Call to Order
Roll Call

**ORAL COMMUNICATIONS**

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

**CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:
2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A 30.57 mile line of railroad between Strathmore, CA milepost 268.60 and Jovista, CA milepost 299.17 in Tulare County, particularly that portion of the railroad line within the limits of the City of Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad Company. Under Negotiation: Terms and Price.
6- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.
7- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

**6:30 P.M. RECONVENE OPEN SESSION**

**REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Council Member Shelton
Invocation

**PRESENTATIONS**

Employee of the Month – Mariko Williams
Police Department’s Gang Prevention/Intervention Program
REPORTS
This is the time for all reports from the City Council, including but not limited to, reports pursuant to AB1234, reports from subcommittees, committees, commissions and boards on which the Council Members serve, and other miscellaneous informational reports.

ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CONSENT CALENDAR
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

2. Award Contract – Financial Auditing Services
   Re: Considering authorization to negotiate a contract with Gallina, LLP, of Roseville, CA, to provide financial auditing services for the fiscal years ending June 30, 2011, through June 30, 2013.
3. California Emergency Management Agency (CALEMA) – Designated Positions Authorized to Act on City Behalf
   Re: Considering the designation of staff members to act on the City’s behalf
4. City-County Agreement for the Tea Pot Dome Avenue Frontage Improvements Related to the Porterville Fairgrounds Project
   Re: Considering the approval of an agreement with the County of Tulare relative to Tea Pot Dome Avenue Frontage Improvements associated with the Porterville Fairgrounds project.
5. Agreement Allowing Use of Police Facility By Staff of the California Highway Patrol
   Re: Considering approval of a two-year agreement with CHP which would allow for the use of the Police Department’s weapons range at a cost of $1,200 per year.
   Re: Considering approval of an agreement in which the school districts would jointly fund a fourth School Resource Officer for a one-year period.
7. Resolution Approving the Application for Statewide Park Program Grant Funds Under Prop 84
   Re: Considering approval of a resolution approving the application for the Prop 84 Statewide Park Program for the Heritage Ballfields Project.
8. Approval of 2011 City of Porterville Federal Transit Administration Title VI Report Update
   Re: Considering approval of the 2011 Title VI Program Update which pertains to compliance with the 1965 Civil Rights Act, and authorizing staff to submit the program to the Federal Transit Administration.
9. This Item has been removed.

10. Approval for Community Civic Event – City of Porterville and Tule River Tribe Freedom Fest and Fireworks Show
    Re: Considering approval of event to include live music, a Civil War re-enactment, Tribal dances, food vendors, beer garden, and family activities take place at the City’s Sports Complex on Saturday, July 2, 2011 from 4:00 p.m. to 9:00 p.m.

11. Approval for Community Civic Event – Sesquicentennial Committee and Porterville Breakfast Lions Sesquicentennial Krazy Dazes
    Re: Considering approval of event to celebrate Porterville’s history, including outhouse races and family activities, to be held in Centennial Plaza on Saturday, August 6, 2011 from 8:00 a.m. to 5:00 p.m.

12. 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

PUBLIC HEARINGS
13. Adoption of FY 2011/2012 Budget
    Re: A public hearing on the proposed City’s FY 2011/2012 Budget

14. Consideration of Modification or Revocation of Conditional Use Permit 5-2010 (Rinconcito Cosala)
    Re: Considering modifying or revoking CUP 5-2010, which allows for a type 41, (beer and wine) on-sale license at the Rinconcito Cosala Taqueria and Buffet Restaurant located at 887 W. Olive Ave.

SECOND READINGS
15. Ordinance 1778, Sign Code
    Re: Considering giving second reading to Ordinance 1778, Repealing and Replacing Subchapter 305 of Chapter 21 of the Municipal Code regarding signs.

SCHEDULED MATTERS
16. Review of Project Review Committee Fees
    Re: A report for Council’s review and consideration regarding the fees associated with the Project Review Committee, a pre-application development review process that provides applicants with a summary of all relevant development requirements for a proposed project.

17. Award of Contract – Police Shooting Range Irrigation Well
    Re: Considering award of contract to lowest responsible bidder, which will be determined on Friday, June 17, 2011, provided the lowest responsible bid is within 10% of the Engineer’s estimate; along with proposed contingencies, for the project consisting of the construction of an irrigation well at the Police Shooting Range.
Re: Considering proposed changes to the City Council’s Procedural Handbook.

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

Roll Call: Agency Members

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

JOINT SCHEDULED MATTER
PRA-01 Redevelopment Agency 2011-2012 Budget and a Loan from City of Porterville to the Porterville Redevelopment Agency
Re: Considering approval of the FY 2011/2012 Redevelopment Agency budget, and the approval of a loan in the amount of $495,000, or $165,000 each year for fiscal years 2011/12, 2012/13, and 2013/14.

Adjourn to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

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

ADJOURNMENT - to the meeting of July 5, 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.
Call to Order at 5:30 p.m.
Roll Call: Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish
Absent: Council Member Ward

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

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A 30.57 mile line of railroad between Strathmore, CA milepost 268.60 and Jovista, CA milepost 299.17 in Tulare County, particularly that portion of the railroad line within the limits of the City of Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad Company. Under Negotiation: Terms and Price.

RECONVENE IN OPEN SESSION AND REPORT ON ANY REPORTABLE ACTION TAKEN BY CITY COUNCIL IN CLOSED SESSION
It was reported that no reportable action took place during Closed Session.

ADJOURNMENT
The Council adjourned at 5:55 p.m. to the meeting of June 7, 2011 at 5:30 p.m.

_______________________________
Patrice Hildreth, Chief Deputy City Clerk
SEAL

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

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

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

Roll Call: Agency Member Ward, Vice Chairman Hamilton, Agency Member Shelton, Agency Member McCracken, Chairman Irish

ORAL COMMUNICATIONS
None

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 James Small in the amount of $8,000 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.
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.

During Closed Session, the Joint City Council/Porterville Redevelopment Agency Meeting adjourned to a Meeting of the Porterville City Council.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Deputy City Attorney Steve Kabot reported on the following action taken by the Council:

Item B2: 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.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council reject the 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.

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

Disposition: Approved.

Item B3: 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.
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council reject the 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.

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

Disposition: Approved.

Item B4: 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.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council reject the 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.

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

Disposition: Approved.

Item B5: GOVERNMENT CODE SECTION 54956.9(B) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – SIGNIFICANT EXPOSURE TO LITIGATION – CLAIM FILED BY ENGELBERT C Abeje 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.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council reject the 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.
AYES: Shelton, McCracken, Hamilton, Irish
NOES: None
ABSTAIN: None
ABSENT: Ward

Disposition: Approved.

Item B6: 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.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council reject the 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.

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

Disposition: Approved.

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

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
Council Member Ward 1) spoke of his attendance at the recent Step Up meeting and thanked Parks & Leisure Services Director Milt Stowe for his assistance with the flyer; 2) made mention of the recent Sesquicentennial Committee meeting; and 3) lauded the Iris Festival to which he wore Civil War era clothing to promote the Sesquicentennial celebration.
• Council Member Shelton spoke of his attendance at the following events: 1) Indian Gaming Local Community Benefit Committee meeting at which the City was awarded $325,000; 2) PUSD’s Pathways presentation at Nuckols Ranch; 3) Mothers of Preschoolers Dinner; 4) Fishing Derby; 5) Recorder’s Town Talk; 6) Chamber Mixer at Galaxy Theater; 7) Tea Party Rally; 8) Music on Main Street; 9) Gleaners Breakfast; and 10) Iris Festival.

• Vice Mayor Hamilton advised of the City’s award of funds through the Indian Gaming Local Community Benefit Committee; 2) conveyed a challenge made by Jerry Hall to the Council Members to participate in the parade for the Springville Rodeo; and 3) lauded the hard work of Donnette Silva Carter and the Chamber in making this year’s Iris Festival a success.

• Mayor Irish thanked the Chamber for another successful Iris Festival and noted that approximately 30,000 people had attended the event.

ORAL COMMUNICATIONS
• Mary McClure, noted Closed Session Item B7, and voiced concern regarding development fees associated with her property at 821 E. Putnam.

• Nikki Edwards, spoke of the successful dog adoption held at the Iris Festival, and urged the City to continue temperament testing of dogs.

• Amy Graybehl, a 2011 Leadership Porterville Class Member and Sierra View District Hospital employee, introduced herself to the Council, and promoted the upcoming Corporate Games fundraiser.

CONSENT CALENDAR
Items 2, 3, 6, 7, 8, 9, 10 and 11 were removed for further discussion.

1. CITY COUNCIL MINUTES OF JULY 27, 2010


Documentation: M.O. 06-041911
Disposition: Approved.

4. AWARD OF CONTRACT – DEMOLITION PROJECT – JAYE STREET RESIDENTIAL UNIT

Recommendation: That the City Council:
1. Award the Demolition Project – Jaye Street Residential Unit to Housely 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.

Documentation: M.O. 07-041911
Disposition: Approved.
5. ACCEPTANCE OF PROJECT – WASTE WATER TREATMENT FACILITY HVAC REPLACEMENT PROJECT

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

Documentation: M.O. 08-041911
Disposition: Approved.

12. EXTENDED HOURS FOR CITY TRANSIT SERVICE TO ACCOMMODATE STEP UP GANG CONFERENCE

Recommendation: That the City Council allow the extended hours for transit on May 5, 2011 in support of the ‘Step Up Conference.’

Documentation: M.O. 09-041911
Disposition: Approved.

13. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City 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.

Documentation: M.O. 10-041911
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council approve Item Nos. 1, 4, 5, 12 and 13. The motion carried unanimously.

2. BUDGET ADJUSTMENT FOR THE 2010/2011 FISCAL YEAR

Recommendation: That the City Council approve the draft budget adjustment, and authorize staff to modify revenue and expenditure estimates as described on the schedule provided.

City Manager Lollis presented the item, which was removed from the Consent Calendar at the request of Council Member Ward.
Mayor Irish noted a financial conflict of interest, in that he does business with the Tule River Tribe, recused himself from the discussion, and exited the Council Chambers.

Council Member Ward voiced concern with using reserves to fund the event, and proposed that carryover from the Fiscal Year 2010/2011 budget be used.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council postpone the item.

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

M.O. 11-041911 MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve staff’s recommendation.

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

Disposition: Approved.

3. **AUTHORIZATION TO ADVERTISE FOR BIDS – SPORTS COMPLEX & SKATE PARK LIGHTING PROJECT**

Recommendation: That the City Council:

1. Approve staff’s recommended plans and project manual; and
2. Authorize staff to advertise for bids on the project.

City Manager presented the item that was removed from consent calendar at the request of Council Member Ward, who expressed concern regarding the estimated cost for skate park lighting. A discussion ensued during which it was suggested that the number of lights be reduced to save costs. Concerns were raised by staff who noted because of the geometry of the bowl, four lights were required so as to avoid uncovered areas. Potential liability issues were also raised by staff if the recommendations of the lighting engineer were not followed.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve staff’s recommended plans and project manual; and authorize staff to advertise for bids on the project. The motion carried unanimously.

Disposition: Approved.
6. **ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX**

Recommendation: That the City Council suspend the Impact Fees ENR auto escalator for FY 2011/2012.

City Manager Lollis presented the item which was removed from consent calendar by Council Member Shelton. Council Member Shelton lauded staff for the item.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council suspend the Impact Fees ENR auto escalator for FY 2011/2012. The motion carried unanimously.

Disposition: Approved.

7. **INTENT TO SET A PUBLIC HEARING FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY – JAYE STREET IMPROVEMENTS PROJECT – EASTERNLY EXTENSION OF BROWN AVENUE TO GIBBONS AVENUE**

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.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton proposed that staff contact property owners via telephone. Staff was directed to call affected property owners in addition to mailed and published notification.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council Public Hearing for May 3, 2011, to discuss the proposed construction of concrete improvements for the subject project; authorize staff to publish the public notice and notify all affected property owners of the Public Hearing via mail and phone call. The motion carried unanimously.

Disposition: Approved, and direction given.

8. **A RESOLUTION APPROVING THE APPLICATION FOR STATE OFF-HIGHWAY VEHICLE GRANT FUNDS**

Recommendation: That the City Council adopt the draft resolution approving the application for State Off-Highway Vehicle Grant Funds.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.
Council Member Shelton indicated that he had pulled the item to inquire about the likelihood of receiving the funds.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft resolution approving the application for State Off-Highway Vehicle Grant Funds. The motion carried unanimously.

Disposition: Approved.

9. **TEA AT THE ZALUD HOUSE**

Recommendation: Informational report.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton took a moment to laud the event, and encouraged attendance.

Disposition: No action required.

10. **APPROVAL OF COMMUNITY CIVIC EVENT – WILDFACES PORTERVILLE RIVER CLEAN UP**

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

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton spoke favorably about the event.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the Community Civic Event M.O. 15-041911 Application and Agreement submitted by the WildPlaces of Springville, subject to the stated requirements contained in Exhibit ‘A’. The motion carried unanimously.

Disposition: Approved.

11. **LICENSE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND FUNTASTIC ATTRACTIONS FOR THE OPERATION OF A TRACKLESS TRAIN**

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

City Manager Lollis introduced the item, and the staff report was waived at the Council’s
request. Council Member Shelton inquired about Funtastic Attractions availability to operate at the Freedom Fest.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the License Agreement between the City of Porterville and Funtastic Attractions. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS
14. AMENDMENT TO ORDINANCE 1397 – FLOODPLAIN MANAGEMENT ORDINANCE

Recommendation: That the 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.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez. Following the staff report staff addressed questions from the Council regarding flood plain maps and the exemption requested for the area near Monache High School.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council adopt the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 7, ARTICLE XIV: FLOOD DAMAGE PREVENTION CODE OF THE CITY OF PORTERVILLE MUNICIPAL CODE; give first reading; and order the Ordinance to print.

The City Manager read the ordinance by title only.

Disposition: Approved.

The Council recessed for ten minutes.

15. APPROVAL FOR COMMUNITY CIVIC EVENT – LEARNING NETWORK FOUNDATION AND PRIMETIME ENTERTAINMENT – COPA BUDWEISER SOCCER TOURNAMENT

Recommendation: That the City Council approve the 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’.

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

Vice Mayor Hamilton MOVED to approve staff’s recommendation, which was SECONDED by Council Member McCracken.

Staff addressed questions regarding the recommended exception of the Beer Garden and it was proposed that police officers be present for security purposes if a beer garden was allowed.

- Louie Luna, Visalia resident, representing Learning Network Foundation, spoke in favor of the event and addressed concerns regarding the request for a beer garden.
- Angelica Figueroa, representing Primetime Entertainment, spoke regarding the proposed event, possible future events, and expressed a willingness to work with the Council.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the Council amend the main motion to include approval of a Beer Garden, subject to the stated requirements contained in Exhibit ‘A’ and Exhibit ‘B’, and including security by two police officers.

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

M.O. 17-041911 MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve the Community Civic Event Application and Agreement submitted by the Learning Network Foundation and Primetime Entertainment, subject to the stated requirements contained in Exhibit ‘A’ and Exhibit ‘B’, as amended to include a beer garden and security as detailed in the staff report. The motion carried unanimously.

Disposition: Approved, as amended.

16. COUNCIL MEMBER REQUESTED AGENDA ITEM – CITY MANAGER’S PERFORMANCE EVALUATION

Recommendation: Council Member Shelton motions that City Council consider the performance of the City Manager.

City Manager Lollis introduced the item. Council Member Shelton moved that the Council discuss the performance of the City Manager, which was seconded by Council Member Ward.
Deputy City Attorney Kabot then advised that the Council as a whole could not engage in discussion regarding a personnel matter in open session. A brief discussion as to whether the proposed discussion could take place ensued.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council continue the item to Closed Session of May 3, 2011.

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

Council Member Shelton left the dais and took a seat in the audience during the vote. The Deputy City Attorney advised that in the absence of a conflict of interest an abstention would count as an affirmative vote. Council Member Shelton returned to the dais and indicated that he wished to change his vote to no.

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

Disposition: Item continued to Closed Session of May 3, 2011.

ORAL COMMUNICATIONS
- Brock Neely, commended Fire Chief Mario Garcia and fire personnel for their accomplishments relative to the Regional Training Facility at Fire Station No. 2.

ADJOURNMENT
The Council adjourned at 8:35 p.m. to the meeting of May 3, 2011 at 5:30 p.m.

_______________________________
Luisa Herrera, Deputy City Clerk
SEAL

____________________________
Ronald L. Irish, Mayor
Call to Order at 5:50 p.m.
Roll Call: Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish
Absent: Council Member Ward

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA
JUNE 7, 2011

Roll Call: Vice Chairman Hamilton, Agency Member Shelton, Agency Member McCracken, Chairman Irish
Absent: Agency Member Ward

ORAL COMMUNICATIONS
None

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

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
9- 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
The City Attorney reported that the following action had taken place:

Item B4: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council reject the claim filed by Ms. Angie Castro, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

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

Documentation: M.O. 01-060711
Disposition: Approved.

Item B5: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council reject the claim filed by Ms. Lorie Arias, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

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

Documentation: M.O. 02-060711
Disposition: Approved.

Item B6: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council reject the claim filed by Ms. Laura Rojas, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

AYES: Hamilton, Shelton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Ward
Item B7: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council reject the claim filed by Ms. Manuela Tapia, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

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

Item B8: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council reject the claim filed by Ms. Mary Eastep, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

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

Deputy City Manager Milt Stowe advised the Council of an emergency item, “Emergency Work – Repair of Waukesha Air Blower,” which required Council action. He requested that the Council consider adding the item onto the Agenda.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council add the Emergency item onto the agenda.

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

PRESENTATIONS
Fire Season Update – Cal Fire

REPORTS
Council Member Shelton spoke of his attendance at the following meetings and events: Sesquicentennial Meeting; Imagine Arts Mixer; Memorial Day Avenue of Flags at the Cemetery; First Friday Coffee; Happy Trails Fundraiser; Ceremony for Porter Putnam at the Cemetery; and a Display at the Porterville Museum.
• Vice Mayor Hamilton reported on his attendance at the Economic Development Corporation Meeting and a recent LAFCO Meeting.

**ORAL COMMUNICATIONS**
• Donnette Silva Carter, Porterville Chamber of Commerce, came forward and introduced new Chamber staff member Deborah Sierra; clarified that the Sesquicentennial Committee was technically not a Chamber Committee; and informed the Council of the Porterville Chamber’s award for advocating for businesses and assisting with labor law compliance.

**CONSENT CALENDAR**
Item Nos. 2, 3, 4 and 6 were pulled for further discussion.

1. **CITY COUNCIL MINUTES OF SEPTEMBER 29, 2010 AND OCTOBER 19, 2010**

   Recommendation: That the City Council approve the draft Minutes of September 29, 2010 and October 19, 2010.

   Documentation: M.O. 07-060711
   Disposition: Approved.

5. **ACCEPTANCE OF PUBLIC IMPROVEMENTS – FAIRWAY TRACT WATER DISTRIBUTION SYSTEM**

   Recommendation: That the City Council accept the public improvements of Fairway Tract Water Distribution System for maintenance.

   Documentation: M.O. 08-060711
   Disposition: Approved.

7. **APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE SESQUICENTENNIAL COMMITTEE AND FRATERNAL ORDER OF EAGLES, #1352 – PORTERVILLE’S PIONEER DAYS CELEBRATION**

   Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Chamber of Commerce Sesquicentennial Committee and the Fraternal Order of Eagles, #1351, subject to the restrictions and requirements set forth in the Application, Agreement, and Exhibit ‘A’ of the Community Civic Event Application.

   Documentation: M.O. 09-060711
   Disposition: Approved.

7A. **APPROVAL FOR COMMUNITY CIVIC EVENT – WORD OF VICTORY CHURCH – CHURCH COMMUNITY OUTREACH – JUNE 25, 2011**
Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Word of Victory Church, subject to the restrictions and requirements set forth in the Application, Agreement, and Exhibit ‘A’ of the Community Civic Event Application.

Documentation: M.O. 10-060711
Disposition: Approved.

8. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City 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.

Documentation: M.O. 11-060711
Disposition: Approved.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve Item Nos. 1, 5, 7, 7a, and 8.

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

2. PURCHASE OF (4) TOYOTA HIGHLANDER HYBRID VEHICLES FROM CITY OF LINDSAY

Recommendation: That the City Council approve the expenditure of $30,000 from the General Fund to purchase four (4) hybrid vehicles from the City of Lindsay.

City Attorney Julia Lew noted a conflict of interest in that she serves as City Attorney for the City of Lindsay, recused herself from the discussion, and exited the Council Chambers.

Deputy City Manager Milt Stowe presented the item and indicated that the item had been removed from Consent Calendar by Council Member McCracken. A discussion ensued as to the mileage of the vehicles, which staff estimated to be approximately 100,000 miles, and potential issues with the inverter on that particular year and model of vehicle. Police Captain Chris McGuire elaborated on the proposed purchase, advising that there were no reported problems with the vehicles, and that purchasing them at such a significant savings presented a good opportunity to test whether hybrids would be a good fit for some uses within the Police Department.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council approve the expenditure of $30,000 from the General Fund to purchase four hybrid vehicles from the City of Lindsay.
AYES: Hamilton, McCracken, Irish
NOES: Shelton
ABSTAIN: None
ABSENT: Ward

Disposition: Approved.

3. AWARD OF CONTRACT – SPORTS COMPLEX AND SKATE PARK LIGHTING PROJECT

Recommendation: That the City Council:
1. Award the Sports Complex and Skate Park Lighting Project to G&S Electric in the amount of $169,777.28;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs and 5% for construction management, quality control and inspection; and
4. Authorize the Public Works Director, with assistance from the City Engineer, to evaluate potential savings for the Skate Park lighting system, and initiate a formal change order if said changes satisfy all aspects of the City’s technical requirements.

Deputy City Manager Milt Stowe presented the item and indicated that it had been removed from the Consent Calendar at the request of Council Member McCracken. A brief discussion ensued as to any deadlines in the event the Council rejected all bids and directed staff to re-advertise for bids.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council reject all bids; direct staff to separate the project M.O. 13-060711 into two separate lighting projects; and re-advertise for bids.

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

Disposition: Approved.

4. AWARD OF CONTRACT – PEARSON DRIVE BUS TURNOUT

Recommendation: That the City Council:
1. Award the Pearson Drive Bus Turnout project to Halopoff & Sons in the amount of $27,294.57;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and 15% for staff time, testing and construction engineering.

Page 6 of 12
Deputy City Manager Milt Stowe presented the item and indicated that it had been removed from Consent Calendar at the request of Council Member Shelton. Council Member Shelton lauded the winning bid which was both from a local bidder and under the Engineer’s estimate.

COUNCIL ACTION:
MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the Council award the Pearson Drive Bus Turnout project to Halopoff & Sons in the amount of $27,294.57; authorize progress payments up to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs and 15% for staff time, testing and construction engineering.

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

Disposition: Approved.

6. TRANSFER CONTRACT FOR ON CALL PLANNING AND ENGINEERING CONSULTING SERVICES

Deputy City Manager Milt Stowe presented the item and indicated that Council Member Shelton had requested the item be removed from Consent Calendar. Council Member Shelton spoke against the item and inquired as to the need for the use of consultants, particularly in the current economic environment. A brief discussion ensued during which staff elaborated on staffing levels of the Community Development Department overall, and the Planning Division in particular, and of the types of City projects on which the consultant has worked in the past.

COUNCIL ACTION:
MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council authorize staff to prepare a revised agreement with Planning Tree Consulting transferring the agreement from Provost & Pritchard; and authorize the Mayor to sign all necessary documents.

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

Disposition: Approved.

PUBLIC HEARINGS
9. PUBLIC HEARING TO ADOPT REVISED SIGN CODE
Recommendation: That the City Council:

1. Conduct a public hearing to receive input regarding the adoption of the revised Sign Code; and
2. Adopt the draft ordinance repealing the current Sign Code and adopting the new Sign Code; give first reading; and order the ordinance to print.

Deputy City Manager Milt Stowe presented the item, and City Planner Bill Nebeker presented the staff report.

The public hearing opened at 7:06 p.m.

- Brian Ennis, came forward on behalf of HBA and the local builders and voiced support for the proposed new Sign Code, with three minor changes: 1) Section 305.11(a) – confirm that this section also applies to subdivisions; 2) Section 305.11(d)(1) – increase number of allowable on-site signs from two to three; and 3) Section 305.11(d)(2) – increase number of allowable off-site signs from up to three to up to four.
- Brock Neeley, voiced support for the proposed Sign Code, and suggested utilizing the “grouped” signage for subdivisions such as in the City of Visalia.
- Brian Ennis, clarified that Visalia had discontinued the use of “kiosk” signage for subdivisions to which Mr. Neeley referred due to a change in the market and issues with vandalism.
- Donnette Silva Carter, Chamber of Commerce, voiced support for the proposed changes, particularly with regard to A-Frame/Sandwich Board signage.

The public hearing closed at 7:16 p.m.

A brief discussion ensued during which staff confirmed that the changes proposed by Mr. Ennis and the HBA were minor in nature and acceptable to staff.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council adopt the draft ordinance repealing the current Sign Code and adopting the new Sign Code, as amended to also apply Section 305.11(a) to subdivisions; to increase the number of allowable on-site signs in Section 305.11(d)(1) from two to three; and to increase the number of allowable off-site signs in Section 305.11(d)(2) from “up to three” to “up to four”; give first reading; and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING AND REPLACING SUBCHAPTER 305 OF CHAPTER 21 OF THE MUNICIPAL CODE REGARDING SIGNS.

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

City Attorney Julia Lew read the ordinance by title only.
Disposition: Approved.

The Council recessed for ten minutes at 7:22 p.m.

**SCHEDULED MATTERS**

10. **CONSIDERATION OF THE CITY MANAGER’S PROPOSED BUDGET FOR FISCAL YEAR 2011-2012 AND SETTING A PUBLIC HEARING DATE**

Recommendation: That the City Council schedule the public hearing on the Fiscal Year 2011-2012 Budget on June 21, 2011.

Deputy City Manager Milt Stowe presented the item and the staff report.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member Shelton that the Council schedule the public hearing on the Fiscal Year 2011-2012 Budget on June 21, 2011.

**M.O. 17-060711**

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

Disposition: Approved.

11. **TRANSACTIONS & USE TAX OVERSIGHT COMMITTEE (“TUTOC”) VACANCY**

Recommendation: That the City Council provide direction to staff for the purposes of filling the seat vacated by Ms. Shirley Hickman, with a term expiring in May, 2012, on the Transactions and Use Tax Oversight Committee.

Deputy City Manager Milt Stowe presented the item, and Administrative Services Manager Patrice Hildreth presented the staff report.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council direct staff to provide public notice of the vacancy and solicit applications from interested individuals for consideration at a future meeting.

**M.O. 18-060711**

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

Disposition: Approved.
12. CONSIDERATION OF SETTING A PUBLIC HEARING FOR MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 5-2010 (EL RINCONCITO COSALA)

Recommendation: That the City Council direct staff on how to proceed.

Deputy City Manager Milt Stowe presented the item, and Associate Planner Jose Ortiz presented the staff report, which included the following options for Council’s consideration:

Option No. 1: Schedule a public hearing to consider modification or revocation of CUP 5-2010. Following the public hearing, the City Council would choose whether to impose new conditions of approval, suspend or revoke the CUP.

Option No. 2: Take no action. The Conditional Use Permit would remain in effect as-is. Direct staff to continue to monitor Police Department incident reports and bring back future violations to the City Council for consideration.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council direct staff to schedule a public hearing at the earliest possible date to consider modification or revocation of CUP 5-2010.

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

Disposition: Approved.

13. REVISION OF TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) JOINT POWERS AGREEMENT (JPA)

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

Deputy City Manager Milt Stowe presented the item and the staff report. A discussion ensued during which concern was expressed by Council Member Shelton with regard to the language “to acquire, maintain, and dispose of real property or an interest in real property…” Council Member Shelton suggested the proposed language was overly broad, inquired why “acquire” and/or “dispose” was necessary if TCAG was only interested in leasing or renting property, and moved that the Council send the Amendment back to TCAG for revisions. The motion was seconded by Mayor Irish.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Irish that the Council send the Amendment back to TCAG for revisions to tighten up the language.
AYES: Shelton
NOES: Hamilton, McCracken, Irish
ABSTAIN: None
ABSENT: Ward

After some discussion, Mayor Irish suggested that the Council recess for ten minutes so as to allow an opportunity to obtain clarification from TCAG Executive Director Ted Smalley. Deputy City Manager Stowe confirmed that Mr. Smalley was available by telephone to answer any questions that the Council might have.

The Council recessed for ten minutes.

Mayor Irish advised that he and Vice Mayor Hamilton had discussed with Mr. Smalley the concerns with regard to the language in the proposed amendment, and indicated that Mr. Smalley had assured them that the language was boilerplate and that the intent was to lease or rent office space for TCAG personnel.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve the Amendment No. One to the Tulare County Association of Governments Joint Powers Agreement.

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

Disposition: Amendment approved.

14. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO RECONSIDER AUTHORIZING PAYMENT TO THE TULARE COUNTY REGISTRAR OF VOTERS

Recommendation: Council Member Shelton makes the motion that the City Council reconsider authorizing payment to the Tulare County Registrar of Voters

Deputy City Manager Milt Stowe presented the item. A discussion ensued during which Council Member Shelton voiced concern with the approximate $14,000 increase from the last election and inquired whether staff had any further information regarding the invoice received from the County Registrar for the June 2010 election. Administrative Services Manager Patrice Hildreth elaborated on the detail of the charges, offered a comparison to prior years, and indicated that the increase was primarily due to labor charges, for which County staff indicated had been undercharged in prior years. Ms. Hildreth advised that future costs might be significantly reduced if the city’s election was held in November of even years rather than in June of even years with the State primary; however such a change would require a Charter Amendment which could only be approved by a vote of the people. The Council directed staff to provide an analysis at a future meeting of potential cost savings if the election was moved to November of even years.

Disposition: Direction given to staff.
EMERGENCY ITEM: EMERGENCY ACTION – REPAIR OF WAUKESHA AIR BLOWER

Recommendation: That the Council ratify staff’s emergency repair of the Waukesha Air Blower in the amount of $18,422.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council ratify staff’s emergency repair of the Waukesha Air Blower in the amount of $18,422.

M.O. 21-060711

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

Disposition: Approved.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Shelton spoke of the upcoming Sesquicentennial Meeting; a Clampers’ meet and greet; a Car Show at Holy Cross Church; and Leadership Porterville’s Government Day.

ADJOURNMENT
The Council adjourned at 8:30 p.m. to the meeting of June 21, 2011 at 5:30 p.m.

____________________________
Patrice Hildreth, Chief Deputy City Clerk
SEAL

____________________________
Ronald L. Irish, Mayor
COUNCIL AGENDA: JUNE 21, 2011

SUBJECT: AWARD CONTRACT – FINANCIAL AUDITING SERVICES

SOURCE: Finance Department - Purchasing Division

COMMENT: Staff solicited proposals from accountancy firms to provide financial auditing services for the three fiscal years ending June 30, 2011, through June 30, 2013, with the option of extending the contract for two additional fiscal years. The last Request for Proposals for auditing services was in 2004 resulting in an award to Pressley & Associates, Inc. He has served as the City’s auditor since 1999.

In response to the new solicitation, five proposals were received. Evaluation of all proposals resulted in three short-listed firms which were ranked in the following order:

1. Gallina, LLP, Roseville, CA
3. Price, Paige & Company, Clovis, CA

Staff has reviewed the proposal from Gallina, LLP, of Roseville, CA, and finds it meets the City’s criteria and is able to timely complete the required services. Scope of work includes auditing the City’s financial statements, the Porterville Redevelopment Agency and preparation of the Single Audit Act Report. Additionally, the company will provide information and training to Finance Department staff on new accounting pronouncements and standards. The maximum annual fee of $40,000 for each of the three fiscal years is funded in the City Council’s budget.

RECOMMENDATION:

That Council authorize Staff to negotiate a contract with Gallina, LLP, of Roseville, CA, to provide financial auditing services for the fiscal years ending June 30, 2011, through June 30, 2013. Further, that Council authorize Staff to make progress payments and to negotiate and exercise optional contract renewals.
SUBJECT: CALIFORNIA EMERGENCY MANAGEMENT AGENCY (CALEMA) - DESIGNATED POSITIONS AUTHORIZED TO ACT ON CITY'S BEHALF

SOURCE: Public Works Department - Engineering Division

COMMENT: As a result of the December 2010 flood event, the City incurred approximately $270,000 in flood damage. Subsequent to the flood event, Public Works prepared CalEMA forms documenting the damage to City owned facilities. CalEMA reviewed and agreed with staff's assessment and has provided notice authorizing the City to initiate repairs to the damaged facilities.

Before repair work can commence, CalEMA asks that the City designate up to three positions within the organization that can sign and act on behalf of the City of Porterville. Staff recommends that the Public Works Director, City Engineer and Finance Director be designated as the City's authorized representatives.

RECOMMENDATION: That the City Council:

1 Designate the Public Works Director, City Engineer and Finance Director as the duly approved and authorized representatives for the City of Porterville in matters associated with the December 2010 Flood Event;

2 Authorize the Mayor to execute the attached Resolution (OES Form 130) that informs CalEMA who the City's authorized representatives are; and

3 Direct the Public Works Director to complete and transmit OES Form 89 "Project Application for Federal Assistance" to the California Emergency Management Agency, Sacramento.

ATTACHMENTS: Authorized Representative Resolution (OES 130)
Application for Federal Assistance Application (OES 89)

P:\pubworks\General\Council\CALEMA Authorized City Representative - 2011-06-21.doc
Designation of Applicant's Agent Resolution for Non-State Agencies

Be it resolved by the City Council of the City of Porterville, (Governing Body)
(Name of Applicant)

That

Public Works Director, OR

City Engineer, OR

Finance Director

(Title of Authorized Agent)

is hereby authorized to execute for and in behalf of the City of Porterville, (Name of Applicant) a public entity established under the laws of the State of California, this application and to file it in the Office of Emergency Services for the purpose of obtaining certain federal financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

That the City of Porterville, (Name of Applicant) a public entity established under the laws of the State of California,

hereby authorizes its agent(s) to provide to the State Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

☐ This is a universal resolution and is effective for all open and future disasters.

☐ This is a disaster specific resolution and is effective for only disaster number(s)

Passed and approved this 21st day of June 2011.

Ronald L. Irish, Mayor

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

Certification

I, John D. Lollis, duly appointed and City Clerk of City of Porterville, (Name)

(Name of Applicant)
do hereby certify that the above is a true and correct copy of a resolution passed and approved by the City Council of the City of Porterville (Governing body)

(Name of Applicant) on the 21st day of June 2011.

(Signature)

City Manager (Title)
PROJECT APPLICATION FOR FEDERAL ASSISTANCE

SUBGRANTEE'S NAME: __________________________ (Name of Organization)

ADDRESS: ____________________________________________

CITY: ___________________ STATE: ________ ZIP CODE: ________

TELEPHONE: ___________________ FAX NUMBER: ___________________

AUTHORIZED AGENT: ___________________ TITLE: ___________________

EMAIL ADDRESS: ____________________________

ASSURANCES - CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to all of your projects. If you have questions, please contact the Governor's Office of Emergency Services. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the subgrantee named above:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance, and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.

4. Will comply with the requirements of the assistance-awarding agency with regard to the drafting, review and approval of construction plans and specifications.

5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.

6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gains.

8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.), which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

9. Will comply with all federal statues relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 323 and 327 of the Public Health Service Act of 1922 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
(b) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and (j) the requirements on any other nondiscrimination statute(s) which may apply to the application.

10. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.

11. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $5,000 or more.

12. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.O. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.O. 93-205).


15. Will comply with Standardized Emergency Management (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.

16. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996.

17. Will comply with all applicable requirements of all other federal laws, Executive Orders, regulations and policies governing this program.

18. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the subgrantee application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:

   a. The state warrant covering federal financial assistance will be deposited in a special and separate account, and will be used to pay only eligible costs for projects described above;

   b. To return to the State of California such part of the funds so reimbursed pursuant to the above numbered application, which are in excess of the approved actual expenditures as accepted by final audit of the federal or state government.

   c. In the event the approved amount of the above numbered project application is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.

19. Will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."

The undersigned represents that he/she is authorized by the above named subgrantee to enter into this agreement for and on behalf of the said subgrantee.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

OES 89 (Rev 1/05)  TITLE  DATE
SUBJECT: CITY-COUNTY AGREEMENT FOR THE TEA POT DOME AVENUE FRONTAGE IMPROVEMENTS RELATED TO THE PORTERVILLE FAIRGROUNDS PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Staff has completed the frontage improvements along Tea Pot Dome Avenue from 1,342 feet east of West Street (westerly lease line of the Fairgrounds) to Westwood Street. In working through several traffic markings and signage options, including the implementation of “No Parking” signs on both sides of Tea Pot Dome Avenue, it became apparent to the City and Tulare County Resource Management Agency (TC RMA) that a Maintenance Agreement was in order. The agreement will allow the City to meet development goals for the properties within the City’s jurisdiction.

Two (2) factors contributed to this decision:

1. City has a substantial investment in widening Tea Pot Dome Avenue. These improvements exceed normal TC RMA standards and any future improvements should have input by City staff so as to protect our interest; and
2. It is the policy of TC RMA not to install “No Parking” signs within their jurisdiction. However, due to large civic events in the area, it is important from a safety stand point not to have parking on each side of Tea Pot Dome Avenue.

Upon approval of this agreement, the City will have the authority to design, construct, maintain, and issue public works permits within this segment of Tea Pot Dome Avenue. However, interest rights will remain with the County until annexation. One drawback is the City's inability to claim additional funds through funding sources that are categorized based on maintained roadway miles.

The attached joint agreement consummates all internal arrangements between both agencies and allows the City to move in a direction that meets the needs of the planned civic events within developed and undeveloped properties along the north side of Tea Pot Dome Avenue. The agencies' legal counsels have reviewed the agreement and found it to be acceptable.

RECOMMENDATION: That City Council:

1. Approve the City/County Agreement for a portion of Tea Pot Dome Avenue as written;
2. Authorize the Mayor and City Clerk to execute two (2) agreements; and
3. Authorize the City Clerk to forward the agreements to Tulare County Board of Supervisors for their action.

ATTACHMENTS: Locator Map
City - County Maintenance Agreement w/ Exhibit

P:\pub\works\General\Council\City County Agreements Related to Tea Pot Dome - 2011-06-21.doc

Dir Appropriated/Funded CM

Item No. 4
AGREEMENT REGARDING A PORTION OF
TEAPOT DOME AVENUE

THIS AGREEMENT is entered into this _____ day of ____________________, 2011, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

A. WHEREAS, Avenue 128 (Teapot Dome Avenue) from 1342 feet east of Road 220 (West Street) to Road 224 (Westwood Street) is a COUNTY-maintained roadway as defined on the City / County Maintenance Agreement Exhibit attached hereto; and

B. WHEREAS, CITY in developing joint use facility parcels for civic events and other economic development activities, has requested construction of special access improvements that exceed County standards; and

C. WHEREAS, City desires to undertake such special improvements construction at this time and County is willing to allow City to undertake such construction; and

D. WHEREAS, Government Code section 54981 authorizes COUNTY and CITY to contract for the improvement, maintenance, repair and operation by City of streets and highways within COUNTY’S jurisdiction; and

E. WHEREAS Streets and Highways Code section 1810 allows a city to acquire property outside its boundaries in the unincorporated area of a county if it is necessary to connect or widen existing streets and if the county consents to the acquisition.

ACCORDINGLY, IT IS AGREED:

1. COUNTY authorizes CITY to undertake, at no risk or expense to COUNTY, any construction, reconstruction and/or maintenance of Teapot Dome Avenue from 1342 feet east of West Street to Westwood Street. The specific portions are more particularly identified in the City / County Maintenance Agreement Exhibit which is attached hereto and incorporated herein by this reference.

2. CITY agrees to construct said improvements in accordance with all applicable Federal, State, and local laws, regulations and directives, with the exception of COUNTY’S road standards. CITY

Tulare County Agreement No. ____________________

06/16/2011
shall provide and administer all encroachment permits and other controls required by state and local laws, regulations and ordinances, provided that, in doing so, CITY need not require that said improvements be constructed to COUNTY'S road standards.

3. CITY and COUNTY agree that no authorization, encroachment permits, oversight, input or requirement other than the authority conferred by this Agreement shall be required by COUNTY for any of CITY's responsibilities under this agreement, including the acquisition of additional right of way, and construction of improvements, including traffic signal installations, as deemed necessary by CITY.

