Call to Order
Roll Call

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

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

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

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

Pledge of Allegiance Led by Council Member Brian Ward
Invocation

**PROCLAMATIONS**
National Library Card Sign Up Month – September 2011
Filipino-American Cultural Week

**PRESENTATIONS**
Employee of the Month – Tonya Hall
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.


2. Acceptance of Project – Sports Complex Lighting Project
Re: Considering acceptance of the project from G & S Electric, and authorizing the filing of the Notice of Completion for the project consisting of the installation of a power service cabinet, conduit, four (4) light standards and related appurtenances at the Sports Complex.

3. Agreement with Porterville Youth Football League for Facility Use and Maintenance
Re: Considering approval of an agreement between the City and Porterville Youth Football League for the utilization and maintenance of designated park space at the Sports Complex.

4. Information of the Purchase of Water Shares and/or Surface Water for Ground Water Recharge
Re: An informational report regarding the purchase of Pioneer Water Company shares, which was authorized by the Council on August 25, 2011.

5. Authorize Staff to Act on Behalf of the City of Porterville for the Purpose of Obtaining Financial Assistance by the Public Transportation Modernization, Improvement, and Service Enhancement Account
Re: Considering approval of a resolution in support of the proposed authorized agents as required by the California Department of Transportation for the purpose of administering and distributing PTMISEA funds.

6. Scheduling of Study Session Regarding Coordinated Community Services (“Step Up”) Efforts
Re: Scheduling a study session for October 11, 2011 for the purposes of defining roles and resources relative to gang prevention and intervention.

7. Airport Dry Farm Lease Amendment
Re: Considering approval of an amendment to the Lease Agreement between the City of Porterville and Jeff Sheets of J.C. Sheets Farming for dry farming at the Porterville Municipal Airport.
8. Approval for Community Civic Event – Fathers Against Drunk Driving and Porterville Iglesia Del Nazareno Third Annual Walk-a-thon and BBQ
   Re: Considering approval of an event to take place at Veteran’s Park on Saturday, September 10, 2011, from 10:00 a.m. to 3:00 p.m.

9. Approval for Community Civic Event – Central California Family Crisis Center’s Annual Candlelight Vigil for Domestic Violence, October 15, 2011
   Re: Considering approval of an event to take place at Veteran’s Park on Saturday, October 15, 2011, from 2:00 p.m. to 8:00 p.m.

10. Approval for Community Civic Event – WildPlaces Great Sierra River Clean Up
    Re: Considering approval of an event to take place along the pathways and river banks west of Jaye Street towards Westwood Street and east of Jaye Street toward Main Street on Saturday, September 17, 2011, from 8:00 a.m. to 1:00 p.m.

11. Review of Local Emergency Status
    Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8690 of the California Emergency Services Act.

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

SCHEDULED MATTERS

    Re: Consideration of a cost benefit analysis regarding the replacement of existing median island grass with artificial turf.

13. Street Self Performance & Equipment Purchases
    Re: Consideration of the purchase of specialized equipment for the purpose of more efficiently utilizing dedicated street funds.

14. Consideration of Forming a Community Facilities District(s) for Neighborhood Street Maintenance
    Re: Consideration of the formation of Community Facilities District(s) to fund neighborhood street maintenance programs.

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 20, 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.
SPECIAL MEETING  
CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
AUGUST 25, 2011, 12:00 P.M.

Called to Order at 12:00 p.m.  
Roll Call:  Council Member Ward (arrived at 12:03 p.m.), Council Member Shelton, Council Member McCracken, Vice Mayor Hamilton, Mayor Irish

Without objection the Pledge of Allegiance and invocation were skipped.

ORAL COMMUNICATIONS  
None

SCHEDULED MATTER

1. AUTHORIZATION TO PURCHASE WATER SHARES AND/OR SURFACE WATER FOR GROUND WATER RECHARGE

Recommendation:  That the City Council authorize the Public Works Director at his discretion to:

1. Purchase surface water for recharge; and

2. Purchase or bid on PWC shares.

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

Council Member Shelton inquired about the volume of water in a share, as well as the value. The Council then discussed whether they were able to authorize staff to purchase surface water and PWC shares in the future if a cap was placed on the amount to be spent. City Manager Lollis suggested that staff provide a follow up item on the next regular agenda to inform the Council of the outcome, and explore future authorization.

