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:
   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.
   3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Mercury Insurance Company v. City of Porterville, Tulare County Superior Court Case No. PCL 148192.
   4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Donald Sipple v. City of Alameda, et al., Los Angeles Superior Court Case No. BC462270.
   5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases with facts not yet known to potential plaintiffs.

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

Pledge of Allegiance Led by Council Member Greg Shelton
Invocation

PRESENTATIONS
Harmony Magnet Academy Students
Service Awards to Redevelopment Advisory Committee Members

REPORTS
This is the time for all AB 1234 reports; Committee/Commission/Board Reports; Subcommittee Reports; and Information Items and Reports.
ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

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

1. City Council Minutes of July 5, 2011
2. Award of Contract – Olive Avenue Rehabilitation Project
   Re: Considering awarding a contract in the amount of $955,936.90 to Bowman Asphalt, Inc. of Bakersfield, for the project consisting of the rehabilitation of Olive Avenue between H Street and Carmelita Street and identified Add Alternates.

3. Award of Contract – 2011/2012 Fiscal Year Micro-Surfacing Project
   Re: Considering awarding a contract in the amount of $749,209.91 to Intermountain Slurry Seal, Inc. of West Sacramento, for the project consisting of the application of a durable thin asphalt overlay on several streets within the city.

4. Acceptance of Project – Rehabilitate Runway 12-30
   Re: Considering accepting project as complete from W. Jaxon Baker, and authorizing the filing of the Notice of Completion for the project consisting of the grinding, removal and disposal of variable thickness runway asphalt and the placement of an overlay cap; and runway grooving, shoulder grading, new pavement markers and a fog seal completed the project.

5. Approval of the 2011/2012 Disadvantaged Business Enterprise (DBE) Program

6. Annual Review and Request for Renewal of a Temporary Structure Permit for the Storage and Consignment of Equipment
   Re: Consideration of a temporary structure permit at 952 West North Grand Avenue to allow for the storage and consignment of farm and construction vehicles and equipment.

7. Intent to Vacate a Portion of a 30’ Wide Public Utility Easement Related to PetSmart Development Project
   Re: Considering approval of a Resolution of Intent to Vacate a portion of a 30’ wide Public Utility Easement located in the southwesterly corner of Henderson Avenue and Prospect Street.

8. Set Study Session for Review of Consolidated Waste Management Authority
   Re: Considering the scheduling of a study session for the purpose of meeting with the Consolidated Waste Management Authority (CWMA) and the County regarding the City’s membership in the CWMA.
9. **This Item was Removed.**

10. **Library and Literacy Commission Vacancy**  
    Re: Consideration of a vacancy on the Library and Literacy Commission.

11. **Redevelopment Advisory Committee Membership**  
    Re: Consideration of the appointment of members to the Redevelopment Advisory Committee for a three-year term to expire July 10, 2014.

12. **Approval for Community Civic Event – Boys and Girls Club of Porterville Family Concert at Murry Park**  
    Re: Considering approval of an event to take place on Saturday, August 27, 2011, from 6 p.m. to 10 p.m. at Murry Park.

    Re: Considering approval of an event to take place on Saturday, September 10, 2011, from 6:00 a.m. to 10:00 p.m. at Veteran’s Park.

14. **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.

15. **Council Member Requested Agenda Item – Request for the City Council to Schedule the Consideration of Forming a Community Facilities District(s) for Neighborhood Street Maintenance**  
    Re: Consideration of a request to authorize the scheduling of an item on the next Council Agenda for the consideration of the formation of a Community Facilities District(s) within the city for neighborhood street maintenance.

16. **Council Member Requested Agenda Item – Request for the City Council to Schedule the Consideration of the City’s Self-Performance of Street Maintenance Programs**  
    Re: Consideration of a request to authorize the scheduling of an item on the next Council Agenda for the consideration of the City’s self-performance of street maintenance activities and programs.

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

**SECOND READINGS**

17. **Ordinance 1779, Voluntary Alternative Redevelopment Program**  
    Re: Giving Second Reading to Ordinance 1779, An Ordinance of the City Council of the City of Porterville Electing to Comply with and Participate in the Alternative Voluntary Redevelopment Program Contained in Part 1.9 of Division 24 of the California Heath and Safety Code, which was given first reading on August 2, 2011.
SCHEDULED MATTERS
18. Project Review Committee Fees
   Re: Consideration of a resolution approving a tiered fee schedule based on the scale of the project.

19. Award Contracts – Landscape Maintenance, Various Landscape Maintenance Districts
   Re: Considering awarding contract for landscape maintenance services to Perfect Care Landscape Maintenance of Tulare for Landscape Maintenance District (LMD) Groupings #1, #3 and #4, and Clean Cut Landscape of Clovis for LMD Groupings #2 and #5.

20. Designation of Voting Delegates and Alternate for League of California Cities 2011 Annual Conference
   Re: Considering the designation of one City Council Member to serve as a voting delegate, and up to two City Council Members to serve as alternates at the 2011 League of California Cities Annual Conference.

21. Coordinated Community Services Committee Meetings Update (“Step Up”)
   Re: Informational report regarding the efforts and activities of local community representatives relative to gang prevention and intervention.

22. Freedom Fest and Fireworks Show Report
   Re: Informational report regarding the Freedom Fest which took place on July 2, 2011.

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

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

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS

SCHEDULED MATTER
PRA-01 Approval of a Resolution Adopting an Enforceable Obligation Payment Schedule for the Redevelopment Agency Pursuant to the Requirements of AB X1 26.
   Re: Considering approval of a resolution adopting the Enforceable Obligation Payment Schedule.

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 September 6, 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.
Called to Order at 5:30 p.m.  
Roll Call:  Council Member Ward, Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish

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

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA
JULY 5, 2011

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

ORAL COMMUNICATIONS
• Luisa Herrera, Leadership Porterville Class of 2011Member, updated the Council on the class’s recent efforts with respect to their fundraising and community service projects. Ms. Herrera spoke of the scheduled renovations at the Women’s Shelter, and extended an invitation to the Council to attend the class’s graduation scheduled for July 15th at River Island Country Club.

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

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
3- Government Code Section 54956.95 – Liability Claims: Claimants: Buddy Edward Hatcher
and Holly Hatcher. Agency claimed against: City of Porterville.

4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Donald Sipple v. City of Alameda, et al., Los Angeles Superior Court Case No. BC462270.

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

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

Deputy City Attorney Steve Kabot reported the following action:

Item B-2: GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIMS: CLAIMANT: JASON CORRIGAN. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Shelton that the City Council reject the claim submitted by Jason Corrigan. M.O. 01-070511 The motion carried unanimously.

Disposition: Approved.

Item B-3: GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIMS: CLAIMANTS: BUDDY EDWARD HATCHER AND HOLLY HATCHER. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward, that the City Council approve rejecting the claims submitted by Buddy Edward Hatcher and Holly Hatcher. The motion carried unanimously. M.O. 02-070511

Disposition: Approved.

Pledge of Allegiance Led by Council Member Ward

Invocation – one individual participated.

**PROCLAMATIONS**

National Parks & Recreation Month – July 2011

**PRESENTATIONS**

Employee of the Month – David Payne
Office Depot
Chamber of Commerce’s Annual Report
Southern California Edison’s State of the Utility

**REPORTS**

- Council Member Ward advised of the coordinating community services meeting scheduled for 12:00 p.m. at the Police Department Briefing Room on July 6th; and lauded the Freedom Fest event, and thanked Police Department and Fire Department staff for their hard work.
- Council Member Shelton spoke of various events he attended, including: two sesquicentennial committee meetings; a mixer at the Tule River Indian Reservation; Pioneer Days; a Victory Outreach fundraiser; Freedom Fest; a fireworks show at the Tule
River Indian Reservation; and a Tea Party Rally.

- Vice Mayor Hamilton lauded the Freedom Fest event and thanked staff for their hard work; and spoke of the Chamber’s involvement in Music on Main Street.

**ORAL COMMUNICATIONS**

- Felipe Martinez, former City Council Member and Porterville resident, 1) thanked the City for the Freedom Fest and requested the total amount spent on the event be provided; 2) spoke in favor of Item No. 18 pertaining to PetSmart; 3) requested that the Council behave with decorum; and 4) lauded City staff and requested that they be allowed to perform their jobs.
- Gary Giraudi, past Chamber Board Chair and Porterville resident, voiced support for the Chamber of Commerce, noting its many contributions to the community.
- Randy Wallace, Tulare County Office of Education, spoke in favor of the Chamber of Commerce and its many partnerships.
- Tony Cervantes, Jr., a Tracy resident and former Porterville resident, spoke of the need to rehabilitate Lime Street Park and requested that the Council approve Item 7.
- Edith LaVonne, a Porterville resident, lauded the Chamber of Commerce’s efforts in the community.
- Dr. Andrea Espinoza, spoke of the Chamber’s many contributions to the community and local businesses.
- Imran Noorali, a student ambassador to business, lauded the Chamber and the opportunities the organization provides to the youth in the community.
- Shelina Noorali, California State President of the Future Leaders of America, spoke in favor of the Chamber of Commerce and the contributions it makes to youth in the community.
- Kay Garrett, identified herself as a current Paradise resident, former Porterville resident, and Council Member Shelton’s mother, and lauded the Freedom Fest event.
- Kevin Bonds, Tule River Tribal Council Member, thanked the City for their partnership in the Freedom Fest event; spoke favorably of the Chamber of Commerce; and urged the City and Chamber to work together.
- Dan Hackey, Tule River Tribal Public Relations, spoke of the collaboration between the Tribe, City and Chamber, and encouraged the continuation of the partnerships.

**CONSENT CALENDAR**

Item Nos. 1 (Minutes of June 28, 2011 only), 2, 2a, 3, 4, 6, 7, 8 and 15 were removed for further discussion.

1. CITY COUNCIL MINUTES OF APRIL 12, 2011

Recommendation: That the City Council approve the Minutes of April 12, 2011.

Documentation: Minute Order No. 03-070511
Disposition: Approved.

5. NEGOTIATE FOR CONSULTANT SERVICES – SLUDGE DE-WATERING & ELECTRIC AIR BLOWER PROJECT
Recommendation: That the City Council:
1. Authorize the Public Works Director to negotiate a contract with AECom for design services related to the Sludge De-Watering & Electric Blower Design Project;
2. Authorize the Public Works Director to negotiate a contract with PACE Engineering if negotiations with the top rated firm are not successful;
3. Authorize the Public Works Director to negotiate a contract with Carollo Engineering if negotiations with the 2\textsuperscript{nd} rated firm are not successful; and
4. Authorize the Mayor to execute a Professional Services Agreement with the selected Engineering Firm once negotiations are successfully completed.

Documentation: Minute Order No. 04-070511
Disposition: Approved.

9. REQUEST TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Recommendation: That the City Council:
1. Authorize the filing of the grant application; and
2. Authorize the Mayor to sign all necessary documents as they pertain to the grant; and
3. Authorize a budget adjustment upon receipt of the funds.

Documentation: Resolution No. 29-2011
Disposition: Approved.

10. AUTHORIZE TRANSIT STAFF TO APPLY FOR TRANSIT SECURITY GRANT PROGRAM FUNDING

Recommendation: That the City Council authorize City staff to apply for the Transit Security Grant funds for fiscal years 09/10 and 10/11.

Documentation: Resolution No. 30-2011
Disposition: Approved.

11. AUTHORIZATION OF REQUEST FOR FUNDS FROM SAN JOAQUIN VALLEY LIBRARY SYSTEM AND BUDGET ADJUSTMENT

Documentation: That the City Council:
1. Authorize a request for funds from the San Joaquin Valley Library System for the purchase of six Early Literacy Stations; and
2. Authorize staff to make the appropriate budget adjustment upon receipt of funds to the Library Division 2010-11 General Fund.

Documentation: Minute Order No. 05-070511
Disposition: Approved.
12. RESOLUTION OPPOSING SENATE BILL 469 (VARGAS)

Recommendation: That the City Council approve the draft resolution in opposition to Senate Bill 469 (Vargas).

Documentation: Resolution No. 31-2011
Disposition: Approved

13. AIRPORT LEASE RENEWAL – LOT 43

Recommendation: That the City Council approve the extension of the Lease Agreement between the City of Porterville and Leonard Alogna of Los Angeles, CA, for lot 43 at the Porterville Municipal Airport.

Documentation: Minute Order No. 06-070511
Disposition: Approved.

14. AIRPORT LEASE RENEWAL – LOT 47

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and James Costa of Tulare, CA, for Lot 47 at the Porterville Municipal Airport.

Documentation: Minute Order 07-070511
Disposition: Approved.

16. 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: Minute Order 08-070511
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1 (April 12, 2011 Minutes only), 5, 9 through 14, and 16. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF JUNE 28, 2011

Recommendation: That the City Council approve the Minutes of June 28, 2011.

City Manager Lollis indicated that staff wished to remove the Minutes of June 28th and bring back for consideration at the next meeting. Without objection the item was continued.
2a. FISCAL YEAR 2011/2012 STREET WORK PLAN

Recommendation: That the City Council:
1. Approve the 2011/2012 Streets Work Plan; and
2. Amend the 2011/2012 Capital Improvement Program to accurately reflect the projects undertaken in Fiscal Year 2011/2012.

City Manager Lollis introduced the item, and Council Member Shelton questioned whether he was within 500 feet of the streets referred to in Items 2a and 2. It was suggested that Council Member Shelton abstain from voting as a precaution. He recused himself and exited the Chambers.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the 2011/2012 Streets Work Plan; and amend the 2011/2012 Capital Improvement Program to accurately reflect the projects undertaken in Fiscal Year 2011/2012.

M.O. 09-070511

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

Disposition: Approved.

2. ASPHALT OVERLAY PROGRAM 2011/2012

Recommendation: Information only.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council accept the informational report.

M.O. 10-070511

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

Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS – 2011/2012 FISCAL YEAR MICRO-SURFACING PROJECT

Recommendation: That the City Council:
1. Approve Staff’s recommended Plans and Project Manual for the 2011/2012 Micro-Surfacing Project;
2. Approve the advancement of 2011/2012 “Local” Measure ‘R’ Funds as
approved by TCAG;
3. Approve the appropriation of Water Reserve Funds for that portion of the remediation work beneath State Route 65 Overpass caused by the water main fracture;
4. Authorize the Finance Director to adjust the 11/12 Fiscal Year Budget to account for the appropriation of Water Replacement Fund; and
5. Authorize Staff to advertise for bids on the project.

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

Council Member Ward, who pulled the item, requested that a Council Member Requested Agenda Item regarding the creation of an “in-house road department” and an analysis of the prior five years. Staff then addressed questions regarding the use of “local” Measure ‘R’ funds.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve staff’s recommended Plans and Project Manual for the 2011/2012 Micro-Surfacing Project; approve the advancement of 2011/2012 “Local” Measure ‘R’ Funds as approved by TCAG; approve the appropriation of Water Reserve Funds for that portion of the remediation work beneath State Route 65 Overpass caused by the water main fracture; authorize the Finance Director to adjust the 11/12 Fiscal Year Budget to account for the appropriation of Water Replacement Fund; and authorize staff to advertise for bids on the project. The motion carried unanimously.

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS – OLIVE AVENUE REHABILITATION

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 Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton, who pulled the item, stated that he was pleased to see money budgeted for roads and looked forward to seeing more of it.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City 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.

7. LIME STREET PARK IMPROVEMENT PROJECT UPDATE
Recommendation: That the City Council authorize staff to proceed with plans for Lime Street Park Improvements including cost estimates for filling the storm drain basin and continuing seeking sources of financing to complete the project.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton expressed his concerns regarding the rehabilitation of the park and the preparation of plans. Staff indicated that the funds allocated in the CDBG Action Plan would not be sufficient for the improvements, and that they were exploring additional funding options. A discussion followed regarding what “proceed with plans” entailed, and the ability of Zalud Park to handle the additional water. Council Member Ward stated that he felt the money would be better spent on the community parks. Public Works Director Baldo Rodriguez estimated that City staff could provide a budget estimate at an approximate cost of $3,500.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council authorize staff to proceed with plans for Lime Street Park Improvements including cost estimates for filling the storm drain basin and continuing seeking sources of financing to complete the project, with the understanding that no additional funds will be expended out of the budget. The motion carried unanimously.

Disposition: Approved.

8. TULARE COUNTY AGENCIES REGIONAL GANG ENFORCEMENT TEAM – MEMORANDUM OF UNDERSTANDING

Recommendation: That the City Council:
1. Approve the Memorandum of Understanding for the Tulare County Agencies Regional Gang Enforcement Team; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

City Manager Lollis introduced the item and presented the staff report. He informed the Council of a significant reduction in the Department of Justice’s budget, which had been adopted June 30th, and subsequently led to all enforcement teams being put on hold. The City Manager added that it remained staff’s recommendation to proceed.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve the Memorandum of Understanding for the Tulare County Agencies Regional Gang Enforcement Team; and authorize the Chief of Police to execute the agreement on behalf of the City of Porterville. The motion carried unanimously.

Disposition: Approved

6. PLANO BRIDGE WIDENING PROJECT: ADDENDUM TO THE NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
Recommendation: That the City Council approve the addendum to the Negative Declaration for the Plano Street Bridge Widening Project.

City Manager Lollis introduced the item, and indicated that the item has been pulled at the request of Council Member Shelton. Council Member Shelton inquired about regulations pertaining to Elderberry bushes.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the addendum to the Negative Declaration for the Plano Street Bridge Widening Project. The motion carried unanimously.

Disposition: Approved

15. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the draft resolution adopting the appropriation limit of $49,693,348 for the 2011/2012 fiscal year.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Staff provided additional explanation of the item at the request of Council Member Shelton.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve the draft resolution adopting the appropriation limit of $49,693,348 for the 2011/2012 fiscal year. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS

18. CONSIDERATION OF APPOINTMENT OF MAYOR

Recommendation: That the City Council consider the appointment of Mayor.