4. The term of this Agreement is indefinite and shall continue until such time as the referenced segment of Teapot Dome Avenue is annexed to CITY. The indemnity provisions contained in paragraph 7 of this Agreement shall continue in full force and effect beyond expiration by annexation or termination of this Agreement by any other means.

5. CITY hereby agrees to pay all expenses arising out of the design, operation, maintenance, construction and/or upkeep of said portions of Teapot Dome Avenue and hereby waives any claim against the COUNTY for any cost of design, operation, maintenance, construction and/or upkeep of said portion of Teapot Dome Avenue.

6. This agreement shall become effective upon the date first written above.

7. From and after the effective date of this Agreement as noted in paragraph 6 above, CITY shall have all responsibility and liability for all activities and omissions related to the design, construction, upkeep, operation and maintenance of said portion of Teapot Dome Avenue, including its integration with any connecting roads and streets, and CITY shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including, but not limited to court cost and attorney fees, death or injury to any person and/or damage to any property (including COUNTY property), arising out of or related to said design, construction, upkeep, operation, maintenance or integration by CITY, its agents, officers, independent contractors, developers and employees. CITY specifically agrees to hold harmless, defend and indemnify COUNTY for any and all claims arising out of COUNTY'S waiver of COUNTY'S road standards and any actions or omissions by
CITY in connection with any encroachment permit or other discretionary permit issued by CITY to facilitate this Agreement. This indemnification obligation shall continue beyond the term of this Agreement or any extension of this Agreement. CITY shall maintain adequate insurance coverage, either through policies issued by insurance companies or through self insurance reserves, to provide said indemnity to the COUNTY.

8. From and after the effective date of this Agreement, CITY shall enforce all traffic and pedestrian safety laws and ordinances and issue encroachment permits on said portions of Teapot Dome Avenue and COUNTY shall have no responsibility or liability therefore.

9. CITY shall maintain complete and accurate records with respect to all works of improvement authorized by this Agreement.

10. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force of effect. No part of this Agreement may be modified without the written consent of both parties.

11. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY:  RMA Director
          Government Plaza
          5961 S. Mooney Blvd.
          Visalia, CA 93277

(Fax No.: (559) 730-2653 / Phone No. (559) 624-7000)

CITY:  City Manager
        291 N. Main St.
        Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.
12. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.

13. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

14. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California code of Civil Procedure Section 394.

15. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.

16. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

17. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.

18. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.

19. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.
THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY ____________________________
Chairman, Board of Supervisors

ATTEST: Jean M. Rousseau,
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By ____________________________
Deputy Clerk

Approved as to Form
County Counsel

By ____________________________
Deputy

CITY OF PORTERVILLE

BY ____________________________
Ronald L. Irish, Mayor

ATTEST: John Lollis
Chief Deputy City Clerk of the City of Porterville

BY ____________________________

Approved as to Form

BY ____________________________
Julia Lew, City Attorney
SUBJECT: STANDARD AGREEMENT ALLOWING USE OF POLICE FACILITY BY STAFF OF THE CALIFORNIA HIGHWAY PATROL

SOURCE: Police Department

COMMENT: The new Porterville Police Department weapons range became operational in May of 2011 for live fire training. As with the previous facility, the Porterville Police Department would like to extend use of the training facility to staff of the California Highway Patrol Porterville Division.

The Department of California Highway Patrol has agreed to pay a sum of $1,200 per year to the City of Porterville in compensation for facility upkeep and maintenance over the next two (2) years. The agreement will be re-evaluated every two (2) years for renewal.

RECOMMENDATION: That the City Council:

1) Approve the Agreement for the period of 07/01/2011 through 06/30/2013 and;
2) Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

Attachment: Standard Agreement between Contractor (City of Porterville Police Department) and the State of California for use of range training facility.

D.D. C.M. Appropriated/Funded Item No. 5
STATE OF CALIFORNIA
STANDARD AGREEMENT
STD 213 (Rev 06/03)

AGREEMENT NUMBER
11C481002
REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:
   
   STATE AGENCY'S NAME
   Department of California Highway Patrol
   
   CONTRACTOR'S NAME
   City of Porterville, Porterville Police Department

2. The term of this Agreement is: 07/01/2011 or upon approval (whichever is later) through 06/30/2013

3. The maximum amount of this Agreement is: $2,400.00 Two Thousand Four Hundred Dollars and Zero Cents

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

   Exhibit A – Scope of Work 2 page(s)
   Exhibit B – Budget Detail and Payment Provisions 1 page(s)
   Exhibit C* – General Terms and Conditions GTC 610
   Exhibit D – Special Terms and Conditions (Attached hereto as part of this agreement) 1 page(s)
   Exhibit E – Additional Provisions 1 page(s)

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

BY (Authorized Signature)

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS
350 North D Street
Porterville, CA 93257

STATE OF CALIFORNIA

AGENCY NAME
Department of California Highway Patrol

BY (Authorized Signature)

PRINTED NAME AND TITLE OF PERSON SIGNING
K. V. SMITH, Commander, Business Services Section

ADDRESS
P.O. Box 942898, Sacramento, CA 94298-0001

California Department of General Services Use Only

EXEMPT FROM DEPARTMENT OF GENERAL SERVICES APPROVAL IN ACCORDANCE WITH THE STATE ADMINISTRATIVE MANUAL

☐ Exempt per:
SCM 4.04
STATE OF CALIFORNIA
STANDARD AGREEMENT
STD 213 (Rev 06/03)

AGREEMENT NUMBER
11C481002

REGISTRATION NUMBER

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Department of California Highway Patrol

CONTRACTOR'S NAME
City of Porterville, Porterville Police Department

2. The term of this Agreement is: 07/01/2011 or upon approval (whichever is later) through 06/30/2013

3. The maximum amount of this Agreement is: $2,400.00

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

   Exhibit A – Scope of Work  2 page(s)
   Exhibit B – Budget Detail and Payment Provisions  1 page(s)
   Exhibit C* – General Terms and Conditions  GTC 610
   Check mark one item below as Exhibit D:
   ☒ Exhibit - D Special Terms and Conditions (Attached hereto as part of this agreement)  1 page(s)
   ☐ Exhibit - D* Special Terms and Conditions
   Exhibit E – Additional Provisions  1 page(s)

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

BY (Authorized Signature)

Printed Name and Title of Person Signing

City of Porterville, Porterville Police Department

California Department of General Services Use Only

DATE SIGNED (Do not type)
5-31-11

DELANO POLICE DEPARTMENT
Serving Our Community
(661) 721-3377

STATE OF CALIFORNIA

AGENCY NAME
Department of California Highway Patrol

BY (Authorized Signature)

Printed Name and Title of Person Signing

K. V. SMITH, Commander, Business Services Section

ADDRESS
P.O. Box 942898, Sacramento, CA 94298-0001

1022 12th Avenue
Delano, CA 93215
It is a mandatory requirement for the contractor/vendor to complete and submit the Conflict of Interest and Confidentiality Statement prior to commencing contract services and/or delivering requested commodities. Failure to complete and submit the Conflict of Interest and Confidentiality Statement prior to commencement of work and/or delivery of requested commodities will be grounds for contract termination.

As an authorized representative and/or corporate officer of the company named below, I warrant my company and its employees have no personal or financial interest and no present or past employment or activity which would be incompatible with participating in any activity related to this contract. For the duration of this contract, I warrant my company and its employees will not accept any gift, benefit, gratuity or consideration, or begin a personal or financial interest in a party who is associated with this contract.

I warrant my company and its employees not to disclose any financial, statistical, personal, technical, media-related, and all other data and information made available to use by the state for the purpose of providing services to the California Highway Patrol (CHP) in conjunction with the contract identified above. I warrant that only those employees who are authorized and required to use such materials will have access to them. Authorization documentation must be provided to the CHP prior to the start of the contract.

I further warrant that all materials provided by the state will be returned promptly after use; all copies or derivations of the materials will be physically and/or electronically sanitized at a minimum in accordance with the Federal Information Security Management Act (FISMA), National Institute of Standard Technology (NIST), 43 NIST Special Publication 800-36. I will include, with the returned materials, a letter attesting to the complete return of materials and documenting the destruction of copies and derivations. Failure to so comply will subject my company to criminal and civil liabilities, including all damages to the state. I authorize the state to inspect and verify the destruction document(s) as described above.

I warrant that my company will not enter into any agreements or discussions with a third party concerning such materials prior to receiving written confirmation from the state that such third party has an agreement with the state similar in nature to this one. I agree to immediately advise the CHP contract coordinator of any person(s) who has access to project confidential information and intends to disclose that information in violation of this agreement.

NAME OF COMPANY
CITY OF PORTERVILLE, PORTERVILLE POLICE DEPARTMENT

NAME OF COMPANY REPRESENTATIVE

SIGNATURE OF COMPANY REPRESENTATIVE

TITLE
Police Chief

DATE
6-5-11
CCC 307 – CERTIFICATION

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

Contractor/Bidder Firm Name (Printed)  
CITY OF PORTERVILLE  
PORTERVILLE POLICE DEPARTMENT

Federal ID Number

By (Authorized Signature)

Printed Name and Title of Person Signing

Date Executed

Executed in the County of

CONTRACTOR CERTIFICATION CLAUSES

1. STATEMENT OF COMPLIANCE: Contractor has, unless exempted, complied with the nondiscrimination program requirements. (GC 12990 (a-f) and CCR, Title 2, Section 8103) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS: Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

   a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

   b. Establish a Drug-Free Awareness Program to inform employees about:

      1) the dangers of drug abuse in the workplace;
      2) the person’s or organization’s policy of maintaining a drug-free workplace;
      3) any available counseling, rehabilitation and employee assistance programs; and,
      4) penalties that may be imposed upon employees for drug abuse violations.

   c. Every employee who works on the proposed Agreement will:

      1) receive a copy of the company’s drug-free workplace policy statement; and,
      2) agree to abide by the terms of the company’s statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: (1) the Contractor has made false certification, or violated the certification by failing to carry out the requirements as noted above. (GC 8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor’s failure to comply with an order of a Federal court which orders Contractor to comply with an order of the National Labor Relations Board. (PCC 10296) (Not applicable to public entities.)

4. CONTRACTS FOR LEGAL SERVICES $50,000 OR MORE- PRO BONO REQUIREMENT: Contractor hereby certifies that contractor will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

NOTE: This form represents only the certification portion of the Contractor Certification Clauses (CCC). Additional information about contracting with the State appears in the full text of the applicable CCC. Visit this web site to view the entire document:  
EXHIBIT A
(Standard Agreement)

SCOPE OF WORK

1. Contractor agrees to provide to the Department of California Highway Patrol (CHP) Porterville Area office, the services described herein:

Furnish use of Contractor’s weapons firing range facilities including restroom facilities if available; pay all taxes, insurance, bonds, license and permit fees, maintenance fees and all other costs required to provide use of the weapons firing range facility in accordance with this Agreement.

2. The services shall be performed at:

Porterville Police Department
350 North D Street
Porterville, CA 93257

3. The services shall be provided during:

Such times that are mutually agreeable to both parties.

4. The project representatives during the term of this agreement will be:

<table>
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<tr>
<th>STATE AGENCY</th>
<th>CONTRACTOR</th>
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<tbody>
<tr>
<td>Department of California Highway Patrol</td>
<td>City of Porterville, Porterville Police Department</td>
</tr>
<tr>
<td>NAME</td>
<td>NAME</td>
</tr>
<tr>
<td>Lt. J. E. Swearingen, Porterville Area office</td>
<td>Chief Chuck McMillan</td>
</tr>
<tr>
<td>TELEPHONE NUMBER</td>
<td>FAX NUMBER</td>
</tr>
<tr>
<td>(559) 784-7444</td>
<td>(559) 782-7402</td>
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<tr>
<td>Direct all inquiries to:</td>
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<th>CONTRACTOR</th>
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<td>SECTION/UNIT</td>
<td>SECTION/UNIT</td>
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<tr>
<td>Business Services Section, Contract Services Unit</td>
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<tr>
<td>ATTENTION</td>
<td>ATTENTION</td>
</tr>
<tr>
<td>Cassandra Barrett, Contract Analyst</td>
<td>Chief Chuck McMillan</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>ADDRESS</td>
</tr>
<tr>
<td>P.O. Box 942898, Sacramento, CA 94298-0001</td>
<td>350 North D Street, Porterville, CA 93257</td>
</tr>
<tr>
<td>TELEPHONE NUMBER</td>
<td>FAX NUMBER</td>
</tr>
<tr>
<td>(916) 843-3619</td>
<td>(916) 322-3155</td>
</tr>
</tbody>
</table>
EXHIBIT A  
(Standard Agreement)

SCOPE OF WORK

5. Detailed description of work to be performed:

A. The weapons firing range must be within thirty (30) miles of CHP Porterville Area office, located at 861 W. Morton Avenue, Porterville, CA 93257.

B. The weapons firing range use shall be limited to CHP personnel assigned to the Porterville Area office. Maximum number of CHP personnel using range: (35).

C. Contractor agrees that CHP shall have the use of the on-site firearms buildings located on the range for training programs. The classroom facility may be used on a case-by-case basis, without additional charge, when arranged through the Range Master.

D. Contractor and CHP agree the weapons firing range shall be open and usable by members of CHP at such times that are mutually agreeable to both parties. Exclusive use of the facilities by CHP must be coordinated and mutually agreed to by both parties.

E. The CHP agrees that its members using the weapons firing range facilities under this Agreement shall be governed by the range safety rules established by Contractor.

F. Brass will be retained by Contractor.

G. The weapons firing range must be able to accommodate the following:

1) .40 caliber pistol (Frangible ammunition only).
   a. Twelve (12) shots per year, one (1) each month or two (2) every other month.
   b. Two (2) qualification shots which must be performed at the following distances:
      3 yards, 4 yards, 7 yards, 10 yards, 15 yards, and 25 yards.
   c. Ten (10) practice shots, of which two (2) night shots are recommended.
   d. Use for make-up shots at times mutually agreeable to both parties.

2) Shotgun (00 buckshot).
   a. Eight (8) shots per year (two (2) quarterly).
   b. Two (2) night shots required.
   c. Distance 15 yards maximum.

H. Inspection and test firing of weapons:

1) All weapons are to be test fired after each required inspection by the Area Weapons Range Officer.

2) Use of facility to test fire weapons will be coordinated between the Area Weapons Range Officer and the Contractor.
EXHIBIT B
(Standard Agreement)

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing and Payment

A. For services satisfactorily rendered, and upon receipt and approval of the invoices, the State agrees to compensate the Contractor for actual expenditures incurred in accordance with the rates specified herein, which is attached hereto and made a part of this Agreement.

B. Invoices shall include the Agreement Number and shall be submitted in duplicate not more frequently than monthly in arrears to:

   Name:       Lt. J. E. Swearingen
   Office:     Porterville Area office
   Address:    861 W. Morton Avenue
               Porterville, CA 93257

2. Budget Contingency Clause

A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.

B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to Contractor to reflect the reduced amount.

3. Prompt Payment Clause

   Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

4. Rate Schedule

   The CHP agrees to pay Contractor in arrears, One Thousand Two Hundred Dollars and Zero Cents ($1,200.00) annually, for use of the weapons firing range facility for the Porterville Area office.
EXHIBIT D
(Standard Agreement)

SPECIAL TERMS AND CONDITIONS

1. Both Contractor and CHP reserve the right to cancel this Agreement with thirty (30) days advance written notice to the other.

2. In the event of an unforeseen emergency, CHP may cancel this Agreement without prior notice and without compensation to Contractor.

3. Agreement may be amended by mutual written consent of the parties hereto.

4. If Contractor shall be temporarily unable to provide services, the CHP, during the period of Contractor’s inability to provide services, reserves the rights to accomplish the work by other means and shall be reimbursed by Contractor for any costs above the Agreement rate.

5. The parties hereto agree to indemnify, defend and save harmless the other party, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the other party in the performance of this Agreement.
EXHIBIT E  
(Standard Agreement)  
COMMERCIAL GENERAL LIABILITY INSURANCE REQUIREMENTS 

A. Commercial General Liability 

Contractor shall furnish to CHP a valid certificate of commercial general liability insurance, at no expense to CHP or to the state, and shall maintain or cause to be maintained and in effect, at all times during the term of the agreement, a policy of no less than $1,000,000 per occurrence for bodily injury and property damage liability combined.

B. Any or all types of insurance coverage must meet the following State of California requirements:

1) Evidence of insurance shall be of a form and content acceptable to the Department of General Services, Office of Risk and Insurance Management (ORIM).

2) The certificate of insurance shall be issued by an insurance company, or be provided through a partial or total self-insurance, acceptable to ORIM.

3) The certificate of insurance shall show that hazardous activities are protected through comprehensive general liability.

4) The certificate of insurance shall provide that the insurer shall not cancel the insured’s coverage without thirty (30) days prior written notice to the CHP.

5) The certificate of insurance shall provide that the State of California, its officers, agents, employees, and servants are included as additional insured.

6) The certificate of insurance shall meet such additional standards as may be determined by the CHP, either independently or in consultation with ORIM, for protection of the CHP.

C. In the event said insurance coverage lapses, expires, or is cancelled at any time or times during the term of the agreement, Contractor shall provide, at least thirty (30) days prior to said date, a new certificate of insurance coverage as provided for herein for not less than the remainder of the term of the agreement, or for a period of not less than one (1) year. New certificates of insurance are subject to the approval of ORIM. Contractor agrees that no work or services shall be performed prior to such approval. In the event Contractor fails to keep current and in effect at all times, insurance coverage as herein provided, the CHP may, in addition to any other remedies, terminate the agreement.

D. Contractor shall submit to the CHP before the start of the agreement, the certificate(s) of insurance, identifying the CHP Agreement number, at the following address:

Department of California Highway Patrol  
Business Services Section  
Attention: Contract Services Unit  
P.O. Box 942898  
Sacramento, California 94298-0001

To expedite processing, certificates may be faxed to: (916) 322-3166.
CITY COUNCIL AGENDA: June 21, 2011

SUBJECT: JOINT FUNDING AGREEMENT WITH PORTERVILLE UNIFIED SCHOOL DISTRICT AND BURTON SCHOOL DISTRICT

SOURCE: Police Department

COMMENT: Currently, the Porterville Police Department has three officers assigned as School Resource Officers. During school time hours, these three officers respond to reports of criminal activity at all school sites within the City of Porterville. In addition, these three officers provide requested security for after-school functions throughout the school year. Since July of 2007 Porterville Unified School District and the Burton School District have shared in the cost of the third SRO, each paying a portion of 75% of that officer’s salary and benefits (75% represents the nine month school year).

It was proposed by the Burton School District that an additional officer be added to cover the schools in their district due to recent growth. As a result of these discussions, the two school districts have agreed to share in the costs of adding a fourth School Resource Officer. The estimated salary and benefit cost for an SRO during the term of this Agreement is $85,500. Porterville Unified School District has agreed to pay 75% of the salary and benefits for the third SRO while the Burton School District has agreed to pay 75% of the salary and benefits of the fourth SRO. The 75% reflects services for a nine month school year.

Based on the formula above, for this term, The CITY shall contribute an estimated amount of $21,375 to each of the 3rd and 4th SRO positions. This represents 25% of estimated costs of salary and benefits for each. PUSD shall contribute up to, but no more than, $64,125 to the 3rd SRO position. This represents 75% of the estimated salary and benefit cost ($85,500) and BSD shall contribute up to, but no more than, $64,125 to the 4th SRO position. This represents 75% of the estimated salary and benefit cost ($85,500).

The four School Resource Officers will generally be assigned with (1) each to the three major high schools and their respective feeder schools and (1) to the schools within the Burton School District. These assignments will be general and officers will naturally respond when and where they are needed.
RECOMMENDATION: That the City Council:

1) Approve the Agreement for Joint Funding for a fourth School Resource Officer for the period of July 1, 2011 through June 30, 2012, and;
2) Authorize the Mayor to execute the agreement on behalf of the City of Porterville.

Attachment: Joint Funding Cooperative Agreement
JOINT FUNDING COOPERATIVE AGREEMENT

This Agreement is entered into as of July 1, 2011, between the CITY OF PORTERVILLE ("CITY"), the PORTERVILLE UNIFIED SCHOOL DISTRICT ("PUSD"), and the BURTON SCHOOL DISTRICT ("BSD") (each a "Party," and collectively, the "Parties"), with reference to the following:

A. The Parties wish to continue efforts to create and maintain a safe environment for children attending school campuses in the City of Porterville, and the Parties believe this is vital to the educational process.

B. The Parties desire to share in the costs of supplying "School Resource Officers" ("SROs") to respond to reports from PUSD and BSD officials concerning criminal and other activities occurring on PUSD and BSD campuses that jeopardize the safety and security of the children attending these schools.

C. The Parties are willing to enter into this Agreement on the terms and conditions set forth.

ACCORDINGLY, IT IS AGREED:

1. The term of this Agreement shall be for one year, commencing on July 1, 2011, and ending on June 30, 2012.

2. The CITY shall provide four "School Resource Officers" effective August 2011. The SROs shall respond to school reports of criminal activity or other activity threatening the safety and security of children occurring on PUSD and BSD school campuses located within the CITY's geographical limits. The guidelines and expectations of SRO program are attached as Exhibit A.

3. The estimated salary and benefit cost for an SRO during the term of this Agreement is $85,500. This does not include ancillary costs.

4. The salary and benefit costs of (2) of the SROs will be assumed by the City in entirety.

5. The salary and benefit costs for the third SRO shall be divided as follows: The CITY shall pay 25% of the estimated salary and benefits cost, as well as all ancillary costs. PUSD shall pay the remaining 75% in salary and benefits costs. The 75% formula represents the (9) month school year.

6. The salary and benefit costs for the fourth SRO shall be divided as follows: The CITY shall pay 25% of the estimated salary and benefits cost, as well as all ancillary costs. BSD shall pay the remaining 75% in salary and benefits costs. The 75% formula represents the (9) month school year.
7. Based on the formula above, for this term, The CITY shall contribute an estimated amount of $21,375 to each of the 3rd and 4th SRO positions. This represents 25% of estimated costs of salary and benefits for each, plus approximately $10,000 each in ancillary costs.

8. Based on the formula above, for this term, PUSD shall contribute up to, but no more than, $64,125 to the 3rd SRO position. This represents 75% of the estimated salary and benefit cost ($85,500).

9. Based on formula above, for this term, BSD shall contribute up to, but no more than, $64,125 to the 4th SRO position. This represents 75% of the estimated salary and benefit cost ($85,500).

10. The amounts to be contributed by PUSD and BSD shall be due and payable as follows: PUSD and BSD shall pay the amounts as invoiced by the CITY, on an annual basis, of the actual costs (excluding ancillary) but no more than the contribution amounts specified above, within thirty days of receiving said invoice(s). The full contribution amounts shall be paid by the end of the CITY’s fiscal year (June 30, 2012).

11. The Parties shall hold harmless, defend and indemnify each other, their agents, officers, and employees from and against all liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, arising out of their activities or those of their agents, officers, or employees under this Agreement. This indemnification obligation shall survive the expiration or termination of this Agreement.

12. It is understood and agreed that if the funding is either discontinued or reduced for specified positions, any Party shall have the right to terminate this Agreement. In such event, the affected Party shall provide the other Parties with at least sixty (60) days prior written notice of such termination.

13. It is mutually understood and agreed that the SROs at all times while carrying out this Agreement shall be acting as a CITY employee. The CITY shall retain the right to control and direct the services of the SROs pursuant to this Agreement, and shall retain the usual management rights, powers, and authority of an employer over such employees. The City will make every effort to ensure that scheduling of vacation leaves and training sessions for SRO’s are made with consideration of the needs of the two school districts.

14. Except as otherwise required by law, any notice to be given shall be in writing and shall be either personally delivered, sent by facsimile transmission, or sent by first-class mail, postage prepaid, and addressed as follows:
CITY:

City Clerk of the City of Porterville
291 N. Main Street
Porterville, CA 93257
Phone: 559-782-7442
Fax: 559-782-7452

PUSD:

Porterville Unified School District
600 W. Grand Avenue
Porterville, CA 93257
Phone: 559-793-2455
Fax: 559-793-1088

BSD:

Burton School District
264 N. Westwood
Porterville, CA 93257
Phone: 559-781-8020
Fax: 559-781-1403

Notice personally delivered is effective when delivered. Notice sent by facsimile transmission shall be deemed received upon successful transmission. Notice sent by first class mail shall be deemed received on the fifth day after mailing. Any Party may change the above address, phone number, or fax number by giving written notice pursuant to this paragraph.

15. No part of this Agreement may be assigned by any of the Parties without the prior written consent of the other Parties.

16. Termination.

   a. The right to terminate this Agreement under this provision may be exercised without prejudice to any other right or remedy to which the terminating Party may be entitled to by law or under this Agreement.

      1. This Agreement may be terminated by any Party should another Party:

         a) be adjudged bankrupt,
         b) become insolvent or have a receiver appointed,
c) make a general assignment for the benefit of creditors,

d) suffer any judgment which remains unsatisfied for 30 days and which would substantively impair the ability of the judgment debtor to perform under this Agreement, or

e) materially breach this Agreement.

2. For any occurrences except item (e), termination may be effected upon written notice by the terminating Party specifying the date of termination.

3. Upon a material breach, the Agreement may be terminated following the failure of the defaulting Party to remedy the breach to the satisfaction of the non-defaulting Party(ies) within five (5) days of written notice specifying the breach. If the breach is not remedied within the five (5) day period, the non-defaulting Party may terminate the Agreement on further written notice specifying the date of termination.

4. If the nature of the breach is such that it cannot be cured within a five (5) day period, the defaulting Party may submit a written proposal within that period which sets forth a specific means to resolve the default. If the non-defaulting parties consent to that proposal in writing, which consent shall not be unreasonable withheld, the defaulting Party shall immediately embark on its plan to cure. If the default is not cured within the time agreed, the non-defaulting Party(ies) may terminate upon written notice specifying the date of termination.

b. Effects of Termination. Termination of this Agreement shall not terminate any obligations to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports or pre-termination contract activities.

17. This Agreement represents the entire Agreement between the Parties as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of all Parties.

18. This Agreement reflects the contributions of all Parties and accordingly the provisions of Civil Code Section 1654 shall not apply to address and interpret any uncertainty.
19. Unless specifically set forth, the Parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

20. The failure of any Party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for the breach or any subsequent breach. The acceptance of any Party of either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by any other Party.

21. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or other legal authority, or is agreed by the Parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either Party is lost, the Agreement may be terminated at the option of the affected Party.

22. Each Party agrees to execute any additional documents and to perform any further acts that may be reasonably required to effect the purposes of this Agreement.

23. It is expected that this agreement will continue into coming years. In June of each year of the agreement, the Chief of Police, the Porterville Unified School District Superintendent, and the Burton School District Superintendent, or their designees, shall convene a meeting to discuss the activities of the SROs during the previous school year. If the agreement is continued, the Chief of Police shall provide the new salary and benefit cost for the position, and the new agreement will indicate the amount of funding each party shall be responsible for.
THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

CITY OF PORTERVILLE:

Ron Irish, Mayor

PORTERVILLE UNIFIED SCHOOL DISTRICT:

John Snavely, Superintendent

BURTON SCHOOL DISTRICT:

Gary Mekeel, Superintendent
EXHIBIT A

GUIDELINES AND EXPECTATION OF THE SCHOOL RESOURCE OFFICER PROGRAM

The School Resource Officer Program is a collaborative effort by the Porterville Police Department, Porterville Unified School District, and Burton School District focused on preventing juvenile delinquency, maintaining a safe school environment, and providing a positive law enforcement presence in the school community. This effort will help bridge the gap between law enforcement officers and students in order to increase positive attitudes toward law enforcement, and reduce juvenile crime.

The exclusive focus on the physical and social territory of the school is an important aspect of the SRO program. Unlike law enforcement officers who respond to school problems as a result of calls for service or 911 calls by school personnel, the SRO knows the school’s physical layout and is aware of who belongs on school property and who does not.

School Resource Officers have two main functions: law enforcement officer and advisor.

As a law enforcement officer, the SRO maintains a safe and secure school environment in which “teachers feel safe to teach and students feel safe to learn.”

The SRO acts as an advisor to students, parents, teachers and staff on the law, delinquency, violence, substance abuse, child abuse and other law enforcement related issues.

The SRO may talk to students, parents, teachers, administrators and staff about problems and concerns they may have, and help them find possible solutions through referrals to counselors or appropriate social service or legal agencies for additional support and assistance.

The most effective way an SRO can accomplish these functions is to be a positive role model and mentor. Students learn from every interaction they may have with an SRO. It is essential for an SRO to be a positive role model who endorses high moral standards, exercises good judgment and discretion, is consistent, and fair, respects students, and displays a sincere concern for the school community.

School Resource Officers must maintain a professional appearance; be visible, accessible and willing to talk to students. The SRO shall attend and participate in school activities, interact positively with students and the community, taking their concerns seriously while maintaining a supportive and positive relationship with faculty and school administrators.

The SRO is an extension of his/her agency as well as the school principal’s office, as the officer’s duties are comprised of both law enforcement and education. The SRO reports to both his/her agency commander and the school principal. Although the SRO will not serve as a disciplinarian, and disciplining students will remain the responsibility of the school faculty and administrators, the SRO will serve as a means for establishing cooperation, order and safety so that learning can take place, the business schools are about. This does not prevent the SRO from taking action in his/her official capacity.
Duties and expectations of the SRO shall include, but not be limited to the following:

- To protect lives and property for the citizens and public school students.
- To enforce Federal, State and Local criminal laws and ordinances, and to assist school officials with the enforcement of Board of Education Policies and Administrative Regulations regarding student conduct.
- To investigate criminal activity committed on or adjacent to school property.
- To counsel public school students in special situations, such as students suspected of engaging in criminal misconduct, when requested by the principal or the principal's designee or by the parents of the student.
- To assist other law enforcement officers with outside investigations concerning students attending the school(s) to which the SRO is assigned.
- To provide security for special school events or functions, such as PTA meetings, at the request of the principal or other school official.
- To prevent juvenile delinquency through close contact with students and school personnel.
- To establish liaison with school principals, faculty, and students.
- To inform the students of their rights and responsibilities as lawful citizens.
- To provide liaison between students and social agencies which provide needed services.
- To participate in campus activities when invited and feasible.
- To be aware at all times of the responsibility to improve the image of the uniformed law enforcement officer in the eyes of the students and the community.
- To confer with the principal to develop plans and strategies to prevent and/or minimize dangerous situations on or near the campus or involving students at school-related activities.
COUNCIL AGENDA: JUNE 21, 2011

SUBJECT: RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS UNDER PROP 84

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

Under previous direction from Council, the City of Porterville is preparing a grant application for funding under the Prop 84 Statewide Park Program for the Heritage Ballfields project. It is requested that Council approve the attached resolution to fulfill the application submission requirements.

RECOMMENDATION: That Council adopt the respective resolution approving the application for Statewide Park Program grant funds for the Heritage Ballfields project.

ATTACHMENTS: - Resolution approving the Prop 84 Statewide Park Program Grant Application for the Heritage Ballfields project.

Director [Signature] Appropriated/Funded [Signature] City Manager [Signature] ITEM NO.: 7
RESOLUTION NO: _________-2011

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING THE APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Program, setting up necessary procedures governing the Application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) before submission of said application(s) to the State; and

WHEREAS, the applicant will enter into a contract with the State of California to complete the grant scope project;

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

Approves the filing of an application for the Heritage Ballfield project, and

1. Certifies that said applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

2. Certifies that the applicant has or will have sufficient funds to operate and maintain the project(s), and

3. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

4. Delegates the authority to the Director of Parks & Leisure Services Department, to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope; and

5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

Approved and adopted the 21st day of June, 2011.

________________________________________
Ronald L. Irish, Mayor

ATTEST:
John Lollis, City Clerk

________________________________________
By: Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: June 21, 2011

SUBJECT: APPROVAL OF 2011 CITY OF PORTERVILLE FEDERAL TRANSIT ADMINISTRATION TITLE VI REPORT UPDATE

SOURCE: Public Works Department - Transit

COMMENT: The 2011 City of Porterville Federal Transit Administration Title VI Report Update has been prepared in response to the Federal Transit Administration (FTA) requirements set forth in the FTA Circular 4702.1A (dated May 13, 2007), pertaining to compliance with Title VI provisions of the 1965 Civil Rights Act.

The City of Porterville receives federal financial assistance through the FTA’s Urbanized Area Formula Program (Section 5307). These funds are used by the City to operate its fixed route (Porterville Transit) and demand-response (COLT) transit services. The City is therefore required to submit a Title VI Report to the FTA once every three (3) years.

On May 3, 2011, the City received a letter from the FTA Regional Civil Rights Officer notifying the City that its Title VI Program Report dated November 2009, did not adequately address critical elements as identified in FTA’s Title VI Circular. Those elements identified as missing are: (1) a Limited English Proficiency four factor analysis and language assistance plan, (2) a copy of the City’s Title VI complaint form, and (3) a copy of the City’s Title VI notification and a description on how the City notifies the public of Title VI protections.

The City reviewed its current 2009 Title VI Report and prepared this 2011 Title VI Report Update so as to be consistent with current FTA guidelines for Title VI compliance as set forth in FTA Circular 4702.1A.

RECOMMENDATION: That the City Council approve the 2011 Title VI Program Update and authorize City staff to submit the program to the FTA for approval on behalf of the City.

ATTACHMENT: 2011 Title VI Program Update

Appropriated/Funded N/A CM Item No. 8
City of Porterville

Federal Transit Administration
2011 Title VI Program Update

June 2011

Prepared for
City of Porterville
291 N. Main Street
Porterville, California 93257
(559) 782-7448

Prepared by
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Charles Clouse, AICP, PTP, Principal
Steven Castaneda, P.E., Sr. Transportation Engineer
Nabor Solorio, Graphic Designer

S:\Projects\94-189.8\Work Product\2011 Title VI Update\DRAFT 2011 Title VI Update.doc
RECIPIENT INFORMATION

RECIPIENT: City of Porterville (City)
             Urbanized Area (population under 200,000)

TITLE VI REPORT PROGRAM DATE: June 2011

TITLE VI UPDATE: Adopted by Porterville City Council
                  on June 21, 2011

TITLE VI PROGRAM DETERMINATIONS: 2009 Triennial Audit Findings: No Deficiencies

CONTACT INFORMATION: Richard Tree*
                      City of Porterville
                      291 N. Main St.
                      Porterville, California  93257
                      richardtree@portervilletransit.com
                      Phone:  (559) 359-5432
                      Fax:      (559) 781-6437

* In Association with Linda Clark
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TITLE VI SUMMARY

This 2011 Title VI Report Update has been prepared for the City of Porterville (herein referenced as the "City") in response to the Federal Transit Administration (FTA) requirements set forth in the FTA Circular 4702.1A (dated May 13, 2007), pertaining to compliance with Title VI provisions of the 1964 Civil Rights Act. The purpose of FTA C 4702.1A, is to provide recipients and subrecipients of FTA financial assistance with guidance and instructions necessary to carry out the U.S. Department of Transportation (DOT) Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department’s Order on Environmental Justice (Order 5610.2), and Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (“LEP”) Persons (70 FR 74087, December 14, 2005). FTA C 4702.1A supersedes FTA Circular 4701.2, “Title VI Program Guidelines for Federal Transit Administration Recipients”, dated May 26, 1988.

For additional information regarding this 2006 Title VI Report, or to request special assistance, please contact:

City of Porterville
291 North Main Street
Porterville, California 93257
Phone: (559) 782-7466
Fax: (559) 781-6437
Attn: Richard Tree, Transit Manager
1. INTRODUCTION

1.1 General Information

The American Civil Rights Act of 1964 provides a comprehensive framework and approach for ending discrimination against persons based on race, color, and national origin. The stated goals of Title VI of the Civil Rights Act are included below.

TITLE VI – NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Section 601
No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Section 602
Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of issuance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to the section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any receipt as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such non-compliance has been so found, or (2) by any other means authorized by law: Provided, however, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the federal department or agency shall file with committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.
Section 603

Any department or agency action taken pursuant to section 602 shall be subject to such jurisdictional review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

Section 604

Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

Section 605

Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

1.2 Purpose

The City of Porterville (herein referred to as the “City”) provides public transportation within the Porterville Urbanized Area. As a public transportation provider, the City has an obligation to uphold the provisions of the American Civil Rights Act of 1964 and a responsibility to ensure that its transit operations are carried out in a non-discriminatory manner.

The City receives Federal financial assistance through the FTA’s Urbanized Area Formula Program (Section 5307). These funds are used by the City to operate its fixed route (Porterville Transit) and demand-response (City Operated Local Transit - COLT) transit services. The City is therefore required to submit a Title VI Report to the FTA once every three (3) years. This report contains information on existing transit services provided by the City of Porterville. In addition, because the 2010 Census results have not been published by the printing date of this report, it describes the demographic profile of the Porterville area, based on 2000 U.S. Census data.

This Title VI report has been prepared for the City to be consistent with current Federal Transit Administration (FTA) guidelines for Title VI compliance as set forth in FTA Circular 4702.1A, dated May 13, 2007.
1.3 Scope

The City of Porterville Title VI Program detailed in this report only applies to the City of Porterville transit system. This report contains information on the existing fixed route and demand-response transit services provided by the City.

This report was prepared in response to an FTA request, received on May 3, 2011, following a review of the prior 2009 Title VI Report. See Section 1.6 for more details.

1.4 Objectives

This City of Porterville Title VI Program Update details activities conducted by the City within the last two years to meet the objectives of Title VI in the provision of transit services. The objectives of the City of Porterville Title VI Program are identical to the objectives stated in Chapter II of FTA Circular 4702.1A:

a) Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;

b) Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;

c) Promote the full and fair participation of all affected populations in transportation decision making;

d) Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;

e) Ensure meaningful access to programs and activities by persons with limited English proficiency.

1.5 Title VI Requirements

Chapters III and IV of FTA Circular 4702.1A outline the general reporting requirements that all recipients and sub-recipients of FTA funds must follow in order to comply with Title VI regulations. These general requirements are discussed within Section 4 of this report, and are as follows:

1) Provide annual Title VI certification and assurances;
2) Develop Title VI complaint procedures;
3) Record Title VI investigations, complaints and lawsuits;
4) Provide meaningful access to Limited English Proficient (LEP) persons;
5) Notify beneficiaries of the protections under Title VI;
6) Provide additional information upon request to FTA;
7) Prepare and submit a Title VI Program;
8) Conduct an analysis of construction projects;
9) Promote inclusive public participation.

The City does not provide service in an area with a population of 200,000 or more, so they are not subject to the “program-specific” requirements for recipients serving large urbanized areas, as outlined in Chapter V of the FTA Circular 4702.1A.

1.6 Latest Title VI Reviews

In May 2009, FTA conducted a Triennial Performance Review of the Porterville transit system. The FTA reviewer issued a finding of “no deficiencies” with regards to the City of Porterville’s Title VI Program as it relates to FTA requirements for Title VI.

On May 3, 2011, the City received a letter for Christopher MacNeith, FTA Regional Civil Rights Officer, which notified the City that its Title VI program report dated November 2009, was missing or did not adequately address critical elements as identified in FTA’s Title VI Circular (4702.1 A). The items missing and Porterville’s point-by-point corrective actions are listed below:

1. “Submit Limited English Proficiency (LEP) four factor analysis and language assistance plan (including description of how the factors are addressed, where data was obtained, and results)”

The City has included the entire City LEP program with Section 4 of this report.

2. “Submit a Copy of the recipient’s Title VI complaint procedures.”

The City has include a copy of its Title VI complain procedures within Section 4 of this Report.

3. “Submit a copy of the recipient’s Title VI notification and describe how the recipient notifies the public of Title VI protections”

The City has included a copy of its Title VI notification and a description of how it notifies the public of Title VI protections within Section 4 of this Report.
2. DESCRIPTION OF PORTERVILLE TRANSIT SERVICE

2.1 Organization and Structure of Service

The City of Porterville operates and administers the Porterville Transit service. Transit service in Porterville dates back to 1980 when the City began offering curb-to-curb demand-response service to the general public through Dial-A-COLT (City Operated Local Transit), or COLT. The City currently operates Porterville Transit as its fixed route service and COLT as its demand-response service. Management of Porterville Transit and COLT is an integrated function of the City. The City Manager’s office is responsible for the overall management of the system. Program management is provided by the department’s Administrative Analyst. The Administrative Analyst is responsible for contract administration, capital acquisition, monitoring, planning and marketing of the system. She also acts as a liaison to the Tulare County Association of Governments (TCAG), Caltrans, and the FTA. The City’s Public Works Department is responsible for the maintenance of the transit fleet, through its Field Services Division.