COUNCIL ACTION:  
M.O. 01-082511  
MOVED by Council Member Ward, SECONDED by Mayor Irish that the City Council authorize the Public Works Director at his discretion to purchase surface water for recharge; and purchase or bid on PWC shares. The motion carried unanimously.

Disposition:  Approved.

ORAL COMMUNICATIONS

– Barry Caplan, stated that he had received 23 hours notice of the meeting, and that it was unclear why the items on the Agenda qualified for a special meeting of the Council; requested that the Closed Session item be postponed to allow for 72 hours notice; and expressed concerns that the storage capacity for Council Member e-mail was inadequate and should be increased to prevent e-mails from bouncing back.

OTHER MATTERS

None

The Council reconvened in Closed Session at 12:12 p.m.
CLOSED SESSION

A. Closed Session Pursuant to:

The Council reconvened in open session at 12:35 p.m., and it was reported that no reportable action had taken place during Closed Session.

ADJOURNMENT

The Council adjourned at 12:36 p.m. to the meeting of September 6, 2011 at 5:30 p.m.

SEAL

Luisa Herrera, Deputy City Clerk

Ronald L. Irish, Mayor

Page 2 of 2
Called to Order at 5:31 p.m.
Roll Call: Council Member Ward, Council Member Shelton, Council Member McCracken, Vice Mayor Hamilton (arrived during Closed Session), Mayor Irish

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.
   6- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew stated that no reportable action had taken place.

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

PROCLAMATIONS
National Baseball Hall of Fame Inductee – Doug Harvey
PRESENTATIONS
Employee of the Month – Linda Clark
Employee Service Awards

REPORTS
Mayor Irish invited Sesquicentennial Committee representatives to address the Council if they wished to do so.

- Monte Reyes, 44 South Park, reported to the Council that the Sesquicentennial Committee had identified activities.
- Rick Elkins, requested that Item No. 24a be continued to the next meeting to allow the Sesquicentennial committee additional time to gather information for presentation to the Council.

- Council Member Shelton reported: 1) that he had attended Read Across America, the Gang Summit, and Cadet Corps Drill Competition; 2) he met with the Tule River Tribal Council regarding a possible community Fireworks Show to be co-sponsored by the Tribe and the City, and requested that an item be added to a future agenda for consideration; 3) spoke about Bill Horst history talks at the museum; and 4) asked Council Member McCracken to update everyone about Mosquito Abatement.
- Council Member McCracken reported on the results of polling regarding the issue of Mosquito Abatement and indicated that the interest was less than the 60% required to proceed with formation of a district.
- Council Member Ward stated that there was a Gang Intervention Committee meeting on March 16th, at noon in the Police Department Briefing Room.

Emergency Item: THE TEMPORARY VOLUNTARY DONATION OF PAID LEAVE FOR FIRE SERIES EMPLOYEE

Council Member Hamilton introduced the item. City Attorney Lew advised that the request arose subsequent to the posting of the Agenda and required action prior to the next meeting.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve the addition of The Temporary Voluntary Donation of Paid Leave for Fire Series Employee to the evening’s Agenda. The motion carried unanimously.

Disposition: Emergency Item added.