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

Vice Mayor Hamilton made a MOTION to re-affirm the Council as presently seated, which was SECONDED by Council Member McCracken.

Council Member Shelton MOVED to amend the motion by appointing Vice Mayor Hamilton for Mayor.

A discussion then ensued regarding the concept of a rotation, and the stance of Council members on the matter. Council Members Ward and Shelton referenced a Porterville Recorder article from 2005 in which current Mayor Irish commented about the rotation of mayor.
COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council amend the initial motion by appointing Cameron Hamilton for Mayor.

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

COUNCIL ACTION: MOVED BY Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council re-affirm the current seating of the Council.

M.O. 16-070511

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

Disposition: Current seating of the Council re-affirmed.

The Council recessed for ten minutes at 8:40 p.m.

17. AMENDMENT TO LOAN AGREEMENT AND APPROVAL OF REQUEST FOR PARTIAL RELEASE OF LAND

Recommendation: That the City Council:
1. Approve Amendment No. 1 to the Loan Agreement between the City of Porterville and Prospect-Henderson Partners dated December 20, 2009 Part I Section D as depicted in Exhibit A; and
2. Approve a Release and Reconveyance for the 19,025± square food parcel to Prospect-Henderson Partners in exchange for the repayment of $6.00 per square ($114,500); and
3. Authorize the Mayor to sign all documents necessary to complete this transaction.

City Manager Lollis introduced the item. Mayor Irish stated that he had a conflict of interest due to being within 500 feet of the subject property, and exited the chambers. Community Development Director Brad Dunlap presented the staff report. Following the staff report he noted that the following motion was on the table from the meeting of June 28, 2011:

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

Council Member McCracken thanked staff for their efforts, and requested that “iii) develop other terms as mutually agreed upon by the City and Borrower prior to the release of any portion of the property” be included in the proposed Exhibit A.
**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council amend the motion on the table to include “iii) develop other terms as mutually agreed upon by the City and Borrower prior to the release of any portion of the property”.

AYES: Shelton, Ward, Hamilton

NOES: McCracken

ABSTAIN: Irish

ABSENT: None

Council Member Shelton expressed his concerns regarding the following: the loan to value ratio; a parking deficit; and cost of appraisals. He spoke in favor of securing the loan and of protecting tax payer dollars.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve Amendment No. 1 to the Loan Agreement between the City of Porterville and Prospect-Henderson Partners dated December 20, 2009 Part I Section D as depicted in Exhibit A, as amended to include “iii) develop other terms as mutually agreed upon by the City and Borrower prior to the release of any portion of the property”; approve a Release and Reconveyance for the 19,025± square food parcel to Prospect-Henderson Partners in exchange for the repayment of $6.00 per square ($114,500); and authorize the Mayor to sign all documents necessary to complete this transaction.

M.O. 17-070511

AYES: Ward, McCracken, Hamilton

NOES: Shelton

ABSTAIN: Irish

ABSENT: None

Disposition: Approved, as amended

Mayor Irish returned to the Council chambers.

19. CONSIDERATION OF APPOINTMENT TO THE TRANSACTIONS & USE TAX OVERSIGHT COMMITTEE

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

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

Following the staff report Vice Mayor Hamilton stated that Kent Hopper had communicated an interest in serving on the committee, and nominated him for appointment. Council Member Shelton seconded the nomination. The nominations were then closed without objection.
COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Shelton that the City Council appoint Kent Hopper to the Transactions and Use Tax Oversight Committee. The motion carried unanimously.

Disposition: Appointment made.

20. CONSIDERATION OF APPOINTMENT TO THE MEASURE R CITIZENS’ OVERSIGHT COMMITTEE

Recommendation: That the City Council provide direction to staff for the purposes of filling the seat vacated by Mr. Kent D. Hopper, with a two-year term expiring in June, 2013, on the Measure R Citizens’ Oversight Committee.

City Manager Lollis introduced the item, and Administrative Services Manager Hildreth presented the staff report. Council inquired about the next Measure R Citizens’ Oversight Committee meeting, and it was determined that the Council had approximately 90 days to appoint an individual.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council direct staff to re-notice the vacancy and bring back the item for consideration of appointment. The motion carried unanimously.

Disposition: Direction given.

21. CONSIDERATION OF LEAGUE OF CALIFORNIA CITIES ANNUAL MEMBERSHIP

Recommendation: That the City Council consider maintaining its membership to the League of California Cities.

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

Council Member Shelton questioned paying the membership fees in light of the budget deficit. Vice Mayor Hamilton spoke about the importance of having a voice in Sacramento, and of the services offered by the League.

- Hillary Baird, Regional Representative for League of California Cities, spoke on behalf of the league about the services and activities.

The Council recessed for 20 seconds.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve maintaining its membership to the League of California Cities.

AYES: Ward, McCracken, Hamilton, Irish

Page 12 of 18
22. CONSIDERATION OF CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council consider adoption of the proposed amended Procedural Handbook.

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

Council Member McCracken MOVED that the “shall” on Page 4, C (1) (c) be amended to “may”, so that discussion prior to a motion and a second was not mandatory. He noted that some agenda items such as Second Readings and Consent Items did not require discussion. Mayor Irish SECONDED the motion.

Council Member Shelton expressed concern that discussion would not be allowed if not required. Council Member Ward suggested as an alternative, “Council shall have the opportunity to discuss the item prior to a motion and a second on the item”, and Deputy City Attorney Kabot advised that would be the best option. Without objection from the Council, Council Member McCracken WITHDREW his motion.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that Section C(1)(c), Page 4 of the handbook be amended to read, “Council shall have the opportunity for discussion on the item prior to requiring a motion and a second”. The motion carried unanimously.

Council Member McCracken requested that “she” be changed to “he/she” on the Attorney Evaluation Form.

Council Member Shelton stated that he would be more comfortable if a preamble was added which would commit members of the Council to behaving ethically and abiding by all laws. Deputy City Attorney Kabot advised that the Council was already under that obligation, so the proposed language was not necessary; however, it could be included.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council amend the handbook by adding a Preamble setting forth a statement in which the Council commits to behaving ethically and abiding by all laws and regulations.

AYES: Shelton, Ward, Hamilton, Irish
NOES: McCracken
ABSTAIN: None
ABSENT: None
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council adopt the proposed Procedural Handbook, as amended. The motion carried unanimously.

Disposition: Approved.

Mayor Irish noted the time, and without objection the meeting time was extended.

23. COUNCIL MEMBER REQUESTED ITEM – REQUEST FOR THE CITY COUNCIL TO AUTHORIZE AN INDEPENDENT FINANCIAL AUDIT OF THE PORTERVILLE CHAMBER OF COMMERCE

Recommendation: Council Member Shelton makes the motion that the City Council authorize an independent financial audit of the Porterville Chamber of Commerce.

City Manager Lollis introduced the item and presented the staff report. Council Member Shelton spoke in favor of an audit of the $35,000 paid to the Chamber, and inquired about additional support given to the Chamber by the City. Staff addressed the questions and elaborated on the support provided by the City for various community organizations.

Council Member Hamilton spoke about the success of Freedom Fest and the City’s support of the event above the $15,000. He stated that he was satisfied with the information presented by the Chamber in their annual report, and added that Council Member Shelton could review the Chamber’s tax documents on his own.

Council Member Shelton made a MOTION to audit the Porterville Chamber of Commerce. The motion died for lack of a second.

Disposition: Denied.

24. COUNCIL MEMBER REQUESTED ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER A RESOLUTION OF OPPOSITION TO THE PROPOSED SHIFT OF MANAGEMENT OF THE GRANT SEQUOIA NATIONAL MONUMENT FROM THE U.S. FOREST SERVICE TO THE NATIONAL PARK SERVICE

Recommendation: Vice Mayor Hamilton makes the motion that the City Council adopt a Resolution in opposition to the proposed shift of management of the Giant Sequoia National Monument from the U.S. Forest Service to the National Park Service.

City Manager Lollis introduced the item, and Vice Mayor Hamilton spoke briefly in opposition of the proposed shift in management. A discussion ensued during which Council Members shared information obtained through research of the issue. Council Member McCracken stated that it was his understanding that the forest service generally manages forests, while the park service preserves, and expressed concern regarding a change in management objectives.

Brock Neely, who was seated in the audience requested permission to speak.
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council allow Mr. Neely permission to speak.

M.O. 22-070511

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

- Brock Neely, stated that the U.S. Forest Service allowed free access, while the National Park Service required payment for admission.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve drafting a resolution in opposition to the proposed shift of management of the Giant Sequoia National Monument from the U.S. Forest Service to the National Park Service. The motion carried unanimously.

Disposition: Approved.

The Council adjourned at 10:00 p.m. to a Joint Meeting of the City Council and Porterville Redevelopment Meeting.

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

JOINT PUBLIC HEARING
PRA-01 PUBLIC HEARING TO AUTHORIZE A PURCHASE AND SALE AGREEMENT BETWEEN THE PORTERVILLE REDEVELOPMENT AGENCY AND SOCIAL VOCATIONAL SERVICES, INC. APN 253-138-001)

Recommendation: That the Porterville City Council:

1. Finds and determines that the conveyance of the Property to Social Vocational Services, Inc. and the development and operation of a non-residential daycare facility for disabled adults will be of benefit to the Project Area and will help to eliminate blight within the Redevelopment Project Area by providing for the development of a vacant parcel of land with a high quality professional office building;
2. Terminates the Operation, Use and Maintenance Covenants (Parking Covenant) with respect to the Property and remove the Parking Covenant from record title to the Property;
3. Adopt a Resolution approving the Purchase and Sale Agreement between the Porterville Redevelopment Agency and Social Vocational Services, Inc.;
4. Authorize the City Manager, or his designee, to sign all necessary documents to complete the transaction; and
5. Authorize staff to record all documents with the County Recorder.

That the Porterville Redevelopment Agency:
1. Finds and determines that the conveyance of the Property to Social Vocational Services, Inc. and the development and operation of a non-residential daycare facility for disabled adults will be of benefit to the Project Area and will help to eliminate blight within the Redevelopment Project Area by providing for the development of a vacant parcel of land with a high quality professional office building;
2. Adopt a Resolution approving the Purchase and Sale Agreement between the Redevelopment Agency and Social Vocational Services, Inc. for the sale of property located generally at the southeast corner of Fourth Street and Harrison Avenue (APN 253-138-001), at a price of $125,000.00;
3. Authorize the Executive Director to sign all necessary documents to complete the transaction;
4. Authorize staff to enter escrow, with the Agency paying escrow fees as described in the Purchase and Sale Agreement; and
5. Authorize staff to record all documents with the County Recorder.

City Manager Lollis introduced the item. Council Member Shelton recused himself due to a conflict of interest and exited the Chambers. Community Development Director Dunlap notified the Council that the State was making changes relative to the status of Redevelopment Agencies, and requested that the public hearing be opened and continued to the meeting of August 2nd to allow staff the opportunity to address those decisions.

The public hearing opened at 10:03 p.m.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council continue the item and the public hearing to the first meeting in August.

M.O. 24-070511
AYES: Ward, McCracken, Hamilton, Irish
NOES: None
ABSTAIN: Shelton
ABSENT: None

AGENCY ACTION: MOVED by Agency Member McCracken, SECONDED by Agency Vice Chair Hamilton that the Redevelopment Agency continue the item and the public hearing to the first meeting in August.

PRA 01-070511
AYES: Ward, McCracken, Hamilton, Irish
NOES: None
ABSTAIN: Shelton
ABSENT: None

Disposition: Item continued to August 2, 2011.

The Joint Meeting adjourned at 10:05 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
- Mary McClure, admonished the Council on its behavior and commented that the Council Members should meet in a back room and work out their issues; suggested that the City was not a financial institution and that it should stop acting like one; and voiced support for auditing the Chamber of Commerce.

OTHER MATTERS
- Council Member Shelton, 1) spoke of various upcoming events, including Mr. Steve Tree’s retirement party; a BBQ fundraiser at the Zalud House; and Imagine Arts theater presentation; 2) advised that he will be requesting the Chamber’s financials; and 3) indicated that he was disappointed, but not surprised, with Mayor Irish not stepping down from the center seat.
- Council Member McCracken stated that Council Member Shelton could save a trip to the Chamber as financial information had been included in the packets provided to the Council that evening.
- Mayor Irish advised that the City had issued 15 citations for illegal fireworks on July 4th, and spoke of an incident in which a projectile had misfired into the home of a resident in proximity to where illegal fireworks were being discharged. (During Mayor Irish’s comments, Council Member Shelton exited the dais for the remainder of the meeting and sat in the audience.)
- Vice Mayor Hamilton commented that he had grown tired of misinformation; elaborated on the Chamber’s work in the community; clarified that the Council Members could not legally go in a “back room” and work out issues as had been suggested by Ms. McClure; and stated that the City had not approved a loan to an out of town developer that evening.
- Council Member McCracken advised that he had been a Planning Commissioner during the time that Mr. Paynter’s father developed the Target shopping center, and noted that the Paynters were local developers and not “out-of-town” developers as was alleged.
- City Manager John Lollis spoke of staff’s hard work with the Freedom Fest event, particularly acknowledging Leisure Superintendent Donnie Moore and his staff.

ADJOURNMENT
The Council meeting adjourned at 10:11 p.m. to the meeting of July 19, 2011 at 5:30 p.m.
SEAL

____________________________
Ronald L. Irish, Mayor
COUNCIL AGENDA: AUGUST 16, 2011

SUBJECT: AWARD OF CONTRACT – OLIVE AVENUE REHABILITATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 26, 2011, staff received two (2) bids for the Olive Avenue Rehabilitation Project. The project BASE BID consists of the rehabilitation of Olive Avenue between 'H' Street and Carmelita Street including Cold in Place Recycling (CIPR) three (3) inches of existing asphalt concrete, application of a thin asphalt overlay, striping, markings and related work. The project includes add alternates and they are listed below:

- Add Alternate A - CIPR: Carmelita Street to Indiana Street.
- Add Alternate B - CIPR: Indiana Street to Cobb Street.
- Add Alternate C - Install median island artificial turf from H Street to Carmelita Street.
- Add Alternate D - Install median island artificial turf from Carmelita Street to Indiana Street.
- Add Alternate E - Install median island artificial turf from Indiana Street to Cobb Street

The Engineer's Estimate of Probable Cost for the BASE BID was $315,117.45. The low bid is $344,119.50 or 8.4% higher than the Engineer's estimate.

The Engineer's Estimate of Probable Cost for the BASE BID plus the Street Add Alternates was $908,600. The low bid is $955,936.90 or 5.0% higher than the Engineer's estimate.

The Engineer's Estimate of Probable Cost for the entire project was $1,036,145. The low bid is $1,092,720.65 or 5.5% higher than the Engineer's estimate.

City Council allocated $1,075,000 during the 2011/2012 fiscal year budget process for this project and reaffirmed the budget amount by authorizing staff to seek bids for this project during the July 5, 2011 meeting. The following are options available to the Council:

Dir Appropriated/Funded  Item No. 2
Option 1 - Fund BASE BID

An additional $34,411.95 is needed for construction contingency (10%), and $17,205.98 is required for construction management, quality control and inspection (5%). Total estimated cost for Option 1 is $395,737.43, which is well within the allocated funds.

Option 2 - Fund BASE BID + Street Add Alternates

An additional $86,034.32 is needed for construction contingency (9%), and $29,028.78 is needed for construction management, quality control and inspection (2.7%). Total estimated cost for Option 2 is $1,071,000.00, which matches the allocated funding amount.

Option 3 - Fund BASE BID + Street and Artificial Turf Add Alternates

An additional $98,344.86 is needed for construction contingency (9%), and $29,508.85 is needed for construction management, quality control and inspection (2.7%). Total estimated cost for Option 3 is $1,220,792.37. An additional $153,820.33 over the allocated funding amount is needed to fund Option 3. Option 3 can be awarded by re-appropriating $153,820.33 from reserves. The reserves can be paid back from median island maintenance cost savings that are a direct result of grass being replaced with artificial turf. As a result of the artificial turf bid alternates and in light of the significant amount necessary to fund this option, staff feels a cost benefit analysis should be conducted before expending reserve funds of this magnitude.

City staff will provide construction management/inspection services and the City’s on-call consulting firm, Consolidated Testing, with assistance from APART, Inc. will provide quality control services related to the asphalt concrete recycling and the asphalt concrete overlay.

The bids were as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bowman Asphalt, Inc.</td>
<td>$344,119.50*</td>
</tr>
<tr>
<td>Bakersfield, CA</td>
<td>$955,936.90**</td>
</tr>
<tr>
<td></td>
<td>$1,092,720.65***</td>
</tr>
<tr>
<td>2. Dawson-Mauldin Construction, Inc.</td>
<td>$352,353.40*</td>
</tr>
<tr>
<td>Huntington Beach, CA</td>
<td>$974,766.10**</td>
</tr>
<tr>
<td></td>
<td>$1,097,343.60***</td>
</tr>
</tbody>
</table>

* BASE BID
** BASE BID + Street CIPR Add Alternates
*** BASE BID + Street CIPR Add Alternates + Artificial Turf Add Alternates
RECOMMENDATION: That the City Council:

1. Award the Olive Avenue Rehabilitation Project to Bowman Asphalt, Inc. in the amount of $955,936.90 to construct Option 2 (BASE BID + Street Add Alternates);

2. Authorize a 9% contingency to cover unforeseen construction costs;

ATTACHMENT: Locator Map

P:\pub\work\Gen\Counc\Award of Contract - Olive Avenue Rehabilitation Project - 2011-08-16.doc
SUBJECT: AWARD OF CONTRACT – 2011/2012 FISCAL YEAR MICRO-SURFACING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 26, 2011 staff received two (2) bids for the Micro-Surfacing Project. The project is part of the City’s Measure “R” Street Maintenance Program, which consists of a durable thin asphalt overlay on several streets within the City. An important project component is the removal and replacement of badly distressed asphalt concrete, along with the sealing of significant cracks. New pavement markings will be placed once each street receives the thin asphalt overlay. The BASE BID project limits are as follows:

➤ Olive Avenue – Cobb Street to Salisbury Street.
➤ Henderson Avenue under the State Route 65 overpass.
➤ Henderson Avenue – Prospect Street to Newcomb Street.

