORM(S) AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE CONTRACT OF INSURANCE.

AGENCY NAME / ADDRESS:
Worldwide Facilities, Inc.
725 S. Figueroa Street
Suite 1900
Los Angeles CA 90017

Countersigned: 02/03/11

Date

GBA 900001 0710

By: Authorized Representative

Includes, copyrighted material of Insurance Services Office, Inc., with its permission.
COUNCIL AGENDA: APRIL 19, 2011

SUBJECT: LICENSE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND FUNTASTIC ATTRACTIONS FOR THE OPERATION OF A TRACKLESS TRAIN

SOURCE: Parks & Leisure Services

COMMENT: At its meeting, November 2, 2010, the City Council gave approval for staff to create a License Agreement with Funtastic Attractions, for the operation of its Trackless Train at Murry and Veterans Parks. With the assistance of the City Attorney, staff has prepared the Agreement for City Council approval effective May 1, 2011 through December 31, 2011.

RECOMMENDATION: That the City Council approve the License Agreement between the City of Porterville and Funtastic Attractions.

ATTACHMENT: License Agreement between the City of Porterville and Funtastic Attractions.

ITEM NO.: 11

[Signatures]

Director Appropriated/Funded City Manager
AGREEMENT BETWEEN FUNTASTIC ATTRACTIONS
AND
CITY OF PORTERVILLE

This Agreement is made and entered into this ________ day of April, 2011, by and between the City of Porterville, hereinafter referred to as “CITY”, hereby grants to Ramses Gomez Sr. and Mayra Gomez owners and operators of Funtastic Attractions, hereinafter referred to as “LICENSEE”.

PURPOSE OF AGREEMENT

LICENSEE desires to operate its Trackless Train for the dates herein stated.

NOW THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

TERMS AND CONDITIONS

1. The term of this License shall be seven months commencing May, 2011 through December, 2011, hours 10:00 A.M. to 7:00 P.M., Saturday, Sunday, and Friday 11:00 A.M. to 4:00 P.M.

2. This License is contingent upon LICENSEE obtaining all permits and licenses required by the CITY and State of California.

3. The License Agreement may be extended for an additional one (1) year, during the same seven month period as specified above, upon the same terms and conditions, at the option of the LICENSEE, provided that LICENSEE provides Notice of Intent to extend at least 30 days prior to expiration on the initial period. LICENSEE shall have no right, via this Agreement, to operation or use of the facilities outside the specified seven month period, unless otherwise given permission by the Parks and Leisure Services Director.

4. The LICENSEE shall, at all times during the term of said License, keep and maintain amusement ride open for the convenience of patrons at Murry and Veterans Parks during the hours in which specified in this Agreement or at any other time the CITY, deems the operation of the attractions necessary for special activities. Failure to operate the attraction during the specified periods is a breach of this Agreement and shall constitute grounds for termination of this Agreement.

5. The LICENSEE shall keep and maintain equipment and grounds at and around said attraction in safe condition and repair, and shall operate its Trackless Train in a safe manner.

6. In the event the LICENSEE shall coordinate the purpose route of the ride with the Parks and Leisure staff, and said route shall be approved by the City Council.
7. 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. The termination of this License shall be effective immediately upon written Notice by the City if it pertains to patrons safety; otherwise 30 days after receipt of written notice of termination.

8. If this Agreement is terminated by the CITY without cause prior to the conclusion of the initial License term, and a similar organization enters into a Concession License Agreement with the CITY for similar services, the CITY shall reimburse LICENSEE for the documented start-up expenditures remaining months of the contract, based on average monthly income received in prior months of the license period.

9. 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, and said consent can be withheld for any reason.

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 by the 5th day of each month a fee of 10% of fees collected in which the attraction is utilized on CITY property.

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 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, it officers, agents and employees as an additional insured on LICENSEE’S policy. LICENSEE shall require that the users of its Trackless Train attraction, or the parents or legal guardians if applicable, execute valid waivers and releases liability of concerning users’ participation and use of the attraction. Said waivers shall include a notification that the attraction is operated by Funtastic Attractions and is not operated or affiliated with the City.

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, without resulting damage to the premises and the LICENSEE hereby acknowledges 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’s 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 the 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          LICENSEE

By: ______________________     By: ______________________
    Ron Irish, Mayor           Ramses Gomez, Sr.

By: ______________________
    Mayra Gomez

TEST:
John Lollis, City Clerk

BY: Patrice Hildreth, Chief Deputy Clerk

APPROVED AS TO FORM:

Julia M. Lew, City Attorney
SUBJECT: EXTENDED HOURS FOR CITY TRANSIT SERVICE TO ACCOMMODATE ‘STEP UP GANG CONFERENCE’

SOURCE: Parks & Leisure Services

COMMENT: In order to provide an equal opportunity for each of our citizens to attend the ‘Gang Prevention Step Up Conference’ to be held on May 5, 2011, 5:00 - 8:30 P.M. at Porterville First Church of the Nazarene, staff is requesting to extend the operating hours of the City Transit Fixed Route and Demand Response until 10:00 P.M. on this date. Normal weekday hours are from 7:00 A.M. to 7:00 P.M.

Anticipated additional costs are attached to the extended hours:

Fixed Route - Seven (7) vehicles at $44.14 (revenue per hour per vehicle) X three (3) hours = $926.94.

Demand Response – One (1) vehicle at $44.14 (revenue per hour per vehicle) X three hours = $132.42.

Total cost for three (3) hours of system operation = $1,059, plus the cost per passenger at $1.25 each way who attend this event.

The County Supervisors office has committed to cover all expenses regarding transportation for the ‘Step Up Conference’.