City Attorney Lew then read the title of the item added to the Agenda for those in attendance, and the staff report was presented by City Manager Lollis.
ORAL COMMUNICATIONS

- Larry Lucketta, W. Putnam Avenue, spoke in favor of the use of gold and silver as an additional means of exchange for goods and services.
- Greg Woodard, 1055 W. Morton Avenue, requested the opportunity to speak in support of Item No. 19; spoke of the benefits to Riverwalk, citizens, and the city; and provided a hard copy of written comments.
- Ellen Nichols, 456 N. Hawaii Street, requested information regarding the Environmental Impact Report (EIR), including studies referenced in the report.
- Curtis Rogers, 21990 Ave. 168, Porterville Patriots Tea Party representative, offered suggestions for the naming of City conference rooms; spoke in opposition to Item No. 18; and requested that the Fireworks ordinance be reconsidered due to the physical absence of Vice Mayor Hamilton.
- Rhonda Zelis, 1715 Bel Aire Avenue, commended the Council for allowing public comment regarding the Wal-Mart EIR, and voiced her support of the project.
- Boyd K. Leavitt, Porterville resident, spoke in support of the Wal-Mart Company.
- Genie Rogers, stated that community veterans and public safety officers were also deserving of being considered when naming City conference rooms.
- Nikki Edwards, 13096 Road 208, provided an update on animal control services; lauded the efforts of City staff, in particular Augie Gonzalez; and spoke in favor of an animal shelter in town.
- Augie Gonzalez, 635 Salisbury Street, Chairman of the Iris Festival Committee, thanked Ms. Edwards for her comments; and spoke about the success and notoriety of the event and requested Council approval of Item No. 17.
- Paul Saldana, President of the Economic Development Corporation of Tulare County, thanked the Council for consideration of Item No. 14; and spoke in support of the Wal-Mart project.
- Bob Nuckols, 13144 Road 216, requested the opportunity to speak during consideration of Item No. 21.
- Mary McClure, 23149 Joseph Court, requested that the Council pull Item No. 11.
- Rick Perrigo, Terra Bella resident, requested permission to comment during Item No. 21.
- Lisa Day, 2492 W. Nancy Avenue, spoke against the 250’ requirement in Ordinance 1776, which would directly affect her non-profit’s booth.
- Donnette Silva Carter, indicated that there were members of the Leadership Porterville class in attendance to fulfill a curriculum requirement.
- Michael Gutierrez, introduced himself as an employee of the Employment Connection and a member of the Leadership Porterville Class of 2011.
- Philip Slater, introduced himself as an employee of Union Bank of California and a member of the Leadership Porterville Class of 2011.
- Donnie Moore, Leisure Services Superintendent, introduced himself as a member of the Leadership Porterville Class of 2011, and spoke about the class’ fundraising project, Corporate Games.
- Kimberly Tillery, wife of firefighter Clyde Tillery, requested approval of the emergency item added to the Agenda.

The Council recessed for ten minutes at 8:01 p.m.

CONSENT CALENDAR
Items 3, 4, 11, 12, 14 and 17a were pulled for discussion.


Documentation: Minute Order 02-031511

Disposition: Approved.

2. LEAVE TO FILE LATE CLAIM – BANUELOS

Recommendation: That the City Council deny said request for leave to file late claim; and direct the City Clerk to notice claimant of the Council’s determination.

Documentation: Minute Order 03-031511

Disposition: Approved.

5. TRANSIT CLAIM – KARI BEEBE

Recommendation: That the City Council reject said claim; refer the matter to the City’s transit insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: Minute Order 04-031511

Disposition: Approved.

6. TRANSIT CLAIM – TINAMARIE CASTRO

Recommendation: That the City Council reject said claim; refer the matter to the City’s transit insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: Minute Order 05-031511

Disposition: Approved.

7. TRANSIT CLAIM – CHRISTINA MARTINEZ

Recommendation: That the City Council reject said claim; refer the matter to the City transit insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: Minute Order 06-031511

Disposition: Approved.
8. TRANSIT CLAIM – CARLOS HURTADO

Recommendation: That the City Council reject said claim; refer the matter to the City’s transit insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: Minute Order 07-031511
Disposition: Approved.

9. TRANSIT CLAIM – NATHANIEL HURTADO

Recommendation: That the City Council reject said claim; refer the matter to the City’s transit insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: Minute Order 08-031511
Disposition: Approved.

10. AUTHORIZATION TO ADVERTISE FOR BIDS – DEMOLITION PROJECT – JAYE STREET RESIDENTIAL UNIT

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.