The project bid proposal includes add alternates and they are listed below:

➤ Add Alternate No. 1 - Olive Avenue Micro-Surfacing from Salisbury Street to Mathew Street.
➤ Add Alternate No. 2 - Olive Avenue Micro-Surfacing from Mathew Street to Westwood Street.
➤ Add Alternate No. 3 - Install median island artificial turf along Olive Avenue and Henderson Avenue within the BASE BID limits.
➤ Add Alternate No. 4 - Install median island artificial turf along Olive Avenue between Salisbury Street and Mathew Street.
➤ Add Alternate No. 5 - Install median island artificial turf along Olive Avenue between Mathew Street and Westwood Street.

After evaluating the two bids, the low bidder provided an erroneous bid by not meeting prime contractor self performance requirements (more than 50% of the contract amount). This is a material defect that cannot be waived. The second low bidder submitted a bid with minor defects related to the interpretation of how the subcontractor contract percentages should be displayed on the Bid Proposal. Staff easily ascertained from the bid proposal that the second bidder will be performing over 50 percent of the contract.
The Engineer’s Estimate of Probable Cost for the **BASE BID** was $690,256.60. The lowest responsive bid is $749,209.91 or 7.9% higher than the Engineer’s estimate.

The Engineer’s Estimate of Probable Cost for the **BASE BID plus the Street Add Alternates** was $990,257.40. The lowest responsive bid is $1,079,644.52 or 8.3% higher than the Engineer’s estimate.

The Engineer’s Estimate of Probable Cost for the **entire project** was $1,438,505.20. The lowest responsive bid is $1,474,357.96 or 2.4% higher than the Engineer’s estimate.

City Council allocated $780,333 during the 2011/2012 fiscal year budget process for this project and reaffirmed the budget amount by authorizing staff to seek bids for this project during the July 5, 2011 meeting. The following are options available to the Council:

**Option 1 - Fund BASE BID**

An additional $74,920.99 is needed for construction contingency (10%), and $37,460.50 is needed for construction management, quality control and inspection (5%). Total estimated cost for **Option 1** is $861,591.40. $81,258.40 is needed over the allocated funding amount to award Option 1. The BASE BID can be awarded by re-appropriating the $81,258.40 from the West North Grand Avenue Rehabilitation Project. The West North Grand Street Reconstruction project is currently under design and has not been authorized for construction advertisement.

**Option 2 - Fund BASE BID + Street Add Alternates**

An additional $107,964.45 is needed for construction contingency (10%), and $53,982.23 is needed for construction management, quality control and inspection (5%). Total estimated cost for **Option 2** is $1,241,591.20. $461,258.20 is needed over the allocated funding amount to award Option 2. Option 2 can be awarded by re-appropriating the $461,258.20 from the West North Grand Avenue Rehabilitation and Reconstruction Projects. This option, in combination with Option 1 above, will eliminate the funding source for rehabilitating and reconstructing West North Grand Avenue and the same it true for Option 3 below.

**Option 3 - Fund BASE BID + Street and Artificial Turf Add Alternates**

An additional $147,435.80 is needed for construction contingency (10%), and $73,717.90 is needed for construction management, quality control and inspection (5%). Total estimated cost for **Option 3** is $1,695,511.66. $915,178.66 is needed over the allocated funding amount to award Option 3. Option 3 can be awarded by re-appropriating $461,258.20 from the West North Grand Avenue Rehabilitation and Reconstruction Projects and $453,920.45 from reserves. The reserves can be paid back from median
island maintenance cost savings that are a direct result of grass being replaced with artificial turf. As a result of the artificial turf bid alternates and in light of the significant amounts necessary to fund this option, staff feels a cost benefit analysis should be conducted before expending reserve funds of this magnitude.

City staff will provide construction management/inspection services and the City’s on-call consulting firm, Consolidated Testing, with assistance from APART, Inc. will provide quality control services related to the asphalt concrete process and the micro-surfacing.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pavement Coatings Co.</td>
<td>$659,619.52*</td>
</tr>
<tr>
<td>Mira Loma, CA</td>
<td>$942,325.77**</td>
</tr>
<tr>
<td>(Non-Responsive Bid)</td>
<td>$1,336,940.21***</td>
</tr>
<tr>
<td>2. Intermountain Slurry Seal, Inc.</td>
<td>$749,209.91*</td>
</tr>
<tr>
<td>West Sacramento, CA</td>
<td>$1,079,644.52**</td>
</tr>
<tr>
<td></td>
<td>$1,474,357.96***</td>
</tr>
</tbody>
</table>

* BASE BID
** BASE BID + Street Micro-Surfacing Add Alternates
*** BASE BID + Street Micro-Surfacing & Artificial Turf Add Alternates

RECOMMENDATION: That the City Council:

1. Award the 2011/2012 Micro-Surfacing Project to Intermountain Slurry Seal, Inc. in the amount of $749,209.91 to construct Option 1 (BASE BID);

2. Authorize a 10% contingency to cover unforeseen construction costs;

3. Authorize the Finance Director to re-appropriate $81,258.40 from the West North Grand Avenue Rehabilitation Project account to the 2011/2012 Micro-Surfacing Project account;

ATTACHMENTS: Locator Maps (Olive Avenue and Henderson Avenue)
SUBJECT: ACCEPTANCE OF PROJECT – REHABILITATE RUNWAY 12-30

SOURCE: DEPARTMENT OF FINANCE/PURCHASING

COMMENT: W. Jaxon Baker has completed the Runway 12-30 Rehabilitation Project at the Porterville Municipal Airport per plans and specifications. The project included the grinding, removal and disposal of variable thickness runway asphalt and the placement of an overlay asphalt cap. Runway grooving, shoulder grading, new pavement markers and a fog seal completed the project.

On August 3, 2010, City Council authorized the expenditure of $1,945,406, plus a 10% contingency, for construction of the project. Construction management, inspection and quality control services are handled by the Airport’s Engineer of Record, Tartaglia Engineering, pursuant to a separate engineering agreement. Final construction cost for the project is $1,830,703.12.

Funding for this project is provided by a 95% FAA Grant Agreement, with a 2.5% California Aid to Airports Program Grant match. The remainder City match of $45,767.58 is covered by Airport Development Funds.

W. Jaxon Baker now requests that the City accept the project as complete. Staff and Tartaglia Engineering have reviewed the work and found it acceptable.

RECOMMENDATION:

That City Council:

1. Accept the project as complete;

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

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

ATTACHMENT: Locator Map

D.D. Appropriated/Funded C.M. Item No. 4
COUNCIL AGENDA: AUGUST 16, 2011

SUBJECT: APPROVAL OF THE 2011/2012 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

SOURCE: Public Works Department - Engineering Division

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

The 2011/2012 DBE Program Plan continues to require project specific goals to be calculated. As before, all FHWA funded contracts must include Underutilized Disadvantaged Business Enterprises (UDBE) race conscious wording to include African American, Asian-Pacific American, Women and Native American businesses in advertised contracts that include federal funds. Hispanic American and Subcontinent Asian American businesses (DBE's) are not included in the race conscious portion of the program but do count towards meeting the race neutral goals. The DBE Program Plan assists the California Department of Transportation in meeting the overall goals of the State.

In addition, Caltrans' Local Assistance Program requires an annual certification documenting an agency's commitment to ensuring its facilities are accessible to disabled individuals requiring special accommodations, in compliance with the Americans with Disabilities Act (ADA).

RECOMMENDATION: That the City Council:

1. Approve the 2011/2012 Disadvantaged Business Enterprise Program;

2. Authorize the Public Works Director to sign the 2011/2012 Disadvantaged Business Enterprise Program; and

3. Approve the Resolution of Adoption.

ATTACHMENTS: Disadvantaged Business Enterprise Program Resolution

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Dir Appropriated/Funded CM Item No. 5
EXHIBIT 9-A CALIFORNIA DEPARTMENT OF TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE IMPLEMENTATION AGREEMENT FOR LOCAL AGENCIES

CALIFORNIA

DEPARTMENT OF TRANSPORTATION

DISADVANTAGED BUSINESS ENTERPRISE

IMPLEMENTATION AGREEMENT

FOR

LOCAL AGENCIES
CALIFORNIA DEPARTMENT OF TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE IMPLEMENTATION AGREEMENT

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

I Definition of Terms

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

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

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

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

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

III Nondiscrimination (§26.7)

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

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

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

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

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

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

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

3. Providing technical assistance and other services;

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

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

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

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

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

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

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

VII  Quotas (§26.43)

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

VIII  DBE Liaison Officer (DBELO) (§26.25)

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

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

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

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

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR, Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR, Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient’s DBE Program, as required by 49 CFR, Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.). [Note – this language is to be used verbatim, as it is stated in §26.13(a).]

X DBE Financial Institutions (§26.27)

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

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

XI Directory (§26.31)

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

XII Required Contract Clauses (§§26.13, 26.29)

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

A. Contract Assurance

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

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

*Prompt Progress Payment to Subcontractors*

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

*Prompt Payment of Withheld Funds to Subcontractors*

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

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

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

XIII Local Assistance Procedures Manual

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

XIV Transit Vehicle Manufacturers (§ 26.49)

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

XV Bidders List (§26.11(c))

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

XVI Reporting to the DLAE

RECIPIENT will promptly submit a copy of Local Agency Proposer UDBe Commitment (Consultant Contracts), (Exhibit 10-O1) or Local Agency Bidder UDBe Commitment (Construction Contracts) (Exhibit 15-G1) of the LAPM to the DLAE at the time of award of the consultant or construction contracts.

RECIPIENT will promptly submit a copy of Local Agency Proposer DBE Information (Consultant Contracts) (Exhibit 10-O2) or Local Agency Bidder DBE Information (Construction Contracts) (Exhibit 15-G2) or of the LAPM to the DLAE at the time of execution of consultant or construction contract.

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

XVII Certification (§26.83(a))

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

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

By ____________________________
(Signature)

Baldomero Rodriguez, Public Works Director
ADMINISTERING AGENCY

Phone Number: 559-782-7462

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

[Signature of DLAE]

Date: __________________________

[Print Name of DLAE]

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

(Updated: March 4, 2009)
INTERIM EXHIBIT 9-B LOCAL AGENCY DBE ANNUAL SUBMITTAL FORM

TO:        CALTRANS DISTRICT 6
            District Local Assistance Engineer

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

The City of Porterville, submits our annual 9-B information for the Federal Fiscal Year 2011 / 2012, beginning on October 1, 2011 and ending on September 30, 2012.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

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

Planned Race Neutral Measures

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

Prompt Pay

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

Prompt Pay Enforcement Mechanism

In compliance with 49 CFR, Part 26.29(d) the City of Porterville has contractual procedures in place with general contractors to insure payment to subcontractors is timely unless payment has been withheld for good cause. Project Managers may at any time request verification of timely payment to subcontractors, otherwise penalties may be accrued.
EXHIBIT 9-B
Local Agency DBE Annual Submittal Form

(Signature) ____________________________  Date ____________________________

Baldomero Rodriguez, Public Works Director  (559) 782-7462  Phone Number

ADMINISTERING AGENCY

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

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

DBE Annual Submittal Form (07/1/10)
Prompt Payment of Withheld Funds to Subcontractors

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

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

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

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

☐ Method 3: The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency’s prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
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EXHIBIT 9-C LOCAL AGENCY ADA ANNUAL CERTIFICATION FORM

Local Agency ADA Annual Certification Form
49 CFR, Part 27:
Nondiscrimination of the Basis of Disability in
Programs or Activities
Receiving Federal Financial Assistance.

Local Agency: City of Porterville

Program Year: 2011/2012

Date Certification submitted: 08/16/2011

I. Name of ADA Coordinator: Baldomero S. Rodriguez

Telephone Number: (559) 782-7462

E-mail Address: brodriguez@ci.porterville.ca.us

II. ADA Complaint Procedure Adopted:

Yes: ✓ Date of Adoption: 03/15/2011

No: ___ Planned Date of Adoption: _______________________

Final Completion Date: _______________________

III. Self-evaluation completed:

Yes: ___ Date of Completion: _______________________

No: ✓ Planned Date of Completion: 01/01/2020

Final Completion Date: _______________________

System established for periodically reviewing and updating the evaluation: Upon completion of self-evaluation

IV. Transition Plan completed:

Yes: ___ Date of Completion: _______________________

LPP 09-04

Page 9-45

December 3, 2009
Date of Implementation: ____________________

No: ☑ Planned Date of Completion: 01/01/2025

Final Completion Date: ____________________

V. Policies, procedures, and criteria for implementing ADA compliance improvements in maintenance and capitol improvement programs have been reviewed and the required revisions have been made:

Yes: ☑ No: __________

VI. Division of State Architect (DSA) Checklists are used to verify compliance of design packages, standard plans and field inspections to ensure compliance with both State and federal accessibility standards:

Yes: ☑ No: __________

DSA web site: http://www.dsa.dgs.ca.gov/Access/ud_accessmanual.htm

Reminder: State of California Government Code Section 4454 requires Division of State Architect (DSA) review and approval of the plans and specifications for local agency pedestrian projects using State funds.

VII. Standard Plans are reviewed and updated on an ongoing basis for full ADA and California Accessibility compliance:

Yes: ☑ No: __________
RESOLUTION NO.______

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE ADOPTING
THE 2011/2012 DISADVANTAGED
BUSINESS ENTERPRISE PROGRAM

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

WHEREAS, the Program continues to require project specific goals to be calculated on all federally funded projects beginning October 1, 2011 through September 30, 2012;

WHEREAS, the Program continues to require access compliance through Federal and State laws for all federally funded projects beginning October 1, 2011 through September 30, 2012;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby approves the 2011/2012 Disadvantaged Business Enterprise Program for October 1, 2011 through September 30, 2012.

PASSED, ADOPTED AND APPROVED this 16th day of August, 2011.

______________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

______________________________
By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: ANNUAL REVIEW AND REQUEST FOR RENEWAL OF A TEMPORARY STRUCTURE PERMIT FOR THE STORAGE AND CONSIGNMENT OF EQUIPMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On August 17, 2010, the City Council authorized renewal of a temporary structure permit at 952 West North Grand Avenue to allow for the storage and consignment of farm and construction vehicles and equipment (Resolution 99-2010). The site is located on the northeast corner of Highway 65 and West North Grand Avenue.

The temporary structure permit was approved for a second year and is set to expire on August 17, 2011, unless a request by the applicant to renew is approved by the City Council prior to that date. Staff has made contact with the applicant, Mr. Penn, and at this time he has decided not to renew the permit because according to him, “nothing is selling...” and business has been slow. At this time, the applicant is requesting that the “permit” be cancelled and if things ever “pick up” in the future, he may return and request another temporary structure permit.

No use of the site will be allowed in the future unless a new permit is issued by the City Council or the site is improved, per the requirements of the Porterville Development Code.

RECOMMENDATIONS: That the City Council take no action to continue the permit and the permit will expire on August 17, 2011.
SUBJECT: INTENT TO VACATE A PORTION OF A 30' WIDE PUBLIC UTILITY EASEMENT RELATED TO PETSMART DEVELOPMENT PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The City has received a request to vacate a portion of a 30' wide public utility easement shown on Parcel Map No. 3874 and dedicated to the City of Porterville. The easement was necessary for the orderly development of the Porterville Marketplace Shopping Center and is now being partially encroached upon by the construction of the PetSmart building. The utilities within this easement are being relocated and new easements, if necessary, will be shown on the Parcel Map currently being processed by the developer, Paynter Realty & Investments, Inc. The Parcel Map will split the PetSmart property from the Kohl's property.

The developer's engineer, James Winton and Associates has prepared the legal description and plat necessary to commence with the vacation. These documents are attached for Council reference. The City has authority to vacate this easement pursuant to Division 9, Part 3, Section 8333 of the Streets and Highways Code of the State of California.

Staff believes that there are no problems with any reversionary rights since this easement is in favor of the City of Porterville. Vacation of the easement will not affect other utility companies, such as The Gas Company, Edison International, AT&T, etc. These utility companies have separate easements within the shopping center.

RECOMMENDATION: That City Council:

1. Pass a Resolution of Intent to Vacate a Portion of a 30' wide Public Utility Easement described as shown on Parcel Map No. 3874 and more precisely described by the attached legal description; and

2. Set the Council meeting of September 20, 2011 as the time and place for a public hearing.

ATTACHMENTS: Resolution
Parcel Map No. 3784
Easement Vacation Legal Description and Plat
RESOLUTION NO. ___-2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE A PORTION OF A 30' WIDE PUBLIC UTILITY
EASEMENT DEDICATED AS PART OF THE ORIGINAL DEVELOPMENT OF THE
PORTERVILLE MARKETPLACE SHOPPING CENTER

SECTION 1: The Council of the City of Porterville, California, pursuant to
Division 9, Part 3, Section 8333, of Streets and Highways Code of the State of
California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to abandon and
close to public use that certain portion of a 30' wide public utility easement located in
the City of Porterville, County of Tulare, State of California, and originally known
generally as an easement necessary for the orderly development of Porterville
Marketplace Shopping Center located in the southwesterly corner of Henderson
Avenue and Prospect Street.

SECTION 2: A legal description and plat of said public easement intended to be
vacated, abandoned and closed to public use is on file in the office of the City Clerk of
the City of Porterville, reference to which is hereby made.

SECTION 3: Notice is further given that on Tuesday, the 20th day of
September, 2011, at 6:30 p.m., or as soon thereafter as the matter can be heard, in the
Council Chambers in the City Hall of the City of Porterville, at 291 North Main Street, is
hereby fixed for the time and place for hearing any objections to the vacation,
abandonment and closing to public use of said easement.