The Porterville City Council is the policy-making body for the Porterville Transit and COLT services. It adopts all transit related plans, and through the City’s annual budgetary process, establishes operational and funding levels for the system. The City Council also sets the operational policies and parameters for both systems.

The Porterville City Council appointed a Transit Advisory Committee (TAC), in accordance with the Transportation Development Act (state law), to review the transit service for compliance and productivity, and make recommendations for improvements. The TAC played an integral part in the development of the City of Porterville Title VI Program.

Porterville Transit currently offers eight (8) fixed routes. Fixed routes are comprised of a system of designated transportation services for which a public transportation vehicle is operated along a prescribed route according to a fixed schedule. Each route is a one-way loop operating on a timed-transfer system. A timed-transfer system allows passengers the ability to interchange from one route, or transit vehicle, to another route within a specified time period (i.e. half an hour), in order to continue a trip.

All Porterville Transit routes begin and end service at the downtown Transit Center. Routes 1 through 6 currently operate on 40-minute headways. Routes 7 and 8 operate every hour and twenty minutes, alternating one bus between the two routes. Route 8 was introduced into service in August of 2008, to better serve the growing northeast sector of Porterville’s service area. Prior to Route 8, Route 7 served both northeast and northwest Porterville with a smaller range.

COLT provides service for passengers preferring the convenience of curb-to-curb transportation due to age, disability, or distance from a transit route. COLT is available to the general public on a “wait-list” basis, but its first priority is to provide service for seniors and disabled persons (as defined by the Americans with Disabilities Act of 1990 -
Until February of 2008, COLT service was restricted to seniors (age 62 and older) and disabled persons.

The City has contracted with Sierra Management, a local private contractor, to perform the daily operations of both Porterville Transit and COLT since July of 1994. Sierra Management is responsible for the day-to-day operations management; hiring, testing, training and supervision of all drivers and dispatch staff; fare collection; collection of ridership data; and the operation of Porterville Transit and COLT vehicles in accordance with City policies and all state and federal regulations.

2.2 Service Area

The City of Porterville is located within Tulare County which is part of the Central San Joaquin Valley of California. Porterville lies at the base of the Sierra Nevada Mountain Range, and is approximately 60 miles northeast of Bakersfield, 30 miles southeast of Visalia, 165 miles northeast of Los Angeles, and 254 miles southeast of San Francisco. The City's sphere of influence includes rural areas surrounding the incorporated city and an urban area known as East Porterville.

As of the 2000 U.S. Census, the estimated population of the Porterville Urbanized Area was 60,261 persons, 39,615 of which resided within the city limits. Of this City population, approximately 49% of the population was Hispanic, and roughly 25% of the population earned an income below the poverty level. According to the California Department of Finance and based on preliminary U.S. Census 2010 data, the estimated population for the City of Porterville was 54,165 persons as of April 1, 2010.

Porterville Transit and COLT services are provided within the city limits and to designated unincorporated urban areas of the county, including "county islands" within the city limits. Service to county areas is provided under a service agreement between the City and the County.

Porterville Transit operates primarily within the City of Porterville. Porterville Transit routes are reviewed annually and rerouted (as needed) to better serve Porterville's transit dependent. The routes are described below, and depicted in Figure 1 – Porterville Transit Route Map & Schedule.

Route 1: Serves central and west Porterville, including Sierra View District Hospital, Porterville High School, and commercial/business areas along Olive and Morton.

Route 2: Serves northwest Porterville, including Monache High School, commercial/business areas along Henderson, Westfield, and north Main Street.
Route 3: Serves eastern portions of Porterville, including Granite Hills High School and unincorporated residential areas.

Route 4: Serves southeastern portions of Porterville, including areas south of Highway 190 (Porterville Developmental Center, Porterville College, and Pioneer Junior High School), and commercial locations along south Main Street.

Route 5: Serves central and west Porterville, including commercial/business areas along Henderson and north Main.

Route 6: Serves central and south Porterville, including Sierra View District Hospital, Porterville High School, commercial areas along south Jaye Street, and the Family HealthCare Network.

Route 7: Serves northwest Porterville, including the Porterville Adult School, Sequoia Middle School, and residential areas along Indiana.

Route 8: Serves northeast Porterville, including the County Courthouse, and Citrus High School.

The COLT service area covers approximately 28.4 square miles of urban Porterville and its unincorporated county areas. The City of Porterville is responsible for service within the incorporated City limits, and provides service within designated County of Tulare urban areas under a funding and service agreement with the County. See Figure 2 – Service Area Boundary Map.

Under ADA provisions, each entity operating a fixed route service “shall provide complementary paratransit service to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route”. The City of Porterville currently meets the criteria for comparable paratransit service within its jurisdictional boundaries through COLT service. See Figure 3 – Paratransit Service Area Map.

2.3 Days and Hours of Operation

Porterville Transit provides fixed route service Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday from 9:00 a.m. to 5:00 p.m. Service is not available on Sundays, New Year’s Day, Independence Day, Thanksgiving Day, or Christmas Day. All other holidays are operated on a “Saturday schedule”.

COLT provides demand-response service during the same hours as Porterville Transit: Monday through Friday from 7:00 a.m. to 7:00 p.m. and on Saturday from 9:00 a.m. to 5:00 p.m. COLT does not operate on Sundays, New Year’s Day, Independence Day, Thanksgiving Day, or Christmas Day. All other holidays are operated on a “Saturday schedule”.

All requested trips are handled on a first come, first serve basis, with priority given to seniors, ADA and Medicare passengers.
COLT accepts reservations up to fourteen days in advance of the desired trip. Reservations are taken between the hours of 6:15 a.m. and 7:00 p.m., Monday through Friday, and from 8:15 a.m. to 5:00 p.m. on Saturdays. During after-hours, riders can leave a message requesting a trip for the following day. When scheduling a pick-up, customers are advised of their approximate pickup time and every effort is made to pick up the customer as soon as reasonable possible. Most passengers are picked up within one-half hour of call-in.

2.4 Fare Structure

Porterville Transit has a one-way fare of $1.25 Timed transfers are free if used within 30 minutes, but are not valid for return trips or stop-overs. Children, age 4 and under, ride for free when accompanied by an adult (two children per adult). Seniors, 62 years of age and older, disabled passengers, and Medicare card holders ride for 50¢ between the hours of 9:00 a.m. and 1:00 p.m. Monday through Saturday. Monthly passes, good for unlimited rides, are available for $36.00.

COLT has a one-way fare of $1.50 for seniors (62 years of age and older), ADA-certified passengers, and Medicare card holders. Riders must present identification proving eligibility, which can include driver’s license, ADA ID card, and Medicare card. Personal care attendants are allowed to ride for free when accompanying a disabled passenger (ADA registrant). General passengers ride for $3.00 (one-way).

2.5 Ridership

Ridership on Porterville’s fixed route service has decreases by approximately 11% over the last fiscal year (since the last Title VI report, dated November 2009); Ridership on Porterville Transit totaled 555,630 in FY 2008/09, and 498,520 in FY 2009/10. The average monthly ridership in FY 2009/10 was 41,535 passengers. The month with the highest recorded ridership was October 2009, with 51,684 passengers. The month with the lowest recorded ridership was June 2010, with 32,591 passengers.

Ridership on the demand-response service has decreased by approx. 25% over the last fiscal year due to the City’s continuing efforts to shift passengers from the more costly DAR service to the fixed route. Ridership on COLT totaled 20,283 in FY 2008/09, and 15,202 in FY 2009/10. The average monthly ridership in FY 2009/10 was 1,267 persons. The month with the highest recorded ridership was September, with 1,380 passengers. The month with the lowest recorded ridership was November, with 1,131 passengers.

2.6 Trolley Service

The City owns a 20-passenger trolley bus which is used to transport passengers from downtown Porterville to and from special or promotional events, as a shuttle service to difficult-to-serve areas, and for special holiday service. All Trolley routes and services are currently being re-evaluated.
3. PORTERVILLE DEMOGRAPHIC INFORMATION

As the official 2010 U.S. Census data was not available at the development of this report, the demographic data contained herein was extracted from the 2000 U.S. Census. All mapped information is based on U.S. Census Tract data. It is important to note that a complete demographic profile for the Porterville urbanized area is not available, so the demographic information for the City of Porterville (incorporated city) has been utilized throughout this Title VI Report; this report does not include population demographics for the surrounding urban areas.

3.1 Population

As of the 2000 Census, the estimated population of the Porterville Urbanized Area was 60,261 persons, of which the City of Porterville's population totaled 39,615. According to the California Department of Finance, the current estimated population for the City of Porterville was 54,165 persons as of April 1, 2010. Figure 4—Total Population Distribution shows the breakdown of 2000 Census population data by Census Tract. The 2000 Census revealed that roughly 51% of the Population in the City of Porterville is female (20,171) and 49% is male (19,444).

3.2 Age Structure

Table 1: Population Distribution by Age

<table>
<thead>
<tr>
<th>Age</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 5 years</td>
<td>3,759</td>
<td>9.5%</td>
</tr>
<tr>
<td>5 to 9 years</td>
<td>3,919</td>
<td>9.9%</td>
</tr>
<tr>
<td>10 to 14 years</td>
<td>3,684</td>
<td>9.3%</td>
</tr>
<tr>
<td>15 to 19 years</td>
<td>3,598</td>
<td>9.1%</td>
</tr>
<tr>
<td>20 to 24 years</td>
<td>2,882</td>
<td>7.3%</td>
</tr>
<tr>
<td>25 to 34 years</td>
<td>5,541</td>
<td>14.0%</td>
</tr>
<tr>
<td>35 to 44 years</td>
<td>5,559</td>
<td>14.0%</td>
</tr>
<tr>
<td>45 to 54 years</td>
<td>4,439</td>
<td>11.2%</td>
</tr>
<tr>
<td>55 to 59 years</td>
<td>1,376</td>
<td>3.5%</td>
</tr>
<tr>
<td>60 to 64 years</td>
<td>1,120</td>
<td>2.8%</td>
</tr>
<tr>
<td>65 to 74 years</td>
<td>1,738</td>
<td>4.4%</td>
</tr>
<tr>
<td>75 to 84 years</td>
<td>1,402</td>
<td>3.5%</td>
</tr>
<tr>
<td>85 years and over</td>
<td>598</td>
<td>1.5%</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, Census 2000, Table DP-1

The median age within the City of Porterville is 28.6 years.
3.3 Ethnicity

Table 2: Population Distribution by Race

<table>
<thead>
<tr>
<th>Race</th>
<th>Count</th>
<th>Percent</th>
<th>Figure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucasian (Non-Hispanic)</td>
<td>16,649</td>
<td>42.0%</td>
<td>see Fig. 6</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>19,589</td>
<td>49.5%</td>
<td>see Fig. 7</td>
</tr>
<tr>
<td>Asian</td>
<td>1,761</td>
<td>4.5%</td>
<td>see Fig. 8</td>
</tr>
<tr>
<td>Black or African American</td>
<td>406</td>
<td>1.0%</td>
<td>see Fig. 9</td>
</tr>
<tr>
<td>American Indian and Alaska Native</td>
<td>378</td>
<td>1.0%</td>
<td>see Fig. 10</td>
</tr>
<tr>
<td>Native Hawaiian and Other Pacific Islander</td>
<td>28</td>
<td>0.1%</td>
<td>see Fig. 11</td>
</tr>
<tr>
<td>Other Ethnicities</td>
<td>804</td>
<td>2.0%</td>
<td>see Fig. 12</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, Census 2000, Summary File 1 (SF 1)

The majority of the population within the City of Porterville is Hispanic (49%). Based on reported counts, Caucasian (Non-Hispanic) persons make up about 42% of the total population, and are considered a minority race with respect to the Hispanic population.

3.4 Education

Table 3: Educational Attainment (Population 18 to 24 Years of Age)

<table>
<thead>
<tr>
<th>Education Level</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than high school graduate</td>
<td>1,972</td>
<td>45.5%</td>
</tr>
<tr>
<td>High school graduate (incl. equivalency)</td>
<td>1,147</td>
<td>26.5%</td>
</tr>
<tr>
<td>Some college or Associate degree</td>
<td>1,140</td>
<td>26.3%</td>
</tr>
<tr>
<td>Bachelor's degree or higher</td>
<td>76</td>
<td>1.8%</td>
</tr>
<tr>
<td>Total:</td>
<td>4,335</td>
<td></td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, Census 2000, Summary File 3 (SF 3)

Table 4: Educational Attainment (Population 25 Years and Over)

<table>
<thead>
<tr>
<th>Education Level</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than high school graduate</td>
<td>8,336</td>
<td>38.3%</td>
</tr>
<tr>
<td>High school graduate (incl. equivalency)</td>
<td>5,043</td>
<td>23.1%</td>
</tr>
<tr>
<td>Some college or Associate degree</td>
<td>6,008</td>
<td>27.6%</td>
</tr>
<tr>
<td>Bachelor's degree or higher</td>
<td>2,404</td>
<td>11.0%</td>
</tr>
<tr>
<td>Total:</td>
<td>21,791</td>
<td></td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, Census 2000, Table DP-2
Table 5: Population by Type of School Enrollment (Population 3 Years and Over)

<table>
<thead>
<tr>
<th>Current Education Level</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enrolled in nursery school, preschool</td>
<td>453</td>
<td>3.4%</td>
</tr>
<tr>
<td>Enrolled in elementary school (K-8th)</td>
<td>7,239</td>
<td>55.0%</td>
</tr>
<tr>
<td>Enrolled in high school</td>
<td>3,208</td>
<td>24.4%</td>
</tr>
<tr>
<td>Enrolled in college or graduate school</td>
<td>2,266</td>
<td>17.2%</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>13,166</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, Census 2000, Table DP-2

3.5 Employment

Table 6: Population by Occupation (Civilian Population 16 Years and Over)

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management, business, and financial operations</td>
<td>1,088</td>
<td>7.7%</td>
</tr>
<tr>
<td>Professional and related occupations</td>
<td>2,656</td>
<td>18.8%</td>
</tr>
<tr>
<td>Healthcare support occupations</td>
<td>402</td>
<td>2.8%</td>
</tr>
<tr>
<td>Protective service occupations</td>
<td>429</td>
<td>3.0%</td>
</tr>
<tr>
<td>Food preparation and serving related occupations</td>
<td>750</td>
<td>5.3%</td>
</tr>
<tr>
<td>Building and grounds cleaning and maintenance occupations</td>
<td>462</td>
<td>3.3%</td>
</tr>
<tr>
<td>Personal care and service occupations</td>
<td>448</td>
<td>3.2%</td>
</tr>
<tr>
<td>Sales and related occupations</td>
<td>1,248</td>
<td>8.8%</td>
</tr>
<tr>
<td>Office and administrative support occupations</td>
<td>2,096</td>
<td>14.8%</td>
</tr>
<tr>
<td>Farming, fishing, and forestry occupations</td>
<td>1,505</td>
<td>10.6%</td>
</tr>
<tr>
<td>Construction, extraction, and maintenance occupations</td>
<td>1,148</td>
<td>8.1%</td>
</tr>
<tr>
<td>Production occupations</td>
<td>926</td>
<td>6.5%</td>
</tr>
<tr>
<td>Transportation and material moving occupations</td>
<td>994</td>
<td>7.0%</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>14,152</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, Census 2000, Summary File 3 (SF 3)
3.6 Income

Table 7: Households by Income Distribution (in 1999)

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $20,000</td>
<td>3,717</td>
<td>31.1%</td>
</tr>
<tr>
<td>$20,000 to $29,999</td>
<td>1,875</td>
<td>15.7%</td>
</tr>
<tr>
<td>$30,000 to $39,999</td>
<td>1,556</td>
<td>13.0%</td>
</tr>
<tr>
<td>$40,000 to $49,999</td>
<td>1,108</td>
<td>9.3%</td>
</tr>
<tr>
<td>$50,000 to $74,999</td>
<td>2,142</td>
<td>17.9%</td>
</tr>
<tr>
<td>$75,000 to $99,999</td>
<td>977</td>
<td>8.2%</td>
</tr>
<tr>
<td>$100,000 to $124,999</td>
<td>291</td>
<td>2.4%</td>
</tr>
<tr>
<td>$125,000 to $149,000</td>
<td>139</td>
<td>1.2%</td>
</tr>
<tr>
<td>$150,000 to $199,999</td>
<td>82</td>
<td>0.7%</td>
</tr>
<tr>
<td>$200,000 or more</td>
<td>76</td>
<td>0.6%</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>11,963</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, Census 2000, Summary File 3 (SF 3)

The median household income in the City of Porterville is $32,046, and the per capita income is $12,745. In 2000 the official poverty level was an annual income of $17,463 for a family of four; approximately 22% of all households, or 9,921 residents, live below the poverty level (see Figure 12 – Persons Below Poverty Level Population Distribution).

3.7 Marital Status

Table 8: Marital Status (Population 15 Years and Over)

<table>
<thead>
<tr>
<th>Status</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single (never married)</td>
<td>7,724</td>
<td>27.2%</td>
</tr>
<tr>
<td>Married</td>
<td>16,326</td>
<td>57.4%</td>
</tr>
<tr>
<td>Widowed</td>
<td>1,632</td>
<td>5.7%</td>
</tr>
<tr>
<td>Divorced</td>
<td>2,754</td>
<td>9.7%</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>28,436</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, Census 2000, Summary File 3 (SF 3)
3.8 Housing

Table 9: Household by Type

<table>
<thead>
<tr>
<th>Type</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family households</td>
<td>9,170</td>
<td>77.2%</td>
</tr>
<tr>
<td>Married-couple families</td>
<td>6,310</td>
<td></td>
</tr>
<tr>
<td>Female householder</td>
<td>2,099</td>
<td></td>
</tr>
<tr>
<td>Non-family households</td>
<td>2,714</td>
<td>22.8%</td>
</tr>
<tr>
<td>Single (living alone)</td>
<td>2,266</td>
<td></td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td>11,884</td>
<td></td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, Census 2000, Table DP-1

The average household size within the City of Porterville is 3.20 and the average family size is 3.62.

Table 10: Housing Occupancy

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupied</td>
<td>11,884</td>
<td>93.6%</td>
</tr>
<tr>
<td>Vacant</td>
<td>807</td>
<td>6.4%</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td>12,691</td>
<td></td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, Census 2000, Table DP-1

The homeowner vacancy rate within the City of Porterville is 2.0% and the rental vacancy rate is 7.2%.

Table 11: Housing Tenure

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner-occupied</td>
<td>6,698</td>
<td>56.4%</td>
</tr>
<tr>
<td>Renter-occupied</td>
<td>5,186</td>
<td>43.6%</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td>11,884</td>
<td></td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, Census 2000, Table DP-1

The average household size of owner-occupied units within the City of Porterville is 3.19 and the average household size of renter-occupied units is 3.20.

3.9 Analysis of Transit Service to Minority Group Populations

Caucasian Non-Hispanic Population

The 2000 U.S. Census data indicates that Caucasian Non-Hispanic persons comprise approximately 42% of the total population within the City of Porterville.
For this reason Caucasian Non-Hispanics, while not traditionally recognized as a minority group, have been analyzed in this study.

*Figure 5* identifies the total number of Caucasian Non-Hispanic persons residing within each census tract. Proportionally, this ethnic population when examined with the total population size of each census tract shows a relatively even distribution of Caucasian Non-Hispanic persons throughout the City of Porterville. There are no isolated or enclave populations of this minority group within the City of Porterville.

The Caucasian Non-Hispanic population is being adequately served by both the fixed route and demand response services. The current Porterville Transit system includes at least one bus route with scheduled stops to serve each of the census tracts within the entire service area. COLT operates curb-to-curb service throughout the entire service area for seniors and individuals who are ADA eligible.

**Hispanic or Latino Population**

The 2000 U.S. Census data indicates that Hispanic or Latino persons comprise approximately 49% of the total population within the City of Porterville. This ethnic group has become the majority race within the City of Porterville. Traditionally, persons of Hispanic decent have been categorized as belonging to a minority group, and so the Hispanic population has been examined in this study.

*Figure 6* identifies the total number of Hispanic persons residing within each census tract. Proportionally, this ethnic population when examined with the total population size of each census tract shows the majority of Hispanic persons residing in the east, northeast, south, and central regions of the City of Porterville. There are no isolated or enclave populations of this minority group within the City of Porterville.

The Hispanic or Latino population is being adequately served by both the fixed route and demand response services. The current Porterville Transit system includes at least one bus route with scheduled stops to serve each of the census tracts within the entire service area. COLT operates curb-to-curb service throughout the entire service area for seniors and individuals who are ADA eligible.

**Asian Population**

The 2000 U.S. Census data indicates that Asian persons comprise approximately 4% of the total population within the City of Porterville. For this reason, this group has been recognized as a minority group and has been analyzed in this study.
Figure 7 identifies the total number of Asian persons residing within each census tract. Proportionally, this minority population when examined with the total population size of each census tract shows a relatively even distribution of Asian persons throughout the City of Porterville. A slightly larger proportion of Asian and Pacific American persons reside in the center of the City. There are no isolated or enclave populations of this minority group within the City of Porterville.

The Asian population is being adequately served by both the fixed route and demand response services. The current Porterville Transit system includes at least one bus route with scheduled stops to serve each of the census tracts within the entire service area. COLT operates curb-to-curb service throughout the entire service area for seniors and individuals who are ADA eligible.

Black or African American Population

The 2000 U.S. Census data indicates that Black or African American persons comprise approximately 1% of the total population within the City of Porterville. For this reason, this group has been recognized as a minority group and has been analyzed in this study.

Figure 8 identifies the total number of Black or African American persons residing within each census tract. Proportionally, this minority population when examined with total population size of each census tract shows the majority of Black or African American persons residing in the southeast region of the City of Porterville. There are smaller populations of Black or African Americans spread throughout the remaining regions of the City. However, there are no isolated or enclave populations of this minority group within the City of Porterville.

The Black or African American population is being adequately served by both the fixed route and demand response services. The current Porterville Transit system includes at least one bus route with scheduled stops to serve each of the census tracts within the entire service area. COLT operates curb-to-curb service throughout the service area for seniors and individuals who are ADA eligible.

American Indian and Alaska Native Population

The 2000 U.S. Census data indicates that American Indian and Alaska Native persons of comprise approximately 1% of the total population within the City of Porterville. For this reason, this group has been recognized as a minority group and has been analyzed in this study. Figure 9 identifies the total number of American Indian and Alaska Native persons residing within each census tract. Proportionally, this minority population when examined with the total population size of each census tract shows a relatively even distribution of American Indian and Alaska Native persons throughout the City of Porterville. There are no isolated or enclave populations of this minority group within the City of Porterville.
The American Indian and Alaska Native population is being adequately served by both the fixed route and demand response services. The current Porterville Transit system includes at least one bus route with scheduled stops to serve each of the census tracts within the entire service area. COLT operates curb-to-curb service throughout the entire service area for seniors and individuals who are ADA eligible.

**Native Hawaiian and Other Pacific Islander Population**

The 2000 U.S. Census data indicates that Native Hawaiian and persons of other Pacific Islander decent comprise approximately 0.1% of the total population within the City of Porterville. For this reason, this group has been recognized as a minority group and has been analyzed in this study.

*Figure 10* identifies the total number of Native Hawaiian and persons of other Pacific Islander decent residing within each census tract. Proportionally, this minority population when examined with the total population size of each census tract shows the majority of Native Hawaiian and persons of other Pacific Islander decent residing in the east, northeast, west, and southwest regions of the City of Porterville. There are no isolated or enclave populations of this minority group within the City of Porterville.

The population of Native Hawaiian and persons of other Pacific Islander decent is being adequately served by both the fixed route and demand response services. The current Porterville Transit system includes at least one bus route with scheduled stops to serve each of the census tracts within the entire service area. COLT operates curb-to-curb service throughout the entire service area for seniors and individuals who are ADA eligible.

**Other Ethnicities**

The 2000 U.S. Census data indicates that persons of ethnic decent other than those previously mentioned comprise approximately 2% of the total population within the City of Porterville. For this reason, the other ethnicities, a group which is a culmination of persons with varying backgrounds, has been recognized as a minority group and has been analyzed in this study.

*Figure 11* identifies the total number of other ethnic persons residing within each census tract. Proportionally, this minority population when examined with the total population size of each census tract shows a relatively even distribution of other ethnic persons throughout the City of Porterville. There are no isolated or enclave populations of this minority group within the City of Porterville.

The population of other ethnicities is being adequately served by both the fixed route and demand response services. The current Porterville Transit system includes at least one bus route with scheduled stops to serve each of the census tracts within the entire service area. COLT operates curb-to-curb service
throughout the entire service area for seniors and individuals who are ADA eligible.

**Persons Below Poverty Level**

The 2000 U.S. Census data indicates that approximately 25% of the total population within the City of Porterville earns an income below poverty level. For this reason, this population of persons has been recognized as a minority group and analyzed in this study.

*Figure 12* identifies the total number of persons below poverty level residing within each census tract. Proportionally, this minority population when examined with the total population size of each census tract shows the majority of persons below poverty level residing in the east, northeast, south, and central regions of the City of Porterville. There are no isolated or enclave populations of this minority group within the City of Porterville.

The population of persons below poverty level is being adequately served by both the fixed route and demand response services. The current Porterville Transit system includes at least one bus route with scheduled stops to serve each of the census tracts within the entire service area. COLT operates curb-to-curb service throughout the entire service area for seniors and individuals who are ADA eligible.
4. GENERAL REQUIREMENTS

This section discusses the general requirements of FTA's Title VI Program, as described in FTA Circular 4702.1A (Chapters III and IV). It also documents the City's Title VI Policies and compliance measures, and all updates (if any) that have been made to the City of Porterville Title VI Program since the last Title VI report dated November 2009.

4.1 Annual Title VI Certification and Assurances

To ensure compliance with 49 CFR Section 21.7, the City submits, on an annual basis, its Title VI assurance as part of their annual Certification and Assurance submission to FTA. The City collects, where applicable, Title VI assurances from its subrecipients prior to passing through FTA funds.

The City's current Annual Certification and Assurances for FY 2010/11 were submitted electronically to the FTA on February 28, 2011. A screenshot of the receipt of the latest Annual Certification and Assurance is contained within the Appendix.

4.2 Title VI Complaint Procedures

To ensure compliance with 49 CFR Section 21.9(b), the City has developed procedures for investigating and tracking Title VI complaints filed against it. These procedures for filing a complaint are available to members of the public upon request. The City of Porterville's adopted Title VI Complaint Procedures are as follows:

Title VI Policy Statement

The City of Porterville, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall, on the grounds of race, color, national origin, sex, disability, and age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

Filing a Title VI Complaint with the City

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subject to discrimination on the grounds of race, age, disability, religion, color, sex, or national origin with regard to any City of Porterville transit service, program, or facility, may file a written complaint with the City of Porterville. A complaint must be filed within 180 days after the date of the alleged discrimination, unless the time for filing is extended by the City.

All complaints alleging discrimination should be submitted in writing directly to the City Manager at the address listed below. The City's Administrative
Analyst or his/her designee shall be responsible for overseeing investigations and responses to complaints of discrimination.

City of Porterville
Attn: Transit Discrimination Complaints
291 North Main Street
Porterville, CA 93257

All complaints should include the following required information:

1) Complainant's name
2) Address
3) Phone number
4) Detailed description of the complaint/incident
5) Date
6) Time
7) Location
8) Route number (if applicable)
9) Names of witnesses
10) Any other information relevant to the complaint.

Complaints received with incomplete information may result in delayed investigations and responses. All complaints MUST be signed.

Upon receipt of a written complaint, a letter will be sent to the complainant acknowledging receipt of the complaint and providing the complainant with a contact name and phone number of the City personnel assigned to investigate the complaint.

After investigation of a complaint, a written statement of findings outlining a process for resolution of the complaint will be provided to the complainant. If no action is taken, the response will state the reasons for the decision and the procedures for the complainant to appeal the decision. City employee personnel files are confidential; therefore, specific information on disciplinary actions resulting from complaints will not be divulged.

A copy of these complaint procedures can be obtained at the City Transit Center, located at:

Porterville Transit Center
61 West Oak Avenue
Porterville, CA 93257
(559) 791-7800

For any complaint involving a project using federal transit funding, final resolution may rest with the Federal Transit Administration or the Secretary of The U.S. Department of Transportation. Individuals or organizations who
believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color, or national origin by a recipient of Federal Transit Administration funding can file an administrative complaint directly with the Federal Transit Administration’s Office of Civil Rights under Title VI of the Civil Rights Act of 1964.

* * *

In addition to the above procedures, the City has developed a Title VI Civil Rights Complaint Form. We have included this form in this report as Figure 13 — Title VI Civil Rights Complaint Form.

Porterville Transit has also posted a Title VI Notice on all its buses. Figure 14 — Porterville Transit On-Board Title VI Notice shows this notice.

4.3 Title VI Investigations, Complaints and Lawsuits

The City has not received any complaints, nor have any lawsuits been filed, or investigations been conducted (by entities other than the FTA) alleging the City of discrimination on the basis of race, color, or national origin with respect to its transit system, since the time of its last Title VI submission in 2009 or at any time during the history of the system. For this reason, the City does not have an active log of such complaints.

If such complaints were to be received, a system would be devised to maintain a log in compliance with 49 CFR §21.9(b). This list would include the date that the investigation, lawsuit, or complaint was filed, a summary of the allegation(s), the status of the investigation, lawsuit, or complaint, and actions taken by the City in response to the investigation, lawsuit, or complaint. Each complaint would be given a unique file and number to correspond with the City Clerk’s filing system.

4.4 Limited English Proficient (LEP) Plan

Per Title VI and its implementing regulations, the City has made efforts to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). LEP persons are persons for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English.
Porterville Transit

Title VI Civil Rights Complaint Form

Any person who believes that he or she, individually, or as a member of any specific class or persons, has been subject to discrimination on the grounds of race, age, disability, religion, color, sex, or national origin with regard to any City of Porterville transit service, program, or facility, may file a written complaint with the City of Porterville.

A complaint must be filed with 180 days after the date of the alleged discrimination, unless the time for filing is extended by the City.

All complaints alleging discrimination should be submitted in writing directly to the City Manager at the address listed below. The City's Administrative Analyst or his/her designee shall be responsible for overseeing investigations and responses to complaints of discrimination.

Section 1

Name:__________________________________________

Address:_____________________________________

City/State/Zipcode:_____________________________

Telephone Numbers:
(Home)__________________ (Work)_________________

Electronic Mail Address:________________________
FIGURE 13
Title VI Civil Rights Complaint Form
Page 2 of 4

Section II

Are you filing this complaint on your own behalf?

Yes ______ No ______

[If you answered "yes" to this question, go to Section III.]

If not, please supply the name and relationship of the person for whom you are complaining:

______________________________________________________________

Please explain why you have filed for a third party:

______________________________________________________________

______________________________________________________________

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.

Yes ______ No ______

Section III

Have you filed this complaint with any of the following agencies?

Transit Provider______ California Department of Transportation______

City of Porterville______ Federal Highway Administration______

Federal Transit Administration______ Other__________________________

Have you filed a lawsuit regarding this complaint? Yes____ No____

If yes, please provide a copy of the complaint form.
Section IV

What is the nature of the complaint? Include specific details such as name of the agency, names of individuals, dates, times, route numbers, witnesses, and any other information that would assist us in our investigation of your allegations. Please also provide any other documentation that is relevant to this complaint.

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________
Section V

May we release a copy of your complaint to the agency that the complaint is against?

Yes____ No____

May we release your identity to the agency that the complaint is against?

Yes____ No____

Sign here:__________________________________________________________

Date:________________________________________

[Note - your complaint cannot be accepted without a signature.]

Please mail your completed form to:

City of Porterville
Attn: Transit Discrimination Complaints
291 North Main Street
Porterville, CA 93257

Your rights in Title VI non-discrimination complaints:

Filing this complaint with the City of Porterville does not prevent you from filing a complaint with the Federal Agency providing funding to the party against which a complaint is being lodged.

For additional information on State and Federal Title VI offices, contact the City of Porterville
Title VI

KNOW YOUR RIGHTS

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in program & activities receiving Federal financial assistance (42 U.S.C. Section 2000d).

The City of Porterville is committed to practicing non-discrimination. If you believe you have been subjected to discrimination you may file a complaint with the City of Porterville.

For more information, visit us on the web at www.PortervilleTransit.com and click on the Title VI Policy Link, or by calling 762.7448
The City of Porterville has adopted the following LEP Plan to provide meaningful access to its programs and activities by persons with Limited English Proficiency, in compliance with 49 CFR §21.5(b)(7) and in accordance with the DOT’s ‘Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons’, located at 70 FR 74087 (2005). In accordance with federal guidelines, the City will periodically assess the “four-factor analysis” and update the Plan as necessary.

Needs Assessment

In order to approximate the numbers, locations, and languages of riders who would benefit from LEP services, the City compiled 2000 Census data (Summary File 3) on the primary languages spoken in households within the Porterville Transit service area. The data indicates that Spanish, at 37%, is by far the most common primary language spoken at home, other than English (at 57%). It is followed by Asian and Pacific Island languages (at 4.4%) and “other” Indo-European languages (at 1.4%). Figure 15 identifies the population of each census tract whose primary language is that other than English, and who speak English “not well” or “not at all”. This map also identifies the percentage of this population who are Spanish speakers.

On-board surveys administered for Porterville Transit and COLT in December of 2009, indicate that 32.5% of riders are of Hispanic origin, indicating a raised probability that many of these riders only speak Spanish. The survey also reflected that 61.7% of passengers are Caucasian, 2.6% are American Indian, 1.3% are Asian or Pacific Islander, and 1.1% are Black or African American.

Language Assistance

Written Language Services (translation)

The City has made every effort to translate important service notices into Spanish; announcements of major service changes are posted in Spanish at the Transit Center and on all transit vehicles. In addition, important system information, such as the transit brochure/schedule and the Porterville Transit “How to Ride Guide”, is printed and distributed in both English and Spanish.

Oral Language Services (interpretation)

The City currently maintains a Spanish-speaking employee at the Porterville Transit Center. This bilingual staff person is available during Transit Center hours to answer walk-in and phone questions from Spanish-speaking customers. Bilingual staff are also present at City Hall to help direct Spanish-speaking transit patrons.
In the past, the City has also employed bilingual (English-Spanish) surveyors to help administer on-board and phone surveys, thus ensuring access to all transit patrons.

**Staff Training**

All transit staff, as part of their new employee orientation, will be informed of passenger rights under Title VI, including the rights of passengers to have access to LEP services and to file Title VI complaints.

Management staff will be involved with, and made aware of, all future updates to the Plan, so that they can reinforce its importance and ensure its implementation by staff.

**Dissemination of Rights**

The City will prepare a short description of Title VI for passengers, including information on how to file a Title VI complaint, which will be translated into Spanish and posted at the Porterville Transit Center.

The City’s current LEP Plan was based on data from the 2000 U.S. Census. The LEP Plan will be assessed and updated (if necessary) when 2010 U.S. Census data becomes available.

### 4.5 Public Notification of Title VI Protections

To ensure compliance with 49 CFR Section 21.9(d), The City provides information to the public regarding its Title VI obligations and notifies the public of the protections against discrimination afforded to them by Title VI. The City also disseminates this information to the public through measures that include but are not limited to a posting on the agency’s website. The City’s Title VI Policy Statement is as follows:

*The City of Porterville, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall, on the grounds of race, color, national origin, sex, disability, and age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.*

The City’s Title VI policies and procedures, including instructions to the public on how to file a discrimination complaint against the system, and the City’s Language Assistance Plan, is available at City Hall. It is also posted at the Porterville Transit Center, on board all Porterville Transit and COLT buses, on the Porterville Transit website (www.portervilletransit.com), and in select printed materials, including but not limited to all City of Porterville Short Range Transit Plans.
4.6 Additional Information upon Request

At the discretion of FTA, information other than that required by FTA Circular 4702.1A may be requested, in writing, from the City to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI. The City shall provide such information to FTA in a timely manner when requested.

4.7 Title VI Program Submissions

To ensure compliance with 49 CFR Section 21.9(d), the City has adopted a policy of documenting proof of its compliance with Chapter IV of FTA Circular 4702.1A by submitting a Title VI Program to FTA's regional civil rights officer once every three years.

This submission includes, but is not limited to:

1) A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.

2) A copy of the agency's LEP Plan.

3) A copy of the agency's procedures for tracking and investigating Title VI complaints.

4) A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission.

5) A copy of the agency's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.

6) A copy of the on-board Title VI compliance notice that is posted on every Porterville Transit Bus.

The City acknowledges that its Title VI Program and/or updates shall be submitted to its FTA Regional Office once every three years. This 2011 Title VI Update serves as an update to the City of Porterville 2009 Title VI Report.

4.8 Environmental Justice Analysis of Construction Projects

According to the Title VI Guidelines for FTA Recipients, an Environmental Justice Activity is defined as:

"An action taken by a recipient or subrecipient of FTA funding to identify and address adverse and disproportionate effects of its policies, programs, or activities on minority and/or low-income populations, consistent with Executive Order 12898 and the DOT Order 5610.2 on Environmental Justice."

In order to comply with DOT Title VI regulations, 49 CFR 21.5(b)(3), and to integrate, into its environmental analyses, considerations expressed in the DOT Order of
Environmental Justice, the City has, as a general policy, prepares environmental justice analyses of all FTA funded new construction and major rehabilitation or renovation projects (one that significantly changes the use, design, scale, or footprint of a facility) as part of that project's environmental documentation.

As evidence, the City has included related details below concerning transit-related construction projects under development since submission of the last Title VI Report, Dated November 2009.

* * *

**Construction Projects Completed or Under Development**

| Project: | Downtown Transit Center, Porterville, CA |
| FTA Grant Number: | |
| Finding: | Categorical Exclusion (CE) |
| Project Status: | Completed |

The following information was taken from the City of Porterville's 1998 Preprogramming Report and Categorical Exemption.

**ENVIRONMENTAL JUSTICE ANALYSIS**

**Project Description Summary**

Under this project, the City of Porterville developed and constructed a new downtown Transit Center to serve the transit needs of Porterville. This transit center was designed to be the focal point of transit operations for many different agencies and provides a safe, convenient place for passengers to access public transportation.

The Transit Center is composed of transit management facilities (dispatch, ticket counter, offices, etc.), extensive bus parking, and passenger amenities, such as covered waiting areas.

The long-term benefits related with having a Transit Center has outweighed short-term construction related impacts. The Transit Center has and will continue to provide increased safety and employment, shelter from weather, and more organized transit operations within the Porterville Transit service area.

**Existing Conditions**

The Porterville Transit Center (Figure 12) is located in the heart of downtown Porterville. This area is characterized by commercial uses. The surrounding land
uses include the telephone company, an U.S. Post Office, cement-paved parking lots, a large chain grocery market and drug store. None of the surrounding commercial uses are minority-owned businesses.

**Impact Assessment**

**Displacement.** At the time of development, there were no private residences on or near the site, which means minority communities were not be directly impacted by the development of the Porterville Transit Center. No known minority-owned businesses were affected by construction of this project. The site is surrounded by commercial uses which are not minority-owned.

**Aesthetics.** The project site and its surroundings lie within the downtown central business district. The project area is surrounded by commercial and retail development. The conversion of the site from its former state enhanced the visual and economic revitalization of the area; therefore the project did not degrade the existing visual character or quality of the site and its surroundings.

**Air Quality.** The City of Porterville General Plan did not identify any air quality plan in place within Porterville. The project did not conflict with, or obstruct, implementation of the San Joaquin Valley Air Pollution Control District’s (SJVAPCD) air quality plan; therefore the project did not have an impact on an air quality plan.

The pedestrian improvements associated with this project encouraged easy accessibility from the transit station and nearby parking to the downtown via walking, thereby reducing dependency on vehicle use in the downtown.

**Noise.** The construction phase of the project produced temporary increase in ambient noise levels in the project vicinity. However, this increase was short-term in duration, and was carried out in accordance with City regulations, only occurred during business hours, and only affected the downtown central business district. Operational noise impacts from the existing land uses did not increase as a result of the proposed project.

**Transportation/Traffic.** The project did not, in itself, increase traffic in or around the downtown area as transit services were active in the area before the Center was constructed.