RECOMMENDATION: That the City Council allow the extended hours for transit on May 5, 2011 in support of the ‘Step Up Conference’.
SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

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 April 5, 2011, City staff has continued to coordinate with both State and Federal representatives in the making of claims for reimbursement for public areas reported as suffering flood damage, including the attempted certification of the satisfactory condition of identified public areas prior to flood damage. By the date of the Council Meeting, all damage repair projects must be defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, with all repair projects to be completed by no later than July 2012.

RECOMMENDATION: That the Council:
1. Receive the status report and review of the designated local emergency; and
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.

ATTACHMENT: None

Item No. 13
SUBJECT: AMENDMENT TO ORDINANCE 1397 – FLOODPLAIN MANAGEMENT ORDINANCE

SOURCE: Public Works Department - Engineering Division

COMMENT: Effective October 1, 2006, the Federal Emergency Management Agency (FEMA) modified some of the rules and regulations governing the National Flood Insurance Program (NFIP).

As a participant in the NFIP, the City of Porterville agreed to adopt and enforce a floodplain management ordinance which complies with the rules and regulations of the NFIP. Recent changes require a revision to the City’s latest ordinance.

These revisions have been made and the revised ordinance has been tentatively approved by the Department of Water Resources pending one minor change, which is reflected in the draft ordinance, and City Council’s approval. The draft ordinance in its entirety is attached for Council’s review.

City Council initially reviewed the proposed amendment to the Floodplain Management Ordinance during the April 5, 2011 meeting and from those discussions Council requested a revision to Section 7-142.2 to reflect a good point raised by Mr. James Winton. The attached draft ordinance reflects the requested change and is also summarized below.

Most changes to the prior Ordinance are insignificant in nature. Changes of minor significance are as follows:

➢ Section 7-141.3; In Special Flood Hazard Area (SFHA), the City will now require a Civil Engineer or Land Surveyor to prepare a Preliminary Elevation Certificate before issuance of building permit so there is a clear understanding between the developer, professional and the City as to the elevation that the finished floor shall be constructed to.

➢ Section 7-142.1; This section maintains the SFHA criteria in the vicinity of Monache High School, which is one (1) foot above the highest adjacent grade. However, Department of Water Resources insists on adding language that requires new development or substantial improvements to comply with the normal requirements of the NFIP, which is typically 2 feet above the highest adjacent grade.
Section 7-142.2; This section requires a qualified professional to confirm that the finish floor of the lowest floor or flood proofed elevation is correct before moving into the next phase of construction, typically structure framing. A final Elevation Certificate shall be submitted before the Chief Building Official will issue a Certificate of Occupancy for the structure.

Initially, Section 7-141.3 and Section 7-142.2 required the same professional in charge to follow through with the preparation and delivery of a final Elevation Certificate. This Section, as written now, will allow the property owner or developer to hire as many professionals as they may chose to get them through the certification process.

RECOMMENDATION: That City Council approve and adopt the draft Floodplain Ordinance amending Article XIV: Flood Damage Prevention Code of the City of Porterville Municipal Code; give first reading; and order the Ordinance to print.


P:\pubworks\General\Council\Amendment to Ordinance 1397\Floodplain - 2011-04-19.doc
ORDINANCE NO. 1777

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 7, ARTICLE XIV – FLOOD DAMAGE PREVENTION CODE,
OF THE PORTERVILLE MUNICIPAL CODE

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

Section 1.  Purpose: The purpose of this ordinance is to address changes made by the
Federal Emergency Management Agency to the rules and regulations governing the National
Flood Insurance Program. As a participant in the NFIP, the City of Porterville must adopt and
enforce a floodplain management ordinance which complies with the rules and regulations of the
NFIP, therefore revisions to Chapter 7, Article XIV, Flood Damage Prevention Code, are
necessary.

Section 2.  Chapter 7, Article XIV, Flood Damage Prevention Control Code, of the Porterville
Municipal Code is hereby amended to read as follows:

7-138 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

7-138.1  STATUTORY AUTHORIZATION.

The Legislature of the State of California has in Government Code Sections 65302, 65560,
and 65800 conferred upon local governments the authority to adopt regulations designed
to promote the public health, safety, and general welfare of its citizenry. Therefore, the City
Council of the City of Porterville does hereby adopt the following floodplain management
regulations.

7-138.2  FINDINGS OF FACT.

A. The flood hazard areas of the City of Porterville are subject to periodic inundation
which results in loss of life and property, health and safety hazards, disruption of
commerce and governmental services, extraordinary public expenditures for flood
protection and relief, and impairment of the tax base, all of which adversely affect
the public health, safety, and general welfare.

B. These flood losses are caused by uses that are inadequately elevated,
floodproofed, or protected from flood damage. The cumulative effect of
obstructions in areas of special flood hazards which increase flood heights and
velocities also contribute to flood losses.

7-138.3  STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety, and general welfare,
and to minimize public and private losses due to flood conditions in specific areas by legally
enforceable regulations applied uniformly throughout the community to all publicly and
privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion
areas. These regulations are designed to:
A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

7-138.4 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance includes regulations to:

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Control filling, grading, dredging, and other development which may increase flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas; and

7-139 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"A zone" - see "Special flood hazard area".
"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than 2 cars; or

2. A small, low cost shed for limited storage, less than 150 square feet and $1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" - See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"Building" - see "Structure".