PASSED, ADOPTED AND APPROVED this 16th day of August, 2011

______________________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

______________________________________________
By: Patrice Hildreth, Chief Deputy City Clerk
OWNERS' STATEMENT

We, the undersigned, owners of the property described below, having read and understood the requirements of the City of Turlock, do hereby file this parcel map and state that the parcel map is correct and complete. We agree to comply with all applicable laws and regulations.

 Owners: Yolanda H. Campbell and Ansley Campbell, Husband and Wife

David H. Fultz

NOTARY PUBLIC

STATE OF CALIFORNIA
COUNTY OF Turlock

ON THIS 30th DAY OF FEBRUARY, IN THE YEAR 2023, BEFORE THE HONORABLE NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED David H. Fultz, a notary public in and for said county, who is duly commissioned and qualified as a notary public in and for said county, and acknowledged the parcel map attached hereto, and the above-mentioned parcel map is correct and complete. In consideration of the above-mentioned parcel map, the undersigned acknowledge that they have read and understand the requirements of the City of Turlock.

Affidavit:

Notary Public:

STATE OF CALIFORNIA
COUNTY OF Turlock

ON THIS 30th DAY OF FEBRUARY, IN THE YEAR 2023, BEFORE THE HONORABLE NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED David H. Fultz, a notary public in and for said county, who is duly commissioned and qualified as a notary public in and for said county, and acknowledged the parcel map attached hereto, and the above-mentioned parcel map is correct and complete. In consideration of the above-mentioned parcel map, the undersigned acknowledge that they have read and understand the requirements of the City of Turlock.

Affidavit:

Notary Public:

PARCEL MAP NO. 3874

BEING A SUBDIVISION OF A PORTION OF LOT 132 IN BLOCK 24 AS SHOWN ON MAP OF THE PIONEER LAND COMPANY, SUBDIVISION, RECORDED IN BOOK 1 OF MAPS AT PAGES 100 AND 101, TULARE COUNTY, CALIFORNIA, LIVING IN A PORTION OF THE CITY OF TURLOCK, TULARE COUNTY, CALIFORNIA, AS SHOWN ON THE PARCEL MAP, RECORDED ON 28th DAY OF NOVEMBER, 2023, IN BOOK 3874 OF PARCEL MAPS AT PAGE 77.

Recording:

RECORD: 3874

PAGE: 77

AT THE REQUEST OF

Yolanda H. Campbell

At the Record's Request.
Exhibit “A”

That portion of an easement for public utilities and access located within Parcel 5 of Parcel Map No. 3874, in the City of Porterville, County of Tulare, State of California, per map recorded in Book 39, page 77 of Parcel Maps in the Office of the County Recorder of said County, described as follows:

Beginning at a point in the East line of said Parcel 5, said point being North 00°57'48" East, 97.79 feet of the Northerly Southeast corner of said Parcel 5;

Thence, North 00°57'48" East, 244.20 feet along the East line of said Parcel 5 to a point in the Easterly prolongation of the South line of a 30 foot wide public utility easement shown on said Parcel Map No. 3874;

Thence, South 89°57'38" West, 35.82 feet along said Easterly prolongation to a point in the centerline of a 10 foot wide storm drain easement and West line of a public utility easement per said Parcel Map No. 3874;

Thence, South 00°02'22" East, 243.61 feet along the West line of said public utility easement;

Thence, South 89°02'12" East, 31.55 feet to the point of beginning.
COUNCIL AGENDA: AUGUST 16, 2011

SUBJECT: SET STUDY SESSION FOR REVIEW OF CONSOLIDATED WASTE MANAGEMENT AUTHORITY

SOURCE: Public Works Department – Field Services Division

COMMENT: On December 7, 2010, staff presented Council with information regarding the City's membership in the Consolidated Waste Management Authority. At that time Council directed staff to set a study session for the purpose of meeting with the CWMA and the County.

RECOMMENDATION: That City Council set September 13, 2011, 6:30 p.m. as the date and time for a study session.
THIS ITEM HAS BEEN REMOVED.
SUBJECT: LIBRARY AND LITERACY COMMISSION VACANCY

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: On July 29, 2011, Mr. Joseph Carter tendered his resignation from the Library and Literacy Commission thereby creating a vacancy with a term due to expire in October 2012.

There are currently no active applications on file for this Commission. At the Council’s direction, staff can provide notice to the public and solicit applications by way of a Press Release. This would allow individuals interested in serving on the Commission the opportunity to submit an application for the Council’s consideration at a future meeting date.

RECOMMENDATION: That the City Council direct staff to solicit applications to fill the seat vacated by Mr. Joseph Carter on the Library and Literacy Commission; and bring the item back to the Council for appointment.

ATTACHMENTS: Mr. Carter’s letter of resignation

Item No. 10
July 29, 2011

Honorable Ronald L. Irish
Mayor
City of Porterville
291 N. Main Street
Porterville, CA 93257

Dear Mayor Irish:

It is with much regret that I must resign my position as a Commissioner and Co-chair of the City of Porterville Library & Literacy Commission effective immediately. I will soon re-locate to another community in order to accept a promotion with my current employer, Walmart Distribution Center.

During the past 18 months of my service, I have enjoyed being part of the planning and implementation of sustained and expanded services through the Porterville Library. The programs offered now, and into the future, are valuable to our residents of all ages and it’s been exciting to me to be part of the process of offering these services.

I have also enjoyed working with the other commissioners, and with the various library staff, all of whom are exceptional professionals that our City should be proud to have onboard. They exhibit a keen passion for library and literacy services that is admirable.

Finally, I thank City Council for the appointment to the Commission and for the opportunity to serve this community. It has been my honor. I wish the Commission well in its future endeavors for literacy.

Sincerely,

Joseph C. Carter

Cc: Vice Mayor Cam Hamilton
    Porterville City Council Members – Pete McCracken, Greg Shelton, Brian Ward
    Library & Literacy Commission Chair Ellen Nichols
    City Manager John Lollis
    Parks & Leisure Services Director Milt Stowe
    City Librarian Vikki Cervantes
CITY COUNCIL AGENDA: AUGUST 16, 2011

SUBJECT: REDEVELOPMENT ADVISORY COMMITTEE MEMBERSHIP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The three-year terms for the members of the Redevelopment Advisory Committee expired on July 10, 2011. The members have been contacted regarding their interest to continue serving on this committee for a new three-year term, which will expire July 10, 2014. Six of the 9 eligible members have responded favorably (see Attachment No. 1).

Three members, Renay Sprague, Dick Eckhoff, and Francisco Madrigal have resigned from the committee for personal reasons, or due to the fact that they no longer own property or work in the Redevelopment Project Area.

It should be noted that all committee members are located within Project Area No. 1. Resolution 148-89 states, "...that the establishment of a Project Area Advisory Committee consisting of residences, business, and property owners and community organizations within the Porterville Redevelopment Project Area No. 1 would provide the desired community participation....". With the amendment of Project Area No. 1, it is staff's recommendation to expand the Redevelopment Advisory Committee to include members eligible from within the amended area.

RECOMMENDATION: That the City Council:

1) Reappoint for a three-year term ending July 10, 2014, the six members consenting to continue serving on the Redevelopment Advisory Committee for Project Area No. 1 as Amended; and

2) Direct the City Clerk to advertise to fill three vacancies on the Redevelopment Advisory Committee with qualified candidates from the amended area.

ATTACHMENTS:

1) List of Redevelopment Advisory Committee Members to be Reappointed
2) Map of the Redevelopment Project Area No. 1 as Amended
LIST OF REDEVELOPMENT ADVISORY COMMITTEE MEMBERS
TO BE REAPPOINTED

Janice Castle
Dean Craig
Daren Griswold
Marlene Marques
Donnette Silva-Carter
Steve Tree

ATTACHMENT ITEM NO. 1
COUNCIL AGENDA: AUGUST 16, 2011

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
BOYS AND GIRLS CLUB OF PORTERVILLE
FAMILY CONCERT AT MURRY PARK

SOURCE: Finance Department

COMMENT: The Boys & Girls Club of Porterville and Nico's Concessions are requesting approval to hold a family concert at Murry Park on Saturday, August 27, 2011 from 6 p.m. to 10 p.m. This concert will be held near the Community Pool and proceeds will benefit Boys & Girls Club of Porterville. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and reviewed by all the departments involved. 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 Boys & Girls Club of Porterville and Nico's Concessions, 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', Map, Amplifier Permit and Certificates of Liability Insurance.

D.D. Appropriaed/Funded C.M. Item No. 12
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:  7/18/11  Event date:  August 27, 2011

Event time:  6 - 10 pm

Name of Event:  Family picnic in the Park

Sponsoring organization:  Boys & Girls Club of Porterville
Phone # 793-3511
  344 E Merton Ave  Porterville  CA 93257

Authorized representative:  Matthew Keel
Phone # 793-3511
  Same as above

Event chairperson:  Richard Sanchez  Phone # 359-4622

Location of event (location map must be attached):  Murray Park

Type of event:  Family music event

Non-profit status determination:  See letter in back

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

Barricades (quantity):  0  Street sweeping  Yes  No  
Police protection  Yes  No  Refuse pickup  Yes  No  
Other:  Applicant will provide security guards

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

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

Appr.  Deny

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

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

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

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

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

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

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

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

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

Nico's
(Name of Organization)

Richard
(Signature)

7/21/11
(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: 2nd Annual Feet Family Concert in the Park
Sponsoring organization: Baywood Girls Club of Porterville
Location: 97 N. Park Dr
Event date: 8/27/11
Event time: 6:00pm-10:00pm

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>
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<tbody>
<tr>
<td>NICO'S</td>
<td>97 N. Park Dr. 359-4612</td>
<td>YES</td>
<td>Concessions</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: 2nd Annual Free Family Concert in the Park
Sponsoring organization: Boys and Girls Club of Porterville

Event date: 8/27/11 Hours: 6:00p - 10:00p

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
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<tr>
<th>Street Name</th>
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT

BOYS & GIRLS CLUB OF PORTERVILLE
NICO’S CONCESSIONS

AUGUST 27, 2011

Business License Supervisor:
S. Hartman

Business License has no requirements.

Public Works Director:
B. Rodriguez

Community Development Director:
B. Dunlap

Comply with City’s noise ordinance

Field Services Manager:
B. Styles

No comments.

Fire Chief:
M. G. Garcia

Parks and Leisure Services Director:
M. Stowe

Fill out Parks reservation form and pick up debris following the concert.

Police Captain:
S. Rodriguez

No special conditions or requirements for this event.

Administrative Services Manager:
P. Hildreth

The City of Porterville needs to be added as an Additional Insured and the Certificate of Insurance must also include endorsement page reflecting that. Thank you.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Boys & Girls Club of Porterville
Event: Family Concert at Murry Park
Event Chairman: Richard Sanchez, Nico's Concessions
Location: Murry Park
Date of Event: August 27, 2011
Time of Event: 6:00 pm to 10:00 pm

RISK MANAGEMENT: Conditions of Approval

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

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

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: Richard Sanchez 524 N. Balmaine
Porterville CA 93257

2 Address where amplification equipment is to be used: 42 Al Fitch Dr. Murray Park

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

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

5 Dates and hours of operation of amplification equipment: 8/27/11 5:00pm-10:00pm

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

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 reasonably disturb and interfere with the peace and comfort.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 8311)

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

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

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

Signature of Applicant

Date

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.

Signature
City of Porterville, Chief of Police/Designee

Date

Aug. 9, 2011
ACORD™ CERTIFICATE OF LIABILITY INSURANCE

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

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

PRODUCER
WALTER CLARK & ASSOCIATES
191 W. SHAW AVENUE
SUITE 201
FRESNO, CA 93755

CONTACT NAME: FAX
PHONE (Ac, Ne):
E-MAIL ADDRESS:
PRODUCER CUSTOMER #: 

INSURER(S) AFFORDING COVERAGE NAIC #

INSURED
RICHARD SANCHEZ
DBA: NICO'S
524 N BELMONT
PORTERVILLE, CA 93257

INSURER A: SCOTTsdale INSURANCE COMPANY
INSURER B: 
INSURER C: 
INSURER D: 
INSURER E: 
INSURER F: 

COVERAGE CERTIFICATE NUMBER: REVISION NUMBER:

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

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

CERTIFICATE HOLDER IS NAMED AS ADDITIONAL INSURED WITH RESPECTS TO THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. *10 DAYS NOTICE OF CANCELLATION DUE TO NON-PAYMENT OF PREMIUM.

CERTIFICATE HOLDER

CITY OF PORTERVILLE
124 N. MAIN
PORTERVILLE, CA 93257

Cancellation

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

AUTHORIZED REPRESENTATIVE

Copyright, 1988-2009 ACORD CORPORATION. All rights reserved.
POLICY NUMBER: CPS1353444  
COMMERCIAL GENERAL LIABILITY  
CG 20 26 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s)</th>
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<tbody>
<tr>
<td>CITY OF PORTERVILLE</td>
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<tr>
<td>124 N MAIN</td>
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<td>PORTERVILLE, CA 93257</td>
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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.
CERTIFICATE OF LIABILITY INSURANCE

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

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

**PRODUCER**
NSE Insurance Agencies, Inc.
United Valley Insurance Svcs
160 South D St., P.O. Box 704
Exeter CA 93221
Phone:559-592-9411 Fax:559-592-5059

**INSURED**
Boys & Girls Club
of the Sequoias, Inc.
360 E. Pine Street
Exeter CA 93221

**COVERAGES**

<table>
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<tr>
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<th>CERTIFICATE NUMBER:</th>
<th>REVISION NUMBER:</th>
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**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES**
Attach ACORD 101, Additional Remarks Schedule, if more space is required.

**CERTIFICATE HOLDER**
City of Porterville
291 N Main
Porterville CA 93257

**CANCELLATION**

Acord 25 (2008/08)

The ACORD name and logo are registered marks of ACORD
COUNCIL AGENDA: August 16, 2011

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – FILIPINO-AMERICAN ASSOCIATION OF CALIFORNIA - FILIPINO-AMERICAN WEEK-END, SEPTEMBER 10, 2011

SOURCE: Finance Department

COMMENT: The Filipino-American Association of California is requesting approval to hold their annual Filipino-American Weekend at Veteran’s Park, on Saturday, September 10, 2011, from 6:00 a.m. to 10:00 p.m. The event is being held as a weekend cultural celebration of the Filipino-American heritage with displays of folk dances, folksongs and cuisine.

A motorcade with no street closures is requested for a procession using one lane around the park on Saturday, September 10, 2011. In order not to impede or interfere with the normal flow of traffic, participants will abide by all traffic laws and rules of the road.

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 Filipino-American Association of California, subject to the stated requirements contained in Exhibit ‘A.’

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

DO YOU HAVE?  Event Flyer?  E-mail address?  Website?

Application date:  8-1-11  Event date:  9-10-11  Event time:  6:00 am - 10:00 pm

Name of Event:  Filipino Weekend

Sponsoring organization:  Fil-Amer Assn, of CA  Phone #: (559) 782-3639
Address:  968 W Cleo Ave, Porterville, CA 93257

Authorized representative:  Marlon A. Agpaoa  Phone #: (559) 359-1142
Address:  968 W Cleo Ave, Porterville, CA 93257

Event chairperson:  Marlon A. Agpaoa  Phone #: (559) 782-3639

Location of event (location map must be attached):  Porterville Veterans Park #1

Henderson Ave cor. Newcomb St.

Type of event:  Cultural Celebration

Non-profit status determination:  already on file

City services requested  (fees associated with these services will be billed separately):
Barricades (quantity):  1114  Street sweeping  Yes  No
Police protection  Yes  No  Refuse pickup  Yes  No
Other:  

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

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

Appr.  Deny

---  ---  Pub. Works Dir.  
---  ---  Comm. Dev. Dir.  
---  ---  Field Svcs. Mgr.  
---  ---  Fire Chief  
---  ---  Parks Dir.  
---  ---  Police Chief  
---  ---  Admin. Svcs. Dir.  

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

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

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

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

Authorized Representative Initials

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

Authorized Representative Initials

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

Authorized Representative Initials

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

Authorized Representative Initials

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

Authorized Representative Initials

(Name of Organization) (Signature) (Date)

2 of 4
CITY OF PORTERVILLE

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

Name of event: **Filipino American Weekend**

Sponsoring organization: **Fil-Am Assn. of CA Inc.**

Location: **Henderson Park cor. Newcomb, Porterville, CA 93257**

Event date: 9-10-11

Event time: 6:00am-10:00pm

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>Melanie Graham</td>
<td></td>
<td></td>
<td>Food Vendor</td>
</tr>
<tr>
<td>Anna Domingo</td>
<td></td>
<td></td>
<td>Food Vendor</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: **Filipino Weekend Motorcade**

Sponsoring organization: **Fil-Am Assn. of CA Inc.**

Event date: **9-10-11**

Hours: **9:00 am - 11:30 am**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED: Please note; part of the streets will be use without necessary closure for the motorcade.

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
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<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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Please refer at the back for the motorcade route.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
FILIPINO-AMERICAN ASSOCIATION OF CALIFORNIA
FILIPINO-AMERICAN WEEKEND
SEPTEMBER 10, 2011

Business License Supervisor:
  S. Hartman

Public Works Director:
  B. Rodriguez

Community Development Director:
  B. Dunlap

Field Services Manager:
  B. Styles

Fire Chief:
  M.G. Garcia

Community Development Director:
  No comments.

Field Services Manager:
  No comments.

Fire Chief:
  No problems, as long as the streets are not closed.

Parks and Leisure Services Director:
  Absolutely no cars are to be parked in the park, use designated parking spaces only. Any use of bounce houses, etc., must be requested by the Parks and Leisure Department.

Police Captain:
  See attached conditions/requirements on Exhibit 'B.'