**Project:** Bus Park & Ride Lot, Porterville, CA
**FTA Grant Number:** CA-90-Y388-00
**Finding:** Categorical Exclusion (CE)
Class II (d)(4) Transportation corridor fringe parking facilities.

**Project Status:** Completed
The following information was taken from the City of Porterville, Downtown Parking Project – Phase 2, Initial Study / Environmental Assessment. This Environmental document was certified by the Porterville City Council in July of 2005, as a Negative Declaration / Categorical Exclusion. The Final document was submitted under separate cover to FTA Region IX, along with an Application for a documented CE.

ENVIRONMENTAL JUSTICE ANALYSIS

Introduction

As defined by the California Department of Transportation, Environmental Justice in terms of transportation projects can be defined as the fair treatment and meaningful involvement of all people regardless or race, color, national origin or income, from the early stages of transportation planning and investment decision making through construction, operations and maintenance. The following analysis examines whether ethnic, minority, or low-income populations in the project area would experience disproportionately high adverse impacts as a result of the proposed project, and if they are consistent with the benefits created.

Project Description Summary

The City of Porterville expanded a previously-built public parking lot, hereafter referred to as “Phase 1”, for use by those using the public transit services at the adjacent City Transit Center. The Porterville Transit Center is an inter-modal facility providing City bus service (Porterville Transit), connections to County bus service (Tulare County Transit) and connections to Regional bus service provided by Orange Belt Stages. The project also included intersection/cross-walk improvements along Oak Avenue between Hockett Street and Division Street, in order to facilitate better/safer pedestrian access to the downtown area by those individuals who have come to Porterville via public transit.

The Bus Park & Ride Lot Project consisted of two primary elements:

1. Expansion of the Phase 1 parking lot through the addition of eleven (11) parking spaces for users of the adjacent City Transit Center.
2. Intersection improvements at Oak Avenue and Hockett Street, and Oak Avenue and Division Street to provide safer pedestrian connections to Main Street (downtown uses) for transit users.

Existing Conditions

A review of socio-economic information for the project area shows that the project site lies in the central business district of downtown Porterville. Reference to zoning and land-use maps showed that abutting existing and future neighboring land uses are/will be comprised of commercial and manufacturing categories.
Impact Assessment

The following sections review the direct impacts associated with the preferred project alternative, such as community displacement, aesthetics, air quality, noise, and transportation/traffic. These types of impacts typically are of most concern to communities because they affect people’s quality of life.

Displacement. There is no residential community or community resources affected by the proposed project. Furthermore, the project is part of the implementation of the City’s General Plan for growth in this area of Porterville.

Aesthetics. The project site and its surroundings lie within the downtown central business district. The project area is surrounded by commercial and retail development. The conversion of the site from its former state enhanced the visual and economic revitalization of the area; therefore the project did not degrade the existing visual character or quality of the site and its surroundings.

Air Quality. The City of Porterville General Plan did not identify any air quality plan in place within Porterville. The project did not conflict with, or obstruct implementation of the San Joaquin Valley Air Pollution Control District’s (SJVAPCD) air quality plan; therefore the project did not have an impact on an air quality plan.

The pedestrian improvements associated with this project encouraged easy accessibility from the transit station and nearby parking to the downtown via walking, thereby reducing dependency on vehicle use in the downtown. Similarly the parking lot provides additional parking in close proximity to the Transit Center and downtown, also facilitating more walking instead of driving. The building demolition aspect of the project was subjected to the San Joaquin Valley Air Pollution Control District’s “Asbestos Requirements for Demolitions and Renovations”.

Noise. The construction phase of the project produced temporary increase in ambient noise levels in the project vicinity. However, this increase was short-term in duration, and was carried out in accordance with City regulations, only occurred during business hours, and only affected the downtown central business district. Operational noise impacts from the existing land uses did not increase as a result of the proposed project.

Transportation/Traffic. The project did not, in itself, increase traffic in or around the downtown area. The new parking spaces afforded by the building demolition (Element No. 1) are reserved for transit riders, who would not be traveling by car in the downtown area. Furthermore, the incorporation of 20 additional parking spaces to the area served to alleviate traffic loads on the surrounding street system.
Project: Bus Maintenance Facility Expansion, Porterville, CA
FTA Grant Number: CA-90-Y472
Finding: Categorical Exclusion (CE)
Class II (d)(4) Transportation corridor fringe parking facilities.
Project Status: Completed

The following information was taken from the City of Porterville, Bus Maintenance Facility Expansion, Initial Study / Environmental Assessment. This Environmental document was certified by the Porterville City Council in August of 2006, as a Negative Declaration / Categorical Exclusion.

ENVIRONMENTAL JUSTICE ANALYSIS

Introduction

As defined by the California Department of Transportation, Environmental Justice in terms of transportation projects can be defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income, from the early stages of transportation planning and investment decision making through construction, operations and maintenance. The following analysis examines whether ethnic, minority, or low-income populations in the project area would experience disproportionately high adverse impacts as a result of the proposed project, and if they are consistent with the benefits created.

Project Description Summary

The completed project was the Corporation Yard Bus Maintenance Facility Expansion. The project extended and upgraded the existing fleet parking and washing facilities. This facilitated improved and more orderly circulation in the bus parking area and provide for future expansion of the fleet. In addition, the project included the installation of 2 slow-fill CNG fueling pumps to accommodate newly acquired CNG fueled transit buses, and allows for the gradual replacement of the entire fleet with more efficient, low-emission CNG-powered models.

The Bus Maintenance Facility Expansion project consisted of 3 primary elements:

1. Bus/employee parking improvements (including repaving, striping, drive approaches, bus stall covers, and lighting).
2. Expansion of wash rack (bus wash facility).
3. Installation of slow-fill CNG pumps.

Existing Conditions
The project site was located generally south of the southwest corner of Grand Avenue and Prospect Street in the City of Porterville. The site was comprised of the existing City Corporation Yard and abandoned portions of the neighboring City Wastewater Treatment Facility. The area immediately surrounding the project site is comprised of public, commercial and residential uses. The public uses consist of a school, a fire station, and a public park. The commercial uses consist of a mixture of general commercial and retail. The surrounding residential uses are predominantly Single Family Residential. All of the surrounding property zoned "OA" — Open Area, approximately 114 acres, is owned by the City, and includes the Corporation Yard, Recycling Center, Veterans Memorial Park, Fire Station, and Wastewater Treatment Facility.

Impact Assessment

The following sections review the direct impacts associated with the project as implemented, such as community displacement, aesthetics, air quality, noise, and transportation/traffic, and water quality. These types of impacts typically are of most concern to communities because they affect people's quality of life.

Displacement. There was no residential community or community resources affected by the proposed project. The project served to upgrade the existing facility services, but did not lead to increased use. The project did not induce population growth, displace existing housing, or necessitate the construction of new housing.

Aesthetics. The project site is mostly surrounded by the City Corporation Yard to the northeast, the sewage treatment plant to the west and additional storage ponds to the south. There is an existing oleander hedge along the fence line, partially obscuring view of the site from users of the park immediately to the east and people passing by on Prospect Street. City staff indicated that the hedge will continue to be maintained. The conversion of the site from its current underutilized use as a corporation yard and abandoned sewer ponds to a bus maintenance facility expansion had minimal impact on the existing visual character or quality of the site and its surroundings.

Air Quality. According to the California Air Resources Board, the project lies within a non-attainment area for the National Ambient Air Quality Standards (NAAQS) for ozone and particulates (PM-10). However, given the scope and scale of the project, it did not cause or contribute to any new localized carbon monoxide (CO) or particulate matter (PM) violations, or increase the frequency or severity of any existing CO or PM. All construction activities complied with SJVAPCD's Regulation VIII requirements for fugitive dust control at construction sites.

Because the project will accommodate the expansion of bus service in the city, the project theoretically resulted in an incremental reduction of pollutant generation as more drivers may find bus transportation a viable alternative.
the incorporation of CNG pumps will accommodate new, cleaner CNG buses, thus reducing overall fleet exhaust emissions.

Noise. The primary source of noise was short-term or temporary construction noises and operational noise. Construction noise is largely a function of the construction equipment used, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Construction noise levels would vary depending on construction phase, equipment type and duration of use, distance between noise source and receptor, and presence or absence of barriers between noise source and receptor. All noise generating construction activities was conducted in accordance with City noise policies.

It is expected that the transit fleet may double over the next twenty years as the system grows. This will result in an increase of approximately sixteen additional transit vehicles, which will ultimately result in an increase in noise at the site due to engine idle. However, given the project location and surrounding land uses at the Corporation Yard, this increase in noise will not result in the exposure of persons to significant noise levels in excess of applicable standards or ordinances. Moreover, the addition of sixteen buses will comprise only a small portion of the total City fleet that is maintained at the Corporation Yard.

Transportation/Traffic. The project did not, in itself, increase traffic within or around the project site. The expansion of the bus and employee parking area served to alleviate parking and circulation congestion, but did not lead to an increase in vehicle trips.

As the transit fleet grows over time, the number of localized bus trips in and out of the project site will grow gradually in direct proportion to the number of buses added to the service, but this increase in bus trips will not substantially increase traffic, and would occur with or without this project. Furthermore, the growth of the transit fleet will result in a decrease in vehicle trips throughout the community due to improved and expanded bus service.

Water Quality. The project did not have the potential to add pollutants to the water supply which would exceed water quality standards or waste discharge requirements. All drainage was integrated into the City’s existing drainage system. The project complied with City and State policies and standards related to water quality and drainage. The project accommodated new, cleaner CNG buses which may reduce present risks to water quality from gasoline spills, etc.

Water for the bus wash bay and other uses is provided by the City water system. Wash bay waste water is filtered though a grease trap constructed according to State and local regulations before being sent to the adjacent City sewage treatment plant. Waste from the grease trap is treated as a classified waste and either recycled or properly disposed of at a waste treatment facility, per State and local regulations.
Documents reviewed for the Phase I ESA conducted for the project, revealed that due to past Waste Water Treatment Plant activities, elevated concentrations of nitrates were present in the groundwater below the subject property. The expanded bus maintenance facility accommodated any remediation measures that were ordered by RWQCB, as the regulatory agency.

The project had the effect of capping the basins in the expansion area with certified “clean fill” dirt, asphalt and concrete. It was presumed and recent soils tests show, that the surface soils in the basins contain elevated concentrations of nitrate because of their past use as part of the Waste Water Treatment Plant. Capping of these surface soils would block water movement through the nitrate-laden soil and slow the migration of additional nitrate to the water table. Therefore this is not a detrimental or significant impact.

<table>
<thead>
<tr>
<th>Project:</th>
<th>Bus Maintenance Facility Expansion 2, Porterville, CA</th>
</tr>
</thead>
<tbody>
<tr>
<td>FTA Grant Number:</td>
<td>Pending</td>
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<td>Finding:</td>
<td>Pending</td>
</tr>
<tr>
<td>Project Status:</td>
<td>Design &amp; Engineering Phase</td>
</tr>
</tbody>
</table>

Although the environmental analysis and documentation for this project has not been completed, the City of Porterville expects this project to receive a documented Negative Declaration / Categorical Exclusion, should one be required.

ENVIRONMENTAL JUSTICE ANALYSIS

Project Description

The City is in the final stages of the design of a Bus Maintenance Facility Expansion project. The project will provide for additional fleet storage at the existing Bus Maintenance Facility located at the City Corporation Yard. Construction will include two additional bus canopies, and an additional slow-fill CNG fueling stubs for overnight fueling of the transit vehicles.

Existing Conditions

The project site is located generally south of the southwest corner of Grand Avenue and Prospect Street in the City of Porterville. The site currently comprises the existing City Corporation Yard and abandoned portions of the neighboring City Wastewater Treatment Facility. The area immediately surrounding the project site is comprised of public, commercial and residential uses. The public uses consist of a school, a fire station, and a public park. The commercial uses consist of a
mixture of general commercial and retail. The surrounding residential uses are predominantly Single Family Residential. All of the surrounding property zoned "OA" – Open Area, approximately 114 acres, is owned by the City, and includes the Corporation Yard, Recycling Center, Veterans Memorial Park, Fire Station, and Wastewater Treatment Facility.

Impact Assessment

The following sections review the direct impacts associated with the preferred project alternative, such as community disruption, aesthetics, air quality, noise, and transportation/traffic, safety/security, and water quality. These types of impacts typically are of most concern to communities because they affect people's quality of life.

Community Disruption and Environmental Justice. There is no residential community or community resources affected by the proposed project. The site expansion proposed by the project will serve to upgrade the existing facility services, but will not lead to increased use. The project will not induce population growth, displace existing housing, or necessitate the construction of new housing.

Aesthetics. The project site is mostly surrounded by the City Corporation Yard to the northeast, the sewage treatment plant to the west and additional storage ponds to the south. There is an existing oleander hedge along the fence line, partially obscuring view of the site from users of the park immediately to the east and people passing by on Prospect Street. City staff indicates that the hedge will continue to be maintained. The conversion of the site from its current underutilized use as a corporation yard and abandoned sewer ponds to a bus maintenance facility expansion will have a minimal impact on the existing visual character or quality of the site and its surroundings.

Air Quality. According to the California Air Resources Board, the project lies within a non-attainment area for the National Ambient Air Quality Standards (NAAQS) for ozone and particulates (PM-10). However, given the scope and scale of the project it is not anticipated that the project will cause or contribute to any new localized carbon monoxide (CO) or particulate matter (PM) violations, or increase the frequency or severity of any existing CO or PM. All construction will comply with SJVAPCD's Regulation VIII requirements for fugitive dust control at construction sites.

Because the project will accommodate the expansion of bus service in the city, the project has the potential to result in an incremental reduction of pollutant generation as more drivers may find bus transportation a viable alternative. Also, the incorporation of the new CNG slow fill station will accommodate new, cleaner CNG buses, thus reducing overall fleet exhaust emissions.

Noise. The primary sources of noise will be short-term or temporary construction noises and operational noise. Construction noise is largely a function of the
construction equipment used, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Construction noise levels would vary depending on construction phase, equipment type and duration of use, distance between noise source and receptor, and presence or absence of barriers between noise source and receptor. All noise generating construction activities will be conducted in accordance with City noise policies.

It is expected that the transit fleet may double over the next twenty years as the system grows. This will result in an increase of approximately sixteen additional transit vehicles, which will ultimately result in an increase in noise at the site due to engine idle. However, given the project location and surrounding land uses at the Corporation Yard, this increase in noise will not result in the exposure of persons to significant noise levels in excess of applicable standards or ordinances. Moreover, the addition of sixteen buses will comprise only a small portion of the total City vehicle fleet that is maintained at the Corporation Yard.

*Transportation/Traffic.* The proposed project will not, in itself, increase traffic within or around the project site. The expansion of the bus and employee parking area will serve to alleviate parking and circulation congestion, but will not lead to an increase in vehicle trips.

As the transit fleet grows, the number of localized bus trips in and out of the project site will grow gradually in direct proportion to the number of buses added to the service, but this increase in bus trips will not substantially increase traffic, and would occur with or without this project. Furthermore, the growth of the transit fleet will result in a decrease in vehicle trips throughout the community due to improved and expanded bus service.

*Water Quality.* The proposed project does not have the potential to add pollutants to the water supply which would exceed water quality standards or waste discharge requirements. All drainage will be integrated into the City's existing drainage system. The project will comply with City and State policies and standards related to water quality and drainage. The project will accommodate new, cleaner CNG buses which may reduce present risks to water quality from gasoline spills, etc.

<table>
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<th>Project:</th>
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<tr>
<td>FTA Grant Number:</td>
<td>Pending</td>
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<tr>
<td>Project Status:</td>
<td>Design &amp; Engineering Phase</td>
</tr>
</tbody>
</table>

Although the environmental analysis and documentation for this project has not been completed, the City of Porterville expects this project to receive a documented Negative Declaration / Categorical Exclusion, should one be required.
ENVIRONMENTAL JUSTICE ANALYSIS

Project Description

The City is in the final stages of the design of a Transit Center Expansion project. The project will provide additional bus bays for use by regional carriers. The expansion will be constructed along the east side of Hockett Street, immediately east of the current Porterville Transit Center, and adjacent to dedicated transit parking stalls. Construction will include new curb, gutter, sidewalk, concrete bus slabs and bus shelters.

Project Location

The project is located on the southwest corner of Oak Avenue and Hockett Street. The site improvements are along the Eastern edge of Hockett and run south to the Hockett/Division Street split.

Existing Conditions

A review of socio-economic information for the project area shows that the proposed site lies in the central business district of downtown Porterville. Reference to zoning and land-use maps shows that abutting existing and future neighboring land uses are/will be comprised of commercial and manufacturing categories.

Impact Assessment

The following sections review the direct impacts associated with the preferred project alternative, such as community disruption, aesthetics, air quality, noise, and transportation/traffic. These types of impacts typically are of most concern to communities because they affect people’s quality of life.

Community Disruption and Environmental Justice. There is no residential community or community resources affected by the proposed project.

Aesthetics – The project site and its surroundings lie within the downtown central business district. The project area is surrounded by commercial and retail development. The conversion of the site from its current state will enhance the visual and economic revitalization of the area; therefore the project will not degrade the existing visual character or quality of the site and its surroundings.

Air Quality. The City of Porterville General Plan does not identify any air quality plan in place within Porterville. The project does not conflict with, or obstruct, implementation of the San Joaquin Valley Air Pollution Control District's
(SJVAPCD) air quality plan; therefore the project will not have an impact on an air quality plan.

Because the project will accommodate the expansion of bus service in the city, the project has the potential to result in an incremental reduction of pollutant generation as more drivers may find bus transportation a viable alternative.

Noise. The construction phase of the project will produce a temporary increase in ambient noise levels in the project vicinity. However, this increase will be short-term in duration, will be carried out in accordance with City regulations, will only occur during business hours, and will only affect the downtown central business district. Operational noise impacts from the existing land uses will not increase as a result of the proposed project, and thus, will not affect minority populations.

Transportation/Traffic. The proposed project will not, in itself, increase traffic in or around the downtown area. As the new facilities may attract other regional transit carriers, the number of localized bus trips in and out of the project site will grow gradually in direct proportion to the number of transit vehicle operations using the Transit Center. This would occur with or without this project. Furthermore, the growth of transit operations in and out of the Transit Center will result in a decrease in vehicle trips throughout the community due to improved and expanded bus services and will better the surrounding community.

4.9 Public Participation

The City actively seeks out and considers the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. To guide these activities, the City has developed a public participation strategy, which offers early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

The following is intended to provide an overview of the level and direction of public participation and information dissemination taking place in compliance with 49 CFR 21.5(b)(7).

Information Dissemination to the General Public and Minority Groups

Print and Broadcast Media

Pertinent transit information is distributed by press release to general print and broadcast media, including Spanish language media. Press releases related to system information are transmitted prior to all major service changes.

Advertising has been, and will continue to be, placed in programs for Hispanic organizations. Spanish language public service announcements,
interviews, and news releases will continue to be developed, scheduled, and implemented within the City of Porterville.

Public Hearings

Public Hearings (via City Council Meeting) are held to elicit comments from the public regarding planned construction projects and the impacts of proposed service changes. Meetings are held on the first and third Tuesdays of each month. Notices of public hearings are published in the Porterville Recorder, a daily newspaper, according to the noticing requirements for the stated project; 10 days or 30 days prior. Notices of meetings and hearings, including agendas, are mailed to elected officials, all interested parties, and the media. Meeting agendas are also posted on the City of Porterville website (www.ci.porterville.ca.us) prior to each Council Meeting.

TCAG Board and Technical Advisory Committee Meetings are held once a month in various locations throughout the County on a rotating basis. TCAG also holds its Annual Public Transit Unmet Needs Hearings in the City of Porterville, as well as the county-seat of Visalia. Notices are published in general circulation newspapers throughout Tulare County 12 times annually, prior to each meeting. Meeting dates, locations and minutes are also posted on TCAG’s website, www.tularecog.org.

Legal Notices

Legal notices are published as required for grant applications, bid opportunities, etc., and prior to TCAG’s Annual Public Transit Unmet Needs Hearing.

Brochures/Schedules and Rider’s Guides

The City produces and distributes brochures for Porterville Transit to ensure that the public has access to route and schedule information. The brochures are available at the Porterville Transit Center as well as major activity centers and social agencies throughout the service area. Brochures are updated after every major route and/or schedule change.

The City also produces and distributes Rider’s Guides for both Porterville Transit and COLT. The Porterville Transit “How to Ride Guide” outlines six easy steps to riding the bus. The “Dial-A-Colt Rider’s Guide” is aimed at assisting seniors and ADA passengers with utilizing the demand response system.

Brochures/schedules and rider’s guides are available in English and Spanish. See Figure 16 for the Spanish version cover of the Porterville
Transit Route Map & Schedule. Spanish materials are distributed at activity centers and social agencies utilized by the Hispanic population.

Public/Community Meetings and Workshops

All efforts are made to include minority persons/groups in transit system related decisions, and to maintain close working relationships with community and social service groups. City staff frequently meets with area social service providers to discuss future system changes, address concerns, and elicit recommendations. Also, upon request, City staff will attend or host special community meetings or workshops to address transit topics that are of interest to the group. Informational materials are disseminated at these meetings.

Posters, Flyers, Notices

Notices of proposed service changes are posted at the Transit Center and on all buses, in both English and Spanish. The City also distributes flyers to businesses and/or community organizations, where appropriate.

Internet

The Porterville Transit website, www.portervilletransit.com, is used to disseminate general system information, as well as "news" regarding system changes and promotional events. The website also contains an online comment form where the public can submit complaints, problems, or suggestions electronically.

Participation in Decision Making

Porterville City Council

The Porterville City Council is the policy-making body for the Porterville Transit and COLT services. It adopts Transit Plans, and through the annual budgetary process, establishes operational and funding levels for the system. The City Council also sets operational policies and parameters for both services. Members are publicly elected officials. Following are the members currently serving on the five member council.

Ron Irish, Mayor
Cameron J. Hamilton, Vice Mayor
Pete McCracken, Council Member
Greg Shelton, Council Member
Brian Ward, Council Member
FIGURE 16
Spanish Cover for Transit Route Map and Schedule

Niños
Los niños pueden usar este servicio de camiones, pero los niños menores que no sean responsables por su propia conducción y seguridad. Se requiere que los niños tengan al menos siete (7) años de edad para que puedan abordar el camión sin la supervisión de un adulto.

Los servicios de camiones de "ruta fija"
funcionan con servicios en siete rutas de Lunes a Viernes 7:00 a.m. a 7:00 p.m. y los Sabados de 9:00 a.m. a 5:00 p.m. Ruta siete rutas abiertas, los sitios de contacto comerciales, hospitales, hospitales medica y escuelas. Los Camiones están equipados con plataformas hidráulicas para dar servicio a los pasajeros con discapacidades que usan sillas de ruedas.

RUTA FIJA - EQUIPAJE
Favor de limpiar el equipaje al tamaño y numero que pueda usted llevar sin dificultad. Los servicios de viaje y cargar sistema tienen que estar debajo para ubicar el equipaje. No se podría cargar el equipaje al tamaño con el equipo. Para su seguridad, siempre que se transporten cosas no usadas en estos camiones, guardas inflamables, insectos, químicos, polvorientos, líquidos, complementos de joyas, plantas verdes y objetos grandes o pesados.

TARIFA
$1.00 de ida solamente
Se requiere que tenga el dinero (cambio) exacto

PARA MAS INFORMACIÓN
llame al número gratuito 791.7900

UTILIZANDO EL SERVICIO DE RUTA FIJA
Las paradas de camiones son ubicadas en el centro de la ciudad y los sitios con mayor actividad. Favor de estar en los sitios de paradas designados de los camiones por los menos cinco (5) minutos antes de que este previsto de llegar el camión. Para bajarse del camión, simplemente de la señal al conductor usando el cuchillo antes de la parada y digale en que parada desea usted bajarse.

TRANSBORDOS
Pasajeros de ruta fija tienen la libertad de transbordar de un camión a otro para continuar su viaje. Los transbordos son gratis durante el mismo viaje. Los pasajeros están aislados para hacer los transbordos faciles. Si desea transbordar durante un viaje, cuando te ponga al conductor pidele que te de un boleto de transbordo gratis. Muestra su boleto de transbordo al siguiente conductor. Favor de no dejar que los transbordos sean valiosos observan ya que la transbordos por 30 minutos. No se puede usar para pasajeros de regreso para transbordar los camiones de servicios del Condado de Tulare.
Transit Advisory Committee (TAC)

The TAC is a City-led ad hoc committee aimed at increasing public and minority participation in the decision making process. The TAC provides input on the operation of the Porterville Transit and COLT systems with regards to the transportation needs of the citizens of Porterville. Members are selected on a volunteer basis and include interested members of the community and users of the transit system.

Multilingual Facilities

The City employs Spanish Language Staff, both at City Hall and the Transit Center, to assist Spanish-speaking citizens with their transit needs. A Spanish-speaking transit employee is available at the front counter of the Porterville Transit Center during all open office hours.

The City has followed the DOT's 2007 LEP Guidelines in formulating a program for reducing language barriers that may inhibit access to transit services for riders with Limited English Proficiency (LEP). That LEP Plan is included in Section 4 of this report.

Outreach for the 2010 Short Range Transit Plan

As part of the 2010 Porterville Short Range Transit Plan (SRTP), a five-year operating plan and capital program for public transit within Porterville, the City performed several outreach activities to gather public input on the overall Transit system and the SRTP document directly. These activities are as follows:

- Public Hearing regarding SRTP draft document;
- Public Hearing regarding fare increase;
- On-Board Passenger Surveys for both the Fixed Route and Paratransit Operations;
- Telephone Surveys;
- Published legal notices in the Porterville Recorder;
- Posted flyers at the Porterville Transit Center and on all buses;
- Distributed press releases to local media;
- Made copies of the Draft Plan available to the Public;
- Discussed the proposed system changes with interested community groups, individuals, and stakeholders.

The August 2010 Short Range Transit Plan was approved and adopted by the Porterville City Council on August 3, 2010.
4.10 Outreach for the 2011 Title VI Report

This Title VI Report was certified by the Porterville City Council during a public hearing on June 21, 2011. A Public Notice was issued prior to the public hearing.

All the materials gather to compile this 2011 report have been made for extensive public reviews in the past, including the City of Porterville's 2006 and 2009 Title VI Reports, and the City of Porterville's 2010 Short Range Transit Plan.
APPENDIX
City of Porterville
Screenshot of the receipt of the latest
Annual Certification and Assurances
as submitted on February 28, 2011
Screenshots of the receipt of the latest Annual Certification and Assurance as submitted February 28, 2011.
Screenshots of the
City of Porterville's Main Website
with Title VI Statement
Welcome Aboard!

Leave the driving to us! There's lots of new transit services available to make your commute a better one.

How to get started taking transit

Did you know that you can take your bicycle on the bus? Or that you can have unlimited use of fixed route service throughout the City of Porterville for only dollars a day? So much is possible on local transit!

The City of Porterville boasts a full service, comprehensive transit system, serving the needs of Porterville residents and visitors. However, if you've never ridden a bus before, using public transit may seem complicated. It may sound confusing at first, but once you learn the answers to your questions, using public transit could actually simplify your life.

Benefits of taking transit

- You can read, work, or sleep instead of sitting behind the wheel.
- You can use it when you have an unpredictable schedule.
- You can combine it with driving, carpooling or biking.
- Saves Money!

TITLE VI POLICY STATEMENT

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. 2000d)

For more information on Porterville Transit's non-discrimination obligations, the program or to file a complaint go to Title VI Policy.
English Screenshots of the City of Porterville's Title VI Compliance Webpage taken May 23, 2011.
Your Rights Under Title VI of the Civil Rights Act of 1964

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

Porterville Transit is committed to ensuring that no person is excluded from participation in, or denied the benefits on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964.

What is Title VI?

Title VI of the Civil Rights Act of 1964 is the Federal Law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive Federal financial assistance. However, the United States Department of Transportation's (USDOT) reference to Title VI includes other Civil Rights provisions of Federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving Federal financial assistance.

Title VI Policy

Pursuant to Title VI of the Civil Rights Act of 1964, the Restoration Act of 1987 and other nondiscrimination authorities, it is the policy of the City of Porterville that discrimination on the ground of race, color, national origin, sex, age, disability or income level shall not occur in connection with programs or activities receiving financial assistance from the USDOT.

Porterville Transit will ensure that no person in the United States shall, on the ground of race, color, national origin, sex, age, disability or income level be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the USDOT.

Title VI Compliance

Title VI compliance is a situation where a recipient has effectively implemented all the Title VI requirements or can demonstrate that every good faith effort has been made toward achieving this end.

USDOT Recipient

A USDOT Federal aid recipient is any State, territory, possession, political subdivision, instrumentality, public or private agency, organization, entity or individual to whom USDOT assistance is extended either directly or through another recipient.

Programs Covered

Federal assisted programs include any USDOT Project, program or activity for the provision of services, financial aid, and other benefits. This includes education or training, work opportunities, health, welfare, rehabilitation, housing or other services, whether provided directly by the recipient or other agents, through contracts or other arrangements with the recipient.

What discrimination is prohibited by the Porterville Transit's Title VI Program?

 Discrimination under Title VI program is an act (action or inaction) whether intentional or unintentional, through which a person believes that he or she, individually, or as a member of any specific class of persons, has been excluded from participation in, been denied the benefits of, or been subjected to discrimination on the basis of race, color, national origin, sex, age, disability or income level, under any program or activity receiving financial assistance from USDOT, with regard to:

- the availability and equitable distribution of transit service and benefits;
- the level and quality of transit service that are sufficient to provide equal access and mobility for all persons;
- the opportunity to participate in the transit planning and decision making processes; and,
- the right to fair decisions on the location of transit services and facilities.
How may I file a Title VI complaint?

A complaint may be filed by any individual or group that believes that they have been subjected to discrimination or retaliation based on their race, color, national origin, sex, age, disability and/or income level. The complaint may be filed by the affected party or a representative, and must be in writing.

Title VI Complaint Procedure

The complaint will be made in writing, using the complaint form, and submitted to the City of Porterville and include all information relevant to a determination of discrimination. A complaint must be filed within one-hundred and eighty (180) days after the alleged discrimination. In cases where the complainant is unable or incapable of providing a written statement, the City of Porterville will, if necessary, assist the person in completing verbal complaint forms to writing and will interview the complainant. The complainant or their representative will sign all complaints.

The complete complaint procedure/process is available by clicking here or upon request by calling 559-782-7448. Provision will be made for persons with limited English proficiency.

What information do I include in my complaint?

Follow the outline provided on the complaint form, including:

- Your name, address and telephone number. If you are filing on behalf of another person, include their name, address, telephone number and your relation to that person.
- The name and address of the agency, firm or department you believe discriminated against you.
- Your signature.
- A description of how, why, and when you believe you were discriminated against. Include as much background information as possible about the alleged acts.
- The names of individuals whom you allege discriminated against you if you know them.
- The names of any persons, if known, that can be contacted for additional information to support or clarify your allegations.
- Any additional information that might be helpful.

How can I file a discrimination complaint?

If you believe that a USDOT recipient has discriminated against you or others protected by Title VI, you may file a complaint. Complaints may be filed with either of the following persons:

City of Porterville
Attn: Transit Discrimination Complaints
291 North Main Street
Porterville, CA 93257
Telephone: 559-782-7448

Federal Transit Administration
Attn: Civil Rights Officer
Transportation Systems Center
55 Broadway, Suite 910
Cambridge, Massachusetts 02142-1093
Telephone: 617-494-2397
Web address: click here

If you believe that a Federal Transit Administration (FTA) recipient has retaliated against you, immediately contact FTA to investigate your allegation. Filing a complaint does not prevent an individual or group from seeking remedy through other sources.
Spanish Screenshots of the
City of Porterville's Title VI Compliance Webpage
taken May 23, 2011.
Sus derechos en virtud del Título VI de la Ley de Derechos Civiles de 1964

"Ninguna persona en los Estados Unidos, por motivos de raza, color o origen nacional, ser excluido de participar en, ser negado los beneficios de, o ser sujeto a discriminación bajo cualquier programa o actividad que reciba asistencia financiera federal." (42 USC Sección 2000d).

Porterville tránsito se compromete a garantizar que ninguna persona sea excluida de participar, o negada los beneficios sobre la base de raza, color o origen nacional, tal como está protegida por el Título VI de la Ley de Derechos Civiles de 1964.

¿Qué es el Título VI?

Título VI de la Ley de Derechos Civiles de 1964 es la Ley federal que prohíbe a los individuos y grupos contra la discriminación por motivos de raza, color o origen nacional en los programas y actividades que reciben asistencia financiera federal. Sin embargo, el Departamento de Estados Unidos (USDOT) Transporte de referencia en el Título VI incluye otras disposiciones Derechos Civiles de estatutos Federales y las autoridades relacionadas con la medida en que prohíben la discriminación en los programas y actividades que reciben asistencia financiera federal.

Título VI Política

De conformidad con el Título VI de la Ley de Derechos Civiles de 1964, la Ley de Restauración de 1987 y otras autoridades no discriminación, que es la política de la Ciudad de Porterville que la discriminación por motivos de raza, color, origen nacional, sexo, edad, discapacidad o nivel de ingresos no se produzcan en relación con los programas o actividades que reciban asistencia financiera del USDOT.

Porterville tránsito se asegurará de que ninguna persona en los Estados Unidos, por motivos de raza, color, origen nacional, sexo, edad, discapacidad o nivel de ingresos se excluyan de la participación en, ser negado los beneficios de, o ser de otra manera sujeto a discriminación bajo algún programa o actividad que reciba asistencia financiera federal del USDOT.

Cumplimiento del Título VI

Título VI de cumplimiento es una situación en la que el destinatario ha aplicado efectivamente los requisitos del Título VI y puede demostrar que todos los esfuerzos de buena fe se ha hecho hacia el logro de tal fin.

Destinatario del USDOT

Un destinatario del USDOT ayuda federal es la posición del Estado, el territorio, sus subdivisiones políticas, instrumentalidad, agencia pública o privado, organización, entidad o persona a la cual se extiende la asistencia de USDOT, ya sea directamente o a través de otro receptor.

Programas incluidos

Programas federales de asistencia incluye ningún USDOT proyecto, programa o actividad para la prestación de servicios, ayuda financiera y otros beneficios. Esto incluye la educación, capacitación, oportunidades de trabajo, la salud, el bienestar, la rehabilitación, la invierno u otros servicios, ya sean prestados directamente por el beneficiario o de otros agentes, a través de contratos u otros acuerdos con el receptor.

¿Qué es la discriminación prohibida por el Título del Programa de Tránsito de Porterville V?

Disminución en el Título VI programa es un acto (acción o omisión) ya sea intencional o no intencional, a través del cual una persona crea que él o ella, de forma individual o como miembro de una clase específica de personas, ha sido excluido de participar, ser ha negado los beneficios de, o han sido objeto de discriminación por motivos de raza, color, origen nacional, sexo, edad, discapacidad o nivel de ingresos, bajo cualquier programa o actividad que reciba asistencia financiera del USDOT, con lo que se refiere a:

- la disponibilidad y la distribución equitativa de los servicios de tránsito y los beneficios;
igualdad de acceso y movilidad para todas las personas;
- la oportunidad de participar en la planificación de tránsito y la toma de decisiones; y,
- el derecho a decisiones justas sobre la ubicación de los servicios de transporte e instalaciones.

¿Cómo puedo presentar una queja del Título VI?

Una queja puede ser presentada por cualquier persona o grupo que cree que han sido objeto de discriminación o represalia en base a su raza, color, origen nacional, sexo, edad, discapacidad y/o nivel de ingresos. La denuncia podrá ser interpuesta por el afectado o su representante, y debe ser por escrito.

Título VI Procedimiento de reclamación

La denuncia se hará por escrito, utilizando el formulario de queja, y presentado a la Ciudad de Porterville e incluir toda la información pertinente a la determinación de la discriminación. Una queja debe ser presentada dentro de los veinte ochenta y cinco ciento ochenta días (después de la supuesta discriminación). En los casos en que el demandante no puede o no puede a presentar una declaración escrita, la ciudad de Porterville, en su caso, ayudar a la persona en la conversión de las quejas verbales por escrito y se entrevistará con el autor. El demandante o su representante firmarán todas las quejas.

El procedimiento de denuncio completa o proceso está disponible haciendo clic aquí o por la solicitud llamando el 559-782-7448. Se atenderá a las personas con habilidad limitada del inglés.

¿Qué información doy incluir en mi queja?

Siga el esquema previsto en el formulario de queja, incluyendo:
- Su nombre, dirección y número de teléfono. Si usted está presentando en nombre de otra persona, incluya su nombre, dirección, número de teléfono y su relación con esa persona.
- El nombre y la dirección de la agencia, empresa o departamento que usted cree discriminó en su contra.
- Su firma.
- Una descripción de cómo, por qué, y cuando usted cree que fue discriminado. Incluya toda la información posible sobre los hechos denunciados.
- Los nombres de las personas a las que alegan discriminación en contra de usted si los conoce.
- Los nombres de las personas, si se conoce, que puede ser contactado para obtener información adicional para apoyar o aclarar sus acusaciones.
- Cualquier información adicional que podría ser útil.

¿Cómo puedo presentar una queja por discriminación?

Si usted cree que un destinatario del USDOT ha discriminado contra usted u otras personas protegidas por el Título VI, puede presentar una queja. Las quejas pueden ser presentadas en cualquiera de las siguientes personas:

Ciudad de Porterville
La atención del Tránsito Quejas de Discriminación
291 Main Street del Norte
Porterville, CA 93257
Teléfono: 559-782-7448

Administración Federal de Tránsito
Attn: Oficial de Derechos Civiles
Centro de Sistemas de Transporte
55 Broadway, Suite 920
Cambridge, Massachusetts 02142-1093
Teléfono: 617-494-2397
Dirección web: haga clic aquí

Si usted cree que una Administración Federal de Tránsito (FTA) destinatario ha tomado represalias en contra de usted, comuníquese inmediatamente con TLC para investigar su denuncia. Presentar una queja no impide que un individuo o grupo de buscar remedio a través de otras fuentes.
THIS ITEM HAS BEEN REMOVED.
COUNCIL AGENDA: JUNE 21, 2011

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
CITY OF PORTERVILLE AND TULE RIVER TRIBE
FREEDOM FEST AND FIREWORKS SHOW

SOURCE: Finance Department

COMMENT: The City of Porterville and Tule River Tribe present the first annual Freedom Fest and Fireworks Show at the Porterville Sports Complex. This event will include live music, a Civil War Re-enactment, Tribal dances, food vendors, family activities, and a beer garden hosted by the Lions Breakfast Club on Saturday, July 2, 2011, from 4:00 p.m. until 9:00 p.m.

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 City of Porterville and Tule River Tribe, subject to the stated requirements contained in Exhibit 'A.'

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit 'A,' Outside Amplifier Permit Application.

DD \_MB\_ Appropriated/Funded \_MB\_ CM \_ Item No. 10
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: 6/15/2011 Event date: 7/2/2011

Name of Event: Freedom Fest

Event time: 4PM - 9PM

Sponsoring organization: City of Porterville Phone #
Address: 291 N Main St.

Authorized representative: John Lollis Phone #
Address: 291 N. Main St.

Event chairperson: John Lollis Phone #

Location of event (location map must be attached): Porterville Sports Complex, 2701 W. Scranton Ave

Type of event: Live Bands, Beer Garden, Bounce Houses, Games, Family Activities, Fireworks Show, Food Vendors

Non-profit status determination:

CIVIC WAR ENACTMENT, TRIBAL INDIAN DANCE, CONTESTS

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

Barricades (quantity): 20 (est) Street sweeping Yes No
Police protection Yes No Refuse pickup Yes No
Other:

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

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

Appr. Deny

____ ___ Pub. Works Dir
____ ___ Comm. Dev. Dir.
____ ___ Field Svcs. Mgr.
____ ___ Fire Chief
____ ___ Parks Dir.
____ ___ Police Chief
____ ___ Admin. Svcs. Dir.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.
City Code requirements:
- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

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

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

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

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

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

(Height 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: Freedom Fest

Sponsoring organization: City of Porterville

Location: Sports Complex  Event date: 7/2/11  Event time: 4pm-9pm

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.

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

Name of event: **Freedom Fest**

Sponsoring organization: **City of Porterville**

Event date: **7/2/11**          Hours: **4pm - 9pm**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

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Parking lots and spaces

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REQUIREMENTS FOR COMMUNITY CIVIC EVENT
CITY OF PORTERVILLE AND TULE RIVER TRIBE
FREEDOM FEST AND FIREWORKS SHOW

JULY 2, 2011

Business License Supervisor: S. Hartman
Business License Division will require vendor list prior to event.