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 2, 2011.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

2. The condition resulting from flood-related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."

"Floodplain Administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real
property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

"Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Section 7-143 of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Porterville will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" means the City Council of the City of Porterville, which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Section 7-143 of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The Governing Body requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by
the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

   a. The flood openings standard in Section 7-142.1.C.3;
   
   b. The anchoring standards in Section 7-142.1.A;
   
   c. The construction materials and methods standards in Section 7-142.1.B; and
   
   d. The standards for utilities in Section 7-142.3.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the City of Porterville substantial damage/improvement procedures. See Section 7-142.2.B.1.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or
other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after June 2, 2011, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 2, 2011.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-hundred-year flood" or "100-year flood" - see "Base flood."

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" as related to Section 7-143 of this ordinance, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the
ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet flow area" - see "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure’s continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.
“Violation” means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

7-140: GENERAL PROVISIONS

7-140.1 LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Porterville.

7-140.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for "The Flood Insurance Rate Map for Tulare County and the Incorporated Areas" dated June 16, 2009, with accompanying Flood Insurance Rate Maps (FIRM’s) and Flood Boundary and Floodway Maps (FBFM’s), dated June 16, 2009, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Governing Body by the Floodplain Administrator. The study, FIRM's and FBFM's are on file at 291 N. Main Street, Porterville, CA 93257, City Hall, Public Works Department.

7-140.3 COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the Governing Body from taking such lawful action as is necessary to prevent or remedy any violation.

7-140.4 ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

7-140.5 INTERPRETATION.
In the interpretation and application of this ordinance, all provisions shall be:

A. Considered as minimum requirements;
B. Liberally construed in favor of the governing body; and
C. Deemed neither to limit nor repeal any other powers granted under state statutes.

7-140.6 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City Council, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

7-140.7 SEVERABILITY.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

7-141: ADMINISTRATION

7-141.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The Public Works Director is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

7-141.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review.

Review all development permits to determine:

1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been
designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Porterville; and

5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, “Answers to Questions About Substantially Damaged Buildings,” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining “Market Value.”

2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

C. Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 7-140.2, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 7-142.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, “Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations” dated July 1995.

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:
   a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
   b. Submit evidence of such notification to the Federal Emergency Management Agency; and
   c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:
   a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of
Map Revision (LOMR).

b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

   Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 7-142.1.C.1 and Section 7-142.5 (lowest floor elevations);

2. Certification required by Section 7-142.1.C.2 (elevation or floodproofing of nonresidential structures);

3. Certification required by Sections 7-142.1.C.3 (wet floodproofing standard);

4. Certification of elevation required by Section 7-142.4.A.3 (subdivisions and other proposed development standards);

5. Certification required by Section 7-142.7.B (floodway encroachments); and

6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 7-141.4.

F. Remedial Action.

Take action to remedy violations of this ordinance as specified in Section 7-140.3.
G. **Biennial Report.**

Complete and submit Biennial Report to FEMA.

H. **Planning.**

Assure community’s General Plan is consistent with floodplain management objectives herein.

**7-141.3 DEVELOPMENT PERMIT.**

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 7-140.2. Application for a development permit shall be made on forms furnished by the City of Porterville. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section 7-140.2 or Section 7-141.2.C;
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 7-142.1.C.2 of this ordinance and detailed in FEMA Technical Bulletin TB 3-93; and
8. Complete Preliminary Elevation Certificate provided by the City of Porterville confirming and stating proposed elevation of lowest floor (including basement) of all structures, including nonresidential structures being floodproofed.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 7-142.1.C.2.

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 7-142.1.C.3 of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 7-141.2.E of this ordinance.

**7-141.4 APPEALS.**
The City Council of the City of Porterville shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

7-142: PROVISIONS FOR FLOOD HAZARD REDUCTION

7-142.1 STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

A. **Anchoring.**

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. **Construction Materials and Methods.**

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. **Elevation and Floodproofing.**

1. **Residential construction.**

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

a. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.

b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.
c. In an A zone, without BFE’s specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation; as determined under Section 7-141.2.C.

d. In an A zone, without BFE’s specified on the FIRM [unnumbered A zone] and not subject to the criteria in Section 7-142.4, elevated to:

i. A height of at least two (2) feet above the highest adjacent grade, or

ii. Eighteen (18) inches above the highest top of curb elevation across the front of the lot, or

iii. For the purpose of this article, construction completed prior to [Date of Adoption] of any structure in zone A located within the following described boundaries shall have the lowest floor including basement, elevated to a depth of one foot (1') above the highest adjacent grade:

North boundary - Westfield Avenue
South boundary - Henderson Avenue
East boundary - Prospect Street
West boundary - Newcomb Street

New development or substantial improvements in this Zone shall comply with the requirements of NFIP program and as outlined in this Ordinance. Said boundary is shown on FIRM Panel 1633 of 2550 (Map Number 06107C1633E), Effective Date of June 16, 2009, or

iv. Said base flood elevation shall be determined by one of the methods under Section 7-141.2.C.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction.

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 7-142.1.C.1 or:

a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 7-142.1.C.1, so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered civil engineer or architect that the standards of Section 7-142.1.C.2.a & b are satisfied. Such certification shall be provided
3. **Flood openings.**

All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

a. For non-engineered openings:

1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

b. Be certified by a registered civil engineer or architect.

4. **Manufactured homes.**

a. See Section 7-142.5.

5. **Garages and low cost accessory structures.**

a. Attached garages.

1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 7-142.1.C.3. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 7-142.1.B.

2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

b. Detached garages and accessory structures.

1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 7-139, may be constructed such that its floor is below the base
flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

a) Use of the accessory structure must be limited to parking or limited storage;

b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

e) The accessory structure must comply with floodplain encroachment provisions in Section 7-142.7; and

f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 7-142.1.C.3.

2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 7-142.1.

7-142.2 STANDARDS FOR ELEVATION CERTIFICATES.