Administrative Services Manager:
  See Exhibit A, Page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Filipino-American Association of California
Event: Filipino-American Weekend
Event Chairman: Marilou A. Agpaoa
Location: Veterans’ Park
Date of Event: September 10, 2011

RISK MANAGEMENT: Conditions of Approval

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

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an ‘admitted’ insurer in the State of California.
Route:
- Starts at Newcomb St.
- R on Henderson towards East.
- R on Prospect St.
- R on Morton Ave
- R on Newcomb Motorcade stops here.
- Morton Ave
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: Ely C. Agpava
   968 W Cleo Ave, Porterville CA 93257

2. Address where amplification equipment is to be used: Veterans Park, Newcomb Ave, Porterville CA 93257

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

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

5. Dates and hours of operation of amplification equipment: 8:00 am - 6:00 pm 9-10-11

6. A general description of the sound amplifying equipment to be used: 2 Speakers, 1 Receiver

Section 18-7: It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

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

Section 18-14: It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefor, 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, not the option of the council, and by 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: 8-01-11

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.

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

Date: AUG. 9, 2011
CITY OF PORTERVILLE

APPLICATION FOR COMMUNITY CIVIC EVENT

Proposed Event:
Filipino-American Week Celebration- Veteran's Park- September 9, 2011

Staff Comments: Conditions/requirements by Police Department

- A street closure is not necessary, nor recommended, for the proposed vehicle procession.
- Participants in any procession on city roadways must comply with all traffic laws and rules of the road. Additionally, they shall not impede traffic or generally interfere with the normal flow of traffic.
- There shall be no consumption of alcoholic beverages at the park event.
- Amplified music or sound shall not continue beyond 10:00 p.m.

Silver Rodriguez/ Captain
Porterville Police Department

EXHIBIT 'B'
# ACORD Certificate of Liability Insurance

**Producer:** Walter Mortensen Insurance  
P.O. Box 1960  
Porterville, CA 93258  
559-781-5200  
Daren Griswold

**Insured:** Fil - Amer Association Of California,  
968 West Cleo Ave  
Porterville, CA 93257

---

**Date of Issuance:** 08/09/2011

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## 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>POLICY</th>
<th>LIMITS</th>
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<tbody>
<tr>
<td>EACH OCCURRENCE</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>DAMAGE TO NODIMMUTY</td>
<td>$50,000</td>
</tr>
<tr>
<td>MED EXP (Any one person)</td>
<td>$5,000</td>
</tr>
<tr>
<td>PERSONAL &amp; ADV INJURY</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>GENERAL AGGREGATE</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>PRODUCTS - COMP/DIRECT AGG</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

---

### General Liability

- **Policy Number:** SCP0572605  
- **Certificate #:** NAEP045220  
- **Effective Date:** 09/10/2011  
- **Expiration Date:** 09/18/2011  
- **Type of Liability:** Host Liquor Liability

### Automobile Liability
- **Limit:** $5,000

### Garage Liability
- **Limit:** $5,000

### Excess/Umbrella Liability
- **Limit:** $25,000,000

### Workers Compensation and Employers Liability
- **Limit:** $5,000,000

### Other Third Party Property Damage Liability
- **Limit:** $25,000

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**Additional Insured:** City of Porterville

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**Certificate Holder:** City of Porterville  
291 N Main  
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:** Robert V. Nuccio

© ACORD CORPORATION 1988
IMPORTANT

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

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

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.
ISO | Commercial General Liability Forms | 01/01/96

POLICY NUMBER: Refer to SCP0572805
Certificate of Insurance
Certificate Number: NAEP045220

COMMERCIAL GENERAL LIABILITY
CG 20 11 01 96

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You):
Veterans' Park & Monache High School Gym & Bartlett Middle School

2. Name of Person or Organization (Additional Insured):
City of Porterville
Additional Insured:

3. Additional Premium:

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

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:
1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.

CG 20 11 01 96
NASEPWH055.doc © Insurance Services Office, Inc., 1994
COMMERICAL GENERAL LIABILITY
CG 20 26 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Portland as an Additional Insured for 9-10-11 from 6am to 12pm</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.
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 August 2, 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. An estimated total of $361,750 in damage repair projects (please see attachment) were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately $270,000 was approved. All repair projects are to be completed by no later than July 2012.

As was previously reported, staff was made aware of a State Office of Emergency Services (OES) grant opportunity, which would provide financial assistance for mitigating repetitive flooding conditions. Considering the preliminary flood prevention measures previously presented to the Council, staff evaluated the grant application criteria, and with an application deadline of August 8, 2011, made application for almost $2 million in potential mitigation projects, specifically focusing on Downtown, Murry Park, and Zalud Park projects.

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

[Signature]
Dir
N/A
Approp./Funded
CM

Item No. 14
<table>
<thead>
<tr>
<th>ITEM #</th>
<th>LOCATION</th>
<th>COST ESTIMATE</th>
<th>DESCRIPTION OF DAMAGE</th>
<th>WAS THERE INSURANCE COVERED? IF YES, ENTER AMOUNT.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Avenue &amp; Grand, x letters</td>
<td>$60,000.00</td>
<td>Damaged asphalt concrete and curb gutter</td>
<td>No</td>
</tr>
<tr>
<td>2</td>
<td>Fairview - Newcomb, x letters</td>
<td>$160,000.00</td>
<td>Damaged asphalt concrete in driveway and parking lot damage</td>
<td>No</td>
</tr>
<tr>
<td>3</td>
<td>1st Ave. - North Ave.</td>
<td>$49,000.00</td>
<td>Damaged asphalt concrete, sidewalk, and street</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>6th Avenue &amp; East Grand St.</td>
<td>$63,760.00</td>
<td>Damaged asphalt concrete</td>
<td>No</td>
</tr>
<tr>
<td>5</td>
<td>OHV 6th &amp; North Ave.</td>
<td>$360,000.00</td>
<td>Damaged asphalt concrete, sidewalk, and street</td>
<td>No</td>
</tr>
<tr>
<td>6</td>
<td>Templeton Ave.</td>
<td>$17,000.00</td>
<td>Damaged asphalt concrete on both sides of the road</td>
<td>No</td>
</tr>
<tr>
<td>7</td>
<td>3rd between Plummer &amp; N.</td>
<td>$1,000.00</td>
<td>Damaged shop, asphalt concrete, and sidewalk</td>
<td>No</td>
</tr>
<tr>
<td>8</td>
<td>Ave. &amp; Hamilton Ave.</td>
<td>$16,000.00</td>
<td>Damaged asphalt concrete, sidewalk, and street</td>
<td>No</td>
</tr>
<tr>
<td>9</td>
<td>Well Rd. &amp; Station Ave.</td>
<td>$24,000.00</td>
<td>Damaged shop, asphalt concrete, sidewalk, and street</td>
<td>No</td>
</tr>
<tr>
<td>10</td>
<td>Hamilton Ave.</td>
<td>$18,000.00</td>
<td>Damaged shop, asphalt concrete, sidewalk, and street</td>
<td>No</td>
</tr>
<tr>
<td>11</td>
<td>Ave. &amp; North of Motion</td>
<td>$17,000.00</td>
<td>Damaged shop, asphalt concrete, sidewalk, and street</td>
<td>No</td>
</tr>
<tr>
<td>12</td>
<td>West Rd. at Station Ave.</td>
<td>$15,000.00</td>
<td>Damaged shop, asphalt concrete, sidewalk, and street</td>
<td>No</td>
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</tbody>
</table>
COUNCIL AGENDA: August 16, 2011

SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Schedule the Consideration of Forming a Community Facilities District(s) for Neighborhood Street Maintenance

SOURCE: City Manager

COMMENT: City Council Member Ward has requested that the City Council authorize the scheduling on the next Council Agenda the consideration of the formation of a Community Facilities District(s) within the city for neighborhood street maintenance.

RECOMMENDATION: Councilman Ward makes the motion that the City Council authorize the scheduling on the September 6th Council Agenda the consideration of forming a Community Facilities District(s) for neighborhood street maintenance.

ATTACHMENT: None
COUNCIL AGENDA: August 16, 2011

SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Schedule the Consideration of the City’s Self-Performance of Street Maintenance Programs

SOURCE: City Manager

COMMENT: City Council Member Ward has requested that the City Council authorize the scheduling on the next Council Agenda the consideration of the City’s self-performance of street maintenance activities and programs.

RECOMMENDATION: Councilman Ward makes the motion that the City Council authorize the scheduling on the September 6th Council Agenda the consideration of the City’s self-performance of street maintenance programs.

ATTACHMENT: None
SUBJECT:  SECOND READING – ORDINANCE 1779, ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM

SOURCE:  ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT:  Ordinance No. 1779, An Ordinance of the City Council of the City of Porterville Electing to Comply with and Participate in the Alternative Voluntary Redevelopment Program Contained in Part 1.9 of Division 24 of the California Health and Safety Code, was given first reading on August 2, 2011, and has been printed.

RECOMMENDATION:  That the Council give Second Reading to Ordinance No. 1779, waive further reading, and adopt said Ordinance.

Attachment:  Ordinance No. 1779
ORDINANCE NO. 1779

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ELECTING TO COMPLY WITH AND PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM CONTAINED IN PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE

WHEREAS: The Porterville Redevelopment Agency ("Agency") is a California public body, corporate and politic, duly formed and authorized by the City Council of the City of Porterville ("City Council") to exercise the powers of a redevelopment agency pursuant to the California Community Redevelopment Law, Health and Safety Code Section 33000, et seq. ("CRL").

WHEREAS: The Agency is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Porterville Redevelopment Project No. 1 ("Project Area"); and

WHEREAS: Parts 1.8, 1.85 and 1.9 of Division 24 of the Health and Safety Code were added to the CRL by ABX1 26 and ABX1 27, which measures purport to become effective immediately; and

WHEREAS: ABX1 26 and ABX1 27, which are trailer bills to the 2011-12 budget bills, were approved by both houses of the Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

WHEREAS: Part 1.85 of the CRL ("Part 1.85") provides for the statewide dissolution of all redevelopment agencies, including the Agency, as of October 1, 2011, and provides that, thereafter, a successor agency will administer the enforceable obligations of the Agency and otherwise wind up the Agency's affairs, all subject to the review and approval of an oversight committee; and

WHEREAS: Part 1.8 of the CRL ("Part 1.8") provides for the restriction of activities and authority of the Agency in the interim period prior to dissolution to certain "enforceable obligations" and to actions required for the general winding up of affairs, preservation of assets, and certain other goals delineated in Part 1.8; and

WHEREAS: The dissolution of the Agency would be detrimental to the health, safety, and economic well-being of the residents of the City and cause irreparable harm to the community, because, among other reasons, the redevelopment activities and projects made possible, implemented, and funded by the Agency are highly significant and of enduring benefit to the community and the City, and are a critical component of its future; and

WHEREAS: Part 1.9 of the CRL ("Part 1.9") provides that a redevelopment agency may continue in operation if a city or county that includes a redevelopment agency adopts an ordinance agreeing to comply with and participate in the Alternative Voluntary Redevelopment Program established in Part 1.9 ("Program"); and
WHEREAS: As a condition of the Agency’s continued existence and operation of its redevelopment agency, the City is required to make certain annual remittances to the county auditor controller pursuant to Chapter 3 of Part 1.9 ("Remittance Payments"), beginning with a larger upfront remittance for the 2011-2012 fiscal year ("First Remittance"), to be paid in two equal installments on January 15, 2012 and May 15, 2012; and

WHEREAS: The City will have sufficient moneys and revenues to fund the City’s payment of the First Remittance and expects to have sufficient moneys and revenues to fund the subsequent annual Remittance Payments required by Part 1.9; and

WHEREAS: The City and Agency intend to execute an agreement pursuant to CRL Section 34194.2, whereby the Agency shall make an initial transfer of a portion of its tax increment to the City in an amount equal to the First Remittance, and thereafter to transfer amounts of tax increment equal to any subsequent Remittance Payment which the City is required to make to the county auditor-controller pursuant to the City’s participation in the Program ("Agreement to Transfer Tax Increment"); and

WHEREAS: The City’s needs are such that it can commit to spend the funds received from the Agency pursuant to the Agreement to Transfer Tax Increment to finance activities within the redevelopment area that are related to accomplishing the Agency’s project goals; and

WHEREAS: The City is aware that the validity, passage, and applicability of ABX1 26 and ABX1 27 has become the subject of a judicial challenge; and

WHEREAS: The City, by the adoption of this Ordinance, does not represent, disclaim, or take any position whatsoever on the issue of the validity of ABX1 26 or ABX1 27, but rather the City seeks to comply with the Constitution and laws of the State of California, including Part 1.9, in order to preserve the ability of the Agency to continue to operate and thereby benefit the community; provided that the City expressly reserves its right to challenge the validity of ABX1 26 or ABX1 27 and/or to repeal this Ordinance, in the sole and absolute discretion of the City Council; and

WHEREAS: The City has determined that this Ordinance is exempt from the California Environmental Quality Act (codified as Public Resources Code Sections 21000 et seq.) ("CEQA"), pursuant to Section 15378(b)(4) of the CEQA Guidelines set forth at Title 14, California Code of Regulations; such authorizations are not considered a project subject to CEQA review because the Remittance Payments are a government funding mechanism and fiscal activity, which do not involve any commitment to any specific project which may result in a potentially significant environmental impact; and

WHEREAS: The City has duly considered all other related matters and has determined that the City’s participation in the Program is in the best interests of the City, and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1: The foregoing recitals are true and correct.

SECTION 2: The City hereby finds that (i) the dissolution of the Agency would be detrimental and cause irreparable harm to the community and to the health, safety, and economic well-being of the citizens of the City, and (ii) the types of activities and projects made possible, implemented, and funded by the Agency are highly significant and of enduring benefit to the community and the City, and are a critical component of its future.

SECTION 3: The City hereby commits to spend those funds received under the Agreement to Transfer Tax Increment or otherwise pursuant to CRL Section 34194.2 to finance activities within the Redevelopment Project that are related to accomplishing the goals of the Redevelopment Project.

SECTION 4: The City hereby agrees to comply with the Constitution and the laws of the State of California, including Part 1.9, including the determination of Remittance Payment amounts, appeal rights in relation thereto, and the making of the Remittance Payments referred to in CRL Section 34194(b) at the times and in the manner described in Part 1.9. This ordinance is that ordinance referred to in CRL Section 34193 and shall be interpreted and applied in all respects so as to comply with Part 1.9, to the fullest extent permitted by law.

SECTION 5: On or before November 1, 2011, the City Manager is hereby authorized and directed to notify the county auditor-controller, the Controller of the State, and the State Department of Finance that the City agrees to comply with the provisions of Part 1.9 as provided under Section 34193, such notice to be in accordance with CRL Section 34193.1.

SECTION 6: The City’s Remittance Payments to the county auditor-controller made pursuant to Part 1.9 may be paid from any legally available funds of the City not otherwise obligated for other uses in accordance with Section 34194.1. Nothing herein is intended or shall be interpreted to require any payments or impose any financial or other obligation of the City other than in accordance with the Constitution and laws of the State of California, including Part 1.9.

SECTION 7: The City Council determines that approval of this Ordinance is exempt from CEQA, pursuant to CEQA Guidelines Section 15378(b)(4), because such approval is not considered a project subject to CEQA review. The Remittance Payments are a government funding mechanism and fiscal activity which do not involve any commitment to any specific project which may result in a potentially significant environmental impact.

SECTION 8: The City Council hereby authorizes and directs that a Notice of Exemption shall be filed with the Clerk of the Board of Supervisors of the County of Tulare, California, within five (5) working days following the date of adoption of this Ordinance.
SECTION 9: Pursuant to the City Charter of the City of Porterville, three days prior to the adoption thereof, this Ordinance shall be published at least once in a newspaper of general circulation printed and published within the City.

SECTION 10: This Ordinance shall be effective thirty (30) days from and after the date of the final passage and adoption hereof.

APPROVED AND ADOPTED this _____ day of August, 2011.

__________________________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

__________________________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: PROJECT REVIEW COMMITTEE FEES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING

COMMENT: At its meeting of June 21, 2011, the City Council discussed proposed changes to the City’s Project Review Committee (PRC) fees. The current schedule requires a $753 flat fee for all projects going through the PRC process, regardless of their size or complexity. Projects requiring PRC review are outlined below. One of the primary reasons for considering a change in the fees was an expressed concern regarding the unfairness of smaller projects being charged the same fee as larger, more complex projects. Staff was directed to present for Council consideration a tiered PRC fee structure, provide a tighter definition between small, medium and large projects, prepare a recommendation on the rates, and to consider an hourly rate for larger projects.

In reviewing possible proposals for a tiered fee schedule, staff’s first priority was to provide a structure that is simple, fair, clear and easy to apply. If projects are divided into small, medium and large categories then the corresponding criteria to which category each project falls must be easily defined. Originally, staff attempted to categorize each project according to its complexity and the amount of time staff would spend on reviewing it. This method would be cumbersome because it requires a lot of upfront information about a project before the fee can be determined.