Documentation: Minute Order 09-031511
Disposition: Approved

13. AUTHORIZATION TO SELL PROPERTY TO THE STATE OF CALIFORNIA

Recommendation: That the City Council:
1. Adopt the resolution approving the sale of .36 acres, located generally at the southwesterly corner of Murry Street and Garden Avenue to the State of California;
2. Approve the Grant of Easement for ingress, egress, and parking on the Pioneer Ditch easement area;
3. Authorize the Mayor to sign all document to complete the transaction; and
4. Authorize a budget appropriation to utilize the proceeds from the transaction to offsets costs for the release of 25-acres airport land from the Federal Aviation Administration.

Documentation: Resolution Nos. 09-2011 and 10-2011
Disposition: Approved.

15. APPROVAL OF SPORTS COMPLEX CONCESSION LICENSE
Recommendation: That the City Council approve the concession license with AYSO and the concession license with South Valley Chivas, and authorize and direct the Mayor to execute the same.

Documentation: Minute Order 10-031511
Disposition: Approved.

16. AGREEMENT WITH BURTON SCHOOL DISTRICT FOR AUTHORIZATION TO IMPLEMENT ROTATING COLLECTION OF CITY LIBRARY MATERIALS

Recommendation: That the City Council approve the agreement with Burton School District.

Documentation: Minute Order 11-031511
Disposition: Approved.

17. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE IRIS FESTIVAL, APRIL 16, 2011

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in application, agreement and exhibit “A” of the Community Civic Event forms.

Documentation: Minute Order 12-031511
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1, 2, 5 through 10, 13, and 15 through 17.

3. CLAIM – FERNANDO MARTINEZ

Recommendation: That the City Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. City Attorney Lew advised that the Council address Item Nos. 3 and 4 in Closed Session since extensive discussion could occur.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council approve addressing Item No. 3 in Closed Session.

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

Disposition: Approved.

4. CLAIM – MICHAEL SMITH

Recommendation: That the City Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish
M.O. 13-031511 that the City Council approve addressing Item No. 4 in Closed Session.

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

Disposition: Approved.

11. AMENDMENT OF DEE JASPAR AND ASSOCIATES SERVICE AGREEMENT FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE MARTIN HILL AND ROCKY HILL WATER RESERVOIR PROJECTS

Recommendation: That the City Council:
1. Authorize the Mayor to execute an Amendment to Dee Jaspar & Associates Service Agreement at an agreed fee of $33,000 for the services described herein; and
2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen costs.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member McCracken provided clarification regarding the purpose of the item, and Vice Mayor Hamilton indicated that he had spoken to Ms. McClure during the recess.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council permit Mary McClure to comment.

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

- Mary McClure, address on record, voiced her opposition to the proposed construction management and inspection services; and stated that City staff should be capable of providing the services.
At the City Manager’s request, the Public Works Director spoke about the technical nature of the services and the amount of the work required for the project, which he indicated would pull City staff away from other projects.

Council Member Shelton spoke in opposition of the use of consultants, and argued that the work could be done in-house. Public Works Director Rodriguez indicated that the complexity of the project would likely take a considerable amount of staff time, which in the end may not result in cost savings. Mr. Rodriguez added that amending an existing agreement to include the proposed services provided some cost savings.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council authorize the Mayor to execute an Amendment to Dee Jaspar & Associates Service Agreement at an agreed fee of $33,000 for the services described herein; and authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen costs.

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

Disposition: Approved.

12. IMPLEMENTATION OF THE ADA COMPLAINT PROCEDURE AND DESIGNATION OF ADA COORDINATORS

Recommendation: That the City Council:
1. Approve the ADA Complaint Procedure and utilize the City’s current claim form to document ADA-related complaints; and
2. Designate the Administrative Services Manager and Public Works Director as ADA Coordinators.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. City Attorney Lew indicated that the item was the product of new Caltrans policies, and was not relative to the City’s compliance with the ADA.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the ADA Complaint Procedure and utilize the City’s current claim form to document ADA-related complaints; and designate the Administrative Services Manager and Public Works Director as ADA Coordinators. The motion carried unanimously.