A. Certification of the elevation of the lowest floor or floodproofed elevation is required when the footings are set and finished floors are established. Written confirmation shall be provided to the Chief Building Official before proceeding to the next phase of construction. Failure to submit such written certification shall be cause to issue a stop-work order for the project. An Elevation Certificate shall be provided to the floodplain administrator and Chief Building Official prior to issuance of a Certificate of Occupancy. As built plans certifying the elevation of the lowest adjacent grades shall also be required.

B. Except within zones A and AO, the benches shown on the FIRM shall be used to calculate the elevation of the lowest floor.

C. If fill is used to elevate a structure above the base flood elevation, the permit holder may apply for a Letter of Map Revision (LOMR), as set forth in Section 7-141.2.

7-142.3 STANDARDS FOR UTILITIES.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and

2. Discharge from the systems into flood waters.
B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

7-142.4 STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT.

A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:

1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).

2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
   a. Lowest floor elevation.
   b. Pad elevation.
   c. Lowest adjacent grade.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

7-142.5 STANDARDS FOR MANUFACTURED HOMES.

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 7-142.5.A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

7-142.6 STANDARDS FOR RECREATIONAL VEHICLES.

A. All recreational vehicles placed in Zones A1-30, AH, and AE will either:

1. Be on the site for fewer than 180 consecutive days; or

2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the permit requirements of Section 7-141.3 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 7-142.5.A.

7-142.7 FLOODWAYS.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Porterville.

B. Within an adopted regulatory floodway, the City of Porterville shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
C. If Sections 7-142.7.A & B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 7-142.

7-143: VARIANCE PROCEDURE

7-143.1 NATURE OF VARIANCES.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Governing Body to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

7-143.2 CONDITIONS FOR VARIANCES.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 7-141 and 7-142 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 7-149 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the
minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the Governing Body need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Governing Body believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Tulare Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

7-143.3 APPEAL BOARD.

A. In passing upon requests for variances, the Governing Body shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency
vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 7-143.3.A through 7-143.3.D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of Section 7-143.2.A and the purposes of this ordinance, the Governing Body may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Section 3. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

APPROVED, PASSED AND ADOPTED this ______ day of ________, 2011.

__________________________________________
Ronald L. Irish

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
June 22, 2010

Honorable Pete V. McCracken
Mayor of the City of Porterville
City Hall
291 North Main Street
Porterville, California 93258

Dear Mayor McCracken:

Thank you for the cooperation and courtesy your staff, Michael Reed and Javier Sanchez, extended to Amanda Peisch-Derby of my staff during the Community Assistance Visit (CAV) on May 18, 2010. The Department of Water Resources (DWR), on behalf of the Federal Emergency Management Agency (FEMA), conducted the visit to evaluate how the city is administering its floodplain management program under the National Flood Insurance Program (NFIP). A copy of the CAV report is enclosed. We hope that the meeting was as useful and informative for your staff as it was for our Department.

Based on the CAV, it was determined that the city's floodplain management regulations located under "Ordinance No. 1397, Sections 7-138 thru 7-142" of the Municipal Code, Flood Damage Prevention Code, adopted on March 15, 1988, does not meet minimum NFIP regulations as specified in "Title 44, Code of Federal Regulations, Section 60.3." A draft of the updated ordinance has been requested and is to be provided within 60 days of receipt of this report. Adoption of the revised ordinance is pertinent to the city's administration and implementation of its floodplain management program and is necessary to remain compliant with the NFIP. Once the ordinance has been adopted, a copy of the ordinance, certified by the city clerk, is to be forwarded to DWR to update its files.

Continued enforcement of the NFIP regulations will ensure the city's good standing in the NFIP and guarantee availability of flood insurance coverage. If you have any questions, please contact Amanda Peisch of my staff at (559) 230-3307.

Sincerely,

[Signature]
Brian Smith, Acting Chief
South Central Region

Enclosure
cc: Ms. Jane Hopkins
U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway Street, Suite 1200
Oakland, California 94607-4052

Mr. Michael Reed
City Engineer
City of Porterville
291 North Main Street
Porterville, California 93258
COMMUNITY ASSISTANCE VISIT REPORT

SECTION I

<table>
<thead>
<tr>
<th>NAME OF COMMUNITY:</th>
<th>STATE:</th>
<th>I.D. #:</th>
<th>COUNTY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porterville</td>
<td>California</td>
<td>060407</td>
<td>Tulare</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VISIT CONDUCTED BY:</th>
<th>AGENCY:</th>
<th>DATE OF VISIT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amanda Peisch-Derby</td>
<td>Department of Water Resources</td>
<td>May 18, 2010</td>
</tr>
</tbody>
</table>

SECTION II

<table>
<thead>
<tr>
<th>NAME OF LOCAL OFFICIAL:</th>
<th>TELEPHONE #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael K. Reed</td>
<td>(559) 782-7462</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE:</th>
<th>ADDRESS:</th>
</tr>
</thead>
</table>
| City Engineer | 291 North Main Street  
Porterville, California 93257 |

SECTION III

PART A - Findings (Check appropriate column.)

<table>
<thead>
<tr>
<th></th>
<th>SERIOUS</th>
<th>MINOR</th>
<th>NONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Are there any problems with the community's floodplain management regulations?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Are there problems with the community's administrative and enforcement procedures?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>3. Are there engineering or other problems with the maps or flood insurance study?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>4. Are there any other problems in the community's floodplain management program?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5. Are there any problems with the Biennial Report data?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>6. Are there any programmatic issues or problems identified?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7. Have structures been identified as being in violation? (Check appropriate category below.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No violations have been identified.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X A potential violation or violations have been identified.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actions are being taken on the part of the community to remedy the violation(s) identified during the visit.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
This report describes the findings of the May 18, 2010, Community Assistance Visit (CAV) and recommends corrective actions where deficiencies were identified. The recommendations, when implemented, will enable the city to comply with the National Flood Insurance Program (NFIP) requirements as specified in "Title 44, Code of Federal Regulations." A CAV is a scheduled visit to an NFIP community to evaluate the effectiveness of local floodplain management practices and to offer assistance if needed. A previous CAV with the city was conducted by the Department of Water Resources (DWR) staff on December 12, 2002.