A simplified approach would be to divide the projects into three categories (small, medium, large) based on the types of projects that require PRC review. Section 601.03 (a) of the Development Ordinance requires PRC review for the following types of projects:

(1) All new commercial or industrial structures and additions of five hundred (500) square feet or more;

(2) Multiple-family developments of four (4) or more units or consisting of two (2) or more structures (per lot);

(3) A change in occupancy or use that results in an intensification of use or where the new occupant is in a different use classification than the former occupant; and

(4) Any project that requires a discretionary approval, including but not limited to, Conditional Use Permits, Variances, planned developments, zoning changes, general plan amendments, subdivisions, and annexations.
OPTION 1

Staff has reviewed the PRC process and considered the types of projects submitted for review as it relates to the Code provisions identified above. The method outlined below considers a tiered fee schedule that considers the scale of the project to determine the most appropriate fee. The scale of the project is assumed to be the best indicator of complexity for the purposes of this analysis. Based on the above Code section, staff has proposed the following categories for determining PRC fees:

<table>
<thead>
<tr>
<th>Type</th>
<th>Project Size</th>
<th>Small</th>
<th>Medium</th>
<th>Large</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>New commercial or industrial structures and additions from 500 SF to less than 1,000 SF.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>New commercial or industrial structures and additions from 1,000 SF to less than 10,000 SF</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>New commercial or industrial structures and additions 10,000 SF or larger in size</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td>Multiple-family developments with four (4) to six (6) units or consisting of two (2) to three (3) structures</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Multiple-family developments with seven (7) to eleven (11) units or consisting of four (4) to six (6) structures</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Multiple-family developments with more than twelve (12) units or consisting of more than six (6) structures</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3</td>
<td>Change in occupancy</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Any project that requires a discretionary approval</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

As with any proposed fee structure, there are potential challenges. This method of dividing projects into three (3) categories has the potential to result in a less complex project being categorized into the large category, or visa versa. There have always been instances where a project may seem simple and straightforward upon submittal but multiplies in complexity based on unique circumstances. However, it is envisioned that rather than charging an hourly rate to avoid these situations, the benefit of an applicant having a defined PRC application fee outweighs the desire to assure that more complex projects (that require more staff time for review) are charged a larger fee.

The fees proposed under the recommended option are based on the above described three (3) tier system. The proposed fees were generally discussed at the June 21, 2011 Council meeting and are $250, $500 and $750 for small, medium and large projects respectively. The existing PRC fee is $753 regardless of the magnitude or complexity of the project. Adoption of this proposal would round off the current fee to $750 for large projects and provide a substantial discount over the current fee for medium and small projects. These reduced fees seem to be
appropriate at a time when the City is encouraging growth and development, rather than discouraging it. The loss in revenue resulting from the tiered system could be in the vicinity of $7,500 this year, at a time when the number of PRC projects being processed is relatively low. Although, on a positive note, in looking at the numbers below, this year could generate the most activity since the 2008 calendar year. The Council may desire to revisit this fee structure in the future as the economy improves.

The number of projects processed over the past ten years is shown below. The PRC fee was first charged in 2006.

<table>
<thead>
<tr>
<th>Year</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects</td>
<td>67</td>
<td>58</td>
<td>35</td>
<td>26</td>
<td>16</td>
<td>21</td>
</tr>
<tr>
<td>(to date)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

OPTION 2

At the June 21, 2011 Council meeting, the Council raised the concept of an hourly billing rate as a tool for accounting for complexities in the various projects considered by the PRC. Having staff track the specific time spent on a particular project would be the most accurate means of determining actual cost for the service and accounting for varying complexities between projects. While this can be an effective tool for determining and recouping actual cost, it places new requirements on the processing system such as tracking time spent on a specific project, keeping an accurate accounting for each project, corresponding with an applicant on the need for an additional deposit and placing the project on hold if the additional funds are not received by the City.

Although the hourly rate concept was raised by Council, it is not staff’s understanding that Council wishes to establish the goal of developing a complete cost recovery system. This scenario would result in a significant new administrative function in facilitating the review and processing of development projects and would add cost for the administration of billing on the projects. That said, implementing an hourly billing program would be beneficial in determining the actual cost of providing a service, in accounting for costs associated with more complex projects, and when striving for complete or more extensive cost recovery objectives.

OPTION 3

The final option builds on the proposal provided in the June 21, 2011 staff report. The fee structure would be based more on complexity of a project that requires more staff time to review, rather than the simplified categorization of projects. This proposal would consist of numerous criteria to attempt to categorize projects according to how much staff time is needed for review. The following breakdown was proposed in the June 21, 2011 staff report:
Type Characteristics
Small: Simple, noncontroversial or noncomplex projects, or those that barely meet the thresholds for PRC in the first place, such as:
- 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
- Rezone not accompanied by a development plan
- Cell towers
- Change in occupancy
- Residential parcel maps

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:
- 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:
- Annexations, General Plan Amendments and/or Zone changes with an associated development plan
- Planned Developments
- Subdivisions
- Large, new shopping centers or Big Box Retail

Staff does not prefer this option because it provides less certainty in determining what the fee will be at the outset, in addition to the fact that it is difficult to determine what unique, sensitive or complex issues may arise through project review. This option would require an applicant to provide a lot more information about a project before staff can determine what the fee will be. It would also require that staff create a lengthy list of criteria to determine which fee category to apply. It is perceived that this approach would be burdensome and time consuming with the outcome of a few dollars of additional revenue gained not outweighing the uncertainty over categorizing a project to begin with.

Listed below is a summary of the existing process as well as the three (3) options and the pros and cons of each.
<table>
<thead>
<tr>
<th>Options</th>
<th>Current</th>
<th>Option 1 (Preferred)</th>
<th>Option 2 (Hourly)</th>
<th>Option 3 (Submittal Evaluation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fee</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small</td>
<td>$753</td>
<td>$250</td>
<td>$250</td>
<td>$250</td>
</tr>
<tr>
<td>Medium</td>
<td>$753</td>
<td>$500</td>
<td>$500</td>
<td>$750</td>
</tr>
<tr>
<td>Large</td>
<td>$753</td>
<td>$750</td>
<td>Hourly</td>
<td>$1500</td>
</tr>
<tr>
<td>Hourly Rate</td>
<td>n/a</td>
<td>No</td>
<td>$79</td>
<td>No</td>
</tr>
<tr>
<td>Public Hearing Required (to adopt new fees)</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Cost Recovery Achieved</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Simplified Tier Structure</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Reduces Fees</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Staff reviewed the cost concepts with the Home Builders Association and they preferred Option 1. Bob Keenan, Executive Director of the Home Builders Association, submitted a letter of support for Option 1 as identified above. A copy of the letter is attached to this report.

RECOMMENDATION: That the City Council adopt the draft resolution changing the structure and cost for PRC fees to Option 1.

August 3, 2011

Brad Dunlap  
Community Development Director  
City of Porterville  
291 N. Main Street  
Porterville, CA 93257

Brad,

Thank you for the time you and Bill spent with the HBA representatives Monday afternoon.

We understand the council's position back in 2006 wanting to eliminate the submittal of frivolous development applications which infringed on staff's time.

We also understand the current council's concern that those submitting smaller projects for review may be paying an unfair amount under the existing "one size fits all" fee.

We concur that the fees should be adjusted to more fairly reflect the task/time necessary for Project Review based on project size.

The HBA supports the 3 Tier $250, $500, $750 structure and the breakdown by project size per Tier as proposed.

Additionally, the $250 for small project proposals is still a deterrent to frivolous submittals, especially in this economy.

Again, thank you for your time on this matter.

Sincerely,

[Signature]

Robert Keenan  
President/CEO

ATTACHMENT
ITEM NO. |
RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE ADOPTING A TIERED SCHEDULE FOR THE
PROJECT REVIEW COMMITTEE FEE FOR THE CITY OF PORTERVILLE

WHEREAS, Section 601.03 of the Porterville Development Ordinance sets forth the Mandatory Pre-Application Review process which is administered by the Project Review Committee; and

WHEREAS, on August 16, 2011, the Council reviewed the Project Review Committee Fee and determined that a tiered fee structure should be adopted to differentiate between small, medium and large sized projects in accordance with the attached Exhibit “A” rather than requiring a flat fee as is currently imposed; and

WHEREAS, the proposed fee structure on Exhibit “A” repeals and replaces the Public Works’ Preliminary Project Site Review fee (PW-41) of $319 as adopted in Resolution No. 47-2006 and Planning’s Preliminary Project Site fee (PL-27) of $434 as adopted in Resolution No. 44-2006.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Porterville that the fee for the Mandatory Pre-Application Review process as set forth in Section 601.03 of the Porterville Development Ordinance and also known as the PRC fee is hereby adopted as follows:

Attached hereto as Exhibit “A”

ADOPTED this 16th day of August, 2011.

________________________________________
Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By

Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT
ITEM NO. 2
## APPROVED PROJECT REVIEW COMMITTEE FEE

**Fee #PL-27**
- Small Projects: $250
- Medium Projects: $500
- Large Projects: $750

Per the following table:

<table>
<thead>
<tr>
<th>Type</th>
<th>Project Size</th>
<th>Small</th>
<th>Medium</th>
<th>Large</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>New commercial or industrial structures and additions from 500 SF to less than 1,000 SF</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>New commercial or industrial structures and additions from 1,000 SF to less than 10,000 SF</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>New commercial or industrial structures and additions 10,000 SF or larger in size</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td>Multiple-family developments with four (4) to six (6) units or consisting of two (2) to three (3) structures</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Multiple-family developments with seven (7) to eleven (11) units or consisting of four (4) to six (6) structures</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td>Multiple-family developments with more than twelve (12) units or consisting of more than six (6) structures</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3</td>
<td>Change in occupancy</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Any project that requires a discretionary approval</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Exhibit “A”
COUNCIL AGENDA: AUGUST 16, 2011

SUBJECT: AWARD CONTRACTS – LANDSCAPE MAINTENANCE, VARIOUS LANDSCAPE MAINTENANCE DISTRICTS

SOURCE: Finance Department/Purchasing Division

COMMENT: At the previous City Council meeting, staff was directed to negotiate with the Porterville Sheltered Workshop in regards to the landscape maintenance for the various landscape maintenance districts (LMD’s), if permitted based on the City Attorney’s research. Attached is the result of the City Attorney’s research on the Welfare & Institutions Code Section 19404 which allows Porterville Sheltered Workshop to be awarded the contract.

Porterville Sheltered Workshop has indicated to staff that they are not able to offer a bid that would be competitive against the low bids from other contractors that the City has received. And as of the writing of this report, the City has not received a different bid from the Porterville Sheltered Workshop.

As reported at the last Council meeting, staff solicited bids for providing landscape maintenance for various landscape maintenance districts (LMD’s) located throughout City boundaries. Parks Department staff grouped the districts into five (5) LMD Groupings with the locations and square footage identified on the attached Exhibit “A.” In response to solicitation, the following seven (7) bids were received, all of which were responsive to the specifications:

<table>
<thead>
<tr>
<th>LMD Group #1 (47,462 sq. ft.)</th>
<th>Sq.Ft.</th>
<th>Price</th>
<th>Amount/Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perfect Care Landscape Mtn., Tulare</td>
<td>.01416</td>
<td>$672.06</td>
<td></td>
</tr>
<tr>
<td>Evergreen Lawn Care, Clovis</td>
<td>.015</td>
<td>711.93</td>
<td></td>
</tr>
<tr>
<td>Westscapes, Hanford</td>
<td>.0198</td>
<td>939.75</td>
<td></td>
</tr>
<tr>
<td>Clean Cut Landscape, Clovis</td>
<td>.02</td>
<td>949.24</td>
<td></td>
</tr>
<tr>
<td>Porterville Sheltered Workshop, Porterville</td>
<td>.032335</td>
<td>1,534.68</td>
<td></td>
</tr>
<tr>
<td>Ray’s Landscape, Sanger</td>
<td>.05</td>
<td>2,373.10</td>
<td></td>
</tr>
<tr>
<td>Langscaping, Fresno</td>
<td>.07</td>
<td>3,322.34</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LMD Group #2 (125,477 sq. ft.)</th>
<th>Sq.Ft.</th>
<th>Price</th>
<th>Amount/Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clean Cut Landscape, Clovis</td>
<td>.0111</td>
<td>$1,392.79</td>
<td></td>
</tr>
<tr>
<td>Perfect Care Landscape Mtn., Tulare</td>
<td>.01416</td>
<td>1,776.75</td>
<td></td>
</tr>
<tr>
<td>Evergreen Lawn Care, Clovis</td>
<td>.015</td>
<td>1,883.00</td>
<td></td>
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<tr>
<td>Porterville Sheltered Workshop, Porterville</td>
<td>.019384</td>
<td>2,432.25</td>
<td></td>
</tr>
<tr>
<td>Westscapes, Hanford</td>
<td>.0198</td>
<td>2,484.44</td>
<td></td>
</tr>
<tr>
<td>Ray’s Landscape, Sanger</td>
<td>.05</td>
<td>6,273.85</td>
<td></td>
</tr>
<tr>
<td>Langscaping, Fresno</td>
<td>.07</td>
<td>8,788.39</td>
<td></td>
</tr>
</tbody>
</table>

D.D. Appropriated/Funded C.M. Item No. 19
<table>
<thead>
<tr>
<th>LMD Group #3 (51,377 sq. ft.)</th>
<th>Sq.Ft. Price</th>
<th>Amount/Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perfect Care Landscape Mtn., Tulare</td>
<td>$0.01416</td>
<td>$727.50</td>
</tr>
<tr>
<td>Evergreen Lawn Care, Clovis</td>
<td>.015</td>
<td>770.00</td>
</tr>
<tr>
<td>Clean Cut Landscape, Clovis</td>
<td>.016</td>
<td>822.03</td>
</tr>
<tr>
<td>Westscapes, Hanford</td>
<td>.0198</td>
<td>1,017.26</td>
</tr>
<tr>
<td>Porterville Sheltered Workshop, Porterville</td>
<td>.029117</td>
<td>1,529.54</td>
</tr>
<tr>
<td>Ray’s Landscape, Sanger</td>
<td>.05</td>
<td>2,268.85</td>
</tr>
<tr>
<td>Langscaping, Fresno</td>
<td>.07</td>
<td>4,110.16</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LMD Group #4 (23,797 sq. ft.)</th>
<th>Sq.Ft. Price</th>
<th>Amount/Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perfect Care Landscape Mtn., Tulare</td>
<td>$0.01416</td>
<td>$336.97</td>
</tr>
<tr>
<td>Evergreen Lawn Care, Clovis</td>
<td>.015</td>
<td>358.00</td>
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<td>Westscapes, Hanford</td>
<td>.0198</td>
<td>471.18</td>
</tr>
<tr>
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<td>.04</td>
<td>951.88</td>
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<td>Ray’s Landscape, Sanger</td>
<td>.05</td>
<td>1,198.85</td>
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<td>Porterville Sheltered Workshop, Porterville</td>
<td>.058773</td>
<td>1,398.62</td>
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<td>Langscaping, Fresno</td>
<td>.08</td>
<td>1,903.76</td>
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</table>

<table>
<thead>
<tr>
<th>LMD Group #5 (154,362 sq. ft.)</th>
<th>Sq.Ft. Price</th>
<th>Amount/Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clean Cut Landscape, Clovis</td>
<td>$0.0123</td>
<td>$1,898.65</td>
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<tr>
<td>Perfect Care Landscape Mtn., Tulare</td>
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<td>7,718.10</td>
</tr>
<tr>
<td>Langscaping, Fresno</td>
<td>.08</td>
<td>12,348.96</td>
</tr>
</tbody>
</table>

Staff has reviewed the bids and finds the two low bidders to be responsive to the specifications. Staff has further determined that it would be in the best economical interest of the City to award contracts to two landscape maintenance contractors. Terms are for three (3) years with optional one-year renewals subject to mutually agreeable negotiations. Funds for these services have been appropriated in the various LMD’s operating budgets.

RECOMMENDATION: That Council award the contracts for LMD Groupings #1, #3 and #4 to Perfect Care Landscape Maintenance of Tulare, and LMD Groupings #2 and #5 to Clean Cut Landscape of Clovis. Further, that Council authorize regular payments upon satisfactory performance of the required services.

ATTACHMENT: City Attorney’s opinion
LMD Groupings, Exhibit “A”
From: Julia M. Lew  
Sent: Tuesday, August 09, 2011 3:02 PM  
To: John Lollis; Milt Stowe  
Subject: Porterville Sheltered Workshop

I just wanted to verify that I reviewed the statutes that allow PSW to be awarded contracts without going through formal bidding. Per Welfare & Institutions Code Section 19404, cities can, without even advertising and calling for bids, purchase materials and supplies and services provided by nonprofit California corporations operating community rehabilitation programs serving persons with disabilities who have indicated an interest in providing the services. The following requirements must be met:

- Contract work shall be performed by a labor force comprised primarily of persons with disabilities (primarily means 75% or greater), and this should be measured in by the percentage of person-hours of direct labor devoted to the contract work.
- Non-profit must agree to make those elections permitted of any nonprofit corp. under the Federal Insurance Contributions Act and the California Unemployment Insurance Code in order to provide social security and unemployment and disability benefits for its employees.
- Non-profit must provide in its Articles of Incorporation that at least two of the directors of its board shall be comprised of persons with disabilities.
- Non-profit must not commit any unfair labor practices.
- Non-profit must abide by the FLSA, and other wage and hour laws.
- The goods or services must meet the specifications and needs of the purchasing agency, and must be purchased at a fair market price, as determined by the City.

Of course, the City must keep in mind that the particular improvements at issue are directly funded via property owner assessments, so cost is even more of a consideration in this case.

Thanks.