Disposition: Approved.
14. APPROVAL OF A RESOLUTION IN SUPPORT OF THE ENTERPRISE ZONE PROGRAM

Recommendation: That the City Council approve a resolution in support of the Enterprise Zone Program.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. The City Manager addressed questions from Council Member Shelton regarding the purpose of the Enterprise Zone Program and whether any costs were associated.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve a resolution in support of the Enterprise Zone Program.

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

Disposition: Approved.

17a. 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.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. City Manager Lollis indicated that the item had to remain on the Agenda in order for the City to remain eligible for funding.

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

Disposition: Approved.

HEARING
18. RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF A PORTION OF PROPERTY (55,590 SQ. FT.) LOCATED AT APN 259-050-025,
OWNER ESTATE/INTEREST OF DOROTHY JUE MOE – FOR THE PROPOSED WIDENING AND IMPROVEMENT OF NEWCOMB STREET

Recommendation: That the City Council:
1. Hear testimony from the owners and/or their representative(s);
2. Adopt the draft Resolution of Necessity; and
3. Authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

City Manager Lollis introduced the item, and City Attorney Lew presented the staff report.

The public hearing opened at 8:54 p.m.

City Attorney Lew indicated that written communication had been received from Corridor Group LLC. The letter, received via Certified mail and dated March 8, 2011, read as follows:

Dear City Council:

We are unable to appear in person at the above reference hearing of the City Council, but wish to state our objections in writing to be considered at the hearing. Our objections are as follows:

1. A copy of Government Code Section 7267.2 (a) was not attached to the Notice dated 2/25/2011 as stated in said Notice paragraph 2(d), nor was it attached to any other documentation we received from City or its agents. We never received a copy of said Code Section.

2. The offer and statement/summary basis for the amount established as just compensation did not comply with Government Code Section 7267.2 (a) because said summary did not contain all of the factual information as stated in the above-referenced Notice. Said summary contained incorrect facts and omitted other facts:

- In said summary reports and appraisals dated 4/4/2010 (see Appraisal page 14) and 8/12/2010 (see Appraisal photo page 12), it is stated that there is a non-operational well located on the property to be taken. This statement is not correct. The well is, in fact, operational.

- Furthermore, said summary reports and appraisals omit the fact that there are extensive water control/diversion systems and water piping improvements located on the property to be taken.

- Said extensive water control/diversion systems, water piping improvements, well, electrical breaker box, meter and poles (see Appraisal photos of the well, electrical breaker box, meter and poles pages 13-14) work together and are essential to the property and shall need to be restored and replaced in another location on the property if removed. These improvements represent the livelihood of the property
and removing them will do irreparable harm to the property.

4. The current owner Corridor Group LLC is not named in the Notice.

We respectfully request that you consider the above objections at the hearing on the Resolution of Necessity.

Very truly yours,

D. Moe
Corridor Group, LLC

City Attorney Lew noted that the name Corridor Group LLC was not listed on the preliminary title report, and indicated that she would follow up to see if the resolution would need to be amended to reflect a change. She added that Government Code sections had to be cited but not provided; and commented on the property owner’s dispute over the valuation in price.

- Genie Rogers, inquired about the City’s need for the property, and voiced her opposition to government taking property from owners.
- Mary McClure, address on record, communicated her opinion that a bridge was needed before other street improvements were made.

The hearing was closed at 8:54 p.m.

The Council discussed the need for the project, and the estimated value of the property. Staff addressed questions regarding the value of the improvements, the project funding, and the appraisal.

Mayor Irish requested that the Council be afforded more time to consider these types of items in the future.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council adopt the Resolution of Necessity; and authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville. The motion carried unanimously.

Disposition: Approved.

The Council recessed for ten minutes at 9:13 p.m.