Public Works Director: B. Rodriguez

Community Development Director: B. Dunlap
No comments.

Field Services Manager: B. Styles
No comment.

Fire Chief: M.G. Garcia

Parks and Leisure Services Director: M. Stowe

Police Captain: S. Rodriguez

Administrative Services Manager: P. Hildreth
See Page 2, Exhibit ‘A.’
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: City of Porterville – Tule River Tribe
Event: Freedom Fest Beer Garden
Event Chairman: Porterville Sports Complex
Location: July 2, 2011
Date of Event: July 2, 2011

RISK MANAGEMENT: Conditions of Approval

That the Lions Breakfast Club provide a Certificate of Alcohol Liability Insurance Coverage, with respect to the Beer Garden, 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 of the Beer Garden.

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an ‘admitted’ insurer in the State of California.
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

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

1 Name and home address of the applicant: City of Porterville, 291 N Main St

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

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

4 Type of event for which amplification equipment will be used: Live Band, Guitars, etc.

5 Dates and hours of operation of amplification equipment: 4 PM - 8 PM

6 A general description of the sound amplifying equipment to be used: Live Band, Music.

Section 18-9 It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox,
record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound
or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud
as to unreasonably disturb and interfere with the peace and comfort.

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

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

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

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

Signature of Applicant

Date

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

City of Porterville, Chief of Police/Designee

Date
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
SESQUICENTENNIAL COMMITTEE AND
PORTERVILLE BREAKFAST LIONS
SESQUICENTENNIAL KRAZY DAZES

SOURCE: Finance Department

COMMENT: The Sesquicentennial Committee and the Porterville Breakfast Lions are requesting approval to hold a community event, Sesquicentennial Krazy Daze at Centennial Plaza on Saturday, August 6, 2011, from 8:00 a.m. to 5:00 p.m. This event will celebrate Porterville’s Sesquicentennial and will include outhouse races and family activities. Street closures are requested below and sidewalk usage is requested within the Downtown area. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

STREET CLOSURES:

Main Street, from Harrison Avenue to Putnam Avenue and Cleveland Avenue, from Main Street to 2nd Street.

The application has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit 'A.'

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Sesquicentennial Committee and Porterville Breakfast Lions, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit 'A' of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit 'A,' Outside Amplifier Permit, Map, Certificate of Liability Insurance and Exhibit 'B.'
CITY OF PORTERVILLE
291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569

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

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: 6-7-2015 Event date: 6-6-2015
Event time: 8:00 AM - 5:00PM

Name of Event: Seaside centennial, Bar M. Days
and "Doughnut Race"

Sponsoring organization: Seaside centennial committee
Address: 941 W. Fierro
Authorized representative: Wendy Taylor Phone #559-361-7063
Address: 941 W. Fierro
Event chairperson: Wendy Taylor Phone #559-361-7063

Location of event (location map must be attached): Harrison to Putnam
Cleveland to 2nd, Harrison and 2nd, Main to Center
Park
Type of event: Doughnut Race, Bar M. Days - Fee
for facilities - Dunk Tank, Food Vendors, Bounce House,
Non-profit status determination:

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

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

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

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

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

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

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

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

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

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

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

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

(Name of Organization)  Wendy Taylor  6-6-17
(Signature)  (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: **Krazy Days**

Sponsoring organization: **Sequoyan Centennial Committee**

Location: Harrison to Putnam on Main Event date: 8-6-11 Event time: 9:00 AM to 5:00 PM

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

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

---

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

Name of event: Seacrest centennial Krazy Daze

Sponsoring organization: ________________________________

Event date: 8-6-2011 Hours: 8:00AM to 5:00PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAIN</td>
<td>Harrison</td>
<td>PUTNAM</td>
<td>Closed</td>
</tr>
<tr>
<td>CLEVELAND</td>
<td>MAIN</td>
<td>2ND ST.</td>
<td>Closed</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>MORTON</td>
<td>MAIN</td>
<td>OLIVE</td>
<td>SIDEWALK SALES</td>
</tr>
<tr>
<td>PUTNAM D St.</td>
<td>PUTNAM</td>
<td>2ND ST.</td>
<td>13</td>
</tr>
<tr>
<td>&quot;D&quot; ST.</td>
<td>MILL</td>
<td>2ND ST.</td>
<td>11</td>
</tr>
<tr>
<td>BAIR</td>
<td>MAIN</td>
<td>2ND ST.</td>
<td>12</td>
</tr>
<tr>
<td>GARDEN</td>
<td>MAIN</td>
<td>2ND ST.</td>
<td>12</td>
</tr>
</tbody>
</table>

Parking lots and spaces | Location | Activity

4 of 4
<table>
<thead>
<tr>
<th>Role</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business License Supervisor: S. Hartman</td>
<td>Business License requires vendor list prior to event.</td>
</tr>
<tr>
<td>Public Works Director: B. Rodriguez</td>
<td></td>
</tr>
<tr>
<td>Community Development Director: B. Dunlap</td>
<td>No comments.</td>
</tr>
<tr>
<td>Field Services Manager: B. Styles</td>
<td>Barricades may be picked one day before event at 555 N. Prospect and returned the first working day after the event.</td>
</tr>
<tr>
<td>Chief of Fire Operations: M. G. Garcia</td>
<td>Keep area in front of the Fire Station clear and unobstructed.</td>
</tr>
<tr>
<td>Parks and Leisure Services Director: M. Stowe</td>
<td></td>
</tr>
<tr>
<td>Police Captain: S. Rodriguez</td>
<td>Please see attached Proposed Conditions/Requirements in Exhibit ‘B.’</td>
</tr>
<tr>
<td>Administrative Services Manager: P. Hildreth</td>
<td>Dunk tank participants required sign waiver. Also, please see attached Exhibit ‘A’, page 2.</td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: The Sesquicentennial Committee and Porterville Breakfast Lions
Event: Sesquicentennial Krazy Dazes
Event Chairman: Wendy Taylor
Location: Centennial Plaza
Date of Event: August 6, 2011
Time of Event: 8:00 a.m. to 5:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an ‘admitted’ insurer in the State of California.
CITY OF PORTERVILLE
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: Wendy Taylor
   941 W. Pioneer, Porterville, CA 93257

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

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

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

5 Dates and hours of operation of amplification equipment: Aug 6th 9:00AM to 5:00PM

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

Section 18-9
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

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

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

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

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

Wendy Taylor
Signature of Applicant

6-6-11
Date

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

Silen Rodriguez
City of Porterville, Chief of Police/Dispatcher

JUNE 15, 2011
Date
# Certificate of Liability Insurance

**Producer**

Stratus Insurance Services, Inc.  
947 South 500 East  
American Fork, UT 84003

www.TheEventHelper.com

**Insured**

Porterville Chamber of Commerce  
Sesquicentennial Committee  
93 N Main Street  
Porterville, CA 93257

**Insurers Affording Coverage**

<table>
<thead>
<tr>
<th>Insurer</th>
<th>NAIC #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colony Insurance Company</td>
<td></td>
</tr>
</tbody>
</table>

**Coverages**

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>LTN</th>
<th>AUD</th>
<th>Type of Insurance</th>
<th>Policy Number</th>
<th>Policy Effective Date (MM/DD/YYYY)</th>
<th>Policy Expiration Date (MM/DD/YYYY)</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Y</td>
<td>GENERAL LIABILITY</td>
<td>OS800000A-2-500418</td>
<td>10/01/2010</td>
<td>10/01/2012</td>
<td>EACH OCCURRENCE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>DAMAGE TO TERTIARY PREMISES (EA occurrence)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MED EXP (Any one person)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PERSONAL &amp; ADV INJURY</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>GENERAL AGGREGATE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PRODUCTS - COMPCOF AGG</td>
</tr>
</tbody>
</table>

|     |     | AUTOMOBILE LIABILITY |               |                                   | COMBINED SINGLE LIMIT (EA accident) | $ |
|     |     | ANY AUTO              |               |                                   | BODILY INJURY (Per person) | $ |
|     |     | ALL OWNED AUTOS       |               |                                   | BODILY INJURY (Per accident) | $ |
|     |     | SCHEDULED AUTOS       |               |                                   | PROPERTY DAMAGE (Per accident) | $ |
|     |     | HIRED AUTOS           |               |                                   |                                     | |
|     |     | NON-OWNED AUTOS       |               |                                   |                                     | |

|     |     | GARAGE LIABILITY      |               |                                   | AUTO ONLY - EA ACCIDENT | $ |
|     |     | ANY AUTO              |               |                                   | OTHER THAN AUTO: AGG | $ |

|     |     | EXCESS/UMBRELLA LIABILITY |               | EACH OCCURRENCE | $ |
|     |     | OCCUR                   |               | AGGREGATE       | $ |
|     |     | CLAIMS MADE             |               |                                     | |
|     |     | DEDUCTIBLE              |               |                                     | |
|     |     | RETENTION               |               |                                     | |

**Workers Compensation and Employers' Liability**

Any Proprietor/Partner/Executive Officer/Member Excluded?  
Yes, describe under special provisions below

|     |     |                      |               | EACH ACCIDENT | $ |
|     |     | E.L. DISEASE - EA EMPLOYEE |               | $ |
|     |     | E.L. DISEASE - POLICY LIMIT |               | $ |

**Other**

Host Liquor Liability  
OS800000A-2-500418  
10/01/2010  
10/01/2012  
Included in occurrence limit above

**Description of Operations / Locations / Vehicles / Exclusions Added by Endorsement / Special Provisions**

Certificate holder listed below is named as additional insured per attached CG 20 26 07 04 for the following dates: 06/25/11, 08/06/11, 10/22/11, 11/05/11.

RE: Wagon & Hay Rides per scheduled event dates above.

**Certificate Holder**

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

**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.

Authorized Representative:  
Bret Christopherson

© ACORD Corporation 1988  
ACORD 25 (2001/08)
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>City of Porterville</td>
</tr>
<tr>
<td>Redevelopment Agency</td>
</tr>
<tr>
<td>291 N Main Street</td>
</tr>
<tr>
<td>Porterville, CA 93257</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.
CITY OF PORTERVILLE
Community Civic Event Application

Sesquicentennial Krazy Daze Celebration – August 6, 2011

Proposed Conditions/Requirements for Krazy Daze Event

➤ All street closures in the city require City Council approval.

➤ Ensure highly visible and adequate barricades/barriers are used to warn motorist of non-access to closed street and prevent vehicle access to those designated areas.

➤ 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 any residents or business establishments in the surrounding area.

➤ Amplified music shall not continue after 10:00 p.m.

Silver Rodriguez, Captain
Police Department- Services Division

EXHIBIT 'B'
COUNCIL AGENDA: June 21, 2011

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 June 7, 2011, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. A total of $361,750 in damage repair projects (please see attachment) were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, subject to final FEMA administrative review and approval. All repair projects are 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: CEMA/FEMA List of Projects

Item No. 12
<table>
<thead>
<tr>
<th>ITEM #</th>
<th>LOCATION</th>
<th>DESCRIPTION OF DAMAGE AND SCOPE OF WORK</th>
<th>COST ESTIMATE</th>
<th>CATEGORY</th>
<th>WAS WORK COMPLETED BY FEDERAL AGENCY OR FUNDING GENT</th>
<th>ENTER NAME IF THERE ARE ENTER NAME IF THERE ARE ENTER NAME IF THERE ARE ENTER NAME IF THERE ARE ENTER NAME IF THERE ARE</th>
<th>WAS THERE INSURANCE COVERAGE REDUCED DUE TO DISASTERS OR OTHER ISSUES</th>
<th>WAS THERE INSURANCE COVERED BY FEDERAL INSURANCE?</th>
<th>WAS THE PROPERTY DAMAGED DUE TO ADVERSE WEATHER CONDITIONS OR NATURAL DISASTERS?</th>
<th>WAS THERE ANY ADDITIONAL LOCAL FUNDING SOURCES THAT MAY HAVE BEEN AVAILABLE TO HELP FACILITATE THE RECONSTRUCTION OR RECOVERY OF THE DAMAGE?</th>
<th>CHECK IF AMENDED ITEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>El Granito North of Grand Avenue</td>
<td>Damaged asphalt concrete, &quot;X&quot; gutter and curb &amp; gutter.</td>
<td>$60,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Henderson - Newcomb to Mathew street.</td>
<td>Remove &amp; replace 11,000 SF damaged asphalt concrete.</td>
<td>$160,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Hillcrest - Morton Ave. North to Terminus-street.</td>
<td>Grade-damaged street shoulders, place engineered fill, compact and surface.</td>
<td>$45,000.00</td>
<td>G</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Intersection at East Grand st. &amp; Henahan st.</td>
<td>Remove &amp; replace 10,000 SF of damaged asphalt concrete.</td>
<td>$63,750.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>OHV</td>
<td>Bulldozer and tiller damaged.</td>
<td>$2,500.00</td>
<td>E</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Muny-Park @ Henahan &amp; Putnam Ave.</td>
<td>Driveway and Parking-lot damage.</td>
<td>$45,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Intersection at West Rd &amp; Teapot Dome Ave.</td>
<td>Asphalt concrete shoulder on both sides of the road.</td>
<td>$17,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Plano st. between Putnam Ave. &amp; Thurman Ave.</td>
<td>Damaged drop inlet, asphalt concrete adjacent to drop inlet &amp; repair/replace</td>
<td>$15,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>West Rd. at Scranton Ave.</td>
<td>Damaged asphalt concrete shoulder along west side of the street.</td>
<td>$24,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Hawaii &amp; Grand Ave.</td>
<td>Remove and replace damaged &quot;V&quot; gutter, spandrel &amp; minor asphalt</td>
<td>$5,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Hillcrest Ave. north of Morton Ave.</td>
<td>Pipeline dredging to remove mud &amp; other debris</td>
<td>$12,000.00</td>
<td>A</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>West Rd. at Scranton Ave.</td>
<td>Flood waters pumped-out</td>
<td>$1,500.00</td>
<td>B</td>
<td>FA</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

*CATEGORY: A) Debris Clearance; B) Protective Measures; C) Road System; D) Water Control Facility; E) Buildings and Equipment; F) Public Utility System; G) Other. (Note: if a single site has more than one category, indicate the category that represents the majority of damage.)

(OES 55, Rev. 1/02)
COUNCIL AGENDA: June 21, 2011

PUBLIC HEARING

SUBJECT: ADOPTION OF FISCAL YEAR 2011-2012 BUDGET

SOURCE: City Manager

COMMENT: Consistent with the City Charter, the City Manager has submitted for Council consideration a draft Budget for the 2011-2012 Fiscal Year. Section 51 of the City Charter provides that the City Manager shall provide not later than thirty (30) days before the end of the City's fiscal year, an estimate of expenditures and revenues of the City departments for the ensuing year.

The budget message presented with the draft document is attached, which emphasizes the significant projects and factors involved with the Budget's development, and recommends periodic review of budget targets and the revision of expenditures to meet those targets (if necessary).

Generally, the overall reduction in Fund balances proposed will result from using monies accumulated for capital expenditure being used to implement projects.

The City Charter provides that "after duly considering the estimate and making such corrections or modifications thereto as shall seem advisable to it, the Council shall by resolution adopt a general budget and such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budget so adopted." All spending authority from the current 2010-2011 Fiscal Year budget expires after June 30, 2011. Therefore, a new budget must be adopted which allows payroll to be paid and routine expenditures to be incurred effective July 1, 2011. The Charter is not specific as to the duration of the adoption; thus accordingly, consistent with past Council discussion, the Council may authorize a budget adoption period less than the full fiscal year.

RECOMMENDATION: The City Manager proposes that the Council consider adoption of the proposed 2011-2012 Fiscal Year Budget, including any modifications and for the time period designated by Council.

ATTACHMENTS: Budget Message
Draft Resolution for General Fund Budget
Draft Resolution for Special Revenue, Enterprise, Internal Service, and Capital Projects Fund Budgets

C/M Item No. 13
Honorable Mayor, Vice Mayor and Members of Council:

With the beginning of the “Great Recession” in 2008, the City has weathered extraordinary budgetary challenges over the past three years, with the approaching fiscal year expected to present a continued challenge. Although it would appear that the national, state, and local economies have stabilized, no significant improvement is anticipated for at least another year. As evidence at our local level, due to the State’s inability to sell bonds for capital projects, the beginning of construction for the new South County Justice Center will likely slip from this Fall to Summer 2012. Also, although meetings at the recent ICSC conference hold great promise for our community in the near future, it is not expected that new significant retailer location will occur until 2012. Similarly, a recent increase in the interest of large industrial employers to potentially locate in the Central Valley has been experienced, which the city has submitted for consideration, although any determinations on such new development would not be determined until 2012 or 2013. Permits issued for new construction are anticipated to remain sluggish, with approximately a quarter of the permits anticipated to be issued (25) that were issued in 2008 (110).

Perhaps no better indicator of the economic downturn and recent stabilization has been the City’s General Fund. With Property, Sales & Use, and Utility Users Taxes historically combining to constitute over sixty-five percent (65%) of General Fund revenues, the City has experienced a $2.1 million decrease since 2008, with General Fund revenues dropping from approximately $23.4 million in the 2007-08 fiscal year to $21.3 million estimated in the current 2010-2011 fiscal year. As tax revenues have recently been relatively stagnant, and considering an approximate $100,000 decrease in Utility Users Tax due to AT&T discontinuing its collection on “bundled” services, it is recommended to conservatively budget no increase in General Fund revenues next year.

Conversely to General Fund revenues, expenditures have increased almost $1.5 million since 2008, increasing from approximately $19.5 million in the 2007-08 fiscal year to approximately $21 million in the current 2010-2011 fiscal year. Expenditures for the coming 2011-12 fiscal year are currently budgeted at $23.0 million, resulting in an estimated $1.6 million budget shortfall. A budget-balancing solution employed for the past couple of difficult years has been to curtail Departmental spending to either 94% or 95% of budgeted expenditures, which this next year would “save” between $1.15 million (95%) to $1.38 million (94%), with a remaining deficit of between $230,000 (94%) and $450,000 (95%).

The single largest increase in the budgeted expenditures for the coming fiscal year can be attributed to an approximate $400,000 increase in Public Employees Retirement System (PERS) pension costs, due to Public Safety PERS rates increasing five percent (4.5%) and Non-Public Safety PERS rates increasing three percent (3%) over the prior year. With the
PERS rate increases, the City will be experiencing an effective employer contribution rate of 30.382% for Public Safety employees, and 22.569% for Non-Public Safety employees, for every $1.00 of payroll paid. The Council is aware of at least one employee Association that is considering the sharing of increased PERS pension costs to the City.

Also, affecting not only its ability to sell bonds, due to the State’s unresolved budget issues and the approaching expiration of the Vehicle License Fund (VLF) tax extension on July 1, 2011, an approximate $100,000 in expense has been added to the General Fund budget for the continued funding of two (2) Community Services Officer (CSO) positions in the Police Department, which are currently funded through the Community-Oriented Policing Services (COPS) program, and whose funding will cease with the VLF tax expiration in July unless other State funding for the COPS program is secured. In maintaining the CSO positions, it is proposed to account for a majority of the replacement funding with $70,000 in additional revenue from the Burton Elementary and Porterville Unified School Districts in support of the School Resource Officer (SRO) program and the five (5) assigned Police Officers.

Another additional potential and significant challenge to the General Fund budget in the coming fiscal year with the anticipated VLF tax expiration is the State’s “Booking Fee” program. Through the “Booking Fee” program currently funded through VLF, the City does not incur an expense in the “booking” of an arrestee into County jail. However, without VLF or other dedicated State funding, the County is authorized and will begin charging a “booking fee” of $125.00 for each arrestee to be “booked” into jail, resulting in an estimated expense to the City of between $125,000 and $175,000.

With regard to capital projects funded by the General Fund and/or dedicated grant funds, it is anticipated that the lighting of the Veteran’s Skate Park ($62,000) and the playing fields at the southern end of the Sports Complex ($86,000) will be completed in the coming fiscal year, with approximately $377,000 in remaining funds dedicated to the lighting of sports playing fields to be further appropriated by Council. The Council has indicated interest in furthering the lighting of additional playing fields at the Sports Complex, including the possibility of creating and lighting two additional softball fields.

With cost-savings achieved in the construction of the Fire Training Facility parking lot, it is proposed to construct a parking lot on the undeveloped area on Hockett Street between the Stout Building and the Spencer House ($85,000). Utilizing a combination of funds from the General Fund and Risk Management, improvements are proposed to City Hall, including repairing and repainting the facility’s façade ($20,000), and upgrading the Council Chambers ($50,000), including replacing the audience seating and carpet, and upgrading the Chamber’s electronic systems. Finally, the construction of a shade structure covering the playground at Veteran’s Park ($30,000) is proposed, seeking to partner with the local Rotary Clubs in the project, installing a fence around the playground and adding additional play equipment to the playground area.

In combination with funds from the Indian Gaming Community Benefit grant ($60,000) and the General Fund ($200,000), it is proposed to continue the development of the Fire
Training Facility training props. Also in combination with funds from the Indian Gaming Community Benefit grant ($50,000) and the General Fund ($135,000), the new law enforcement shooting range should be completed and operational in the coming fiscal year.

With Proposition 84 grant funds ($2.1 million), the property for the new park development on Chase Avenue has been acquired, with design of the park anticipated to be accomplished in the coming fiscal year, and construction in the 2012-2013 fiscal year.

A significant project without final appropriation to begin construction is the planned new Animal Shelter on Grand Avenue, across from the City’s Corporation Yard. With $500,000 currently budgeted for construction of the facility, up to $500,000 in additional funds would need to be appropriated to complete construction of Phase I of the facility, which includes up to one hundred (100) kennels and none of the planned support staff office space. For the Council’s information and reference, the five (5)-year lease ($1/year) with the City of Lindsay for the use of their Animal Shelter expires on January 1, 2014.

MEASURE H

Having begun with the 2006-07 fiscal year, the initial five (5)-year expenditure plan for Measure H will conclude at the end of the current fiscal year. All components to the original expenditure plan have been implemented, as well as the addition of a Sergeant and two (2) Dispatcher positions in the Police Department, with the exception of constructing a new Fire/Public Safety station. Although the Measure H Fund has an estimated $3.2 million Reserve, the current annual Fund revenues and expenditures are both budgeted and balanced at approximately $2.6 million, making the ability to further modify the expenditure plan and add additional positions with sustainable funding a challenge. To support a new station under the current Fire Department staffing plan, there is a need to hire at least six (6) new Fire personnel at an estimated annual expense of $500,000. However, with the support of the Porterville City Firefighters Association in limiting the number of shift personnel on vacation at the same time, the existing staffing plan could be modified, allowing for the staffing of a new Fire Station without the hiring of additional personnel. Additionally, at an estimated expense of $4 million, the construction of the new Station could move forward with an advance of funds from other City Funds, which would initially begin to be repaid utilizing part of the Measure H Fund reserve. For example, assuming a three percent (3%) simple interest rate and a ten (10)-year term for repayment, the annual fund transfer would be approximately $500,000. With property already acquired for the new station, expense of facility design is estimated at $400,000.

In combination with $150,000 in General Fund monies, $100,000 in Measure H funds continue to be budgeted in support of the planned development of a Literacy Center in the second floor of the Public Library

STREET CONSTRUCTION AND MAINTENANCE FUNDS

In regard to capital projects involving city streets and roadways, it is projected for the coming fiscal year that the City will have roughly $2,820,000 in street construction and maintenance funds available for appropriation, which is approximately $1,000,000 more
than has historically been available, due in large part to the Public Works Department successful application for CMAQ grant funds to construct the Jaye Street/Montgomery Avenue roundabout. With the funds available, reconstruction/rehabilitation projects are being planned for Henderson Avenue (between Indiana and Jaye Streets; $1,210,000), Olive Avenue (between Cobb and "H" Streets; $1,075,000), West North Grand Avenue (east of Highway 65; $363,000), as well as micro-surfacing projects for Henderson Avenue (between Newcomb and Prospect Streets; $272,000). Also, as directed by Council, cost estimates are being compiled in support of the City owning and operating its own micro-surfacing equipment. Significant previously-appropriated street projects that are anticipated to progress in the coming fiscal year include: 1) Plano Street Bridge Widening ($7.6 million); 2) Jaye Street Extension and Roundabout ($2.1 million); 3) Scranton Avenue/Indiana Street Widening ($2.0 million); and 4) Newcomb and Beverly Streets Shoulder Stabilizations ($1 million).

WATER FUND
In consideration of capital projects involving the City’s water system, it is anticipated that the 3 million-gallon Martin Hill reservoir ($3.8 million), 500 thousand-gallon Rocky Hill reservoir ($1.5 million), Morton Avenue and Mathew Street trunklines ($1.67 million), and Veteran’s Park booster pump ($460,000) water projects funded by a $8.26 million CIEDB loan will be completed in the coming fiscal year. Due to cost-savings in project construction, approximately $1.4 million of the original $8.26 million loan amount will be unexpended, with the City having the decision to either expend the remaining loan funds on additional water development projects (i.e. new well development, recharge basin development, etc) or attempt to return the unspent funds to the State and renegotiate the CIEDB loan in an effort to reduce the City’s annual debt service commitment ($31,600; $190,202 vs. $158,602). Throughout the process of securing the CIEDB loan, the potential of increasing the City’s water usage and/or meter rates has been mentioned, given the loan’s annual debt service payments essentially exhausting the funds typically used for water system replacement projects and recharge efforts. It is recommended that a separate Study Session on this subject be scheduled in July, to specifically review the Water Fund and the challenges ahead involving the needed continuous replacement of the distribution system, as well as increasing groundwater recharge efforts.

SEWER FUND
Regarding capital projects involving the City’s sewer system, it is anticipated that the first of the island annexation sewer extension projects will begin construction in the coming fiscal year. As the design of these projects begin, it is anticipated that more than $7 million in sewer extension projects will be constructed during the 2011-2012 and 2012-2013 fiscal years, with the objective of connecting the approximate 5,000 former County residents that were annexed into the City in 2006.

STORM DRAIN FUND
Considering capital projects involving the City’s storm drain system, with regard to effects from this past winter’s storm event, staff proposes to upgrade the storm drain system at Zalud Park, providing a permanent drainage connection from the Park to the Henderson Avenue and “G” Street drainage system ($260,000). Also, using Off-Road Highway
Vehicle (OHV) grant funds ($1.2 million), it is anticipated that property acquisition will be completed and design begun on the development of the storm drain reservoir on the west side of West Street, relocating the drainage from the City’s OHV Park and increasing drainage capacity to better serve the developing area nearby, with construction to begin in the 2012-2013 fiscal year.

In summary, the Preliminary Budget proposed for the upcoming 2011-2012 fiscal year represents the significant activities planned to improvement our community, even during a continued challenging economy. Toward ensuring that the City’s planned revenues and spending remain in balance, it is recommended that the Council’s regular quarterly budget review continue, especially given the State’s unresolved budget situation and residual effects to the City’s finances (COPS funding, Booking Fees, etc).

Sincerely,

John D. Lollis
City Manager
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE ADOPTING THE GENERAL FUND
BUDGET FOR FISCAL YEAR 2011-2012

WHEREAS, the City Manager, under provisions of the City Charter of the City of Porterville, has presented to the City Council for its consideration, a proposed General Fund Operating and Capital Improvement Budget for the period beginning July 1, 2011, and ending June 30, 2012; and

WHEREAS, the City Council after thorough review, has determined said budget, as modified and corrected, is in all respects suitable and adequate for the purposes of said budgets and cover the necessary expenses of the General Fund of the City of Porterville for the 2011-2012 Fiscal Year based on the cash reserves balance;

NOW, THEREFORE, BE IT RESOLVED

1. The City of Porterville General Fund Budget for the 2011-2012 fiscal year is adopted in the following amounts:

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<th>Budget Type</th>
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<td><strong>Total</strong></td>
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2. Staff will update Council on the condition of the budget and ongoing validity of assumptions utilized to create it during the months of November, January and April of the fiscal year, or at any time information becomes available that would alter the viability of this budget.
3. The City Manager is authorized to transfer General Fund operating budget appropriations between functions as required.

4. Increased service levels that require additional appropriations shall not be implemented without prior City Council approval.

_____________________________
Ronald L. Irish, Mayor

ATTEST:

_____________________________
John Lollis, City Manager / City Clerk
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE ADOPTING THE SPECIAL REVENUE,
ENTERPRISE, INTERNAL SERVICE, AND CAPITAL PROJECTS FUNDS
BUDGETS FOR FISCAL YEAR 2011-2012

WHEREAS, the City Manager, under provisions of the City Charter of the City of Porterville, has presented to the City Council for its consideration, a proposed Operating and Capital Improvement Budget for the Special Revenue, Enterprise, Internal Service, Debt Service, and Capital Projects Fund for the period beginning July 1, 2011, and ending June 30, 2012; and

WHEREAS, the City Council after thorough review, has determined said budgets, as modified and corrected, are in all respects suitable and adequate for the purposes of said budgets and cover the necessary expenses of the Special Revenue, Enterprise, Internal Service, Debt Service, and Capital Projects Funds of the City of Porterville for the 2011-2012 Fiscal Year:

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Porterville Special Revenue, Enterprise, Internal Service, Debt Service, and Capital Projects Funds budgets for the 2011-2012 fiscal year, are adopted in the following amounts:

<table>
<thead>
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<th>Budget Type</th>
<th>Amount</th>
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<td>Capital Projects</td>
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<td>Debt Service</td>
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<td><strong>Total</strong></td>
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2. Pursuant to Ordinance No. 1684, the Porterville Police, Fire and Emergency Response 9-1-1 Measure Expenditure Plan, is hereby recertified for the 2011-2012 fiscal year and the document, attached as Exhibit “A”, reflects the financial consequences of the receipt, expenditure and allocation of Measure H Sales Tax Revenues for the 2011-2012 fiscal year.

3. Increased service levels that require additional appropriations shall not be implemented without prior City Council approval.

ATTEST:

Ronald L. Irish, Mayor

John Lollis, City Manager / City Clerk
"RECERTIFICATION FOR 2011-12 FISCAL YEAR

MEASURE H EXPENDITURE PLAN

Proposed Expenditure Plan for the City of Porterville Public Safety Sales Tax Measure Based on 1/2 Cent Sales Tax availability:

The City Council has evaluated Porterville’s safety needs with input from the public in developing the attached Public Safety Expenditure Plan, which shall be amended from time to time, at the projected/estimated costs shown:

Fiscal Year 2011-12 Sales Tax Revenues $2,600,000**
Interest 65,000**
Total Revenues $2,665,000

Fiscal Year 2011-12 Expenditures
Maintain expanded patrol operations and gang suppression and narcotics operation with 10 sworn and 2 non-sworn Police personnel $1,337,357**
Maintain 8 additional sworn Fire personnel 902,082**
Maintain public library hours and continue expansion of literacy programs as outlined in the library business plan with 3 full-time library assistants and part-time staffing 375,000**
Subtotal $2,614,439
Design and construction of Public Safety Station $1,300,000**
Development of Library Literacy Center 100,000**
Subtotal $1,400,000
Total Expenditures $4,014,439

* Assumptions consistent with original Ordinance 1684.
** Certification of new amount and revision of Measure H Expenditure Plan.

John Lollis, City Manager / City Clerk
SUBJECT: PUBLIC HEARING TO CONSIDER MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 5-2010 (RINCONCITO COSALA)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On November 16, 2010, the City Council adopted Resolution 122-2010 approving Conditional Use Permit 5-2010 to allow for a type 41, (beer and wine) on-sale license at the Rinconcito Cosala Taqueria and Buffet Restaurant located at 887 W. Olive Ave. Specific conditions of approval were included in Resolution 122-2010 addressing the operation of the restaurant, which included the sale of alcohol in conjunction with the serving of meals and the business ceasing to operate by 2:00 a.m.

On June 7, 2011, the City Council voted to schedule a Public Hearing to consider modifying or revoking the Conditional Use Permit due to the number and nature of incident reports taken by the Police Department on separate occasions. The incident reports included criminal events, being open beyond the approved hours of operation and for the sale and serving of alcohol after 2:00 a.m., which is also a violation of the State’s Business and Professions Code.

Since bringing this item to the Council on June 7, 2011, to consider setting a Public Hearing, staff was notified by the property owner that the tenant has been provided with a notice to vacate the premises by no later than July 14, 2011. Therefore, the business will cease operation at some point by the 14th. As such, there are a few options for the Council to consider as follows:

OPTIONS: 1. Approve a sanction that would affect the operation of the restaurant until the end of the month.
2. Take no action. The Conditional Use Permit would remain in effect as-is for a future restaurant use.
3. Revoke the Conditional Use Permit effective immediately.

RECOMMENDATION: That the City Council open the Public Hearing to consider the modification or revocation of CUP 5-2010.

ATTACHMENTS: City Council Agenda Item of June 7, 2011
SUBJECT: CONSIDERATION OF SETTING A PUBLIC HEARING FOR MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 5-2010 (EL RINCONCITO COSALA)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On November 16, 2010, the City Council adopted Resolution 122-2010 approving a Conditional Use Permit (CUP) to allow for a type 41, (beer and wine) on-sale license at the Rinconcito Cosala Taqueria and Buffet Restaurant located at 887 W. Olive Ave. This item has been scheduled based on incident reports taken by the Police Department on two separate occasions for being open beyond the approved hours of operation and for the sale and serving of alcohol after 2:00 a.m., a violation of the State’s Business and Professions Code.

Resolution #122-2010 (Attachment 1) contains the following conditions of approval that are pertinent to this issue:

“2. The hours of operation during which alcoholic beverages may be sold under the on-sale license shall be from 10:00 a.m. to 2:00 a.m. Monday through Saturday, and Sunday from 10:00 a.m. to 10:00 p.m.”

“4. That at all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Development Ordinance, adopted building code and all other applicable laws and ordinances.”

“5. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Chapter 601.12 of the Porterville Development Ordinance.”

“10. That the sale of alcohol beverages is allowed only in conjunction with the serving of meals.”

On April 16, 2011, the Porterville Police Department (PD) conducted a routine check of the establishment at approximately 2:00 a.m. During the check, officers observed the sale and serving of alcohol to patrons within the establishment. Upon confirming the 2:00 a.m. hour, officers entered the restaurant and observed alcohol being served again. Contact was made with the evening Manager (Mr. Hernandez) and he was informed of violations of the State Business and Professions Code regarding the sale of alcohol after 2:00 a.m. Based on the police report of the incident, officers instructed the manager to...
shut down the establishment and ask the patrons to leave. The onsite manager expressed that he was unaware of the potential violations and that the City of Porterville had issued a Conditional Use Permit (CUP) allowing the business use. The officer expressed that, notwithstanding the conditions of the CUP, the violations that were witnessed were of the Business and Professions Code, which are State requirements. During the course of this situation, Mr. Hernandez made contact with the owner (Ms. Elsa Medina) over the phone and informed her of the situation. In response to the business closing, some patrons became agitated at the fact that they were being asked to stop drinking and leave. One patron became belligerent and was taken into custody and found to have warrants for his arrest. Upon securing and closing the business for the evening, the lead officer made contact with the owner to explain the events that occurred and was assured by Ms. Medina that no further violations would be made by the restaurant operator. A summary of the police incident reports is contained in Attachment 2.

Since the CUP was approved on November 19, 2010, there have been several site visits by the Police Department that have resulted in arrests including outstanding warrants, burglaries to vehicles, suspicious circumstances, and drunkenness in public. Staff spoke with the California Department of Alcoholic Beverage Control (ABC) staff on May 19, 2011, and was informed that the incident reports that are attached to this staff report were received, and that the business will be subject to disciplinary action. ABC met with the business owners on June 1, 2011 to discuss their violations and potential penalties. Staff was unable to provide the outcome of the meeting for this report but will update the Council as the information becomes available.

It is the City’s policy to consider setting a public hearing to consider modification or revocation of a CUP when a business, subject to a CUP, fails to observe the terms or conditions of the permit, or the use has been conducted in violation of the provisions of this ordinance, law or regulation. In the past, the City Council has sanctioned applicants and/or business owners for violation of their CUP conditions of approval. Within the past 8 years, approximately four (4) businesses have been reviewed and three (3) sanctioned.

Consistent with prior violations of approved Conditional Use Permits, staff is bringing this item before the City Council to consider whether or not it wishes to schedule a Public Hearing to consider modifying or revoking CUP 5-2010. Staff is requesting direction from the City Council in considering how to proceed with addressing this issue.

Should the City Council decide to proceed as such, the City of Porterville Development Ordinance provides the following guidance:

- **Section 601.07 - Notice of Action and Findings Required;** "When making a decision to approve, approve with conditions, modify, revoke or deny any discretionary permit under this ordinance, the
responsible body shall issue a notice of action and make findings as required by this ordinance.”

- Section 601.12 - Revocation of Approvals — “Any permit granted under this chapter may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith.”

At this time, staff is requesting direction on whether or not to proceed with a public hearing to modify or revoke the existing CUP in order to address the ongoing nuisance concerns.

OPTIONS:

1. Schedule a Public Hearing to consider modification or revocation of CUP 5-2010. Following the Public Hearing, the City Council would choose whether to impose new conditions of approval, suspend or revoke the CUP.

2. Take no action. The Conditional Use Permit would remain in effect as-is. Direct Staff to continue to monitor Police Department incident reports and bring back future violations to the City Council for consideration.

RECOMMENDATION: That the City Council direct staff on how to proceed.

ATTACHMENTS:

1. Resolution 122-2010
2. Police Department Incident Reports
3. Aerial Photograph
RESOLUTION NO. 122-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT 5-2010 TO ALLOW A TYPE 41, BEER AND WINE ON-SALE LICENSE IN CONJUNCTION WITH SERVING MEALS LOCATED AT 887 W. OLIVE AVENUE AND A LETTER OF PUBLIC CONVENIENCE OR NECESSITY

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of November 16, 2010, conducted a public hearing to consider Conditional Use Permit 5-2010, to allow a Type 41 on-sale beer and wine license in conjunction with serving meals at the Rinconcito Cosala Taqueria Buffet Restaurant located at 887 W. Olive Avenue and a Letter of Public Convenience or Necessity; and

WHEREAS: A Conditional Use Permit was required pursuant to the City of Porterville Development Ordinance; and

WHEREAS: Census Tract 41.01, in which the subject site is located, is overconcentrated with on-sale alcohol licenses according to the Department of Alcoholic Beverage Control Board’s method for determining overconcentration; and

WHEREAS: As a result of the overconcentration of on-sale licenses, the Department of Alcoholic Beverage Control will only approve the on-sale Type 41 licenses with an approval of a Letter of Public Convenience or Necessity by the Governing Body; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.

2. That the location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan and with any other applicable plan adopted by the City Council.

3. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

4. Pursuant to "General Rule" Exemption Code 15061 (b) (3) of CEQA guidelines the project as proposed is categorically exempt.

5. That the proposed project was determined by City Council to be a public convenience or necessity.

ATTACHMENT
ITEM NO. |
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 5-2010 subject to the following conditions:

1. That any future changes in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves area expansion or changes in hours which alcoholic beverages may be sold.

2. The hours of operation during which alcoholic beverages may be sold under the on-sale license shall be from 10:00 a.m. to 2:00 a.m. Monday through Saturday and Sunday from 10:00 a.m. to 10:00 p.m.

3. That the applicant shall maintain the security lighting on the exterior of the building to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.

4. That at all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Development Ordinance, adopted building codes and all other applicable laws and ordinances.

5. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Chapter 601.12 of the Porterville Development Ordinance.

6. The conditional use permit, approving on-site alcohol sales, will be subject to modification or revocation if the on-sale license is sanctioned by the State of California.

7. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.

8. That the noise generated by this use shall not exceed the limits established by the Noise Regulations of the City of Porterville and State of California.

9. That no separate bar area shall be provided for patrons.

10. That the sale of alcoholic beverages is allowed only in conjunction with the serving of meals.

11. That the off-sale of alcoholic beverages is prohibited.
12. That the conditional use permit shall become null and void if not undertaken actively and continuously pursued within two (2) years.

PASSED, APPROVED AND ADOPTED this 16th day of November, 2010.

[Signature]
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

By [Signature]
Patrice Hildreth, Chief Deputy City Clerk
I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 16th day of November, 2010.