1. **Background:**

The city of Porterville is a small rural community nestled against the western edge of the Sierra Nevada foothills in the southern portion of Tulare County. Agriculture supplemented by the Central Valley Water Project has been the major source of economic growth in the area for many years. The city is in the center of a large farming area noted especially for citrus and livestock. Industry has also become a significant factor in the development of the community. The 2009 estimated population for the city is 52,960 residents, based on the estimates provided by the California Department of Finance.

The city of Porterville entered the regular phase of the NFIP on July 18, 1983. The city's Special Flood Hazard Areas (SFHAs) are based on the overflow of the Tule River and Porter Slough. These riverine systems were studied by detailed methods. Sheetflow and ponding caused by runoff from Lewis Hill and Ricky Hill, located to the north and northeast of the city, respectively, were studied using appropriate shallow flooding techniques. The SFHAs are defined as unnumbered A Zones, AO Zones, AH Zones, and an AE Zone with floodway.

There is an isolated unnumbered A Zone, west of Highway 65. Porter Slough is defined as Zone A with a 1 percent annual chance of flood discharge that is contained in the channel. In addition, two isolated unnumbered Zone A's exist further east which result from overflow of Pioneer Ditch and a Zone AO with a 1 foot depth downstream the Zone A. In the northeast portion of the city, east of Main Street near downtown, a Zone AH with Base Flood Elevations (BFEs) are defined with an unnumbered A Zone at the northern portion of the SFHA. In the southern portion of the city, an unnumbered A Zone is defined for Poplar Ditch within the city limits, that crosses in and out of county lands. In addition, several strips of a Zone AE with BFEs exist as the city limits cross in and out of county lands for Lower Tule River, as well. These SFHAs are a result of overflow from the Tule River and are also identified as a floodway where development is prohibited.

According to the Insurance Summary Report, dated October 31, 2009, the city has 355 flood insurance policies that have been issued for the following zones: 2 A01-30 & AE, 51 A, 87 AO, 163 AH, and 52 in B, C, or X Zones (30 with preferred policies). The total insurance premiums amount to $269,975 which is an average premium of $780 for each policy holder.

2. **Reference Part A, Questions 1-6:**

[1] **Floodplain Management Regulations:**

During the last two CAV visits beginning December 30, 1997, the city was requested to update its floodplain management ordinance to bring it into compliance with the minimum NFIP.
regulations as specified in "Title 44, Code of Federal Regulations, Section 60.3." To date, the city has never completed this request. A draft ordinance was provided to DWR in 2003 following the December 12, 2002 CAV, but it was never adopted by the City Council. The current floodplain management regulations are located under “Ordinance No. 1397, Sections 7-138 thru 7-142 of the Municipal Code, Flood Damage Prevention Code,” adopted on March 15, 1988. The 2003 draft ordinance was reviewed to check conformance with the minimum NFIP regulations as specified in "Title 44, Code of Federal Regulations, Section 60.3." Based on DWR's review, city staff has been requested to revise the draft ordinance so that it reflects the number of changes that have taken place within the current California Model Floodplain Management Ordinance, dated December 2006. Mr. Michael Reed, City Engineer, was provided a hardcopy of the Model Floodplain Management Ordinance.

The required sections of the California Ordinance to revise the draft include:

- Section 3.2 — This section needs to have the community specific information added.
- Section 4.2.D.2 — Requirement to submit new technical data: within six months, notify the Federal Emergency Management Agency (FEMA) of changes in the base flood elevation by submitting technical or scientific data so insurance and floodplain management can be based on current data.
- Section 5.3.A — Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres.

Recommended revisions include:

- Section 4.1 — Add other developments to section language.
- Section 5.1B.1 — Update language for flood resistant materials below the base flood elevation. See the California Model Floodplain Management Ordinance for specific language.

In the discussion of updating the city's ordinance, Mr. Reed stated that the City Council was reluctant to update its ordinance because of changes that would impact current homeowners in the unnumbered A Zone SFHA located west of Highway 65. The A Zone area is located in the northwest portion of the city that is bounded by the following described boundaries:

North boundary – Westfield Avenue
South boundary – Henderson Avenue
East boundary – Prospect Street
West boundary – Newcomb Street

The residential area is entirely built-out and consists mainly of older homes that were constructed some 20 years ago.

The city's current ordinance Section 7-141(1) (C) (2) states, "...For the purpose of this ordinance, new construction and substantial improvement of any structure in Zone A located within the following described boundaries shall have the lowest floor including basement, elevated to a depth of one foot above the highest adjacent grade." Current NFIP regulations however, require under Section 60.3(b)(4) that communities must, "Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as
criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community’s FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2), and (d)(3) of this section.

It is recommended that the “Section 7-141(1) (C) (2)” remain in the ordinance, but change “new construction and substantial improvement” to “construction completed prior to [date of the adoption of the amended ordinance] and add a disclaimer that all new development or substantial improvements must comply with the NFIP criteria that is required for new construction or substantial improvements in Zone A. Regardless of the ordinance language, homeowners in the Zone A will be required to purchase insurance if they carry a mortgage on their home as required by the lender and the language change would not change the requirement for insurance. The insurance rate is based on the current Flood Insurance Rate Map (FIRM), unless the structure is removed through a request with FEMA.