At Vice Mayor Hamilton’s request, the Public Works Director spoke about a possible easement on the property which may be owned by a ditch company; and indicated that he would be looking into the matter further.

PUBLIC HEARINGS
Recommendation:  Informational only.

City Manager Lollis introduced the item, and the staff report was presented by City Planner Bill Nebeker.

The public hearing opened at 9:37 p.m.

• Jim Kusserow, Porterville High School Band Director, spoke in support of the Wal-Mart Corporation and their support of the community.

• Joey (last name inaudible), Executive Director of the Boys and Girls Club, spoke of his experience with Wal-Mart personnel, and the company’s financial generosity to non-profit organizations.

• Michelle Van Vliet, 994 N. Sycamore, voiced her support for the Wal-Mart project and their efforts to address environmental impacts. She also noted the company’s use of sustainability practices; and voiced her appreciation for their financial support of non-profit organization and the jobs they create.

• Augie Gonzalez, 635 Salisbury Street, spoke in support of the project, Wal-Mart’s contributions to the community, and job creation; and addressed possible threat to mom and pop stores.

• Fred Beltran, 368 E. Date Avenue, advocated the approval of the EIR on behalf of Comision Honorífica, LOVE I.N.C., Salvation Army and Toys for Tots; and noted that the environmental impact reported would occur if any store were to construct on the vacant lot.

• Melissa Fitton, 1190 E. Worth Avenue, spoke about the inconvenience of having to travel out of town to shop at a Super Wal-Mart; and spoke about the importance of job creation and being able to shop locally.

• Rudy (last name inaudible), 30 South ‘A’ Street, spoke in support of Wal-Mart, the jobs they create, their customer service, and their generosity to the community.

• Khris Saleh, 1206 W. Westfield, expressed concern with the EIR’s lack of information regarding the economic impact of the project, which he believed would negatively affect the community.

• Monte Reyes, Vice-Chair of the Porterville Chamber of Commerce Board, voiced the Chamber’s support of the project; and spoke about the job creation and sales tax revenues that a Super Wal-Mart would bring to Porterville.

• John Coffee, Porterville resident, expressed concern regarding the two lane bridge on Jaye Street, Wal-Mart’s Environmental Protection Act citations and labor law violations.

• Brock Neeley, Porterville resident, voiced his concern regarding grey water runoff, and inquired about the absence of a requirement for solar.

• Vine Dynes, retired Wal-Mart Distribution Center employee, spoke about her positive experience with Wal-Mart as an employer; the draw a Super Wal-Mart will have on surrounding communities; and noted that noise will be an issue with any construction in the area.

• Neil Smith, 55 N. Hockett, stated that he believed the EIR to be deficient because it did not address the economic impact of the project; and spoke of blight that would be caused by the project.

• Unidentified individual, stated that any money spent in town benefits the city.
• Kathy Taylor, voiced her support for the project.

The Mayor closed the public hearing at 10:05 p.m.

City Attorney Lew noted that Greg Woodard, Ellen Nichols, Rhonda Zellis, Boyd Leavitt, and Paul Saldana had made their comments during Oral Communications.

City Manager Lollis reported that written comments were also received from the following:

- Mr. Gary Giraudi submitted a letter dated March 14, 2011, expressing full support for the project.
- Mr. Richard Schwimmer submitted an undated letter in support of the project.
- Greg Woodard submitted a letter dated March 14, 2011, in support of the project EIR.
- Melissa Fitton submitted a letter dated March 15, 2011, supporting the EIR.
- Michele Van Vliet submitted a letter dated March 15, 2011, in support of the project.

Without objection, there was no Council discussion.

Disposition: No action required.

**EMERGENCY ITEM**

THE TEMPORARY VOLUNTARY DONATION OF PAID LEAVE FOR FIRE SERIES EMPLOYEE

Recommendation: That the City Council ratify the draft Memorandum of Understanding to create a Temporary Voluntary Donation of Paid Leave Program.

City Manager Lollis introduced the item.