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

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<th>McCracken</th>
<th>Hamilton</th>
<th>Irish</th>
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<th>Ward</th>
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JOHN D. LOLLIS, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
PORTERVILLE POLICE DEPARTMENT

REPORT NO. 11-3590
Sector # 4
UCR: 471200

LOCATION OF OCCURRENCE: 887 W. OLIVE AVENUE, RANCHITO COSALA

CODES:
- J=Juvenile
- RO=Registered Owner
- RP=Reporting Person
- S=Suspect
- V=Victim
- W=Witness
- DOB:
- Same as location of occurrence

J. Hernández, Elizabeth

Check if:
- Address

Marty's Law
- [ ] Confidential
- [ ] Confidential

Refer to 984 PC form
- [ ] Confidential
- [ ] Confidential

Tattoos / Stains / Marks / (Other Descriptive Remarks)

ELIZABETH ACOSTA

Check if:
- Address

Marty's Law
- [ ] Confidential
- [ ] Confidential

Refer to 984 PC form
- [ ] Confidential
- [ ] Confidential

Tattoos / Stains / Marks / (Other Descriptive Remarks)

Narrative: Include all Property and its Description:
- [ ] Stolen
- [ ] Recovered
- [ ] Lost
- [ ] Damaged
- [ ] Found
- [ ] Held/Evidence
- [ ] Safe Keeping

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VEHICLE INFO: S=Subject Vehicle; V=Victim Vehicle; W=Witness Vehicle

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<th>LICENSE NUMBER</th>
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<tr>
<td>YEAR</td>
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<td>MAKE</td>
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<td>VIN</td>
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Routing
- [ ] Inj
- [ ] Petrol
- [ ] D.A. / Court
- [ ] DQ
- [ ] Adult Prob
- [ ] Juvenile Prob
- [ ] T. (toll)
- [ ] Parking
- [ ] CV
- [ ] Traffic
- [ ] Other

I, the undersigned, hereby arrest the above defendant on the charges indicated and request that a police officer take this defendant into custody. I will appear as directed and sign a complaint against the person I have arrested.

I, the undersigned, hereby certify that to the best of my knowledge the information given in this report is true and accurate.

Citizen's Signature
date

Citizen's Address
Phone No.

City, State and Zip Code

Officer: SKAMEL

Approved: CASTANOW

ATTACHMENT

ITEM NO. 2
INCIDENT REPORT:

NARRATIVE:
On 5-14-11 at approximately 0150 hours, I responded to 887 W. Olive, Ranchito Cosala, for a bar check.

This business establishment is a restaurant, which serves a buffet for breakfast and lunch. The restaurant also serves from a dinner menu. At approximately 2000 hours on Thursday, Friday and Saturday, the restaurant converts to a nightclub with a band or a DJ and serve bottled beer. The owners, Elizabeth Hernandez and Elizabeth Acosta, have hired a private security guard to monitor the parking lot and the interior for the nightclub.

Upon my arrival, I observed two vehicles pull into the parking lot of the Ranchito Cosala Individuals exited the vehicles and entered the business. At approximately 0200 hours, I asked dispatch to advise the time. Dispatch advised 0201 hours. I entered the business at this time and spoke to both owners. I advised the owners I was conducting a bar check due to my observation of the parking lot. I reminded the owners of the Business and Professions code. Both owners stated they were aware of the code and advised the security guard confiscated all alcoholic beverages at approximately 0155 hours. The owners further advised, the business sells tacos to customers from 0200 hours to 0300 hours and they have a permit from the city allowing the restaurant to stay open.

I walked the interior of the business; I found El Rancho to be in compliance with the Business and Professions Code.

A bar check was conducted at this business due to a previous non-compliant issues and being a new restaurant which sells alcoholic beverages in the City of Porterville. See Porterville case #11-2820

No further information.
PORTERVILLE POLICE DEPARTMENT

DATE AND TIME OCCURRED: 4-16-11/02:01

DATE AND TIME REPORTED: SAME

CRIME CODE(S): 148 PC

REPORT NO.: 11-7820

CRIME CODE(S): WARRANT

Sector #: 9

CRIME CODE(S): 25631

UCR: 26100 421400 261117

LOCATION OF OCCURRENCE: 897 W. 24TH AVENUE

☐ HATE CRIME ☐ OI INCIDENT (13720 PC) ☐ DISSEX ASSAULT FORM PROVIDED

CODES: J=Juvenile; RO=Registered Owner; OP=Owner; RP=Reporting Person; S=Suspect; V=Victim; W=Witness

Name Initials, First, Middl.

DOB

Address

Same as location of occurrence

Height:

Weight:

Hair:

Eyes:

Race:

Sex:

DOL#:

State:

SSN#:

ARF:

Place of Birth:

Citation #:

Confidential

Tattoos / Scars / Marks / (Other Descriptive Remarks)

Refer to 864 PC form

Height:

Weight:

Hair:

Eyes:

Race:

Sex:

DOL#:

State:

SSN#:

ARF:

Place of Birth:

Citation #:

Confidential

Clothing Description

Refer to 864 PC form

Tattoos / Scars / Marks / (Other Descriptive Remarks)

Narrative: Include all Property and its Description:

Stolen; Recovered; Lost; Damaged; Found; Held/Evidence; Safe Keeping

License Number

License State

License Year

VIN

Routing

Invest

Petrol

D.A. / Court

Adult Prob

Juvenile Prob

T. Detl

Parole

CFS

Traffic

Other

RECEIVED
PORTERVILLE POLICE DEPARTMENT

I, the undersigned, hereby arrest the above defendant on the charges indicated and request that a police officer take this defendant into custody. I will appear as directed and sign a complaint against the person I have arrested.

I, the undersigned, hereby certify that to the best of my knowledge the information given in this report is true and accurate.

Citizen's Signature

Date

Citizen's Address

Phone No.

City, State and Zip Code

Officer

ID #

Date

Approved

ID #

Date
PORTERVILLE POLICE
CONTROLLED DOCUMENT
SUPPLEMENTARY INFORMATION FORM IN AGREEMENT WITH PENAL CODE 293 & 964

<table>
<thead>
<tr>
<th>SUSPECT NAME</th>
<th>LOCATION OF CRIME 887 W OLIVE AVE</th>
<th>CASE # 11-2826</th>
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</thead>
</table>

P.C. 954 Requires that personal information of victims and witnesses not be included in the Police Report. (ie.) Address - Phone Numbers - Drivers License Numbers - California Identification Numbers - Social Security Number - Date of Birth - Place of Employment - Employee Identification Number - Mothers Maiden Name - Demand Deposit Account - Savings Account Number - Checking Account Number - Credit Card Number - Any Other Identifying Information.

P.C. 293 Any Law Enforcement Agency who receives a report from any person, alleging that person has been the victim of a sex offense, shall inform that person that his or her name will become a matter of public record unless he or she requests that it not become a matter of public record, pursuant to Section 6254 of the Government Code. Specific Crimes included in these sections are Penal Code Sections: 220, 261, 262, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, and 846.9.

<table>
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</table>

OFFICER NAME: CASTELLANOFFICER ID# 132 DATE 4/12/11 REFER TO P.C. 293 & 964
APPROVED
PORTERVILLE POLICE DEPARTMENT
Narrative Report
Case No. 11-2820

On 4/16/11 at approximately 0200 hours, Officer McGowen, Detective Sutherland and I were at the intersection of Cloverleaf Street and Olive Avenue, with a subject detained. While I was at that intersection, I noticed several a large crowd and several vehicles in the parking lot of 887 West Olive Avenue (Ranchito Cosala restaurant).

I drove my marked police unit to that location and parked in front of the establishment. While sitting in my patrol vehicle, I noted that the time on my mobile dispatch terminal (Computer) read 0201 hours. Officer Contreras arrived and parked next to my vehicle. I asked Officer Contreras what time he had on his mobile computer, and he said it also read 0201 hours. I radioed Porterville Police Department Communications and asked them to confirm the time. Porterville Police Department Communications advised it was 0201 hours.

I then noted through the front door of the business that several people were still inside, and I could hear loud music playing inside. I observed a waitress, later identified as __________ carrying what appeared to be alcoholic beverages in a silver bucket (Corona beer) to people inside the business. I asked Officer Contreras to accompany me inside the business to contact the owner or manager for being in violation of Business and Profession Codes 25631 and 25632, which states that it is a misdemeanor to have or sell alcohol or consume alcohol inside a restaurant or business between 0200 hours and 0600 hours.

Officer Contreras and I entered the business and contacted __________. We asked who was currently in charge, __________ directed us to a subject later identified as Ricardo Hernandez, __________ at which time I advised Hernandez of the violations and crimes being committed inside the business. I then directed Hernandez to shut down the establishment and ask the patrons to leave. Hernandez proceeded to make get on the telephone and call an unknown subject, who was later determined to be the owner, Elsa Medina. Hernandez was unsure about the potential violations and advised that the business license he obtained from the City of Porterville said he could operate until 0300 hours. I advised Mr. Hernandez that that could be true, but he was in violation and committing a misdemeanor by allowing open alcoholic beverages and continuing to serve alcoholic beverages in violation of the above Business and Profession Codes.

Hernandez continued to talk on the phone for approximately ten minutes. At approximately 0211 hours, I advised Officer Contreras to accompany me to the east portion of the business to contact the DJ, have him shut down the music and advise the customers to leave the establishment.

As we walked toward the east portion of the business, I noted many open Corona beer bottles and several unopened beers, which were sitting in buckets of ice. I also noted several patrons consuming alcoholic beverages in the business and around where the DJ. I approached the DJ and asked him to turn off the music, which he did as I requested. I then asked the customers to set their alcoholic beverages down and exit the business. Several of the patrons advised that they would leave in a minute.
One such customer was later identified as [redacted] and a group of approximately eight to ten subjects, who continued to drink their alcoholic beverages (Corona beers) and advised them they had to leave, but they continued to drink their alcohol.

Officer Contreras and I then motioned for them to walk toward the entrance, which was located at the southwest portion of the building. They finally set down their alcoholic beverages and started to walk toward the front door, but then stopped. I then motioned to [redacted] to continue to walk toward the front door, at which time he said he would but then turned and walked toward me. I advised [redacted] "You need to leave, or you will be the first subject that goes to jail tonight." I then approached me with a closed right fist and brought it back toward his side as if he was potentially going to strike me. I grabbed [redacted] by the left arm, at which time he pulled away and stated, "Don't touch me."

I then began to escort [redacted] toward the front door, at which time he began to pull away. I attempted to place [redacted] in a control hold, at which time he pulled away from me. Officer Contreras and I were able to force him out the front door and toward the patrol car. I advised [redacted] he was under arrest and to place his hands behind his back, which he refused, continuing to flail his arms and pull away from my grasp. Additional officers had arrived and we were able to take [redacted] to the ground and handcuff him; he was then placed into the back of a Porterville Police unit.

A crowd had gathered outside the business and was yelling obscenities, coming toward assisting officers and myself. Officer Contreras deployed his K-9 partner for crowd control, keeping the crowd at bay. Officer McGowan, Officer Sokoloff, Detective Sutherland, Officer Franco, Officer Holliman, Officer Contreras, and I were able to clear the parking lot of the remaining customers.

After all of the customers had left the parking lot, I attempted to re-enter the establishment, but found the front door had been locked. I observed Hernandez and [redacted] inside the business. I knocked on the front door of the business requesting they open the door. They hesitated for several minutes and then reluctantly opened the door.

I re-entered the establishment and contacted Hernandez. I advised Hernandez I was taking a criminal complaint for the violation of the Business and Professions Code violations and forwarding the report to the district attorney's office. I then again explained the violations of the liquor license and the Business and Professions Codes to Hernandez, which he stated he understood.

I took several photographs of the open containers and beer bottles I had seen the patrons drinking inside the establishment. Hernandez's business license, alcohol license, and food license were also photographed. All of the digital photographs are attached to this investigation.

At the police department, [redacted] was checked for any want and arrest warrants. He returned with two felony warrants for his arrest for narcotics trafficking. I read [redacted] his rights per Miranda, which he invoked, stating, "I did nothing wrong and I'm not talking to you." He was advised of the arrest warrants, at which time he stated, "I don't have any warrants."

Reporting Officer
Sergeant J. Castellow

Date/Time
April 17, 2011

Reviewed by

Date
PORTERVILLE POLICE DEPARTMENT
Narrative Report
Case No. 11-2820

It should be noted that [redacted] had a strong and distinct odor of an alcoholic beverage on his breath, his eyes were extremely bloodshot and watery, and his demeanor was extremely upset and angry.

[redacted] was subsequently transported to the Tulare County Sheriff's Department Porterville Substation for obstructing or delaying a peace officer in the performance of his duties and the two felony arrest warrants.

At approximately 0253 hours, I contacted the owner, Elsa Medina. [redacted] I contacted her at telephone number [redacted]. I explained to Ms. Medina what had occurred, and she stated she had been called by [redacted]. I explained the misdemeanor violations of the Business and Professions Codes to her, at which time she stated she was under the impression if the business sold alcohol prior to 0200 hours, the patrons were able to continue to drink inside the business. I then thoroughly explained the business and professions codes and the time frames they could sell and drink alcohol inside the business. She stated she understood and was very cooperative. Ms. Medina stated there would be no further incidents of consumption or selling of alcoholic beverages past 0200 hours at the business. I then provided Ms. Medina the case number and advised her a crime report would be forwarded to the Tulare County District Attorney's Office and the State of California Alcohol Beverage Control.

Reporting Officer
Sergeant J. Castellow

Date/Time
April 17, 2011

Reviewed by

Date
Print Receipt

Name: 11-002820_9920_AA.JPG
CR No: 11-002820
Photographer: Sokoloff, Bruce
Upload Date: 4/16/2011 3:36:12 AM
Desc: 18 Photos of 887 W. Ol...

Name: 11-002820_9921-AA.JPG
CR No: 11-002820
Photographer: Sokoloff, Bruce
Upload Date: 4/16/2011 3:36:12 AM
Desc: 18 Photos of 887 W. Ol...

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Upload Date: 4/16/2011 3:36:13 AM
Desc: 18 Photos of 887 W. Ol...

Rinconsito Cosala
Restaurant

Conditional Use Permit 5-2010

Attachment 3
SUBJECT: SECOND READING – ORDINANCE 1778, SIGN CODE

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1778, An Ordinance of the City Council of the City of Porterville Repealing and Replacing Subchapter 305 of Chapter 21 of the Municipal Code Regarding Signs, was given first reading on June 7, 2011, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1778, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1778
ORDINANCE NO. 1778

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE REPEALING AND REPLACING SUBCHAPTER 305 OF
CHAPTER 21 OF THE MUNICIPAL CODE REGARDING SIGNS

WHEREAS: On May 4, 2010 the City Council of the City of Porterville adopted a Comprehensive Development Code that replaced Chapter 21 “Subdivisions” and Appendix A “Zoning”;

WHEREAS: Staff has determined that changes to the current Sign Code are necessary and appropriate to increase the amount of signage allowable on individual commercial properties, and such amendments may assist in creating a positive impact on the economic viability of the City as a whole;

WHEREAS: The amendments to the Sign Code have been reviewed by a subcommittee of the original General Plan and Comprehensive Development Code committees and found to be appropriate for the community;

WHEREAS: The amended Sign Code has been reviewed by the City Attorney and found to be in conformance with Federal, State and local laws;

WHEREAS: It has been determined that the Sign Code should be amended in its entirety in advance of other changes that are being made to the remainder of the Development Code;

WHEREAS: A public hearing was held before the City Council on June 7, 2011, pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of the City;

WHEREAS: It has been determined that no further environmental review pursuant to the California Environmental Quality Act (CEQA) is necessary, because this project is an implementation measure of the adopted General Plan. An addendum was prepared to the Porterville General Plan Final Environmental Impact Report when the Comprehensive Development Code was adopted in May 2010, and it was determined that the project does not contain changes and/or additional details that warrant a Subsequent or Supplemental EIR as described in Section 15162 and 15163 of the California Environmental Quality Act Guidelines.

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

1. That the City Council of the City of Porterville does hereby repeal Subchapter 305 of Chapter 21 of the Porterville Municipal Code [SIGNS] and replace it with a new Subchapter 305 [SIGNS], attached hereto as Exhibit A, and fully incorporated herein by reference.
2. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED APPROVED AND ADOPTED this 21st day of June, 2011.

Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By: ________________________________
Patrice Hildreth, Chief Deputy City Clerk
Chapter 300    Signs (Chapter 305)

Sections:

305.01    Purpose
305.02    Policies
305.03    Applicability
305.04    Design Principles
305.05    Exempt Signs
305.06    Prohibited Signs
305.07    General Standards
305.08    Sign Standards for Residential Districts
305.09    Sign Standards for Non-Residential Districts
305.10    Standards for Specific Types of Signs
305.11    Temporary Signs
305.12    Permits Required; Review Process
305.13    Master Sign Program
305.14    Nonconforming Signs
305.15    Abatement and Removal of Illegal Signs

305.01    Purpose

The purpose of this chapter is to establish regulations to ensure the orderly display of signs as a city-wide information system, consistent with State and Federal law. These regulations recognize the desire and need of each individual, business, firm or corporation to identify its place of residence, business or service, and realizing that the indiscriminate erection, location, illumination, coloring, size, and lack of proper maintenance of signs and advertising structures, constitutes a significant contributing factor detrimental to the well-being and continuing activity of a city's people and economy. Specifically, these regulations are intended to:

(a)     Assure that all signs and advertising structures are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality, and do not impair the view of nearby or adjacent signs;

(b)     Prohibit the installation and maintenance of signs or advertising structures that unduly distract motorists' attention from driving, and which detract from attention to traffic movement and to signs and signals promoting traffic safety;

(c)     Prevent the installation and maintenance of signs or advertising structures that individually or collectively have an injurious effect on the morale of the people and the economic well being of the City;

(d)     Assure that size and location of signs and advertising structures do not constitute an obstacle to effective fire protection and fire fighting techniques; nor constitute a direct or potential danger to vehicular or pedestrian traffic, especially in the event of structural failure during the period of inclement weather and earthquakes or in the event of impaired vision due to improper size or location; and
(e) Otherwise protect the public health, safety, morale, and promote the public welfare.

305.02 Policies

The policies and principles stated in this Section apply to all signs within the regulatory scope of this Chapter, and to all procedures set forth in, or invoked by, this Chapter. These policies are to prevail over any other provision to the contrary, even if more specific.

(a) Permit Requirement. Unless expressly exempted by a provision of this Chapter, or by other applicable law, signs within the regulatory scope of this Chapter may be displayed only pursuant to a permit issued by the City.

(b) Message Neutrality. It is the City's policy to regulate signs in a constitutional manner, that is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.

(c) Regulatory Interpretations. All regulatory interpretations of this Chapter are to be exercised in light of the City's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, or wherever a sign does not qualify as a "structure" as defined in the Building Code, then the Zoning Administrator shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this Chapter.

(d) Substitution of Messages. Subject to the property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of the message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over any other noncommercial message. This provision does not create the right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; does not allow the substitution of an off-site commercial message in place of an on-site commercial message; and does not allow one particular on-site commercial message to be substituted for another without a permit.

(e) Rules for Non-communicative Aspects of Signs. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

(f) Situs of Non-commercial Message Signs. The onsite/offsite distinction applies only to commercial messages on signs.

(g) Property Owner's Consent. No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property.
and all parties and persons holding a present right to possession, control or use of the property.

(h) **Legal Nature of Signage Rights and Duties.** As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this Chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Chapter), or the ownership of sign structures.

(i) **Sign Programs.** Sign programs for specific developments, as well as special sign districts or special sign overlay zones, when approved by the Approving Authority, may modify the rules stated herein as to sign size, height, number, illumination, spacing, orientation or other non-communication aspects of signs, but may not override or modify any of the Basic Policies stated in this Section. All the provisions of this Section shall automatically apply to and be deemed a part of any sign program after the date on which this provision is initially adopted.

(j) **Severance.** If any section, sentence, clause, phrase, word, portion or provision of this Chapter is held invalid, or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid portion. In adopting this Chapter, the City Council affirmatively declares that it would have approved and adopted the Chapter even without any portion which may be held invalid or unenforceable.

### 305.03 Applicability

The requirements and development standards in this chapter apply to signs in all zoning districts, unless otherwise specified.

### 305.04 Design Principles

(a) **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture and architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that spills over “natural” boundaries or architectural features and obliterates parts of upper floors of buildings, or is detrimental to visual order is not permitted.

(b) **Consistency with Area Character.** A sign shall be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where a sign is located in close proximity to a residential area, the sign shall be designed and located so it has little or no impact on adjacent residential neighborhoods.

(c) **Legibility.** The proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the anticipated distance and travel speed of the viewer. Colors chosen for the sign text and/or
graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.

FIGURE 305.04(C): LEGIBILITY

This: Turner Locksmith

Not This: SECURITY IS OUR MOTTO!

371-1791
WE WILL MAINTAIN SERVICE & CLEAN ALL YOUR LOCKS
TURNER LOCKSMITH

This: FORGET ME NOT GIFT SHOP

Not This: Forget-Me-Not GIFT SHOPPER

(d) Finish. Signs shall have finished edges with a clean, smooth, consistent surface. Lettering on the sign is to be of complementary size, proportion and font and either carved, routed, painted or applied.

(e) Visibility. A sign shall be conspicuous and readily distinguishable from its surroundings.

305.05 Exempt Signs

The following signs are exempt from the permit requirements of this chapter, and they do not count toward the total sign number or area limit for a site, provided that they conform to the specified standards and obtain building permits when required by law.

(a) Civic Signs. Signs for historical or memorial buildings, when constructed of bronze or other incombustible materials or cut into any masonry surface and installed by a civic organization recognized by the City Council.

(b) Change of Business Signs. A temporary attachment or covering of wood, plastic, or canvas over a permanent sign may be displayed no longer than thirty (30) days following the change of ownership or activity for which the sign is intended, or up to ninety (90) days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.
(c) **Construction Signs.** One (1) sign, with a maximum sign area of thirty-two (32) square feet, per street frontage on real property where construction, structural alteration or repair is to take place, or is taking place. Construction signs shall be removed upon final building inspection.

(d) **Equipment Signs.** Signs, not more than four (4) square feet in area, incorporated into displays, machinery or equipment by a manufacturer, distributor or vendor, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, vending machines, menu boards and umbrellas.

![Figure 305.05(D): Equipment Signs](image)

Maximum Sign Area:
4 Sq. Ft.

(e) **Flags.** Flags with the display of only noncommercial speech.

(f) **Identification Signs.** Signs on apartment houses, boarding or rooming houses or similar uses, not exceeding six (6) square feet in area.

(g) **Information Signs.** Displays commemorating legal holidays, hours of operation, opened or closed, etc., not exceeding four (4) square feet in area.

(h) **Name Plates.** Name plates and occupational signs denoting only the name and occupation of any occupant in a commercial building or public institutional building, and not exceeding two (2) square feet in area.

(i) **Official Government Signs, Plaques, and Legal Notices.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person given due legal notice; historical markers erected by a governmental body; or other signs required or authorized by law.

(j) **Parking and Directional Signs.** On-site parking and directional signs for public or private developments, denoting the entrance, exit, and direction of traffic flow and
(k) **Real Estate Offered for Sale, Rent or Lease (Off-site Directional).** Not more than one (1) off-site sign with a maximum size of twenty (20) square feet and a maximum height of eight (8) feet, Permission from the property owners of the site where the sign is placed is required. Such signs shall be removed within 5 days following close of escrow or finalization of sale, rental, or lease.

(l) **Real Estate Offered for Sale, Rent or Lease (On-site).** Not more than one (1) on-site real estate sign with a maximum size of six (6) square feet (excluding rider signs no larger than a total of six (6) square feet) and a maximum height of six (6) feet in the R districts, and a maximum size of thirty-two (32) square feet and a maximum height of eight (8) feet in all other districts, shall be allowed per street frontage of a parcel. Such signs shall be removed within 5 days following close of escrow or finalization of sale, rental or lease.

(m) **Reader Panels.** Permanent reader panels for public, charitable, or religious institutions provided said reader panels are located on the property to which such reader panels pertain and do not exceed twenty (20) square feet in total area per face nor more than ten (10) feet in height, and further provided said reader panels are located in such a manner as not to constitute a hazard to vehicular or pedestrian traffic. Electronic reader boards which otherwise comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every three (3) seconds shall also be allowed as exempt signs for public, charitable or religious institutions.

(n) **Sponsorship Signs.** One (1) sponsorship sign per business noting a business, which sponsors and contributes to the sports activities upon public premises, not to exceed thirty-six (36) square feet in area, per site shall be permitted for a period not to exceed ninety (90) days preceding the event or season. Such sign shall be removed within fifteen (15) days after the event or season.

(o) **Warning Signs.** Non-commercial warning signs or no trespassing signs on private property posted no closer than twenty-five (25) feet apart nor exceeding two (2) square feet in area per sign.

**305.06 Prohibited Signs**

The following types of signs and devices are specifically prohibited:

(a) **Animated, Flashing or Moving Signs.** Signs that incorporate, flashing, moving, rotating, pulsating or intermittent lighting, with the exception of changeable copy message center display signs and barber poles, except as allowed elsewhere in this chapter. Any sign that, because of brilliant lighting, interferes with the enjoyment of surrounding residential property or interferes with traffic, vehicular or pedestrian, is prohibited.
(b) **Balloons, Banners, Streamers and Pennants.** Signs, balloons, banners, pennants, or any other advertising display constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials, except awnings or as allowed for Automobile/Vehicle Sales and Leasing establishments, or in Section 305.11, Temporary Signs.

(c) **Billboards.** Any sign directing attention to a business, service, or product that is not conducted, sold, produced, or offered by any use on the same lot, or which identifies by brand name a product which, although sold on the premises, does not constitute one (1) of the principal items for sale on the premises unless otherwise provided by the California Outdoor Advertising Act (Business and Professions Code Sections 5200 – 5486, inclusive).

(d) **Emissions.** Signs that produce noise in excess of forty (40) decibels, excluding voice units at drive-through facilities, and signs that emit odor or visible smoke, vapor or particles.

(e) **Fence Signs.** Signs attached or painted on fences or freestanding walls that are not part of a building, except for subdivision entry signs as allowed in Section 305.08 (a).

(f) **Obcenities.** Signs that depict, describe or relate to “specified sexual activities” or “specified anatomical areas” as defined in Chapter 700, Terms and Definitions.

(g) **Obstructions to Exits.** Signs erected, constructed or maintained which obstruct any fire fighting equipment, fire escape, required exit or door opening intended as a means of egress, unless approved by the Fire Marshal.

(h) **Obstructions to Driver Visibility.** Signs in corner cut-offs and lines of sight in accordance with the provisions of Section 300.16, Visibility at Driveways and Intersections.

(i) **Obstructions to Ventilation.** Signs that interfere with any opening required for ventilation.

(j) **Portable Signs.** Signs not permanently attached to, mounted upon or affixed to a building, structure or the ground, except as otherwise provided herein.

(k) **Posters.** Posters of a temporary character that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, except as otherwise provided in this chapter. This section excludes signs placed in windows per Section 305.10 (e).

(l) **Roof Signs.** Signs erected or painted upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the ridge line or top of parapet, except as allowed in this chapter.
(m) **Signs Creating Traffic Hazards.** Signs that simulate in color, size or design any traffic control sign, signal or device, or that make use of words, symbols or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic. No sign, light or advertising structure shall be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, at any location where, by reason of the position, shape, color or movement may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

(n) **Vehicle Displays.** Signs placed or displayed on vehicles parked in a conspicuous location with the primary purpose of on-site or off-site advertising of a commercial product or service, with the exception of vehicle identification signs.

### 305.07 General Standards

This section establishes general physical standards and requirements. More detailed standards applicable to specific sign types (e.g. wall signs, awning signs) are in Section 305.10, Standards for Specific Sign Types. In addition to these general standards, all signs shall conform to the specifications of Municipal Code Chapter 3, Advertising and Signs.

(a) **Maximum Allowable Sign Area.** All signs shall conform to the maximum area requirements specified in Table 305.09, unless a different limit is approved under a Master Sign Program.

(b) **Measuring Sign Area.** Sign area includes the entire face of a framed sign, but does not include the supporting structure. Individual letters attached to a building shall be measured by the area enclosed by a continuous line outlining the perimeter of the words, emblems, and logos.
(1) **Double-Faced Signs.** For double-faced signs, only one (1) side shall be counted as the total area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.

(2) **Multi-faced Signs.** The sign area of signs with three (3) or more sign faces, shall be calculated as the sum of two (2) sign faces. Where the faces are not equal in size, the larger sign faces shall be used as the basis for calculating sign area.

(3) **Three-dimensional Signs.** Signs that consist of, or have attached to them, one (1) or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two (2) adjacent sides or sign faces.

**FIGURE 305.07(B)(3): THREE-DIMENSIONAL SIGNS**

(c) **Abandoned Signs.** Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of ninety (90) days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located. When a wall sign is removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in this chapter.

(d) **Building Frontage.** Building frontage shall be considered the wall of a building that faces and is roughly parallel with a public street, excluding an alley. The linear dimension of that building frontage shall be used to calculate allowable signage. Buildings with walls facing more than one public street shall be allowed signage for each building frontage in accordance with Table 305.09. Buildings located on interior lots (not on a corner) and that are oriented perpendicular to a public street shall be allowed signage based on the longer of the front or side building elevation. All, or a percentage, of the allowable sign area may be transferred to the other building elevations provided the sign area on any wall shall not exceed the maximum allowable for that wall in accordance with Table 305.09. For buildings that have no public street frontage, building frontage shall be determined by the Zoning Administrator.
(e) **Changeable Copy.** Changeable copy shall cover no more than forty (40) percent of the total sign allowance for manually changeable signs. For electronic message center signs with copy that can be changed or altered by electric, electromechanical, electronic, or any other artificial energy means, the changeable portion of the sign shall cover no more than forty (40) percent of the total sign allowance. The following uses are exempt from this restriction: religious institutions, cinemas, government or civic signs, gas price signs at gas stations, indoor theaters, schools, and colleges.

(f) **Clearance from Utilities.** Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.

(g) **Construction and Maintenance.**

(1) Unless exempt, signs and supporting structures shall be installed in accordance with the latest adopted Building Code.

(2) All signs, together with all supporting structures, shall be maintained in the following manner:
   a. Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.
   b. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired, and graffiti and unauthorized attachments shall be removed.
   c. Failed, damaged, or blinking illumination shall be promptly replaced.
   d. Sign areas shall be kept free and clear of all noxious substances, rubbish and weeds.
   e. Discolored or faded panels on plastic faces shall be restored to their original condition and color.

(h) **Encroachment into Public Street or Sidewalk.** Any sign projecting into a public right of way requires an encroachment agreement approved by the City Engineer.

(i) **Illumination.** Channel letters, internally illuminated signs and neon signs are allowed with the exception that internally illuminated signs are prohibited in some downtown districts. Bare bulbs visible from the public right of way are prohibited. On signs with external illumination, lights shall be provided with proper reflectors to concentrate the illumination on the area of the sign to prevent glare on the street or adjacent properties. All sign illumination shall adhere to the performance standards for lighting and glare in Chapter 307, Performance Standards.

(j) **Materials.** Paper, cardboard and other materials subject to rapid deterioration shall be limited to signs displayed for no more than (30) days
305.08  Sign Standards for Residential Districts

(a) Religious facilities, multifamily residential projects, schools, civic uses and other nonresidential uses in R districts are allowed one (1) building-mounted sign and one (1) monument sign with a maximum cumulative sign area of thirty-two (32) square feet.

(b) Residential subdivisions are allowed one (1) monument sign or wall sign per street frontage for entry into the subdivision. Each sign shall not exceed a maximum size of thirty-two (32) square feet.

305.09  Sign Standards for Non-Residential Districts

Signage in non-residential districts shall comply with the standards in Table 305.09 unless a different sign area allowed for a specific use is described elsewhere in this code. Buildings without clearly defined tenant space frontage shall share total sign area allowed per building as determined in Table 305.09. All properties in non-residential districts shall be allowed a minimum sign area of twenty (20) square feet.
<table>
<thead>
<tr>
<th>Zoning Districts (Frontage)</th>
<th>Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)</th>
<th>Permitted Sign Types</th>
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<td>Permitted Sign Types</td>
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305.10 Standards for Specific Types of Signs

(a) **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures are allowed. Awning and canopy signs are subject to the specific zoning district standards and the following standards:
(1) **Maximum Sign Area Per Awning or Canopy Sign:**
   a. Downtown, CMX, and CN districts: twenty-four (24) square feet
   b. CG, CR, and Employment districts: sixty (60) square feet

(2) **Sign Clearance.** Minimum of eight (8) feet.

(3) **Height Limit.** Twenty-five (25) feet.

(4) **Number of Signs.** Four (4) maximum per building façade, which includes any wall signs.

(b) **Marquee Signs.** A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses. Removable copy may be changed on the face of permitted marquee signs without securing a permit. Marquee signs are subject to the specific zoning district standards and the following standards:

(1) **Maximum Number of Signs:** One (1) marquee sign per site.

(2) **Maximum Sign Area Per Sign:** One and one-half (1.5) square feet per linear foot of building frontage.

(3) **Sign Clearance.** Minimum of eight (8) feet.

![FIGURE 305.09(B): MARQUEE SIGNS](image)

(c) **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall are allowed, subject to the specific zoning district standards and the following standards:

(1) **Maximum Number of Signs:** One (1) projecting sign per building façade or tenant space frontage.

(2) **Maximum Sign Area Per Sign:** Sixteen (16) square feet; except the maximum sign area per sign is eight (8) square feet when the sign is located under a canopy or awning.

(3) **Sign Clearance.** Minimum of eight (8) feet.
(4) **Height.** A projecting sign shall be erected in such a manner as not to create a traffic hazard to vehicles or pedestrians. Projecting signs shall not extend higher than twenty (20) feet above ground level or above an eave or roof, whichever is lower.

(5) **Projection.**

a. A projecting sign cannot extend more than three (3) feet from the building to which it is attached.

b. An under-canopy sign, attached to and hanging from an awning or canopy shall be located completely under the canopy or awning and shall not project beyond its edge.

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**FIGURE 305.10(C): PROJECTING OR UNDER-CANOPY SIGNS**

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(d) **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof. No wall sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific zoning district standards and the following standards:

1. **Maximum Number of Signs.** Four (4) maximum per building façade or tenant space frontage, which includes any awning or canopy signs.

2. **Maximum Sign Area Per Sign:** Three hundred (300) square feet.

3. **Height.** Wall signs shall not be mounted or placed higher than the second story and shall not extend higher than the building wall upon which they are attached.
(4) **Coverage.** Wall sign copy shall not occupy more than seventy-five (75) percent of the length of the wall to which the sign is attached.

(5) **Projection.** Wall signs cannot extend more than twelve (12) inches beyond the face of the wall to which they are attached.

(6) **Design.** Wall signs shall be oriented to achieve balance composition and harmony with other architectural elements of a building façade.

(e) **Window Signs.** Window signs painted or otherwise adhered directly onto a window are exempt from the permit requirements of this chapter and do not count towards the total sign area limit for a site, but are subject to the specific zoning district standards and the following standards:

(1) **Coverage.** Window signs shall cover no more than fifty (50) percent of the total glass window area along each building façade.

(2) **Height.** Window signs shall not be mounted or placed on windows higher than the second story.

(f) **Monument Signs.** Freestanding signs erected on the ground or on a monument base designed as an architectural unit are allowed, subject to the specific zoning district standards and the following standards:

(1) **Maximum Number of Signs.** One (1) monument sign per frontage per site.

(2) **Maximum Sign Area Per Sign:**
   a. D-PO, D-PS, D-GC, CMX, and CN districts: thirty-two (32) square feet.
   b. CG, CR, and Employment districts: sixty (60) square feet
   c. PS, REC and PK districts: thirty-two (32) square feet.

(3) **Height.** A maximum of seven (7) feet; twelve (12) feet in the CMX, CN and PO zone districts.

(4) **Setbacks.** Monument signs shall be set back a minimum of five (5) feet from the property line.

(5) **Landscaping.** All monument signs shall require automatic irrigated landscaping at the base equivalent to the area of the sign copy.

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![Figure 305.10(F): Monument Signs](image)

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(g) **Pole Signs.** Pole signs are allowed subject to the specific zoning district standards and the following standards:
(1) **Maximum Number of Signs**: One (1) pole sign per site.

(2) **Allowable Sign Area Per Sign.** The area of any pole sign shall be included in the maximum allowed sign area per Table 305.09.

(3) **Architectural Treatment.** Pole signs shall be architecturally compatible in style, finish and color with the adjacent building or development. Structural supports, poles, angle bars, iron pipes, I-beams or similar structural members shall be architecturally encased with finished metal cladding, stucco, or similar material at least one foot in diameter, subject to approval by the Zoning Administrator as to proportion and architectural compatibility.

(4) **Landscaping.** Pole signs shall be placed within a landscaped planter with at least twenty-four (24) square feet of planting area. As a condition of any permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.

(5) **Height.** A maximum of twenty (20) feet; thirty-five (35) feet within five hundred (500) feet of a freeway right of way. Pole signs shall have a minimum clearance of fourteen (14) feet over parking lots and driveways, and eight (8) feet over pedestrian walkways.

(6) **Projection.** Pole signs that project beyond the property line.

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**FIGURE 305.10(G): POLE SIGNS**

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(h) **Other Sign Types.**

(1) **Center Identification Signs.** Center identification signs may be erected in the Commercial and Employment districts, subject to the following limitations:
a. **Allowable Areas:** The center shall consist of a commercial or industrial development with an integrated site and design plan creating a single unified development with three (3) or more uses.

b. **Area Not Counted.** The area of the sign shall not count towards the sign area allowed for the individual tenant space or building on the lot.

c. **Sign Area Allowed.** The maximum sign area may be no more than one (1) square foot for each linear foot of street frontage, but in no case shall the total sign area exceed two hundred (200) square feet. If more than one (1) entrance to the lot exists, the maximum sign area permitted will be divided among the number of entryways and signs requested.

d. **Sign Height** The maximum sign height shall not exceed twenty (20) feet in the CMX, CN and PO zone districts; thirty-five (35) feet in all other Commercial and Employment zone districts.

e. **Sign Base.** The sign base is to be located within a planter box or planting area at least twenty-four (24) square feet in area and the design and location is to be approved by the Zoning Administrator.

(2) **A-Frame/Sandwich Board Signs.** Temporary, portable A-frame or sandwich board signs may be erected in all nonresidential zone districts, subject to the following limitations

a. **Area Not Counted.** The area of the sign shall not count towards the permissible sign area of the individual lot.

b. **Maximum Number of Signs.** One (1) A-frame/sandwich board sign per tenant space.

c. **Maximum Sign Area.** The total sign area shall not exceed a maximum of six (6) square feet per side.

d. **Location.** Such sign may encroach into the right of way up to two (2) feet from the property line provided there remains a five (5) foot wide walkable area when the sign is in place.

e. **Removal.** Such sign is to be removed during non-operational hours.

### 305.11 Temporary Signs

The following types of temporary signs are permitted, provided that they conform to the standards of this section:

(a) **Commercial Banners, Handheld Signs, Portable Signs and Inflatable Signs:** Banners, handheld signs, portable signs and other similar temporary advertising devices shall be prohibited, except for business openings, special events, promotional events and signs advertising a subdivision being developed in the City and are subject to the following:

(1) A temporary sign permit shall be secured prior to the installation or display of any such sign. Issuance of a temporary sign permit may be contingent
upon the overall permissible area available for temporary signs within a geographic area as identified in subsection (a)(6) of this section. In addition, the application would be reviewed in light of other temporary sign permit applications submitted for the same area, which may put such signs in conflict with subsection (a)(6) of this section.

(2) A temporary sign permit shall be granted for any one business or building for a period of three (3) calendar months. A temporary sign permit shall authorize the business to display a banner, handheld sign, portable sign or inflatable sign for the duration of the sign permit. A maximum of two (2) such signs may be permitted with a single application.

(3) No more than one temporary sign permit shall be in effect simultaneously for any business.

(4) Each business shall be limited to a maximum of four (4) temporary sign permits in any calendar year. Permits valid in two (2) calendar years shall be counted within the earlier calendar year.

(5) Each business shall be limited to a maximum of one temporary sign permit for the purpose of advertising a “going out of business sale,” or the equivalent in any calendar year.

(6) Unless otherwise authorized by a master sign program, freestanding temporary signs for multiple tenants of any one building, shopping center, office complex, or unified development shall be separated by a minimum of one hundred (100) feet.

(7) All banners, regardless of their ratio allowance of signage to linear building frontage, shall not exceed forty (40) square feet in size.

(8) A-frame signs are not considered temporary and as such do not apply to this section.