The city’s urban storm drain system has been improved in this area. Prior to the improvements, this area was not connected to the storm drain system, although the infrastructure was existing. In 2002, this area was connected. It was recommended that the city provide FEMA with the proper information as stated under the NFIP regulations. Under “Section 65.4 (a),” a community has the right to submit new technical data to request changes to any of the information shown on the effective maps. However, it must be supported by documentation or an analysis done in compliance with NFIP regulations before any changes could be made to the SFHA. It was suggested that the city apply for the Letter of Map Revision (LOMR) to remove the Zone A. Mr. Reed is planning to submit this information to FEMA in the form of a LOMR application, but the ordinance should be updated regardless of the outcome of the LOMR. The city should contact FEMA prior to submitting any information to discuss this issue and make sure all pertinent information is provided in the application.

During the CAV, Mr. Reed was requested to submit a draft ordinance that incorporates the changes to DWR for review within 60 days from receipt of this report. Once the city incorporates any comments from DWR, the ordinance will need to be adopted by the City Council. After the ordinance adoption is finalized, a copy of the adopted ordinance, certified by the city clerk, is then to be forwarded to DWR to update its files.

[2] Administration and Enforcement Procedures:

Mr. Reed is currently acting as the city’s floodplain administrator. A tour of the floodplain areas by DWR staff did not identify any potential violations. All areas within the SFHA have existing development and no visible substantial improvements.

The current procedure to identify property within a SFHA is during the permitting process. The Digital Flood Insurance Rate Maps (DFIRMs) are reviewed for each permit. If the development is within a SFHA, an Elevation Certificate (EC) is required. The city requires that if there is a BFE, a preliminary EC needs to be provided that shows proof of elevation prior to approving a building permit. The final EC is required prior to occupancy. Since most of the SFHAs are developed with the exception of undefined A Zones near the city boundaries, the city uses two feet from top of curb for the building pad elevation for new single residential homes in these SFHAs. For subdivisions, the city reviews the development during the California Environmental Quality Act (CEQA) process. The city will determine if the development is in a flood zone and will establish conditions for development based on the city’s ordinance. There are currently two
subdivisions that have been approved with conditions for development in the SFHA for single residential homes in the undefined Zone A. However, no developers have taken interest in the land. For substantial improvements, the Building Official evaluates the structure’s value of improvement based on the building code and the assessor’s maps to see if it meets or exceeds the threshold. If it does, than the city requires the structure to be elevated to the BFE and ECs provided.

[3] **Engineering Flood Maps and Study:**

FEMA has recently adopted new countywide DFIRMs for Fresno County and its incorporated communities, under its Map Modernization Program. The maps include a change from the current datum of the National Geodetic Vertical Datum of 1929 to the North American Vertical Datum of 1988. DWR informed the city that the new DFIRMs became final and effective on February 18, 2009. The new FIRM panel numbers for the city are 06107C1630E, 06107C1633E, 06107C1634E, 06107C1635E, 06107C1637E, 06107C1640E, 106107C1641E, 06107C1642E, 06107C1645E, 06107C1655E, 06107C1661E, and 06107C1662E.

[4] **Floodplain Management Program:** N/A

[5] **Biennial Report Data:**

Every two years, communities participating in the NFIP must complete and submit a Biennial Report describing the community's progress in the previous two years in implementing floodplain management measures and on its needs for re-mapping and technical assistance. FEMA sends the Biennial Report form to local community officials. Submission of this report is required as part of a community's participation in the NFIP. The last dated Biennial Report on file is for the calendar years of 2002-2003. The 2007-2008 Biennial Report was submitted on May 18, 2010; a copy was provided to DWR.

[6] **Programmatic Issues:** N/A

3. **Section 404, Stafford Act – Hazard Mitigation Grant Program:** N/A

4. **E.O. 11988, Floodplain Management:** N/A

5. **Other Findings:** N/A

6. **Follow-up:**


7. **Community Action Required:**

   [1] Submit a draft amended Floodplain Management Ordinance to DWR for review prior to adoption. **Deadline – August 30, 2010**
Meeting Participants:

Michael K. Reed  City Engineer, City of Porterville
Javier Sanchez  Assistant City Engineer, City of Porterville
Amanda Peisch-Derby  Engineer, Water Resources, South Central Region, Department of Water Resources
October 20, 2010

Mr. Mike Reed  
City Engineer  
City of Porterville  
291 North Main Street  
Porterville, California 93258

Dear Mr. Reed:

My staff has reviewed the draft copy of the City of Porterville ordinance that was sent August 5, 2010. Thank you for submitting the draft during the requested timeframe. The only comment we have is in section 7-142.1.C.1.d.iii. We recommend a change to the "new construction and substantial improvement" of this section to read "construction completed prior to [date of the adoption of the amended ordinance]" and to add a disclaimer that all new development or substantial improvements must comply with the National Flood Insurance Program criteria that is required for new construction or substantial improvements in a Zone A, as noted in the June 22, 2010, Community Assistant Visit report.

We understand that you are working to remove this area from the Special Flood Hazard Area, but in the interim please consider our recommendations. If you have any questions, please contact Amanda Peisch-Derby of my staff at (559) 230-3307.