- Julia

McCORMICK, KABOT, JENNER & LEW
1220 West Main Street
Visalia, CA 93291
Office: (559) 734-6729
Fax: (559) 734-8762
# Landscape Maintenance Districts Groupings
## Square Footage as of January 2011

<table>
<thead>
<tr>
<th>LMD</th>
<th>Location</th>
<th>Sq Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1 Westwood Original</td>
<td>Kevin Lane &amp; Westwood Street</td>
<td>13,650</td>
</tr>
<tr>
<td>Westwood IV</td>
<td>White Chapel Ave &amp; Westwood St (frontage &amp; median)</td>
<td>14,700</td>
</tr>
<tr>
<td>Westwood V</td>
<td>Brandy Way &amp; Henderson Ave</td>
<td>19,112</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>47,462</td>
</tr>
<tr>
<td>#2 Porter Creek Estates</td>
<td>Porter Creek Ave &amp; Westwood Street</td>
<td>89,200</td>
</tr>
<tr>
<td>Creekview Estates</td>
<td>Porter Creek Ave &amp; Elderwood Street</td>
<td>23,600</td>
</tr>
<tr>
<td>North Creek Estates</td>
<td>Nancy Ave &amp; Westwood Street</td>
<td>12,677</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>125,477</td>
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<tr>
<td>#3 Williams Ranch I</td>
<td>Westfield Ave &amp; Silver Maple Street</td>
<td>13,910</td>
</tr>
<tr>
<td>Williams Ranch II</td>
<td>Westwood Street &amp; Luisa Ave</td>
<td>6,512</td>
</tr>
<tr>
<td>Orchard Ridge</td>
<td>Lombardi Street (north of Westfield Ave)</td>
<td>9,440</td>
</tr>
<tr>
<td>Meadow Breeze</td>
<td>Newcomb Street &amp; Nancy Ave</td>
<td>19,800</td>
</tr>
<tr>
<td>Castlewood Estates</td>
<td>Newcomb Street &amp; Median Ave</td>
<td>1,715</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>51,377</td>
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<tr>
<td>#4 LaVida Park</td>
<td>Beverly Street &amp; LaVida Ave</td>
<td>3,790</td>
</tr>
<tr>
<td>Westview Estates</td>
<td>Cobb Street &amp; San Carlos Street</td>
<td>1,307</td>
</tr>
<tr>
<td>Wisconsin Manor</td>
<td>Wisconsin Street &amp; Mulberry Ave</td>
<td>3,030</td>
</tr>
<tr>
<td>Moorea Manor</td>
<td>San Lucia Ave &amp; Newcomb Street</td>
<td>1,460</td>
</tr>
<tr>
<td>River Springs</td>
<td>Newcomb Street &amp; Date Ave</td>
<td>2,100</td>
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<tr>
<td>River Breeze</td>
<td>Newcomb Street &amp; River Springs Ave</td>
<td>1,000</td>
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<tr>
<td>Summit Estates</td>
<td>Mathew Street &amp; Orange Ave (lot on Orange)</td>
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<td>Amalene Estates</td>
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<td>Ford Estates</td>
<td>Westwood Street &amp; Roby Ave</td>
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<td>TOTAL</td>
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<tr>
<td>#5 Sierra Estates</td>
<td>Leggett Street &amp; Grand Ave</td>
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<td>Sierra Meadows</td>
<td>Gibbons Ave &amp; Indiana Street</td>
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<tr>
<td>New Expressions</td>
<td>Lybarger &amp; Route 65</td>
<td>5,800</td>
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<tr>
<td>Jasmine Ranch</td>
<td>Hillcrest Street &amp; Jasmine Drive</td>
<td>22,100</td>
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<tr>
<td>Casa Buena Vista</td>
<td>Casa Del Rio &amp; Date Ave</td>
<td>55,950</td>
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<td>TOTAL</td>
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<td>154,362</td>
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<td>GRAND TOTAL</td>
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**EXHIBIT “A”**
SUBJECT: DESIGNATION OF VOTING DELEGATES AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES 2011 ANNUAL CONFERENCE

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: The League of California Cities’ Annual Conference is scheduled to take place September 21 – 23, 2011 in San Francisco. In addition to the training program offered, the League’s annual business meeting is held during which the membership considers and takes action that establishes official League policy. This year, the business meeting is scheduled for Friday, September 23rd at 2:30 p.m. In order to vote at this meeting, the Council must designate a voting delegate. It is also recommended that an alternate or two be designated in the event the voting delegate is unable to serve.

The estimated cost for attendance per Council Member is approximately $2,100. This cost includes conference registration and materials, accommodations, mileage and meals. Funding is currently available in the Council’s travel budget.

The deadline for designation is August 26th. In the event Council attendance has not yet been determined, staff recommends that the Council proceed with designating a voting delegate and up to two alternates on a contingency basis. Information on Conference Session topics, dates and times is herein provided for Council’s information.

RECOMMENDATION: If there is interest in Council Member attendance at the League of California Cities Annual Conference, that the City Council designate one City Council Member to serve as a voting delegate, and up to two City Council Members to serve as alternates at the Conference.

ATTACHMENTS: 1) Annual Conference Voting Procedures 2) Voting Delegate/Alternate Form 3) Conference Session Detail

Item No. 20
Annual Conference Voting Procedures
2011 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.

2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.

4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.

6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.

7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.
2011 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 26, 2011. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: ______________________________
Title: ______________________________

2. VOTING DELEGATE - ALTERNATE

Name: ______________________________
Title: ______________________________

3. VOTING DELEGATE - ALTERNATE

Name: ______________________________
Title: ______________________________

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: ______________________________ E-mail ______________________________
Mayor or City Clerk ______________________________ Phone: ______________________________
(circle one) (signature)
Date: ______________________________

Please complete and return by Friday, August 26 to:

League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: mccullom@cacities.org
(916) 658-8247
HOW TO PARTICIPATE IN THE LEAGUE'S
Annual Conference Resolutions Process

Policy development is a key part of the League's legislative effectiveness. The League's Annual Conference Resolutions process is one way that city officials can directly participate in the development of League policy. The 2011 Annual Conference Resolution Calendar of Events identifies the key points in the process.

Submission of Resolutions
Any elected or appointed city official, individual city, division, department, policy committee, or the board of directors may submit a resolution for consideration at the conference. Resolutions must be submitted to the League's Sacramento office no later than 60 days prior to the opening of the conference. Resolutions should focus on direct municipal issues of statewide importance.

Consideration of Resolutions
The League President refers the resolutions to the League policy committees for review and recommendation at the Conference. Resolutions are next considered by the General Resolutions Committee (GRC), which consists of representatives from each division, department, policy committee and individuals appointed by the League President. Resolutions that are approved by the GRC, and resolutions that are approved by the policy committees, but not approved by the GRC, are next considered by General Assembly. Resolutions approved by the General Assembly become League policy. Other action on resolutions can be: refer back to a policy committee, amend, disapprove, or no action.

Late-Breaking Issues
Resolutions to address late-breaking issues may be introduced by petition at the Annual Conference. To qualify, a petitioned resolution must be signed by 10 percent of the voting delegates and submitted at least 24 hours before the beginning of the Concluding General Assembly (Deadline: 2:30 p.m., Thursday, September 22). All qualified petitioned resolutions are forwarded to the General Assembly for consideration, regardless of the action recommended by the GRC. The petition resolution process should be reserved for truly late-breaking issues. If the parliamentarian finds that a petitioned resolution is identical or substantially similar in substance to a resolution already under consideration, the General Resolutions Committee may disqualify it.

2011 RESOLUTIONS CALENDAR AND DEADLINES

BEFORE THE CONFERENCE
Friday, July 8 — Deadline for submitting appointments to the General Resolutions Committee.
Saturday, July 23 — Deadline for submitting resolutions to the League office by e-mail or fax. If sending by regular mail, must be postmarked by July 23.

EARLY AUGUST
Resolutions distributed to city officials and posted on the League website.

AT THE CONFERENCE
Wednesday, September 21
9:00 - 10:30 a.m. (Thursday committees)
11:00 - 12:30 p.m. (Friday committees)
Policy committees meet to review resolutions and make recommendations to the General Resolutions Committee on resolutions assigned to each committee.

Thursday, September 22, 2:30 p.m.
Deadline to submit signatures to qualify a petitioned resolution.

Thursday, September 22, 4:00 p.m.
General Resolutions Committee meets to consider and make recommendations on resolutions.

Friday, September 23, 2:30 p.m.
Consideration of resolutions by cities in the General Assembly at the Annual Business Meeting.
(Voting Delegates must be registered at conference and must stay until conclusion of voting. They may register for Friday only.)
Conference Sessions

Here is a sample of the exceptional programming, with session titles below by alphabetical order. Want more info? For dates, times and speaker qualifications, watch for updates online at www.cacities.org/AC.

Animal Services: Maintaining the Public Mandate on Reduced Budgets
As city animal control services are hit by budget cuts, public safety remains a concern. Pet ordinances vary by municipality from vicious concerns, to spay and neuter policies and kill/no kill policies. Explore ways that cities have teamed with their county counterparts and outside non-profits to share the burdens of maintaining appropriate levels of service for the taxpayer, the services workers and the animals.

Approaches to Immigrant Integration in California Cities: Opportunities for Local Officials
California’s cities are home to an increasing number of recent immigrants and their families. The successful integration of newcomers into the civic and political life of their broader community offers opportunities to strengthen cities and local governance. Hear from community leaders whose support efforts include: building relationships between foreign-born and native-born populations, supporting local public engagement, and providing resources to support eligible legal residents to become citizens.

Back to Basics - Fire Chiefs Survival Guide
Join this annual question and answer dialogue, for both veteran and aspiring fire chiefs, to open the doors on everything from body art piercings to labor negotiations. Understand new ways to overcome everyday challenges from your peers’ real-life successes in the field. 📚

Caught in the Net: Tools and Tips for Managing Employee Misconduct and Other Issues in Social Media
Facebook, Twitter, MySpace, blogging issues arising from employee social networking are becoming more prevalent in the workplace. Address ways to respond to inappropriate employee use of new media, identify when employers can use this same media, within the confines of the law, in hiring, investigations and discipline. Discuss privacy, speech rights, and best practices for public agencies and their employees. 📚

CEQA and Greenhouse Gases: Lay Perspectives on New Regulations
In 2010, new guidelines implementing the California Environmental Quality Act require cities to consider the effects of greenhouse gas emissions from new projects. Gain a lay-person’s explanation of what the new guidelines do and do not require. Determine whether a project’s greenhouse gas emissions are significant and thus must be considered, what types of mitigation measures are appropriate, and how to streamline the process. Highlight local agency experiences implementing the new rules, practice tips and lessons learned.

Cities as Billboard Regulator, Billboard Landlord, and Billboard Operator
In the age of digital conversion and street furniture advertising, many cities are considering partnerships with private companies which may produce significant, new, non-tax revenue streams. Explore the financial, legal and policy considerations of such deals.

City Attorneys
Each September, legal updates are offered in four areas: Labor and Employment Law, General Municipal Law, Land Use and CEQA Litigation, and Municipal Tort and Civil Rights Litigations. Additional programming will be updated after the May conference. MCLE credits will be available. 📚

Current Developments in Finance Law & Policy
Provide a legal update on Proposition 26 and understand developments under other Propositions, such as 13, 62 and 218. Discuss current finance policy developments in the Capitol that directly impact local government.

Employee Relations Department Business featuring HR Zingo
Back by popular demand, HR Zingo returns and opens the Employee Relations Institute—a series of focused sessions on personnel and employee relations matters. This is our 4th year in presenting HR Zingo, a fast-paced and fun overview of changes – whether from courts, legislation, or others – within the employer-employee relationship. The audience participates in a game format and all participants are eligible for our famed game show “prizes”. 📚

Engaging Public Employees in Uncertain Times
The success and stability of an organization is highly dependent upon keeping employee motivation levels high. During budget cuts and layoffs, employees may be frustrated, disengaged, and looking for answers. Maintaining high levels of employee engagement is tough, but not impossible. Focus on challenges faced by public sector agencies and discuss ways to keep employees motivated and focused under the most challenging of circumstances. 📚
Conference Sessions, continued

Financial Essentials: Community Involvement, Consolidations and Contracting for Services
It is becoming increasingly clear that the new normal will not support traditional service delivery models. Cities must find less expensive ways to provide and preserve both essential and quality of life services to their community. Creating and implementing these new models demands willingness to innovate, embrace change and promote a progressively oriented service delivery plan. Learn how to effectively teach the community about these new models and insure support for their successful transition.

Fire Management Service Consolidation: Expanding Service While Reducing Inefficiencies
Learn how four jurisdictions have consolidated fire protection management service to expand service for all jurisdictions while reducing costs. Discuss consolidation challenges and opportunities with the key players who pushed to make this public sharing idea a reality.

Funding Strategies to Reduce Floodplain Properties and Flood Insurance Costs
Many California cities contain a significant number of parcels within the FEMA-designated "Special Flood Hazard Area" (SFHA). Owners of these parcels are required to purchase flood insurance at ever-increasing rates. By improving flood control facilities, these cities may reduce the number of SFHA parcels within their jurisdiction resulting in lower insurance costs for their residents and improved flood protection. Identify possible strategies and local funding mechanisms to pay for these improvements.

Got Nightlife? Harness Sociability as an Economic Engine
Whether your city has too little nightlife or too much, shed light on how to sustain safety and vibrancy. Find out the secrets to success and lessons learned. Collaboration between diverse stakeholders is critical. Learn how agencies work together to support business development and retention, license and regulate nightlife venues, and coordinate city resources. Take away practical tools to address the most common challenges with public safety, noise, trash and disturbances.

Guide to Crisis Communications and Strategic Solutions
Every city’s affairs are being more closely scrutinized with a bias towards what’s going wrong versus what’s working well. This results in community and City Council reputational damage, intense media scrutiny, and personal liability. Learn from seasoned professionals who have experience in dealing with a wide range of local, national and political issues. Identify new types of crisis plans to create proactive messages and deliver them in today’s high tech world.

Hot Topics in Labor Negotiations
Cities can count on one another to share similar experiences during the labor negotiation process. Learn about topics at the bargaining table and trends that are occurring across California. Hear ideas, alternatives, and actions to keep you out of hot water and focused on hot topics.

Inundated by Storm Drain Costs?
Gain perspective on the current storm drain requirements and the increased efforts required by the rules of the National Pollutant Discharge Elimination System (NPDES) and the Regional Water Quality Control Boards’ actions. Evaluate the impact and cost of the upcoming increased requirements for eliminating trash and other pollutants from the storm water. Discuss funding strategies with current case studies.

Leadership Strategies in Times of Economic Meltdown
With budgets cut to the bone, leaders abilities to respond to new needs is increasingly constrained. Identify specific strategies to consider in leading during these tumultuous times, including identifying the core of what the city wants to offer its residents, supporting responsible risk-taking in pursuit of innovation, and collaborating with private, nonprofit and other partners. Address how to maintain and/or rebuild the organization's talent pool to meet the challenges of the day. Planned with the Institute for Local Government.

Library Services for Today and Tomorrow
Are traditional library service models sustainable? Hear about innovative staffing approaches and how volunteers fit in. What does it mean if the printed book becomes obsolete and where does technology fit into a post print world? Identify community impact and the political implications of closing under-performing library branches. Examine the library's role in e-government to streamline and consolidate intergovernmental activities. Tackle big questions about the future of public libraries, such as innovative approaches to library staffing, technology, facilities, and more.

Linking Generational Differences for a Stronger City
For the first time in history, there are four generations in the workplace. Managing their unique perspectives and expectations can be challenging. Highlight what the different generations bring to the table and how to effectively motivate each. Examine perspectives on authority, respect, feedback, and reward. Identify the role of human resources and management to help eliminate bias and stereotypes that exist about each generation.

Local Regulation of Medical Marijuana Dispensaries
Overview California local agencies ability to regulate and/or prohibit medical marijuana dispensaries. Discuss relevant federal and state statutes, including the federal Controlled Substances Act, the California Compassionate Use Act, and the California Medical Marijuana Program Act, as well as a discussion of recent appellate court decisions providing the parameters of medical marijuana dispensary regulation in California. Address enforcement mechanisms available to local agencies.

New Business Opportunities in Working with Today's Demographics
A panel of prestigious and successful entrepreneurs who reflect the diversity Caucus will discuss how local government can develop business opportunities for minorities. Share good business practices and hear examples of relationships between government and high profile successful business women and minorities.

Paradigm Shift: Transparency, Sustainability & Accountability in Public Sector Employee Compensation
Provide recent trends driven largely by the significant economic downturn and the new scrutiny given to public sector compensation packages. Review where our cities have been: bankruptcy; efforts to repeal arbitration and impose reforms; scandal leading to a lawsuit by the Attorney General; and, labor unrest and mixed reactions to efforts to achieve concessions. Suggest a new and emerging paradigm of transparency and fiscal sustainability with respect to labor and employment compensation packages.

Parking – Enforcing Large Vehicle Restrictions and Other Community Concerns
A common problem in many communities is long-term parking of RVs and other oversized vehicles on city streets. Review how one city worked collaboratively to craft an ordinance to meet RV owner needs while addressing public safety and aesthetics issues. Weigh the pros/cons of strict bans. Discuss other areas of concern, such as local meters and ticketing, speed bumps and more.
Conference Sessions, continued

Parliamentary Procedure for Mayors and Council Members
Need a refresher to make your meetings effective and procedurally correct? Review practical parliamentary procedure for council cities, how to include and inform the public, how to run effective meetings, and how to handle difficult members.

Pension Adequacy: Myth, Magic, or Scare Tactics
A great deal of discussion centers on pension sustainability. Dissect the myths of how much retirement income a person needs and how the PERS formulas march (or exceed) those needs. Demystify the idea that pensions can never change as we explore both the immediate and longer-term available options to reduce costs within the system and still provide pensions which meet the needs of the participating employees.

Public Contracting Alternatives and Challenges in a Fiscally Constrained Environment
Become aware of alternative contract delivery methods (design-build, design-build-operate, etc.) for public works projects and empower their use. Regardless of the method, the challenge to actively oversee the project remains the same. Manage ultra-low bidder recalcitrant contractors and contractors who try to increase their profits by gaming the system. Discuss when forcing the work for bid may be the wrong decision for both parties. Understand the value and complexity of project/construction management across the spectrum of bidding alternatives.

Public Hearings: the Good, the Bad, and the Complicated – A City Clerks pre-conference Workshop
Public hearings are good because they encourage citizen participation and transparency in government. Hear how public hearings can go bad as out-of-control situations result in new case law and legislation. Learn about the complicated processes associated with various hearings and the implications of Proposition 26. (additional registration fee of $100 per person, credits pending approval)

Retail Landscape – the Facts and the Future
The economic slowdown has had a major impact on the bottom line and expansion plans of the nations’ retailers. Retail vacancies are a major challenge, with a snowball effect on co-tenancies and sales tax revenue. However, a small minority of retailers continue to thrive, and some are expanding. Look at what shopping center formats are performing poorly and address the impact of the recession on mom-and-pop and downtown retail. Adopt strategies to re-use empty “big boxes” and auto dealerships. Adopt tactics to revitalize retail.