(9) No temporary sign shall be mounted on or above roofs or mansards or otherwise extend above a parapet wall or ridge line of a structure.

(b) **Non-commercial Message Signs on Residential Uses.** On residential uses, non-illuminated temporary signs displaying non-commercial messages, with the size restrictions as specified in (c) below may be displayed at any time. However, during the period of time beginning 60 days before a general, special, primary or runoff election, and ending 15 days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision.

(c) **Non-commercial Message Signs on Commercial, Business, Industrial and Manufacturing Uses.** On commercial, business, industrial, and manufacturing uses, non-illuminated temporary signs displaying non-commercial messages, with the size as specified below, may be displayed at any time. However, during the period of time beginning 60 days before a general, special, primary, or run-off election, and ending 15 days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision.
(1) **Permission Required.** Such temporary signs may be erected or placed on private property or in the public right of way provided that the permission of the legal owner, or in the case of public right of way the owner or tenant of that property immediately adjacent to the public right of way where the sign is placed, is first obtained. Said signs shall not require a sign permit.

(2) **Prohibited Locations.**
   a. Any location that would constitute a hazard to vehicular and pedestrian traffic.
   b. Attached to any pole or structure supporting a traffic control sign or device, street tree or fire hydrant.
   c. Placement within or on a roadway or on the sidewalk.
   d. Within the public right-of-way abutting any public property including parklands or within City maintained landscaped parkways within public right of way.

(3) **Size Limitations in a Residential Zone District.** The following size limitations apply:
   a. Four (4) square feet when located on private property with frontage on a local street as designated in the General Plan.
   b. Eight (8) square feet when located on private property with frontage on an Arterial or Collector Street as designated in the General Plan.

(4) **Size Limitations in a Non-Residential Zone District.** The following size limitations apply:
   a. Sixteen (16) square feet when located on private property.
   b. Four (4) square feet when located within the public right of way.

(5) **Violations.** Violation to any of the above regulatory conditions shall be deemed a public nuisance and may be summarily abated as such; and each day that such violation continues shall be regarded as a new and separate offense.

(d) **Subdivision Signs.** Signs advertising a subdivision being developed in the City are subject to the following requirements:

(1) **On-Site Signs.** One (1) sign per street frontage with a maximum of three (3) temporary real estate subdivision signs may be permitted on the subdivision site in accordance with the following:
   a. **Maximum Sign Area.** The maximum sign area may be no more than one hundred (100) square feet (total of all signs).
   b. **Height.** A maximum of ten (10) feet
   c. **Duration.** Subdivision signs shall be removed twenty-four (24) months from the date the permit for same is issued, or when the last lot of the subdivision has been sold for the first time.
d. **Letter of Agreement.** A Letter of Agreement from the property owners giving the City right of entry to remove signs in the event the above stipulations are not complied with shall be submitted to the Zoning Administrator prior to the issuance of a sign permit. If at any time the property on which the signs are located is sold, the signs shall be removed, or a new Letter of Agreement shall be submitted from the buyer to permit the signs to remain and granting the City right to enter the property and remove the signs.

(2) **Off-Site Signs.** Up to four (4) off-site directional real estate subdivision signs directing traffic to open houses and subdivisions involved in real estate sales may be permitted in any zone, provided that:

a. **Maximum Sign Area.** The maximum sign area per sign may be no more than thirty-two (32) square feet

b. **Height.** A maximum twelve (12) feet.

c. **Duration.** Said signs and advertising structures shall be removed twenty-four (24) months from the date the permit for same is issued, or when the last lot of the subdivision has been sold for the first time.

d. **Consent of Landowner.** A completed application form, including a notarized affidavit signed by each property owner of each site is required prior to issuance of a sign permit.

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**305.12 Permits Required; Review Process**

(a) **Authority.** Unless otherwise stated, the Zoning Administrator shall review and approve all signs as specified in this chapter.

(b) **Applicability.** Except for certain signs exempted in compliance with Section 305.05, Exempt Signs, no sign shall be erected, re-erected, constructed or altered (excluding change of copy on a can or cabinet sign) without Zoning Administrator approval and a building permit is issued by the Building Division.

(c) **Applications for Filing, Processing and Review.**

(1) **Applicant.** Sign owners or their designees shall apply for Building Permits for signs that require them.

(2) **Filing and Filing Fee.** Application for such permits shall be made upon forms furnished by the Zoning Administrator and accompanied by the required fee and working drawings adequate to show the location, construction and design, including colors, materials, lighting, electrical elements, and advertising copy, of the sign in accordance with applicable sign design guidelines and the linear footage of building frontage owned or leased by the business.

(3) **Compliance with Standards.**

a. Upon acceptance of a sign application, the Zoning Administrator shall review the request for compliance with the locational and operational standards identified in this chapter, and with any
standards established in a Master Sign Program pursuant to Section 305.13, Master Sign Program.

b. The Zoning Administrator's decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.

(d) **Appeals.** Decisions by the Zoning Administrator may be appealed subject to the provisions of Chapter 610, Appeals.

### 305.13 Master Sign Program

(a) **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance. It is not the intent of this section to be used solely to request relief from the sign regulations in order to circumvent any requirements or purpose of this chapter.

(b) **Applicability.** A Master Sign Program may be processed for any development. However, shown below are examples of when a Master Sign Program may be most appropriate:

1. Nonresidential developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities (e.g., shopping centers, malls, office complexes and industrial parks); or

2. Developments with multiple structures with limited frontage or no frontage on a public street; or

3. Businesses conducted primarily outside of a building; or

4. New multi-family residential developments of one hundred (100) or more units, or

5. Other developments where the strict application of the sign code unduly restricts the allowable signage that can be located on the parcel.

(c) **Application.** Master Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Master Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.

(d) **Allowable Modifications.** A Master Sign Program may provide for additional sign area and other deviations from the standards of this chapter, provided that the Master Sign Program is consistent with the sections on design principles and general standards, excluding maximum allowable sign area (305.07(a)).

(e) **Review Authority.** All Master Sign Programs are subject to review and approval of the Zoning Administrator, unless the signs are associated with a project that
requires City Council review and approval; then the City Council shall review and approve it as part of the overall project approval.

(f) **Required Findings.** In order to approve a Master Sign Program, the decision-making body shall find that all of the following are met, in addition to other applicable regulations in this section:

1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;

2. Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification;

3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access; and

4. Use of the Master Sign Program provides a more desirable functional and aesthetic appearance than would otherwise be provided by standard code requirements.

(g) **Lessees to Be Informed of Master Sign Program.** Lessees within developments subject to the requirements of an approved Master Sign Program shall be made aware of the Master Sign Program in their lease.

(h) **Revisions to Master Sign Programs.** Revisions to an approved Master Sign Program shall be approved by the Zoning Administrator.

### 305.14 Nonconforming Signs

(a) All legal nonconforming signs are permitted to remain unless they are subject to a permit condition or development agreement providing for their removal after a fixed period of time.

(b) Any changes to legal nonconforming signs or their structures in terms of location, orientation, size, or height other than routine maintenance and repair or change of sign copy shall require the signs to be brought into conformance with this chapter.

(c) A legal nonconforming sign loses its legal nonconforming status when the activity, product, business, service, or other use which was being advertised has ceased or vacated the premises for one year.

(d) Any nonconforming sign that loses its legal nonconforming status shall be brought into compliance with this chapter or shall be removed by the property owner within ninety (90) days of losing its legal nonconforming status.

### 305.15 Abatement and Removal of Illegal Signs

(a) **Authority to Abate.** The City has the authority to abate illegal and abandoned signs. Abatement of identified illegal or abandoned signs shall commence within eight (8) months of the adoption of this chapter and shall be ongoing thereafter.
(b) **Illegal Signs in the Public Right-of-Way.** Illegal signs posted in the public right-of-way or upon public property may be removed by the Zoning Administrator or officer without notice or hearing. Signs shall be retained by the City for a period of not less than thirty (30) days if identifiable. Thereafter, any unclaimed signs may be discarded.

(c) **Recovery of Costs.** When the City is required to remove illegal or abandoned signs in compliance with this chapter, the reasonable cost of the removal may be assessed against the owner of the sign(s).

(d) **Sign Removal.**

   (1) Any sign, including its supporting structure, which no longer identifies the current occupant or products currently sold, or which otherwise fails to serve its original purpose, or is not maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, and cleaning, shall be removed by the owner of the property within 30 calendar days after written notice to do so from the Building Division.

   (2) Any sign which the Building Division establishes as unsafe or unsecure shall be corrected or removed, together with all supporting structures, by the owner of the property upon which the sign is located within thirty (30) days after written notice by the Building Division.

   (3) Such notice shall state the location of the sign, the nature of the violation, and/or the manner in which the sign constitutes a public nuisance. The notice also shall require the removal or other abatement of the sign before the date specified in the notice. Further, the notice shall state that failure to comply may result in the removal of the sign by the City and that the cost of such removal may be imposed on the owner of the property. The notice shall also include instructions for the filing of an appeal of the determination of the Zoning Administrator that the sign is in violation of this chapter or constitutes a public nuisance. Such notice shall be served by posting on the property on which the sign is located and by registered or certified mail delivery, postage prepaid to the owner of the property, and, if known, the owner of the sign.

   (4) After the periods specified in paragraphs (1) and (2) above, the Building Division may cause such sign to be removed, and the cost of such removal shall become a lien against the property.

   (5) If a hazardous condition exists, the condition shall be corrected forthwith upon notice by the Building Division.

   (6) If an appeal is received prior to the date specified in the notice, abatement proceedings shall be suspended, and any deadlines shall be suspended, pending the outcome of such appeal.
SUBJECT: REVIEW OF PROJECT REVIEW COMMITTEE FEES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING

COMMENT: The Project Review Committee (PRC) is a pre-application development review process that provides an applicant with a summary of all relevant development requirements for a proposed project prior to submittal of a building permit or application for discretionary project approval. The process takes approximately two (2) weeks from submittal of an application to a meeting before the PRC, which provides a comprehensive review and discussion of requirements from applicable codes used by Planning, Public Works, Building, Fire, Parks and other participating departments for the development review process.

As provided for in the City’s Development Code, the PRC is a mandatory process for the following types of projects:

- All new commercial or industrial structures and additions 500 sf or larger
- Multiple family developments of four (4) or more units or consisting of two (2) or more structures on a lot
- A change in occupancy or use that results in an intensification of the use
- Any project that requires a discretionary approval (such as a conditional use permit, variance, planned development, zone change, general plan amendment, subdivision or annexation)

The purpose of the PRC process is to reduce the uncertainty of proposed development upfront by providing project specific comments on a project. This allows the applicant to have a reasonable assurance of whether a project is feasible before expending large amounts of time and resources to design it. PRC also provides a roadmap to the applicant to the steps needed to achieve the desired project.

To help defray the costs to the city to provide this service and to reduce the submittal of frivolous development applications, a fee of $753 was adopted in 2006 for this process. The fee was determined after a comprehensive study was prepared by Maximus and after much discussion by Staff, the City Council and the community. The current fee was adopted in 2006 and has not been changed since then. It is based upon a 33% cost recovery of the actual average cost of providing the service by the Planning Division and 94% from Engineering Division, in 2006 dollars. The breakdown of the cost and fee is as follows:

<table>
<thead>
<tr>
<th>Department</th>
<th>Actual Average Estimated Cost</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>$1325</td>
<td>$434</td>
</tr>
<tr>
<td>Engineering</td>
<td>$339</td>
<td>$319</td>
</tr>
<tr>
<td>Total</td>
<td>$1664</td>
<td>$753</td>
</tr>
</tbody>
</table>

DD Appro./Funded Item No. 16
The labor costs of other departments involved in the PRC process are not accounted for in the fees above. The cost of the service provided is based on staff time to perform the following basic functions for each project:

1- Review applications for completeness, prepare a file and route the application to review departments
2- Research code requirements for the proposed development
3- Meet informally with other staff to discuss the proposal
4- Conduct further research and discussion, as necessary
5- Meet with the applicant to discuss project requirements
6- Prepare a written letter with requirements and mail to the applicant

Additional follow-up and meetings with the applicant usually occurs on the more complex or complicated projects. No additional fee is assessed for these follow up meetings for the same project.

At the request of Council, Staff has evaluated the PRC process and the types of projects reviewed. In response, the following is an example of a tiered fee structure that could be substituted for the current method of using a flat fee for all projects. With a graduating fee, projects could be lumped into the following general categories:

<table>
<thead>
<tr>
<th>Type</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small:</td>
<td>Simple, noncontrovertial or noncomplex projects, or those that barely meet the thresholds for PRC in the first place, such as:</td>
</tr>
<tr>
<td>$250</td>
<td>• A small addition (500 to 1,000 SF) to an existing structure on an improved site where there is room for the addition and any additional required parking</td>
</tr>
<tr>
<td></td>
<td>• Rezone not accompanied by a development plan</td>
</tr>
<tr>
<td></td>
<td>• Cell towers</td>
</tr>
<tr>
<td></td>
<td>• Change in occupancy</td>
</tr>
<tr>
<td></td>
<td>• Residential parcel maps</td>
</tr>
</tbody>
</table>

| Medium: | The average, more complicated projects that clearly benefit from the PRC process but do not absorb inordinate amounts of staff review time due to complexities of the site or surrounding infrastructure deficiencies. For example: |
| $750    | • New construction that fits on a vacant parcel without major infrastructure or design concerns |
|        | • New construction on an improved site with moderate design/construction issues |
|        | • Nonresidential Parcel Maps                                                   |
|        | • Conditional Use Permits and Variances                                        |
Large: Large, complex, controversial or complicated projects, such as:
$1500
- Annexations, General Plan Amendments and/or Zone changes with an associated development plan
- Planned Developments
- Subdivisions
- Large, new shopping centers or Big Box Retail

The fees proposed in the categories described above were derived from a preliminary study performed by Staff. The study estimated the approximate cost of each category of projects based on the review time and salary and benefits of the key PRC participants, with a 36% to 50% recovery rate of the actual cost.

As described above, there is some element of judgment to be used when receiving an application at the front counter. There are situations where the project may seem to be straightforward but complexities develop based on the site or the development proposal that were unanticipated. In this event, a lesser fee may be charged when a higher fee was ultimately warranted. If a tiered fee structure is preferred by the Council over the current system of a flat rate the above schedule is a suggested means of differentiating between type and scale of projects. An amended fee resolution will be required to change from the current flat rate fee.

RECOMMENDATION: That the City Council provide direction to Staff on how to proceed.

ATTACHMENTS: None
COUNCIL AGENDA: JUNE 21, 2011

SUBJECT: AWARD OF CONTRACT – POLICE SHOOTING RANGE IRRIGATION WELL PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: This project consists of the construction of an irrigation well drilled to a maximum depth of 400 feet deep, pump installation and placement of 2-119 gallon hydropneumatic tanks. The purpose of the well is to provide water for a landscape and irrigation system that will act as dust control around the facility and provide slope stabilization of the recently completed shooting range dirt berm.

Bid opening for the Policy Shooting Range Irrigation Well Project was scheduled for Tuesday, June 14, 2011. During the bid process, it became apparent that a significant change to the specifications was warranted. A cost savings is anticipated because of the change. To effect this change in design, an addendum to the project scope was needed.

Regrettably, the change in design was brought to staff's attention very late in the bid process. Per State Public Contract Code, a 72-hour bid postponement is necessary when issuing a contract addendum. The addendum was issued to all plan holders Monday afternoon which necessitated a bid opening date of June 17, 2011.

Staff will open the sealed bids at 2:30 pm on Friday, June 17, 2011, for the construction of the Police Shooting Range Irrigation Well. The project has a time constraint on the items of work associated with the landscaping which makes it necessary to award the contract during the regularly scheduled June 21, 2011 City Council meeting.

When the bids are evaluated and the lowest responsible bidder is determined, staff will provide the supplemental information necessary for Council to evaluate the bids and select a contractor. Council will receive the supplemental information Friday afternoon on June 17, 2011.

Funding is proposed from the Indian Gaming Grant in the amount of $50,000.

RECOMMENDATION: That the City Council:

1. Award the contract to the lowest responsible bidder, provided the lowest responsible bid is within 10% of the Engineer's estimate; and

2. Authorize a 10% Construction Contingency and a 5% Construction Management & Inspection contingency; and

3. Authorize payments to the Contractor up to 90% of the contract amount.

ATTACHMENT: Locator Map

Item No. 17
COUNCIL AGENDA: June 21, 2011

SUBJECT: CONSIDERATION OF CITY COUNCIL PROCEDURAL HANDBOOK

SOURCE: Administration

COMMENT: Pursuant to the direction from its meeting on May 17, 2011, the City Council is presented an amended Procedural Handbook for consideration for adoption. The City Council Procedural Handbook was last adopted by the Council on May 17, 2005, with an amended version having been considered (but not approved) by the Council on September 5, 2006. It was Council's direction that the amended version of the Procedural Handbook again be considered for adoption, including additional proposed amendments consistent with Minute Order actions that have subsequently occurred.

Staff recommends that, in addition to the proposed amended Procedural Handbook presented for the Council's consideration, draft technology policies involving the provision of laptop computers, cell phones, and email retention be considered at later dates for inclusion in the Handbook.

RECOMMENDATION: That the City Council consider adoption of the proposed amended Procedural Handbook.

ATTACHMENT: City Council Procedural Handbook (Proposed)
CITY COUNCIL PROCEDURAL HANDBOOK

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Appendix: E-1. Annual Evaluation Forms (to be attached upon completion of the standardized form)
I. MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding regular meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary consideration when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

The City Manager shall compile the agenda for each meeting and shall include as agenda items, business in the normal course of City affairs, including but not limited to staff proposals to improve services, support the economy and land use, and enhance the efficiency and effectiveness of the City organization, items relating to current, past, and proposed City contracts, leases, franchises, agreements and similar documents, and matters affecting future or proposed City equipment and property, items relating to City employees, agents and contractors, and such other matters as are defined in this handbook or otherwise directed by the City Council.

A. REGULAR MEETINGS

1. Regular meetings shall be held the first and third Tuesday of each month beginning at 6:00 5:30 p.m. Closed Session Items shall be considered at 6:00 5:30 p.m., with open session to commence at 7:00 6:30 p.m. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day, or as determined by Council. (Ordinance 1766, approved August 17, 2010.)

2. Regular meetings shall be held in the Council Chambers, 291 North Main Street, in the City of Porterville.

3. Regular meeting open sessions shall be between the hours of 7:00 6:30 p.m. - 11:00 9:45 p.m. It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour. The Council Meetings shall adjourn no later than 9:45 p.m. unless otherwise approved by a majority vote of the City Council Members present. Following the mid-meeting break (around 9:00 p.m.) the Mayor, with assistance from the City Manager, will review the balance of the agenda with Council to discuss how it can be handled in the allowed time. If it is necessary to continue any items, it will be announced at that time.

B. ADJOURNED MEETINGS/STUDY SESSIONS (Open to the public)

1. The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants and the City Council regarding specific programs, projects or policies. If noticed, formal action may be taken at such a meeting.
2. Adjourned Meetings/Study Sessions will be held at a time and place convenient to Council and advantageous for public participation.

3. Participation of the public shall be at the discretion of the Presiding Officer, upon consensus of the Council.

C. SPECIAL MEETINGS

1. Special meetings may be called by the Mayor or three members of the City Council. (GC § 54956) Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each member of the City Council not joining the call.

2. Written notice must be given to the City Council and to the media 24 hours prior to each meeting. (GC § 54956)

3. A supplemental telephone call shall be made if necessary to notify each Council Member.

4. No business other than that announced shall be discussed.

5. Any special meeting held at a place other than City Hall shall be open to the public. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

D. ORDER OF BUSINESS shall be as follows:

- Call to Order
- Roll Call
- Oral Communications
- Closed Session(s)
- Reconvene at 6:30 7:00 p.m.
- Closed Session Report
- Pledge of Allegiance
- Invocation
- Presentations/Proclamations
- Reports (AB1234 Reports, Committee/Commission/Board Reports; Subcommittee Reports; Information Items and Reports)
- Appointments
- Oral Communications
- Consent Calendar

Approval of Minutes
Claims Against the City
Constitutional Items

Reports

Other Routine Matters

Public Hearings
Second Reading of Ordinances
Scheduled Matters
Oral Communications (on any matter of interest)
Council Comments
Adjournment
(Pursuant to Resolution 101-2010, approved August 17, 2010.)

E. CONSENT ITEMS

Consent items are the first items on the open session portion of the agenda (items that are routine, have been discussed before, relate to implementation of approved budget items, or to City operations or item to be later set for public hearing).
II.  MEETING PROCEDURES

A.  PRESIDING OFFICER

1.  The Mayor is the Presiding Officer and acts as Chair at Council meetings.

2.  In the absence or incapacity of the Mayor, the Mayor Pro Tempore will serve as Presiding Officer.

3.  Seating arrangement of the Council:

   The Mayor Pro Tempore shall always be seated immediately next to the Mayor.

4.  Signing of City Documents:

   The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager, or his or her designee, has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore’s signature may be used.

B.  QUORUM

   A majority of the Council Members shall constitute a quorum for the transaction of business. (Charter)

C.  DISCUSSION RULES

1.  Obtaining the floor:

   a.  A member of the City Council or staff shall first address the Presiding Officer and gain recognition.

   b.  Comments and questions should be limited to the issue before Council.

   c.  Council discussion on the item shall take place prior to requiring a motion and a second on the item. (Minute Order 18-050311, approved May 3, 2011.)

   d.  Cross-exchange between Council Members and public should be avoided.
e. Any citizen may arise and address the City Council on any business specially concerning them or affecting their interests, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the presiding officer of their desire to speak.

f. Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or Mayor Pro Tem of the City Council, shall be guilty of a misdemeanor. It shall be the duty of the Chief of Police, upon order of the presiding officer, to eject any such member or person from the council room. (Ord. 1537)

2. Questions to staff:

A Council Member shall, after recognition by the Presiding Officer, address questions to duly designated staff members through the City Manager.

3. Interruptions:

a. Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.

b. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.

c. Upon being recognized by the Presiding Officer, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.
III. COUNCIL REQUESTS FROM THE PUBLIC

A. Letters:

Periodically Council Members receive letters requesting their response. If a Council Member wishes to answer the letter, the matter can be handled in either of three ways:

1. The Council Member can give the letter to the City Manager’s Secretary along with direction on how they wish their response to be worded. The City Manager's staff will then prepare the letter on City Council stationery and forward it to the appropriate Council Member for approval and signature. Copies of both letters are kept on file in the City Manager's Office, and copies are available upon request.

2. If the letter requires specific information or details only available from another City Department, the City Manager may refer the letter to the appropriate Department Head for response by them or their designee. Copies of the letters will then be forwarded to the City Manager's Office for filing.

3. If the Council Member wishes to answer their own correspondence, City stationery is available upon request from the City Manager's secretary. If the Council Member wishes to have a copy of the letters in their file, they should submit a copy to the City Manager's staff for filing.

If a Council Member receives an informational item and wants a copy to be given to the other Council Members and the City Manager or other Directors, the item should be given to the City Manager’s staff and copies will be made and sent out.

B. Referrals to Council agenda:

Periodically Council Members receive correspondence or verbal requests for items to be acted upon, or considered, by the City Council. If a Council Member wishes to respond to the request, the matter should be referred to the City Manager. The request can then be handled as follows:

1. The Council Member may request the City Manager to place the item on the Council agenda as a written communication*; or

2. Upon research, the request may be determined to be a violation of City, State or Federal law, policy, or previous Council determination, in which case an appropriate response as to why the matter can not be heard will be provided to the requesting party.
Correspondence requesting that an item be acted upon, or considered, by the City Council, which is received directly by the City Manager, is handled in either of two ways:

1. The City Manager shall place any routine and/or legitimate written request under written communications*, or have a staff report prepared if time permits, for the next City Council agenda; or

2. The City Manager shall place any request which has already been acted upon by Council, cannot legally be accomplished, or which has a potential for litigation, in the Administrative Memorandum.

*The “Request” must be stated on the agenda face sheet for Council to be able to act on it at the meeting.

C. Telephone Calls:

Citizens attempting to communicate with the City Council often call the offices at City Hall. Such calls are referred to the City Manager's Office. The City Manager's staff will take a message and refer it to the appropriate Council Member, or give the caller the telephone number of the City Council Member so they may call them directly, according to instructions given by the Council Member [see VII-C(1)].

D. Personal Meetings:

Council Members who wish to meet with their constituents may use various rooms at City Hall. The Council Member should call the City Manager's Secretary as soon as they know a room is needed so that it can be reserved for their use. No more than two Council Members may attend a meeting to discuss City matters without the meeting becoming a public meeting and therefore falling under the requirements of the Brown Act Open Meeting Laws.
IV. COUNCIL MEMBER REQUESTS TO STAFF

A. General Information

All City Council Member requests for information or documents shall be referred through the City Manager. Any Department Head who receives a direct request from a Council Member shall submit the request, including the name of the requesting Council Member, to the City Manager.

B. Research

All City Council Member requests for information or documents which require extensive research shall be referred through the City Manager to the Council for direction. The City Manager will discuss the matter with the appropriate department and relay the approximate time table for completion to the City Council for discussion and action at the next available meeting of the City Council. If the request is approved by the Council, upon completion of the research, the item will be forwarded to the City Council Members by the City Manager.

C. Items for inclusion in Council Agenda

All City Council Member requests for an item to be placed on the Council agenda should be referred to the City Manager. Pursuant to Minute Order No. 11-022096, such request shall be submitted prior to Monday noon of the week before the Council meeting in order to be placed on the next regularly scheduled meeting.

The City Manager will refer any routine items to the appropriate department for a staff report. If necessary, items will be referred to the City Attorney for a determination on legality. If an item is determined to be a legitimate request, the item will be referred for a staff report. Items having already been acted upon by the Council previously will be deferred to the Mayor for approval before being placed on the agenda.
V. COUNCIL AGENDA

A. Preparation:

Each Department Head submits agenda items regarding their Department to the City Manager for approval. Upon the City Manager's approval, the items are returned to the appropriate department for copying and collation.

The City Council meeting agendas are prepared on the Thursday prior to the Tuesday meeting.

Any questions regarding whether items have been scheduled for consideration at a particular meeting may be directed to the Chief Deputy City Clerk and/or Deputy City Clerk.

B. Deadlines:

The deadlines for the agenda are the Monday preceding the Thursday preparation day. Public hearing items, scheduled matter items, Consent calendar items, and written communications must be submitted by the Monday deadline. The deadline for a Council member request for any item shall be Monday noon preceding the Thursday preparation day.

C. Delivery:

Agendas will be delivered to Council on the Thursday prior to the Tuesday meeting.

Council agendas shall be delivered to the Council Member's home or business, as requested. If no one is available to receive the agenda, the agenda shall be left in the Council Member's mail box, unless other arrangements have been previously made with the City Clerk's staff [see IX-C(1)(2)].

The agendas for staff and the news media are available after Council receives their agendas, usually on Friday.
VI. THE BROWN ACT

The Ralph M. Brown Act (Gov. Code, § 54950 et seq. known as "the Act") governs meetings conducted by local legislative bodies such as city councils, boards of supervisors, special districts, and school boards. The Act represents the State Legislature's determination of how the balance should be struck between the public access to meetings of multi-member public bodies on one hand, and the need for confidential candor, debate, and information gathering on the other.

The Act contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny.

Meetings are defined as any gathering of a quorum of a legislative body (which includes newly elected but unsworn members of the body) to discuss or transact business under the body's jurisdiction, and serial meetings are prohibited. Exemptions are individual contacts between board members and others which do not constitute serial meetings, attendance at conferences and meetings which are open to the public so long as legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction, and attendance at social or ceremonial events where no business of the body is discussed.

The Act requires that notices of regular meetings must be posted at least seventy-two (72) hours prior to the meeting, and twenty-four (24) hour notice must be provided to members of the legislative body and media outlets for special meetings.

A user's guide to the Ralph M. Brown Act is provided to Council Members for their information. If a Council Member has a specific question which does not seem to be covered in the guide, the Council Member should contact the City Attorney for a legal opinion.
VII. TRAVEL AND MEETINGS

The City Manager, or his staff, will notify the City Council Members about any League of California Cities' Conferences, Redevelopment Conferences, Committee meetings, and/or local meetings that may be of interest to the Council. If a Council Member is interested in attending any such meeting, the following procedures should be followed:

A. Requests for Reservations:

When a City Council Member wishes to attend a conference or meeting, he/she should contact the City Manager's office and indicate the following:

1) The date(s) of the conference or meeting;
2) If the Council Member will be accompanied by anyone else, i.e. spouse, child;
3) Any personal preferences for hotel reservations, such as smoking or non-smoking, king or double beds, etc.; and
4) Whether special travel arrangements need to be made, i.e. airplane tickets, ride-sharing, etc.

A disbursement will then be prepared and the payment for the conference or meeting will be forwarded, and, if applicable, the hotel will be contacted to make the appropriate reservations. When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council member. If a prior room reservation request is not made, the Council member shall request a room sales tax waiver prior to payment for a room.

B. Travel and Expense Form:

A Travel and Expense Form will then be prepared for the Council Member which indicates the following:

1) The amount of money to be issued to the traveler as per diem*; and
2) Mileage reimbursement* (if a personal vehicle is used for travel).

* Amount set in Administrative Policy Manual Sec. II-E-1, Travel & Conference Expenses.

The Council Member will then be issued a packet of materials several days prior to the meeting which contains the following:

1) A check for per diem and mileage;
2) Confirmation notification and informational materials regarding the conference;
3) Confirmation notification for any hotel reservations; and
4) A City credit card to pay for the room charges at the end of the meeting.

C. Receipts:

The Council Member shall then bring the receipt for the hotel charges to the City Manager's staff upon his/her return, together with the credit card, and any refund due the City. The Council Member shall sign the original Travel and Expense Form at that time, which shall then be filed with the Finance Department for final processing.

If a refund is due the Council Member, a check will be issued by the Finance Department and then distributed to the Council Member.

D. Eligibility:

The City shall pay for any Council Member to attend any meetings or conferences of their choice. When accompanied by a spouse or child, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council Member shall also be considered a refund due the City, payable within 10 days of the receipt of the charges.
VIII. CONFLICT OF INTEREST

A. City Council Members Filing Requirements

City Council Members are under the provisions of the Political Reform Act (Gov. Code, § 810001/ et seq. known as "the Act") as enforced by the Fair Political Practices Commission. The Act applies to campaign contributions requirements, as well as matters of conflict of interest while in office.

1) Disclosure of Economic Interests

City Council Members must file assuming office and leaving office statements, as well as annual statements while in office. The statements basically require the disclosure of the following information:

- Investments or interests in real property and its fair market value;

- Income, and the name and address of each source of income aggregating five hundred dollars ($500) or more, or fifty ($50) or more if a gift, and a general description of the business activity, if any of each source;

- Interests in real property held by a business entity or trust;

- Loans, and its annual interest rate and the security, if any, given for the loan;

2) Disqualification of Participation (Conflict of Interest)

A Council Member shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. This might include decisions which affect property within up to 500 feet of the subject property in which the Council Member has an interest.

A financial interest in a decision, within the meaning of Section 87100 of the Act, is if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Council Member or:

- A member of his or her immediate family;

- A business entity in which the Council Member has a direct or indirect investment worth $2000 or more;
VIII. CONFLICT OF INTEREST - Continued

- Any real property in which the Council Member has a direct or indirect interest worth $2,000 or more;

- Any source of income, other than gifts or commercial lending institutes loans, aggregating $500 or more received or promised to the City Council Member within twelve months prior to the time when the decision is made;

- Any business entity in which the City Council Member is a director, partner, trustee, employee, or holds any position of management;

- Any donor, or any intermediary or agent for a donor, or a gift or gifts aggregating $420 or more in value provided to, received by, or promised to the City Council Member within 12 months prior to the time when the decision is made.

Indirect investment or interest means any investments or interest owned by the spouse or dependent child of a City Council Member, by an agent on behalf of a Council Member, or by a business entity or trust in which the Council Member, the Council Member’s agents, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

Section 87100 of the Act does not prevent any Council Member from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that a Council Member’s vote is needed to break a tie does not make his participation legally required for purposes of this section.

B. Other Agencies

Whenever a Council Member is required to file a Statement of Economic Interest for an outside agency, the Deputy City Clerk will provide the correct form, and using the Statement of Economic Interest Form 700 filed in the City Clerk’s Office for the City of Porterville, prepare a duplicate statement for signature, and forward the appropriate form to the requesting agency.

C. Redevelopment Agency Filing Requirements

Upon assuming office, a City Council Member will also serve as a Redevelopment Agency Member. As an Agency Member, they must file a Conflict of Interest statement for the Porterville Redevelopment Project area. After assuming office, an
Agency Member may not acquire any property within the Redevelopment Project area. If prior interests exist within the Project area, the Agency Member must disqualify themselves from any action taken which would constitute a benefit to them.

D. City of Porterville Conflict of Interest Code

Certain designated City employees are also required to file conflict of interest forms under the provisions of the Political Reform Act Code, § 87100-87500 et seq. The City of Porterville Conflict of Interest Code was adopted by the City Council and is reviewed biennially to make sure it is kept current.

If Council Members have a question on whether an interest they have is sufficient for disqualification, they should contact the Fair Political Practices Commission at (866) 275-3772, or http://www.fppc.ca.gov, for a ruling or opinion.
IX. GENERAL ITEMS

A. Different Hats

Members of the City Council also serve as the governing bodies for the following local agencies:

1. Redevelopment Agency
2. Industrial Development Authority
3. Public Financing Authority
4. Public Improvement Corporation
5. Planning Commission
6. Conflicts and Disclosure Monitor Agency

B. Compensation

As stated in the City Charter, Section 9, City Council Members shall receive $20 per Council meeting, $25 per Council meeting for the Mayor, with a maximum of seven paid Council meetings per month.

Redevelopment Agency Members shall receive $30 per Redevelopment meeting.

Council Members receive no benefits other than the amounts per meeting stated above.

C. Direction to Support Staff:

Upon assuming office, Council Members should notify the City Manager's staff regarding the following items:

1. Where to deliver Council agendas and Administrative Reports and Memorandums, i.e. home or business.

2. Where to leave Council agendas if the business is closed and/or if no one is home, i.e. City Manager's Office Council mail box, front porch, back door, etc.

3. How to direct citizens who wish to speak to Council Members, i.e. take a message, give out home telephone numbers, give out business telephone numbers, etc.
D. City Attorney

The City Attorney is the legal advisor of the City Council, and all other City officials. The City Attorney shall prosecute all violations of City ordinances and shall draft all contracts and other legal documents and instruments, required by the Council or the City Manager. The City Attorney shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members or by the Mayor.

The types of questions referred to the City Attorney are as follows:

1) Generally whether a conflict of interest exists for a Council Member and whether they should abstain from voting on a specific matter.

   Please note: Any advice received from the City Attorney relating to Conflicts of Interests is informal only and not binding; the Council Member must seek and obtain a formal written opinion from the FPPC in order to be afforded any statutory immunities.

2) Whether an issue has a legal standing, and what type of action would be appropriate.

3) Legal recommendations for matters of litigation.

E. Annual City Manager/City Attorney Evaluations

The City Council shall provide for annual evaluations for the City Manager and the City Attorney. A standardized evaluation form shall be used which shall address the areas of importance as set forth by the City Council. Said evaluation form shall be included as Appendix 1 upon completion and approval by the City Council.

F. Response to President/Governor Directives

Directives issued by the President of the United States and/or Governor of the State of California shall not be considered a mandatory directive to the City of Porterville except as authorized and/or approved by the City Council. The one exception to this rule is that flags on City buildings shall be flown at half mast upon orders by the President, Governor and/or Mayor, or by majority approval of the City Council.
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## CITY MANAGER
### PERFORMANCE EVALUATION
#### CITY OF PORTERVILLE
#### 2010 - 2011

<table>
<thead>
<tr>
<th>A. Providing Information</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Manager keep you informed, in a timely manner, of the things you want to know about?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Do you feel that you receive information on an equal basis with other Council members?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Do reports provide adequate information and analysis to help you make sound decisions?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Are agenda items and supporting documents appropriate and brought to Council in sufficient time for deliberations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. Does the City Manager regularly consult with the Council before setting the agenda to determine appropriate topics and timing?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>6. Does the City Manager follow up promptly on Council requests for information or action without having to be reminded?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>7. Are Council packets relatively free of errors and omissions?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

Average score
# B. Providing Advice

<table>
<thead>
<tr>
<th>Question</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Manager have adequate knowledge of municipal affairs?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>2. Does he exercise good judgment?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>3. Do you feel that the City Manager considers alternatives before making recommendations?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>4. Does the City Manager plan ahead, anticipate needs and recognize potential problems?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>5. How do you feel about the quality of analysis that accompanies recommendations?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>6. Does he have a good sense of timing in bringing issues to the Council for action?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
</tbody>
</table>

**Average score**

## INTERNAL ADMINISTRATION

# A. Financial Management

<table>
<thead>
<tr>
<th>Question</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Are you comfortable with the City Manager’s approach to budget preparation and review?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>2. Is the City Manager effective in controlling costs through economical utilization of manpower, materials, and equipment?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>3. Does the City Manager have sufficient knowledge of financial matters?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>4. Does the City Manager provide you with sufficient information on the financial status of the City government?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>5. Is the budget submitted on time?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
</tbody>
</table>

**Average score**
<table>
<thead>
<tr>
<th>B. Personnel Management</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Manager successful in guiding people so that they work together as a team</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>toward common objectives?</td>
<td>3</td>
<td>4</td>
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<tr>
<td></td>
<td>5</td>
<td></td>
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<tr>
<td>2. Is the City Manager effective in selection and placing personnel?</td>
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<td>2</td>
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<td></td>
<td>3</td>
<td>4</td>
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<td></td>
<td>5</td>
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<tr>
<td>3. Does the City Manager develop and motivate personnel so that they are increasingly</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>effective in performing their duties?</td>
<td>3</td>
<td>4</td>
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<td></td>
<td>5</td>
<td></td>
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<tr>
<td>4. Is the City Manager willing to face up to disciplinary problems and take action when</td>
<td>1</td>
<td>2</td>
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<tr>
<td>warranted?</td>
<td>3</td>
<td>4</td>
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<td></td>
<td>5</td>
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<tr>
<td>5. Is the City Manager effective in promoting positive employer-employee relations?</td>
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<td>2</td>
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<td></td>
<td>3</td>
<td>4</td>
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<td></td>
<td>5</td>
<td></td>
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<tr>
<td>6. Does the City Manager respond to Council suggestions on employee training, work</td>
<td>1</td>
<td>2</td>
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<tr>
<td>priorities and productivity? Are the decisions explained to Council?</td>
<td>3</td>
<td>4</td>
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<td></td>
<td>5</td>
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<tr>
<td>7. Is the City Manager effective on assuring that staff makes a positive impression on</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>citizens?</td>
<td>3</td>
<td>4</td>
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<td></td>
<td>5</td>
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<tr>
<td>8. Does the City Manager ensure that every City employee receives a written annual</td>
<td>1</td>
<td>2</td>
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<tr>
<td>performance review?</td>
<td>3</td>
<td>4</td>
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<td></td>
<td>5</td>
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</tbody>
</table>

Average score
<table>
<thead>
<tr>
<th>C. Getting the Job Done</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Do you have the feeling that things the Council decides or directs get done?</td>
<td>1</td>
<td>2</td>
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<td></td>
<td>3</td>
<td>4</td>
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<td></td>
<td>5</td>
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<tr>
<td>2. Does the City Manager organize or assign work so that it is performed efficiently</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>and effectively?</td>
<td>3</td>
<td>4</td>
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<tr>
<td></td>
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<tr>
<td>3. Does the City Manager pay sufficient attention to detail to avoid error or things</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>&quot;slipping through the cracks&quot;?</td>
<td>3</td>
<td>4</td>
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<tr>
<td></td>
<td>5</td>
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<tr>
<td>4. Does the City Manager put in sufficient time and effort to perform to your</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>expectations?</td>
<td>3</td>
<td>4</td>
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<tr>
<td></td>
<td>5</td>
<td></td>
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<tr>
<td>5. Does the City Manager have a good sense of priorities in the way he spends his</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>time on the job?</td>
<td>3</td>
<td>4</td>
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<tr>
<td></td>
<td>5</td>
<td></td>
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<tr>
<td>6. Is the City Manager able to analyze problems or issues and identify causes, reasons,</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>and implications?</td>
<td>3</td>
<td>4</td>
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<tr>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>7. Does the City Manager develop and carry out short- and long-term action plans?</td>
<td>1</td>
<td>2</td>
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<td></td>
<td>3</td>
<td>4</td>
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</table>

Average score
# EXTERNAL RELATIONS

## A. Citizen Relations

<table>
<thead>
<tr>
<th>Question</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Manager generally make a positive impression on citizens and is he respected in Porterville?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>2. Is he effective in handling disputes or complaints involving citizens?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>3. Does the City Manager have appropriate visibility or identity in the community?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>4. Does the City Manager represent Council positions and policies accurately and effectively?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>5. Does the City Manager give sufficient credit to Council?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>6. Does the City Manager think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
</tbody>
</table>

Average score

## B. Intergovernmental Relations

<table>
<thead>
<tr>
<th>Question</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Manager effective representing the City's interests in dealing with other agencies?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>2. Does the City Manager participate in enough intergovernmental activity to have an impact on behalf of the City?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
</tbody>
</table>

Average score
**PERSONAL CHARACTERISTICS**

<table>
<thead>
<tr>
<th>A. Personality</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Manager's personality suited to effective performance of his duties?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Average score</strong></td>
<td></td>
<td></td>
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</tbody>
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<table>
<thead>
<tr>
<th>B. Communications</th>
<th>WEAK</th>
<th>STRONG</th>
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<tbody>
<tr>
<td>1. Is the City Manager easy to talk to?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Do you feel he is a good listener?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Are communications thoughtful, clear, and to the point?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Does the City Manager show sensitivity to the concerns of others?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Average score</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Management Style</td>
<td>WEAK</td>
<td>STRONG</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>1. Does the City Manager demonstrate interest and enthusiasm in performing his duties?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Does he have sufficient leadership characteristics to command respect and good performance from employees?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Does the City Manager show initiative and creativity in dealing with issues, problems, and unusual situations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Is the City Manager open to new ideas and suggestions for change?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. Does the City Manager create an atmosphere in which employees can enjoy working for the City?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>6. Is the City Manager honest and ethical?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>7. Does the City Manager work well under pressure?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>8. Is the City Manager able to change his approach to fit new situations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>9. Can the City Manager consistently put aside personal views and implement Council policy and direction?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

Average score
**ACHIEVEMENTS**

List the top three achievements or strong points of the City Manager for the past twelve (12) months:

1.  
2.  
3.  