Sincerely,

Jose Faria, Acting Chief  
South Central Region

cc: Ms. Jane Hopkins  
United States Department of Homeland Security  
Federal Emergency Management Agency, Region IX  
1111 Broadway Street, Suite 1200  
Oakland, California 94607-4052
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – LEARNING NETWORK FOUNDATION AND PRIMETIME ENTERTAINMENT COPA BUDWEISER SOCCER TOURNAMENT

SOURCE: Finance Department

COMMENT: The Learning Network Foundation and Primetime Entertainment are requesting to include a Concert, Food Booths and Beer Garden to their Soccer Tournament, at the Porterville Sports Complex on Sunday, May 8, 2011, from 7:00 a.m. until 8:00 p.m. No street or sidewalk closures have been requested.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Learning Network Foundation and Primetime Entertainment, with the exception of the Beer Garden, and subject to the stated requirements contained in Exhibit ‘A’ and Exhibit ‘B.’

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit ‘A,’ Outside Amplifier Permit, Exhibit ‘B,’ Certificates of Liability Insurance.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 3/17/11  Event date: 5/8/11
Name of Event: Copa Budweiser

Sponsoring organization: Learning Network Foundation
Address: 1100 W Market St. Visalia, CA 93292
Authorized representative: Linda Luna
Address: Phone # 730-6526

Event chairperson: Angie Figueroa
Phone # (559) 789-9444
Location of event (location map must be attached): Porterville Sports Complex

Type of event: Soccer Tournament, Concert, Food Booths, Beer Garden

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

Barricades (quantity): 6
Police protection Yes ☐ No ☒
Street sweeping Yes ☐ No ☒
Refuse pickup Yes ☐ No ☒
Other: 

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

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

Approve Deny
........................................................................................................................
........................................................................................................................
........................................................................................................................
........................................................................................................................
........................................................................................................................
........................................................................................................................
........................................................................................................................
........................................................................................................................
........................................................................................................................
........................................................................................................................
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

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

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

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

Authorized Representative Initials

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

Authorized Representative Initials

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

Authorized Representative Initials

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

Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

(KUFW) (Signature) (3/17/11)
(Name of Organization)
CITY OF PORTERVILLE

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

Name of event: Copa

Sponsoring organization: KUPW

Location: Porterville Sports Complex  Event date: 5/8/16  Event time: 8am

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
</table>

[Handwritten note: Need List Prior to Event]

Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Copa Bierweiser

Sponsoring organization: KUFN

Event date: 5/18/11  Hours: 8am - 8pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Porterville Sports Complex</td>
<td>Soccer Tournament</td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

LEARNING NETWORK FOUNDATION AND PRIMETIME ENTERTAINMENT
COPA BUDWEISER SOCCER TOURNAMENT

MAY 8, 2011

Business License Supervisor: 
S. Hartman

Public Works Director: 
B. Rodriguez

Community Development Director: 
B. Dunlap

Field Services Manager: 
B. Styles

Fire Chief: 
M.G. Garcia

Parks and Leisure Services Director: 
M. Stowe

Police Captain: 
S. Rodriguez

Administrative Services Manager: 
P. Hildreth

No comments.

No comment.

No comment.

See Proposed Conditions/Requirements in Exhibit ‘B.’

See Page 2, Exhibit ‘A.’
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Learning Network Foundation and Primetime Entertainment
Event: COPA Budweiser Soccer Tournament
Event Chairman: Louie Luna
Location: Porterville Sports Complex
Date of Event: May 8, 2011

RISK MANAGEMENT: Conditions of Approval

That the Learning Network Foundation and Primetime Entertainment provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as "Additional Insured" against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event

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

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

COPA Budweiser - May 8, 2011

Proposed Conditions/Requirements for COPA Budweiser Event

➢ There shall be no closing or blocking of Scranton Avenue, nor shall any action be taken that may impede or otherwise interfere with the normal flow of traffic.

➢ The Porterville Sports Complex is a site used by many of our local youth sports teams for their sporting events. These games/events draw large crowds, often the parents, siblings and grandparents of the youth players. This soccer tournament is still a family oriented event in that family members of the players will likely attend to watch the member player. The family atmosphere would be detrimentally impacted by allowing the use of alcohol at this site. In light of this, the Police Department recommends against approving the consumption of alcohol.

➢ Should the Porterville City Council approve alcohol at this event, a Beer Garden shall be established and alcohol may only be sold and consumed within the designated beer garden. A minimum of two (2) security guards shall be assigned to control the Beer Garden while it is in operation. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden. The consumption of alcohol on the sidelines of the fields, the parking lot, at the concert site or any place other than the Beer Garden shall be strictly prohibited.

➢ In an effort to prevent drunkenness and disorderly conduct by inebriated persons, the hours of operation of such beer garden should be controlled. The hours of operation should be limited to: 12 noon to 7:00 p.m.

➢ Event organizers shall have applied and been granted a temporary license to sell alcohol, from the CA Dept. of Alcoholic Beverage Control.

➢ An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of the neighborhoods or business establishments in the surrounding area.

➢ At the concert event, organizers shall provide adequate security staff to ensure safety to all attendees. Generally, this would be 1 security guard per 50 attendees, or 2 guards for every 100 persons in attendance.

➢ Amplified music shall not continue after 11:00 p.m.
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant: KUFM 400 W. Caldwell
   #C - Visale 93277

2 Address where amplification equipment is to be used: Porterville Sports Complex

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

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

5 Dates and hours of operation of amplification equipment: 8am

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

Section 18-8 It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

The operation of any such instrument, phonograph, jukebox, machine or device in such a manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14 It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing, therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall be connected objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 8312)

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

(2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

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

Signature of Applicant

Date 3/17/11

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

Silver Rodriguez / CAPTAIN
City of Porterville, Chief of Police/Designee

Date MARCH 26, 2011
**CERTIFICATE OF LIABILITY INSURANCE**

**PRODUCER**
(OC) Heffernan Insurance Brokers
1350 Carlback Ave, Suite 200
Walnut Creek CA 94596
Phone: 925-934-8500 Fax: 925-934-8278