Signs of a Successful Downtown
Learn how to revitalize your city through effective zoning and land-use signage regulations. In a mobile society, well-designed wayfinding and commercial business signage is key to navigating the community and sets the tone for business success or failure. Explore new ways of thinking about signage, community branding, and how to draft zoning codes to achieve mutually beneficial business and community goals. Review the latest data and studies on electronic message signs.

Smart Grid: What Cities Can Expect
During 2011, the three investor owned utilities will have submitted required plans on how to transform to a grid that is more efficient, reliable, and technologically advanced. Explore how citizens and government will be dramatically impacted by electric vehicles, will make greater use of renewable energy, improve energy efficiency, educate workforces, and how to save energy and money with smart meters.

Strategic Use of Roundabout Intersections
The use of roundabout intersections has expanded following the lead of other States. Reason include: capacity features saves the need for road widening, increased safety; decrease in queuing accommodation of alternative modes; visual aesthetics; reduction in gas consumption; and, air quality benefits. Local examples on local street and State Highway connections include: Grass Valley main street with freeway connections; Berkeley proposed roundabout interchange; Calistoga approved roundabout on SR-29; and, Chico bicycle corridor.

Turning Civic Passions into Action: Volunteers as Strategic Resources for Cities
Offer participants understanding of the value, and the strategic and planned use of volunteers to augment city services during tight economic times. Topics include the many different roles that volunteers can play, the importance of city leadership and overall strategy required for success and approaches to build service partnerships with community organizations. Identify cities of service programs, cost/benefit considerations, and the funding sources to support these programs.

Underfunded Landscape and Lighting Districts: Ending General Fund Subsidies
Many districts were formed before voters approved Proposition 218, most cities have been hesitant to deal with their fiscal inefficiencies. Cities can no longer afford to ignore the general fund subsidization of special benefit assessment districts. Hear success stories of local agencies that employed a cost effective holistic approach that not only ensured Prop. 218 compliance, but resulted in a property owner approved increase in the per parcel benefit assessments that are collected, ending general fund subsidies and freeing up valuable discretionary dollars.

Using Council Protocols to Build Consensus and Make Ethical Decisions
In an environment with growing public mistrust, local government needs powerful tools to help build consensus and respect among members while laying down clear guidelines for official conduct and ethical decision making. Having a Council work together to develop and implement protocols is a productive method of discussing difficult but necessary issues regarding transparency, expressing dissent, communicating the City’s message to the public, managing Council relationships with consultants and vendors, as well as how to make decisions in a manner that solidifies community trust.

When Flat is the New Up, Economic Development Tools for the New Reality
The economic expansion of the last two decades was primarily developer driven. The coming decade’s focus will be more on infill and revitalization and will require a more systematic and strategic approach by local governments particularly for smaller communities in limited market areas. Concentrate on innovative approaches to business targeting and financing, use land leases to create business partnerships and leverage new opportunities from businesses already in the community.

Winning Marketing and Networking Strategies for Economic Development Success
Building successful business attraction/economic development programs is more important than ever for California cities facing shrinking budgets. New businesses mean jobs and a jolt to a community’s economic health. Use marketing strategies and ways to network with corporate leaders to create profitable economic development programs. Learn marketing strategies, understand which industries to target and communicate key messages. Develop a social media program that will entice businesses to move in and specific corporate networking efforts that city staff can implement to remain competitive.

Sessions and speakers are subject to change.
SUBJECT: COORDINATED COMMUNITY SERVICES COMMITTEE MEETINGS UPDATE ("Step Up")

SOURCE: City Manager

COMMENT: For the past several months, local community representatives have been meeting regularly on the subject of gang prevention and intervention, specifically how the coordinated delivery of services within areas of the community that experience significant juvenile delinquency could be improved toward preventing and/or intervening in gang affiliation. Representative participants in the meetings have included local healthcare, law enforcement, religious, school district, and social services.

On Thursday, May 5, 2011, a community-wide "Step Up" gang conference was conducted at the Porterville Church of the Nazarene, where the general public concerned with local gang activity could participate in gang awareness sessions. Given the relative success of the community-wide "Step Up" conference, as well as feedback received by the event participants, the Committee determined that smaller and more neighborhood-specific "Step Up" events would be helpful toward introducing the concept of coordinated services in identified neighborhoods.

The Committee has identified four (4) neighborhoods within the community that experience significant juvenile delinquency, and are planning toward mini-"Step Up" events over the next year in those areas. The first event is being planned for Thursday, September 15, 2011, at the Alder Apartments on Olive Avenue and Salisbury Street. The purpose of the event would be to introduce the coordinated services approach to their neighborhood, and through personal survey, how the respective community agencies can be of assistance in addressing areas of concern and/or needs. The other three (3) community areas of focus include the apartment complex at 293 E. Date Avenue, the apartment complex on Springville Avenue north of Lowe's, and the neighborhood to the east of the Porterville Municipal Golf Course.

RECOMMENDATION: None – Information Only
COUNCIL AGENDA: AUGUST 16, 2011

SUBJECT: FREEDOM FEST AND FIREWORKS SHOW REPORT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: This report provides a recap of the inaugural Freedom Fest Fireworks Show which was held Saturday, July 2, 2011. This event was a collaborative effort of the Tule River Tribe and the City of Porterville. A special thanks is in order for Mr. Dan Hackey of the Tribe for his assistance in planning the event, as well as the staff of the City and Tribe Police Departments, City Fire, Public Works and Parks & Leisure Services Department in producing the event.

An estimated crowd of more than 5,000 community members who attended this event enjoyed a wide range of activities, including the Kids' Zone, two live bands, a Civil War re-enactment, the big water spray from the fire truck, and of course, the spectacular fireworks display.

Financially, the City Council and the Tribal Council each contributed $15,000 to initiate the event. The fireworks display expense of $20,000 left a balance of $10,000 for other activities. The total expense of miscellaneous activities was $4,386, leaving a remaining balance of $5,614. The event generated revenue funds from parking, Kid's Zone ticket sales, vendors, and the dunk tank which totaled $8,314. The ending balance after expenditures combined with the generated revenue resulted in an ending balance of $13,928 on hand. This amount can be forwarded to next year's event, if it is the desire of the two Councils to begin planning toward holding a similar event next July.

RECOMMENDATION: That the City Council receive this report, and give staff direction toward planning a similar event for July 2012.

[Signatures and stamps]
SUBJECT: APPROVAL OF A RESOLUTION ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE FOR THE REDEVELOPMENT AGENCY PURSUANT TO THE REQUIREMENTS OF AB X1 26

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On August 2, 2011, the City Council adopted a draft Ordinance complying with the Voluntary Alternative Redevelopment Program (the “Ordinance”) to permit the continued existence and operation of the Redevelopment Agency established in Part 1.9 of Division 24 of the California Community Redevelopment Law (CRL) as added by AB X1 27. As the Council is aware, the companion bill, AB X1 26 provided for the statewide dissolution of all redevelopment agencies as of October 1, 2011, and provided that thereafter a successor agency would be established to administer the enforceable obligations of the Agency and otherwise wind up its affairs. As part of this wind up process, all redevelopment agencies are required to file a schedule of those “enforceable obligations” that require payments to be made through the end of the calendar year 2011 (“Enforceable Obligation Schedule”).

Even though the Council has taken action to continue the existence of Redevelopment, the Agency’s legal counsel is advising staff that the Agency should adopt the Enforceable Obligation Schedule as a precautionary measure in the event that AB X1 27 is determined to be invalid or AB X1 26 is interpreted to require the Agency to have adopted an Enforceable Obligation Payment Schedule notwithstanding the City’s enactment of the Ordinance.

RECOMMENDATION: That the Redevelopment Agency adopt the draft resolution adopting the Enforceable Obligation Payment Schedule.

ATTACHMENTS: 1. Draft Resolution

DD Appropriated/Funded ____________ CM ____________ ITEM NO. PRA-01
RESOLUTION NO. _______

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34169(g)

WHEREAS: The Porterville Redevelopment Agency ("Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, et seq. ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council of the City of Porterville; and

WHEREAS: The Agency is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Porterville Redevelopment Project No. 1 ("Redevelopment Project"); and

WHEREAS: The Agency is responsible for implementation of the Redevelopment Plan for the Redevelopment Project, and the Redevelopment Plan sets forth a plan for redevelopment of the Redevelopment Project consistent with the policies and standards of the General Plan of the City; and

WHEREAS: Parts 1.8, 1.85 and 1.9 of Division 24 of the CRL were added by Assembly Bill X1 26 ("AB X1 26") and Assembly Bill X1 27 ("AB X1 27"); and, together with AB X1 26, the, "2011 Redevelopment Legislation"), which laws purport to become effective immediately; and

WHEREAS: The 2011 Redevelopment Legislation is a part of multiple trailer bills to the FY 2011-2012 California budget bills that were approved by both Houses of the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

WHEREAS: Part 1.85 of the CRL, added by the 2011 Redevelopment Legislation ("Part 1.85"), provides for the statewide dissolution of all redevelopment agencies, including the Agency, as of October 1, 2011, and provides that, thereafter, a successor agency will administer the enforceable obligations of the Agency and otherwise wind up its affairs, all subject to the review and approval of an oversight committee; and

WHEREAS: Part 1.8 of the CRL, added by the Redevelopment Legislation ("Part 1.8"), provides for the restriction of activities and authority of the Agency in the interim period prior to dissolution to certain "enforceable obligations" and to actions required for the general winding up of affairs, preservation of assets, and certain other goals delineated in Part 1.8; and

WHEREAS: As part of this wind up process, all redevelopment agencies are required to file a schedule of those "enforceable obligations" that require payments to be made through the end of the calendar year 2011 ("Enforceable Obligation Payment Schedule"); and

ATTACHMENT
ITEM NO. \

WHEREAS: The dissolution of the Agency would be detrimental to the health, safety, and economic well-being of the residents of the City and cause irreparable harm to the community, because, among other reasons, the redevelopment activities and projects made possible, implemented, and funded by the Agency are highly significant and of enduring benefit to the community and the City, and are a critical component of its future; and

WHEREAS: Part 1.9 of Division 24 of the CRL added by the 2011 Redevelopment Legislation ("Part 1.9") provides that a redevelopment agency may continue in operation if a city or county that includes a redevelopment agency adopts an ordinance ("Ordinance") agreeing to comply with and participate in the Alternative Voluntary Redevelopment Program established in Part 1.9 ("Program"); and

WHEREAS: Specifically, Parts 1.8 and 1.85 of Division 24 of the CRL, which include the Enforceable Obligation Payment Schedule requirement, will not apply to the Agency if the City enacts the Ordinance to participate in the Program;

WHEREAS: The City intends to adopt the Ordinance required by Part 1.9, in order to allow the Agency to continue in operation and performing its functions; and

WHEREAS: Subject to the contingencies and reservations set forth herein, the Agency nevertheless desires to adopt an Enforceable Obligation Payment Schedule and to amend it from time to time as necessary; and

WHEREAS: The Agency is aware that the validity, passage, and applicability of the 2011 Redevelopment Legislation is the subject of judicial challenge(s), including the action: California Redevelopment Association, et al v. Ana Matosantos, et al ("CRA Action"); and

WHEREAS: The Agency, by the adoption of this Resolution, desires to adopt the attached Enforceable Obligation Payment Schedule to ensure compliance with Parts 1.8 and 1.85 of the CRL, in the event Part 1.9 is determined to be invalid or Part 1.85 is interpreted to require the Agency to have adopted an Enforceable Obligation Payment Schedule notwithstanding the City’s enactment of the Ordinance; and

WHEREAS: The Agency has duly considered all other related matters and has determined that the Agency’s adoption of this Resolution and evaluation of participation in the Program are in the best interests of the City, and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1: The foregoing Recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

SECTION 2: Pursuant to CRL Section 34169, the Agency hereby adopts the Enforceable Obligation Payment Schedule attached hereto as Attachment No. 1, which is
incorporated herein. The attached Enforceable Obligation Payment Schedule is that
"Enforceable Obligation Payment Schedule" referred to in CRL Section 34169(g) and
shall be interpreted and applied in all respects in accordance with such section and the
CRL, to the fullest extent permitted by law; provided, the
Enforceable Obligation Payment Schedule shall only be applicable to and binding on the
Agency to the extent that Part 1.8 of the Agency is applicable to and binding on the
Agency. To the extent that Part 1.8 is not applicable to or binding on the Agency,
whether because of the City’s enactment of the Ordinance, invalidity of AB X1 26, or for
any other reason, the Enforceable Obligation Payment Schedule shall not be binding on
or control the Agency’s payments on or performance of its obligations.

SECTION 3: The Agency Executive Director is hereby authorized and directed
to evaluate potential amendments to the Enforceable Obligation Payment Schedule from
time to time as may be appropriate, and to recommend to the Agency Board the adoption
of those amendments as may be necessary for the continued payment on and performance
of enforceable obligations.

SECTION 4: The Agency Executive Director is further authorized and directed
to post the Enforceable Obligation Payment Schedule on the Agency website and to
notify the county auditor, the State Department of Finance, and the Controller of the State
concerning this Resolution, the Enforceable Obligation Payment Schedule, and its online
publication.

SECTION 5: This Resolution shall in no way be construed as requiring the City
or Agency to abide by the 2011 Redevelopment Legislation in the event either, or both,
bills are found unconstitutional or otherwise legally invalid in whole or in part, nor shall
this resolution effect or give rise to any waiver of rights or remedies the City or Agency
may have, whether in law or in equity, to challenge the 2011 Redevelopment Legislation.
This Resolution shall not be construed as the City’s or Agency’s willing acceptance of, or
concurrency with the 2011 Redevelopment Legislation, either AB X1 26 or AB X1 27;
nor does this Resolution evidence any assertion or belief whatsoever on the part of the
City or Agency that the 2011 Redevelopment Legislation is constitutional or lawful.

SECTION 6: The Agency Secretary shall certify to the adoption of this
Resolution.

APPROVED AND ADOPTED this ___ day of August, 2011.

By: ______________________

Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

______________
Patrice Hildreth, Chief Deputy City Clerk
## ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

**Per AB 26 - Section 34167 and 34169 (*)**

<table>
<thead>
<tr>
<th>Project Name / Debt Obligation</th>
<th>Payee</th>
<th>Description</th>
<th>Total Outstanding Debt or Obligation</th>
<th>Total Due During Fiscal Year</th>
<th>Payments by month</th>
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<td>Aug**</td>
<td>Sept</td>
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<tr>
<td>1</td>
<td>2008 Tax Allocation Bonds Series A</td>
<td>US Bank</td>
<td>Bonds issued to fund non-housing projects</td>
<td>8,297,260.00</td>
<td>325,975.00</td>
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<td>2008 Tax Allocation Bonds Series B</td>
<td>US Bank</td>
<td>Bonds issued to fund non-housing projects</td>
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<td>184,979.00</td>
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<td>2008 Tax Allocation Bonds Series C</td>
<td>US Bank</td>
<td>Bonds issued to fund housing projects</td>
<td>2,871,165.00</td>
<td>90,285.00</td>
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<td>2008 Tax Allocation Bonds Series D</td>
<td>US Bank</td>
<td>Bonds issued to fund housing projects</td>
<td>1,688,879.00</td>
<td>56,321.00</td>
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<td>5</td>
<td>Rural Eco. Dev. Infrastructure Prog.</td>
<td>St. of Calif Dept of Commerce</td>
<td>Loan for Infrastructure</td>
<td>153,266.00</td>
<td>27,872.00</td>
<td>$116,405.00</td>
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<td>6</td>
<td>City Loan entered into 3/10/11</td>
<td>City of Porterville</td>
<td>Loan for Public Works (paid in June of each yr)</td>
<td>3,846,223.00</td>
<td>150,000.00</td>
<td>$116,405.00</td>
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<td>7</td>
<td>City Loan entered into 6/21/11</td>
<td>City of Porterville</td>
<td>Loan for Administration and Operation of the</td>
<td>495,000.00</td>
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<td>$116,405.00</td>
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<td>8</td>
<td>Agency $165,000 each year for three years</td>
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<td>$116,405.00</td>
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<td>9</td>
<td>(to be paid back when funds are available)</td>
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<td>$116,405.00</td>
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<tr>
<td>10</td>
<td>Housing Employee Cost</td>
<td>Employees of Agency</td>
<td>Payroll for employee</td>
<td>80,416.00</td>
<td>80,416.00</td>
<td>$116,405.00</td>
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<td>11</td>
<td>2008 Tax Allocation Bond Admin.</td>
<td>US Bank</td>
<td>Administration of bonds</td>
<td>3,650.00</td>
<td>3,650.00</td>
<td>$116,405.00</td>
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<td>$116,405.00</td>
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</table>

| Totals - This Page | $22,774,871.00 | $869,495.00 | $5,035.00 | $5,035.00 | $5,035.00 | $263,137.05 | $18,971.00 | $207,213.00 |
| Totals - Page 2 | $22,774,871.00 | $869,495.00 | $5,035.00 | $5,035.00 | $5,035.00 | $263,137.05 | $18,971.00 | $207,213.00 |
| Totals - Page 3 | $22,774,871.00 | $869,495.00 | $5,035.00 | $5,035.00 | $5,035.00 | $263,137.05 | $18,971.00 | $207,213.00 |
| Totals - Page 4 | $22,774,871.00 | $869,495.00 | $5,035.00 | $5,035.00 | $5,035.00 | $263,137.05 | $18,971.00 | $207,213.00 |
| Totals - Other Obligations | $22,774,871.00 | $869,495.00 | $5,035.00 | $5,035.00 | $5,035.00 | $263,137.05 | $18,971.00 | $207,213.00 |
| Grand total - All Pages | $22,774,871.00 | $869,495.00 | $5,035.00 | $5,035.00 | $5,035.00 | $263,137.05 | $18,971.00 | $207,213.00 |

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.) If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.