**FUTURE DEVELOPMENT**

List three performance objectives for the City Manager that you feel are the most important targets for this year:

1.  
2.  
3.  

**TOTAL OVER ALL SCORE**

<table>
<thead>
<tr>
<th>OVERALL RATING</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

*Date:*

---

**RONALD L. IRISH**  
MAYOR OF PORTERVILLE

**CAM MAMILTON**  
VICE-MAYOR OF PORTERVILLE

**PETE MCCRAKKEN**  
COUNCILMAN

**BRIAN WARD**  
COUNCILMAN

**GREG SHELTON**  
COUNCILMAN
# CITY ATTORNEY PERFORMANCE EVALUATION

**CITY OF PORTERVILLE**

*(specify annual period)*

<table>
<thead>
<tr>
<th>A. Providing Information</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Attorney keep you informed, in a timely manner, of the legal issues affecting the City?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Does the City Attorney demonstrate initiative and resourcefulness in identifying legal problems, and advising and recommending resolutions?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Do reports/memoranda from the City Attorney provide adequate information and analysis to help you make sound decisions?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Do the legal solutions that are developed appropriately address the issues to be resolved?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. Does the City Attorney follow up promptly on Council requests for information or action without having to be reminded?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

Average score

<table>
<thead>
<tr>
<th>B. Providing Advice</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Attorney have adequate knowledge of municipal legal affairs?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Does he/she exercise good judgment?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Do you feel that the City Attorney considers alternatives before making recommendations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Does the City Attorney plan ahead, anticipate needs and recognize potential legal problems?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. How do you feel about the quality of analysis that accompanies recommendations?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Average score</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Getting the Job Done</th>
<th><strong>WEAK</strong></th>
<th><strong>STRONG</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Do you have the feeling that things the Council decides or directs get done?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2. Does the City Attorney pay sufficient attention to detail to avoid error or things “slipping through the cracks”?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>3. Does the City Attorney put in sufficient time and effort to perform to your expectations?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>4. Does the City Attorney have a good sense of priorities in the way she spends her time on the job?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>5. Is the City Attorney able to analyze problems or issues and identify causes, reasons, and implications?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>6. Does the City Attorney perform well under pressure?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>7. When work is delegated to staff/deputy attorneys, is the project/issue handled appropriately?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>Average score</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**EXTERNAL RELATIONS**

<table>
<thead>
<tr>
<th>A. Citizen Relations</th>
<th><strong>WEAK</strong></th>
<th><strong>STRONG</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Attorney generally make a positive impression on citizens and is she respected in Porterville?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2. Is she effective in handling disputes or complaints involving citizens?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>3. Does the City Attorney have appropriate visibility or identity in the community?</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>
4. Does the City Manager think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?  

| 1 | 2 | 3 | 4 | 5 |

**Average score**

---

**B. Intergovernmental Relations**

| 1 | 2 | 3 | 4 | 5 |

**Average score**

---

**PERSONAL CHARACTERISTICS**

---

**A. Personality**

| 1 | 2 | 3 | 4 | 5 |

**Average score**

---

**B. Communications**

| 1 | 2 | 3 | 4 | 5 |

| 2 | 2 | 3 | 4 | 5 |

| 3 | 2 | 3 | 4 | 5 |

| 4 | 2 | 3 | 4 | 5 |

**Average score**

---

**C. Management Style**

| 1 | 2 | 3 | 4 | 5 |

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<table>
<thead>
<tr>
<th>Question</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
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<td>2. Does the City Attorney show initiative and creativity in dealing with issues, problems, and unusual situations?</td>
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<td></td>
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Average score
ACHIEVEMENTS

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1.

2.

3.

FUTURE DEVELOPMENT

List three performance objectives for the City Attorney that you feel are the most important targets for this year:

1.

2.

3.

TOTAL OVER ALL SCORE

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Date:

__________________________________________
RONALD L. IRISH
MAYOR OF PORTERVILLE

__________________________________________
CAM MAMILTON
VICE-MAYOR OF PORTERVILLE

__________________________________________
PETE MCCRACKEN
COUNCILMAN

__________________________________________
BRIAN WARD
COUNCILMAN

__________________________________________
GREG SHELTON
COUNCILMAN
AGENDA: JUNE 21, 2011

JOINT MEETING OF CITY COUNCIL AND PORTERVILLE REDEVELOPMENT AGENCY

SUBJECT: REDEVELOPMENT AGENCY 2011-2012 BUDGET AND A LOAN FROM CITY OF PORTERVILLE TO THE PORTERVILLE REDEVELOPMENT AGENCY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Section 33606 of the California Health and Safety Code requires the Redevelopment Agency to adopt an annual budget which contains the following information: proposed expenditures of the Agency, proposed indebtedness to be incurred by the Agency, the anticipated revenues of the Agency, the work program and goals for the coming year, and an examination of the previous year's achievements and a comparison of the achievements with the goals of the previous year's work program.

The 2011-2012 work program includes the following items that may require Agency direction:

• Acquisition and revitalization of the former Porterville Hotel.
• Due to the state of the economy and the possible elimination or reform by the State of California, staff may be presenting to the Agency for approval options to address potential changes to Redevelopment.

The annual budget for 2011-2012 has been prepared in accordance with Section 33606 and is provided as an attachment for Agency review and adoption.

During the May 24, 2011 City Council Study Session, Council approved a loan, for operation and administrative charges, from the City unallocated General Fund money to the Redevelopment Agency for Fiscal Years 2011/12, 2012/13 and 2013/14. Attached for Council approval is the draft resolution with the following terms:

• Loan in the cumulative amount of $495,000 which is $165,000 each year for fiscal years 2011/12, 2012/13 and 2013/14
• Interest rate equivalent to the Local Agency Investment Fund at the time the loan is granted
• Loan to be paid back to City with tax increment funds when Agency has funds available
• Loan will be subordinate to all other Agency debt
RECOMMENDATION: That the Redevelopment Agency:

1. Request a loan in the amount of $495,000, which is $165,000 each year for fiscal years 2011/12, 2012/13 and 2013/14; and
2. Adopt the attached Draft Resolution approving the 2011-2012 Redevelopment Agency Budget contingent on the City Council's approval of the above referenced loan.

That the City Council:

1. Approve the Porterville Redevelopment Agency’s request for assistance in the cumulative amount of $495,000, which is $165,000 each year for fiscal years 2011/12, 2012/13 and 2013/14; and
2. Adopt the attached Draft Resolution approving a loan in the amount of $495,000 between the City of Porterville and the Porterville Redevelopment Agency for operation and administrative charges for fiscal years 2011/12, 2012/13 and 2013/14.

ATTACHMENTS:

1. Draft Resolution Approving a Loan between the City of Porterville and the Porterville Redevelopment Agency
2. Draft Resolution Adopting the 2011-2012 Redevelopment Budget
3. Proposed 2011-2012 Redevelopment Budget
RESOLUTION NO. __________

A RESOLUTION OF THE CITY OF PORTERVILLE APPROVING
A LOAN TO THE PORTERVILLE REDEVELOPMENT AGENCY
PROVIDING FUNDS FOR THE OPERATION AND ADMINISTRATION
OF THE REDEVELOPMENT AGENCY

WHEREAS, the Porterville Redevelopment Agency (the “Agency”) is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code 33000 et seq.; and

WHEREAS, the Agency is engaged in activities necessary and appropriate to carry out the Redevelopment Plan for the Porterville Redevelopment Project Area #1, including the Amended Area; and

WHEREAS, Section 33610 of the California Community Redevelopment Law - Health and Safety Code Section 33000, et seq, authorizes the legislative body of the community to appropriate to the agency such amounts as the legislative body deems necessary for the administrative expenses and overhead of the agency; and

WHEREAS, the Agency proposes to enter into an agreement to fund the administrative expenses and overhead of the agency for fiscal years 2011/12, 2012/13 and 2013/14; and

WHEREAS, the Agency has no other reasonable means of financing the cost of the administrative expenses and overhead of the Agency; and

WHEREAS, the provisions of this loan agreement will be evaluated on an annual basis in conjunction with the City/Agency budget process.

NOW THEREFORE, THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The City Council finds and determines that there are no other means of financing the Agency’s administrative expenses and overhead of the agency.

2. The City Council authorizes a loan agreement between the City and the Agency for administrative expenses and overhead of the agency.

3. The loan will be in the cumulative amount of $495,000 which is $165,000 each year for fiscal years 2011/12, 2012/13 and 2013/14. Payments to satisfy the loan debt are to be made from tax increment when funds are available. Interest will be determined at the rate equivalent to the Local Agency Investment Fund as of July 1, 2011.

By: _______________
Ronald L. Irish, Mayor

ATTEST:
John Lollis, City Clerk

By: _______________
Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT
ITEM NO. 1
RESOLUTION NO. ___

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE 2011-2012 BUDGET PURSUANT TO HEALTH AND SAFETY CODE SECTION 33606

WHEREAS, by Ordinance No. 1227 adopted February 17, 1981, the City Council of the City of Porterville (the “City Council”) activated the Porterville Redevelopment Agency (the “Agency”) and declared itself to constitute the Agency; and

WHEREAS, by Resolution No. PRA 81-3 adopted April 7, 1981, the Agency approved a Cooperative Agreement by and between the City Council and the Agency wherein the City agreed to establish an “Agency General Fund” with money appropriated by the City Council to pay for the Agency’s administrative expenses as authorized by Health and Safety Code Section 33610; and

WHEREAS, by Ordinance No. 1436 adopted July 10, 1990, the City Council approved the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1 (the “Plan”); and

WHEREAS, by Ordinance No. 1765 adopted July 6, 2010, the City Council approved a major Amendment to the Porterville Redevelopment Project Area No. 1 (the “Amendment”); and

WHEREAS, Health and Safety Code Section 33606 requires that the Agency adopt an annual budget; and

WHEREAS, for the purpose of fulfilling its obligations to effectuate the Plan and conduct redevelopment activities pursuant thereto, the Agency has estimated its 2011-2012 fiscal year expenditures, indebtedness, anticipated revenues and proposed work program to be as provided in the budget hereinafter referred to as the “Redevelopment Agency Budget” attached hereto as Attachment 3 and incorporated herein by reference; and

WHEREAS, the Agency is required to determine annually that the planning and administrative expenses in the Low and Moderate Income Housing Fund are necessary for the production, improvement, or preservation of low and moderate-income housing.

NOW, THEREFORE, THE PORTERVILLE REDEVELOPMENT AGENCY DOES RESOLVE AS FOLLOWS:

1. That the Agency approves and adopts the Redevelopment Agency Budget for the 2011-2012 fiscal year in conformance with Health and Safety Code Section 33606.

2. Determines that the planning and administrative expenses in the Low and Moderate Income Housing Fund are necessary for the production, improvement, or preservation of low and moderate-income housing.

ATTACHMENT ITEM NO. 2
CONTENTS

I. PREFACE
II. FINANCIAL SUMMARY
III. WORK PROGRAM 2011-2012
IV. PREVIOUS YEAR’S ACTIVITIES
I. PREFACE

The Redevelopment Agency is administered by the Community Development Department. The Agency was created pursuant to California Health and Safety Code Community Redevelopment Law. Redevelopment revitalizes targeted areas of blight and deterioration through several methods of Agency participation.

Porterville's Redevelopment Project Area No. 1, implemented in August 1990, originally encompassed approximately 471 acres. During the 2004-2005 Fiscal Year, the process to remove 2 sites (26 acres) from the project area was completed, leaving approximately 445 acres in Project Area No. 1. In August of 2010 an Amendment to Project Area No. 1 was adopted by Ordinance No. 1765. This Amendment added approximately 1,698 acres to the area for a total of 2,143 acres. The area is primarily commercially and industrially zoned.

Section 33080.1 of the Health and Safety Code requires the redevelopment agency to submit to its legislative body annually a list of the fiscal years that the agency expects specified time limits to expire. As required by Section 33080.1, the Porterville Redevelopment Agency hereby reports the following:

Original Area
1. The time limit for incurring debt was originally July 3, 2010. The term was amended in 2004 pursuant to SB211 to extend the term for the life of the plan to July 3, 2030.
2. The effectiveness of the plan is for a term of forty (40) years (July 3, 2030).
3. The repayment of indebtedness and collection of tax increment is for a ten (10) year period after the effectiveness of the plan (July 3, 2040).

Amended Area
4. The time limit for incurring debt is twenty (20) years from the date of adoption of the ordinance approving and adopting the 2010 Amendment (August 6, 2030) a one time ten (10) year extension to this limit may be permissible.
5. The effectiveness of the plan is thirty (30) years from the date of adoption of the ordinance approving and adopting the 2010 Amendment (August 6, 2040).
6. The repayment of indebtedness and collection of tax increment is forty five (45) years after the date of adoption of the ordinance approving and adopting the 2010 Amendment (August 6, 2055).

The Porterville Redevelopment Agency's eminent domain authority expired on July 3, 2002. However, on June 2, 2009 Porterville Redevelopment Agency approved the reinstatement of eminent domain authority for the Redevelopment Area Project No. 1 and Amended Area. This authority expires on 2022/2023 fiscal year.

This budget has been prepared in accordance with California Health and Safety Code Section 33606, which requires each agency to adopt an annual budget.
## II. FINANCIAL SUMMARY

### AGENCY DEBT

<table>
<thead>
<tr>
<th>Description</th>
<th>AS OF 6-30-10</th>
<th>AS OF 6-30-11</th>
<th>PROPOSED INDEBTEDNESS 2011-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Agency Bond Indebtedness (Non-housing Series A&amp;B)</td>
<td>$6,380,000</td>
<td>$6,295,000</td>
<td>$6,205,000</td>
</tr>
<tr>
<td>2. Agency Bond Indebtedness (Housing Series C &amp; D)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Original Bond Debt Incurred December 1992, refinanced 2002 and 2008</td>
<td>$1,725,000</td>
<td>$1,705,000</td>
<td>$1,680,000</td>
</tr>
<tr>
<td>3. Agency Debt to State of California Rural Economic Development - Infrastructure Program (REDIP)</td>
<td>$163,489</td>
<td>$140,350</td>
<td>$116,511</td>
</tr>
<tr>
<td>4. Agency Debt to City of Porterville – Infrastructure Loan</td>
<td>$0</td>
<td>$3,946,223</td>
<td>$3,914,610</td>
</tr>
<tr>
<td>5. Agency Debt to City for Operations and Administration</td>
<td>$0</td>
<td>$0</td>
<td>$165,000</td>
</tr>
<tr>
<td>6. Agency Debt to City for Refinanced Loan from County - Incurred 2007</td>
<td>$78,000</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>7. Agency Debt to City - Fund Advance Agreement #1 - Incurred 1981-1990; Principal plus interest</td>
<td>$1,145,425</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>8. Agency Debt to City Risk Management Fund Advance Agreement #3 (Parking Lot, St. Dr) (1.5% 6/10, 2% 6/11) Incurred 1997; Principal plus interest</td>
<td>$166,944</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>9. Agency Debt to City Risk Management Fund Advance Agreement #4 (Hockett Parking Lot) Incurred 2007; Payments begin 1-year after completion of project</td>
<td>$496,251</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>10. Porterville Civic Development Foundation</td>
<td>$200,000</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td><strong>TOTAL DEBT INCURRED</strong></td>
<td></td>
<td></td>
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<tr>
<td>As of 06-30-10</td>
<td>$10,355,109</td>
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<tr>
<td>As of 06-30-11</td>
<td></td>
<td>$12,086,573</td>
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<tr>
<td>As of 06-30-12</td>
<td></td>
<td></td>
<td>$12,081,121</td>
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## REDEVELOPMENT PROJECT AREA #1
### BOND ISSUE SERIES A, B, C, & D
#### PROJECT FUNDING REPORT

### 2008 Bond Issue

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Redevelopment Fund (Series A &amp; B)</td>
<td>$1,800,000</td>
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<tr>
<td>Refund 1992 Bonds</td>
<td>$4,074,680</td>
</tr>
<tr>
<td>Reserve Account</td>
<td>$ 495,843</td>
</tr>
<tr>
<td>Issuance Costs (Series A &amp; B)</td>
<td>$ 304,477</td>
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<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>2008 Total Bond Issue Series A &amp; B</td>
<td>$ 6,675,000</td>
</tr>
<tr>
<td>Low and Moderate Income Housing Fund (Series C &amp; D)</td>
<td>$ 540,000</td>
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<tr>
<td>Refund 1992 Bonds</td>
<td>$1,018,670</td>
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<tr>
<td>Reserve Account</td>
<td>$ 139,610</td>
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<tr>
<td>Issuance Costs (Series C &amp; D)</td>
<td>$ 101,720</td>
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</table>

<table>
<thead>
<tr>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>2008 Total Bond Issue Series C &amp; D</td>
<td>$ 1,800,000</td>
</tr>
</tbody>
</table>

### Total Bond Issuance

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Total Bond Issuance</td>
<td>$8,475,000</td>
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### Projects Funded by Redevelopment Fund

<table>
<thead>
<tr>
<th>Description</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Debt Payment to City</td>
<td>$1,924,763</td>
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</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Total Projects Funded by Redevelopment Fund</td>
<td>$ 1,924,763</td>
</tr>
</tbody>
</table>

### Projects Funded by Low and Moderate Income Housing Fund

<table>
<thead>
<tr>
<th>Description</th>
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</tr>
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<tbody>
<tr>
<td>Villa Siena Housing Project</td>
<td>$ 540,000</td>
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</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Total Projects Funded by Low and Moderate Income Housing Fund</td>
<td>$ 540,000</td>
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<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Total Refund of 1992 Bonds</td>
<td>$ 5,093,350</td>
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<table>
<thead>
<tr>
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<tr>
<td>Total Bond Issuance Costs</td>
<td>$ 406,197</td>
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<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Total Expenditures Utilizing Bond Funds</td>
<td>$ 7,964,310</td>
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<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Total Revenue – Interest Earned</td>
<td>$ 124,763</td>
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<table>
<thead>
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<th>Description</th>
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<tbody>
<tr>
<td>Total Expenditures Less Revenue</td>
<td>$7,839,547</td>
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</table>

1 Difference between Total Bond Issuance and Total Expenditures Less Revenue is the Bond Reserve Accounts in the amount of $635,453.
ANTICIPATED REVENUES 2011-2012 – REDEVELOPMENT FUND

Income:
Gross Tax increment Revenue $1,207,787
Lease of Redevelopment Property¹ $ 0
Loan from City – Operations/Admin² $ 165,000
Interest³ $ 1,000

$1,373,787

Less:
Pass Through to other Agencies $ 265,911
20% Housing Set-Aside
  County Allocation $ 20,737
  City Allocation $ 200,182
  County Administration Fee $ 28,112
($ 514,942)

NET REVENUE
$ 858,845

PROPOSED EXPENDITURES 2011-2012 – REDEVELOPMENT FUND

Debt Service:
Bond Payments $ 491,949
REDIP Loan $ 27,872
City Loan (Payment of Infrastructure) $ 150,000
Bond Administration $ 1,950
ERAF $ 80,000
Agency Administration $ 137,000
TOTAL PROPOSED EXPENDITURES $ 888,771

Transfer to (from) Fund Balance ($ 29,926)

Estimated Redevelopment Fund Balances:

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<tr>
<th></th>
<th>06/30/10</th>
<th>06/30/11</th>
<th>06/30/12</th>
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<tbody>
<tr>
<td>$668,034</td>
<td>$30,295</td>
<td>$369</td>
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Notes:
1. Stout building is vacant at this time so figures do not include revenue for lease.
2. Loan from City for cumulative amount of $495,000 which is $165,000 for fiscal years 2011/12, 2012/13 and 2013/14
3. Includes $658 interest earned on restricted funds on deposit with financial institutions (REDIP).
ANTICIPATED REVENUES 2011-2012 – HOUSING FUND

Tax Increment Revenue 2011-2012:
  County Allocation $ 20,737
  City Allocation $200,182
  Home loan repayment (Casas) $ 3,480

TOTAL ANTICIPATED REVENUE $224,399

PROPOSED EXPENDITURES 2011-2012 – HOUSING FUND

Administration and Debt Service:
  Agency Administration $ 70,318
  Bond Payments $135,676
  Bond Administration $ 1,700

TOTAL PROPOSED EXPENDITURES $207,694

Transfer to (from) Fund Balances $ 16,705

Estimated Housing Fund Balances:

<table>
<thead>
<tr>
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<th>06/30/10</th>
<th>06/30/11</th>
<th>06/30/12</th>
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<tbody>
<tr>
<td></td>
<td>$198,567</td>
<td>$170,523</td>
<td>$187,228</td>
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II. WORK PROGRAM

The work program for the 2011-2012 Fiscal Year is based on the continued implementation of both the Redevelopment Strategic Plan adopted in 1992 and the Five-Year Implementation Plan adopted in 2010 and as amended with the adoption of the amended area. The Agency re-financed the bonds in 2008 which will allow additional funding for projects and refunding of 1992 Bonds. The Agency will be managing and monitoring the Redevelopment projects that have been completed and planning ahead for future projects. Therefore, the work program for 2011-2012 is as follows:

1. Implementation Plan

   A. Continue implementation of the 2010-2014 Redevelopment Implementation Plan and amendment to the plan for the Redevelopment Agency that contains the specific goals and objectives of the Agency for the project area, the specific programs, including potential projects, and estimated expenditures proposed to be made during the five-year period beginning 2010.

2. Housing Strategic Plan Implementation

   A. Continue implementation of the Housing portion of the 2010-2014 Redevelopment Implementation Plan, as amended, that established policies for the expenditure of the low and moderate-income housing funds. Review status of housing funds and determine priorities for expenditure of available funds.

   B. Continue monitoring Casas Buena Vista subdivision in terms of compliance with the CalHFA loan requirements, the recorded affordability covenants on each home, and the Landscape Maintenance District.

   C. Continue to monitor the St. James Place historical renovation project for compliance with the terms of the Regulatory Agreements and HOME requirements.

   D. Continue to monitor the Date Avenue Family Apartment rental project for compliance with the terms of the Affordable Housing Agreement between the Agency and 148 Date Avenue, LP and Corporation for Better Housing.

   E. Continue to monitor Sequoia Village on River’s Edge, a 64-unit apartment complex in the Redevelopment Project Area that executed a Payment In Lieu of Taxes Agreement with the Agency. The majority of the funding for the project was from a HOME loan from the City and a low-income housing tax credit allocation.
F. Continue to implement the terms of the Affordable Housing Agreement with Porterville Housing Partners, L.P. as the construction is planned to be completed early in the Fiscal Year on Villa Siena, a 70 unit apartment complex on the southeast corner of Putnam Avenue and “E” Street assisted by the Agency.

3. Administration

A. Staff will continue to implement both the Redevelopment Strategic Plan adopted in 1992 and the Five-Year Implementation Plan and amendment adopted in 2010. Staff will also continue to manage all administrative duties of the agency and manage and monitor Redevelopment projects.

B. Continue to evaluate future plans associated with Stout building property.

C. Due to the state of the economy and the possible elimination or reform by the State of California, staff may be presenting to the Agency options for approval to address potential changes to Redevelopment.

D. With the possibility of Redevelopment elimination or reform by the State of California, the Agency took action during Fiscal Year 2010/2011, to pay all outstanding City debt. Therefore, the City also took action during 2010/2011 to loan the cumulative amount of $495,000 which is $165,000 each year for fiscal year 2011/12, 2012/13 and 2013/14 to the Agency for operation and administrative charges.

4. Porterville Hotel Project

A. Agency staff will continue working with Agency legal counsel to negotiate with the property owner and the Department of Housing and Community Development on the acquisition of the property and facilitate the demolition and clearance for purpose of clearing the site for future commercial uses or for renovating the property for viable affordable housing use, should that be the option the property owner chooses.

5. Parking Lots

A. Continue the process of transferring existing Agency owned parking lots to the City.

B. Coordinate with City’s Public Works Department for the construction of a public parking lot on Hockett Street just north of the Agency owned Stout building.
C. Continue to evaluate the options for rehabilitation of deteriorated existing parking lots and the acquisition of property for the development of new parking lots.

7. Street and Public Improvements

A. Continue to monitor the Main Street streetscape improvements and address maintenance issues such as paver cleaning, planter refurbishing, and re-painting of light standards, street sign poles, traffic signal poles, and bollards.

B. Coordinate with City’s Public Works Department on the design and construction of the streetscape improvements on Garden and Oak Avenues funded through a Transportation Enhancement Grant. These improvements will serve as a connection between downtown and the soon to be constructed courthouse.

C. Continue to pursue funding for required traffic circulation improvements, replacement or installation of sidewalks, crosswalks, curbs, gutters, storm drains, street lighting, and landscaping to improve their functioning and attractiveness throughout the Project Area.

D. During the 2011-2012 fiscal year, staff will monitor the public space maintenance as provided in the Development and Disposition Agreement (DDA) with Garfield Beach CVS, LLC for compliance.

E. Coordinate with the City’s Engineering Division on the reconstruction of the Plano Street Bridge and the Jaye Street Bridge that are in the Project Area.

F. Coordinate with the City’s Engineering Division on improvements to the SR190 segment and interchange between SR 65 to just east of Plano.

G. Track progress of projects in the Ten Year Capital Improvements Plan which are located in or effect the Redevelopment area.

8. Building Façade Rehabilitation

A. Staff continues to investigate funding sources for implementation of an updated Façade program. Should funding become available, the Agency will reinstitute its currently inactive building façade rehabilitation program. The building façade program will be designed to assist businesses in the Project Area by funding improvements to storefronts and signage.

B. Continue to review guidelines and executed agreements for the initial Building Façade program to address the issues arising from the
improvements paid for by the program that may be beyond their useful life.

9. Economic Development

A. As part of this effort, the City will place an emphasis on filling vacant and underutilized buildings, as well as the development of vacant parcels, within Redevelopment Project Area.

B. Work with the property owners of the Porter Theater and the previous J. C. Penney property to identify future use and revitalization of property.

10. Community Facility Projects

Coordinate with the City’s Engineering Division and the Parks and Leisure Services Department on the planning and construction of the phases of the Tule River Parkway and the Rails to Trails projects that are within or adjacent to the Redevelopment Project Area.
III. PREVIOUS YEAR'S ACHIEVEMENTS

In reviewing the activities of the Redevelopment Agency in 2010-11 significant progress was made in accomplishing the goals of the work program established in last year's budget. Following are the elements of that work program and a description of the progress made in each area:

1. Implementation Plan

   Goal: Continue implementation of the 2010-2014 Redevelopment Implementation Plan for the Redevelopment Agency that contains the specific goals and objectives of the Agency for the project area, the specific programs, including potential projects, and estimated expenditures proposed to be made during the five-year period beginning 2010.

   Action: The Redevelopment Agency, through the actions discussed below, has continued implementation of the 2010-2014 Implementation Plan for the Redevelopment Agency.

   Goal: Continue to evaluate future plans associated with Stout building property.

   Action: The Agency is evaluating the sale of Stout property to the City of Porterville. The process could be completed during fiscal year 2011-2012.

2. Housing Strategic Plan Implementation

   Goal: Continue implementation of the Housing portion of the 2010-2014 Redevelopment Implementation Plan that established policies for the expenditure of the low and moderate-income housing funds. Review status of housing funds and determine priorities for expenditure of available funds.

   Action: The Agency continued the implementation of the Housing portion of the 2010-2014 Redevelopment Implementation Plan primarily by continuing implementation of the Affordable Housing Agreement (AHA) with Porterville Housing Partners, L.P, for the development of a 70 unit multifamily project adjacent to the downtown area and within the Redevelopment Project Area. After the project was assumed by another developer during the last fiscal year, a number of issues arose which necessitated a considerable degree of legal work. Construction on the complex commenced in late fall. Concurrently, staff continued negotiations with the owner of the Porterville Hotel property and HCD in order for the Agency to acquire that site. These two related projects are discussed in more detail below.
Goal: Continue monitoring Casas Buena Vista subdivision in terms of compliance with the CalHFA loan requirements, the recorded affordability covenants on each home, and the Landscape Maintenance District.

Action: The Agency has been monitoring all of the loan agreements and affordability covenants, working through issues as they arise dealing with refinancings, sales of homes to income qualified buyers, loan servicing problems including several foreclosures. Annual income certification letters were sent to all the residents assisted by the City/Agency.

Goal: Continue to monitor the St. James Place historical renovation project for compliance with the terms of the Regulatory Agreements and HOME requirements.

Action: The annual monitoring, including physical inspection of the property, was conducted with the Agency requesting additional information to be submitted to determine compliance with the Agency and HOME requirements.

Goal: Continue to monitor the Date Avenue Family Apartments rental project for compliance with the terms of the Affordable Housing Agreement between the Agency and 148 Date Avenue, LP and Corporation for Better Housing.

Action: The annual income certifications for occupancy were received by the Agency showing 71 of the 78 units being occupied by low-income households with only 7 vacant units. Thirty-seven percent of those households were below 50% of Area Median Income (AMI) and fifty-one percent were between 51% and 80% of AMI. The owner and management company continue to be cooperative and work towards resolving the issues as they arise.

Goal: Continue to monitor Sequoia Village on River’s Edge, a 64-unit apartment complex in the Redevelopment Project Area that executed a Payment In Lieu of Taxes Agreement with the Agency. The majority of the funding for the project was from a HOME loan from the City and a low-income housing tax credit allocation.

Action: The second annual monitoring was completed for Sequoia Village and submitted to HCD. The income certifications for occupancy showed that 58 of the 64 units were occupied with only 6 vacant units. Seventeen percent of those households were below 50% of Area Median Income (AMI) and sixty-three percent were between 50% and 60% of AMI. There were no major concerns found in the monitoring. The complex is very well maintained and is a real asset to the neighborhood.
Goal: Participate in the final planning and implementation of the Porterville Hotel project with the planned demolition of the building and the development of the required affordable replacement units in the Villa Siena project adjacent to the downtown. Complete negotiations with the Department of Housing and Community Development (HCD) to pay off their loan on the property and transfer the affordability covenants to the Villa Siena project. Administer the contract with Rosenow Spevacek Group, Inc., Redevelopment consultants, on the financial review of different aspects of the project. Continue to implement the Affordable Housing Agreement to develop Villa Siena, a 70 unit apartment complex on the southeast corner of Putnam Avenue and “E” Street with Redevelopment Low and Moderate Housing fund assistance of at least $930,000 which was expended for the acquisition of the property and rolled over into a long term loan upon close of escrow selling the property to the developer. Coordinate and cooperate with the developer in applying for and securing other sources of financing to make the project feasible.

Action: As previously discussed, staff continued, but did not finalize, negotiations with the owner of the Porterville Hotel property and HCD. In addition, staff continued the implementation of the AHA executed with Porterville Housing Partners, L.P. for the development of Villa Siena. After the acquisition of the property last year, the developer worked diligently on finalizing the many funding sources for the project, including the sale of the Low Income Housing Tax Credits, negotiating the construction loan, and executing the other state and federal grants and loans that had been conditionally awarded for the project. In the process of working with other lenders, it became necessary to separate the commercial portion from the residential portion of the project. Also, in order to meet the tax credit deadline for the start of construction, the Agency and developer had to execute additional legal documents including, but not limited to, the Second and Third Amendment to the AHA, amendments to the Completion Guarantee, and Restrictive Covenants for the Commercial Parcel. Rosenow Spevacek Group Inc. (RSG), Redevelopment consultants for the Agency, assisted with the financial review of various aspects for this process, especially in terms of reviewing the revised financing plans for Villa Siena before the Agency approved the notice to proceed with construction. Subsequently, construction commenced in late October and is due to be completed by late summer or early fall 2011.

3. Administration

Goal: Staff will continue to implement both the Redevelopment Strategic Plan adopted in 1992 and the Five-Year Implementation Plan adopted in 2010. Staff will also continue to manage all administrative duties of the agency and manage and monitor Redevelopment projects.
Action: During 2009/2010, staff did continue to manage all the administrative duties of the agency and work towards implementing the applicable plans. Staff will initiate implementation of the actions identified in the newly adopted Five-Year Implementation Plan.

Goal: In the 2007-2008 fiscal year, the Agency Board approved staff to negotiate a contract with a consultant to prepare an amendment to Project Area No. 1. Staff will collaborate, throughout the entire amendment process, with the consultant on the establishment of the new project area. The amendment to Project Area No. 1 is anticipated to be completed during the 2010-2011 fiscal year. If the amendment is approved and adopted, staff will initiate implementation of the actions identified in the amended Five Year Implementation Plan for the amended area.

Action: The amendment to Project Area No. 1 was approved and adopted during fiscal year 2010-2011, staff will initiate implementation of the actions identified in the amended Five Year Implementation Plan for the amended area.

Goal: Due to the state of the economy and the State of California taking of Redevelopment funds through the Supplemental Education Revenue Augmentation Fund (SERAF), staff will be presenting, to the Agency for approval, a financing restructure program.

Action: Approval of this restructure program resulted in all debt to the City being consolidated into one 30-year loan with specific repayment terms. Subsequent to the debt restructure, the City loan to the Agency was paid in full from fund balance.

The Agency also authorized staff to begin the process of selling one or both of the following properties owned by the Agency to the City or private party:

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

This sale of property(s) would provide additional revenues to the Agency that will be programmed upon determining actual amounts.

4. Building Facade Rehabilitation

Goal: Staff continues to investigate funding sources for implementation of an updated Façade program.
Action: Staff continued to search for additional funding sources to reinstate an updated Building Façade program. The best possibility for funding the program would come from the adoption of the Project Area Amendment that provides additional tax increment and leveraging of the increment for such projects. Additionally, building facade improvements are an eligible use under the Community Development Block Grant Business Assistance Program.

Goal: Continue to review guidelines and executed agreements for the Building Façade program to address the issues arising from the improvements paid for by the program that may be beyond their useful life.

Action: Staff has continued monitoring prior façade renovation projects to maintain compliance with guidelines. Work in this area continues.

5. Public Parking

Goal: Monitor and maintain all Agency owned parking lots.

Action: Staff continues to monitor and maintain the Redevelopment parking lots, coordinating with Parks and Leisure Services on any landscape maintenance items and Southern California Edison on any light standard issues. Agency is considering transferring ownership of Agency parking lots to City in response to State budget proposals.

Goal: Continue to evaluate need for rehabilitation of existing parking lots that are in poor condition and the possibility of development of new parking lots.

Action: Funding for construction of a parking lot on the vacant lot just north of the Stout Building is proposed in the 2011-2012 City budget. Staff continues to prioritize construction/rehabilitation of existing parking lots and vacant lots owned by the Agency in the City Capital Project Ten Year Plan.

6. Public Street and Streetscape Improvements

Goal: Continue to monitor the Main Street streetscape improvements.

Action: Staff continues to monitor the Main Street streetscape improvements and seek funding sources in an effort to maintain, improve, and refurbish improvements.

Goal: Continue to pursue funding for required traffic circulation improvements, replacement or installation of sidewalks, crosswalks, curbs, gutters, storm drains, street lighting, and landscaping to improve their functioning and attractiveness.
Action: Staff continues to pursue funding sources to meet the traffic circulation, infrastructure, and streetscape needs for areas within the Project Area.

Goal: During the 2010-2011 fiscal year, staff will monitor the Development and Disposition Agreement (DDA) with Garfield Beach CVS, LLC for compliance.

Action: Staff continued to monitor the public space maintenance as provided in the DDA with Garfield Beach CVS, LLC.

7. Downtown Revitalization

Goal: Porterville Hotel – Agency staff, working with Redevelopment legal counsel, will finalize the Purchase and Sale Agreement with the property owner with the condition that demolition of the hotel be completed before escrow closes. The Agency will then have a clean, graded site to market for a mixed use development, most likely consisting of retail and office space. It is anticipated that the demolition and acquisition will occur in the 2010-2011 fiscal year and the process of soliciting qualifications of developers will commence thereafter.

Action: The Agency continued to negotiate terms of acquisition with the owner of the hotel property and HCD.

Goal: Through the efforts of the Redevelopment Agency and Economic Development Division encourage downtown revitalization. As part of this effort, the City will place an emphasis on filling vacant and underutilized buildings, as well as the development of vacant parcels, within Redevelopment Project Area No. 1.

Action: During the 2010-2011 fiscal year, the City sold property to the State for the construction of the South County Justice Center consisting of a 90,000 square foot courthouse with 9 courtrooms. The Justice Center will be an economic driver for downtown revitalization. The Economic Development Division, working with the Chamber of Commerce and other organizations, is developing a program to promote downtown for retail, professional, and entertainment uses.

Additionally, during the 2010-2011 fiscal year, the Agency halted negotiations with the property owner for the acquisition and rehabilitation of the vacant JC Penney site due to the inability to reach an agreement on terms and development conditions. Furthermore, as the vacant and blighted property was visible to the public, the Agency and the City required the property owner to screen the property until development occurs.
Goal: Work with property owner of Porter Theater to identify future use and revitalization of property.

Action: Staff continued to be in contact with the owner of the Porter Theater to discuss options and issues regarding the property, including regular maintenance issues.

Goal: Staff will investigate funding sources for replacement of downtown tree wells.

Action: The size of several tree wells downtown was increased and placed fill material so that the planter became level with the sidewalk. Crews also removed and replaced tree root raised concrete throughout the downtown area. In those cases where the vertical concrete sidewalk separations were minor, the crews utilized a grinder to create a smooth surface at the joints between sidewalk panels.

8. Public Improvement Projects

Goal: Coordinate with the City’s Engineering Division on the reconstruction of the Plano Street Bridge and the Jaye Street Bridge that are adjacent to the Project Area.

Action: The Redevelopment Strategic Plan and the adopted Streetscape Design for the Redevelopment Area were used in the planning and design of the Plano Street Bridge project and construction is scheduled to begin Summer 2012. The Jaye Street widening project is complete and the Jaye Street Bridge project is slated for Summer 2014. The Jaye Street bridge is now located in the amended Redevelopment Project Area.

9. Tule River Parkway and Rails to Trails Projects

Goal: Coordinate with the City’s Engineering Division and the Parks and Leisure Services Department on the planning and construction of the phases of the Tule River Parkway and the Rails to Trails projects that are within the Redevelopment Project Area.

Action: Staff has participated in the planning and coordination of both of these projects that are within the Redevelopment Area. One time CDBG – Recovery funds of $191,000 have been designated for improvement of the Rails to Trails Project as part of the Heritage Center Complex. The project is scheduled for construction to begin in the summer of 2011.