**INSURED**
Primetime Entertainment
5757 Wilshire Blvd #540
Los Angeles CA 90036

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

<table>
<thead>
<tr>
<th>INSURER</th>
<th>INSURED LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>EACH OCCURRENCE: $1,000,000</td>
</tr>
<tr>
<td>B</td>
<td>E.L. EACH ACCIDENT: $100,000</td>
</tr>
<tr>
<td>C</td>
<td>E.L. DISEASE - E.A. EMPLOYEES: $100,000</td>
</tr>
<tr>
<td>D</td>
<td>E.L. DISEASE - POLICY LIMIT: $100,000</td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**
Re: Event on May 8th, 2011 at Porterville Sports Complex 2701 W. Scranton Ave., Porterville, CA 93257. City of Porterville is named as additional insured on General Liability policy per attached endorsement. *Except 10 days notice for non-payment of premium.*

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

**CERTIFICATE HOLDER**
City of Porterville
291 N. Main Street
Porterville, CA 93257

ACORD 25 (2009/01) © 1985-2009 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD.
IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

This Certificate of Insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.
This endorsement changes the policy. Please read it carefully.

Additional Insured: Owners and / or Lessors of Premises, Lessors of Leased Equipment, Sponsors or Co-Promoters

This endorsement modifies insurance provided under the following:
Commercial General Liability Coverage Part

This policy is amended to include as an additional insured any person or organization of the types designated below, but only with respect to liability arising out of your operations:

1. Owners and / or lessors of the premises leased, rented, or loaned to you, subject to the following additional exclusions:
   a. This insurance applies only to an "occurrence" which takes place while you are a tenant in the premises;
   b. This insurance does not apply to "bodily injury" or "property damage" resulting from structural alterations, new construction or demolition operations performed by or on behalf of the owner and / or lessor of the premises;
   c. This insurance does not apply to liability of the owners and / or lessors for "bodily injury" or "property damage" arising out of any design defect or structural maintenance of the premises or loss caused by a premises defect.

With respect to any additional insured included under this policy, this insurance does not apply to the sole negligence of such additional insured.

2. Lessor of Leased Equipment, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person(s) or organization(s) subject to the following additional exclusions:
   a. This insurance does not apply to any "occurrence" which takes place after the equipment lease expires.

3. Sponsors

4. Co-Promoters
CERTIFICATE OF LIABILITY INSURANCE

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

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Frankel & Associates Insurance Services
9233 West Pico Boulevard, Suite 226
Los Angeles, CA 90035

Phone No. (310) 271-5582 Fax No. (310) 887-1758

CONTACT NAME: Eric Moody
PHONE (incl. Ext.): (800) 696-3023 FAX (incl. Ext.): (310) 887-1758
E-MAIL: emoody@fimsins.com
ADDRESS: 

PRODUCER CUSTOMER ID #: 
INSURER(S) AFFORDING COVERAGE NAIC #: 

INSURED
Learning Network Foundation
1100 West Main St.
Visalia, CA 93291

Phone No. (323) 655-5127 Fax No. 

INSURER A: STP - St. Paul Fire and Marine Ins. Co. 24767
INSURER B: 
INSURER C: 
INSURER D: 
INSURER E: 
INSURER F: 

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR TYPE OF INSURANCE ADD. SUBR. (INS/WD) POLICY NUMBER POLICY EFF (MM/DD/YYYY) POLICY EXP (MM/DD/YYYY) LIMITS

STP GENERAL LIABILITY

X COMMERCIAL GENERAL LIABILITY

CLAIMS-MADE X OCCUR

X LIQUOR LIABILITY

GEN'L AGGREGATE LIMIT APPLIES PER:

POLICY PROJ LOC

STP GENERAL LIABILITY

05/08/2011 05/09/2011

EACH OCCURRENCE $1,000,000

DAMAGE TO RENTED PREMISES (SAt occurrence) $50,000

MED EXP (Any one person) Excluded

PERSONAL & ADV INJURY $1,000,000

GENERAL AGGREGATE $2,000,000

PRODUCTS - COM/PROP AGG $1,000,000

COMBINED SINGLE LIMIT ($1 limits)

BODILY INJURY (Per person)

BODILY INJURY (Per accident)

PROPERTY DAMAGE (Per occurrence)

LIMITS

UMBRELLA LIAB OCCUR CLAIMS-MADE

REINSURANCE

DEDUCTIBLE

RETIATION

WORKERS COMPENSATION AND EMPLOYERS' LIABILITY

Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED (Mandatory in NH) N/A

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Coverage Location: United States Trade Show Copa Budweiser

City of Porterville, its employees, agents & officers are added as additional insured in respects to operations of the Named Insured as their interest may appear.

CERTIFICATE HOLDER CANCELLATION

City of Porterville etal
291 N. Main Street
Porterville, CA 93257
United States Of America

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

AUTHORIZED REPRESENTATIVE

Phone No. Fax No. 248589-486772-322742 1988-2009 ACORD CORPORATION. All rights reserved.

ACORD 25 (2009/09) The ACORD name and logo are registered marks of ACORD

This certificate of insurance does not affirmatively or negatively amend, extend, or alter the coverage afforded by the insurance policy.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The City of Porterville, its employees, agents &amp; officers</td>
</tr>
</tbody>
</table>

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

A. In the performance of your ongoing operations; or

B. In connection with your premises owned by or rented to you.
COUNCIL AGENDA: April 19, 2011

SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Consideration of City Manager Performance

SOURCE: City Manager

COMMENT: City Councilmember Shelton has requested that the Council consider the performance of the City Manager.

RECOMMENDATION: Councilman Shelton motions that City Council consider the performance of the City Manager.

ATTACHMENT: None