**COUNCIL ACTION:** Moved by Council Member McCracken, Seconded by Vice Mayor Hamilton that the City Council ratify the draft Memorandum of Understanding to create a Temporary Voluntary Donation of Paid Leave Program. The motion carried unanimously.

Disposition: Approved.

**SECOND READINGS**

20. ORDINANCE 1776, FIREWORKS

Recommendation: That the City Council give Second Reading to Ordinance No. 1776, waive further reading, and adopt said Ordinance.

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

Council Member McCracken made a motion to amend the ordinance as follows: 1) Sec. 10
At the Council’s request, Fire Chief Garcia commented on the proposed amendments, and indicated that the 250’ had been recommended to address the issue of county booths within close proximity to city booths. The City Manager noted that 100’ was the minimum safety requirement.

Council Member Ward spoke in favor of a free market, and proposed that the Council not limit the amount of booths permitted within city limits. City Attorney Lew stated that the Council had previously expressed an interest in re-considering the booth lottery, and advised that it be considered at a later date. She expressed concern with making significant amendments to the ordinance, which had not yet been written up; and added that the lottery for this year had already taken place.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council amend the motion to replace existing Section 10 (Q) with language requiring a sign be placed at each booth pertaining to the fines specified in Section 13. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Shelton that the City Council approve First Reading of Ordinance 1776, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE, amended as follows: 1) Sec. 10 (A) Change 400’ to 100’; 2) Sec. 10 (Q) strike, and replace with “A sign will be displayed at each site providing for the fines as specified in Section 13.”; 3) Section 11 (B) strike, (C) to become (B) and change 250’ to 100’; waive further reading; and order the ordinance to print.

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

The City Manager read the ordinance by title only.

Disposition: Approved, as amended.

SCHEDULED MATTERS
21. RE-VISIT OF RECLAMATION AREA LEASE LAND ADJUSTMENT

Recommendation: That the City Council:
1. Adjust the Reclamation Area Lease to an annual amount of $77,454;
2. Authorize the Reimbursement of $18,072 for the pro-rated 17 previous
months to Rick Perrigo Roadsiding; and
3. Authorize the Mayor to sign the attached Amendment #1 to the lease agreement.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Rodriguez.

Without objection, the Mayor permitted public comment.

- Bob Nuckols, address on record, expressed concern regarding the acreage reduction; commented on the proposed adjustments, the use of gypsum; and spoke about salt content.
- Mary McClure, suggested that the City contact the Regional Water Board regarding the change in farmers.
- Rick Perrigo, spoke regarding the reduction of land, salt content, the use of gypsum, and the importance of non-crop acres to growers. He added that he was available for Council questions.

Council Member McCracken made a motion to approve the annual credit of $5,314 for the reduction of farmable acres, which died for lack of a second.

Council Member Ward MOVED to approve staff’s recommendation, which was SECONDED by Council Member Shelton.

Council Member McCracken MOVED to amend the motion by striking the increase maintenance cost of $200 per acre, which was SECONDED by Vice Mayor Hamilton. A discussion ensued regarding the initial bid including maintenance of all the land, and the added expense which resulted from the reduction in farmable acres.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve staff’s recommendation, as amended to strike $200 per acre for maintenance.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council adjust the Reclamation Area Lease to an annual amount of $77,454; authorize the Reimbursement of $18,072 for the pro-rated 17 previous months to Rick Perrigo Roadsiding; and authorize the Mayor to sign the attached Amendment #1 to the lease agreement.

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

Disposition: Approved.

Due to the lateness of the hour, Item Nos. 22 through 27 were continued to the meeting of April 5, 2011.

22. AMENDMENT TO ORDINANCE 1397 – FLOODPLAIN MANAGEMENT ORDINANCE

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council continue Item No. 22 to the Council Meeting of April 5, 2011. The motion carried unanimously.

Disposition: Item continued.

23. FEDERAL AVIATION ADMINISTRATION RELEASE OF NON-AERONAUTICAL LAND

Recommendation: That the City Council:

1. Adopt a Draft Resolution obligating the City to expend the proceeds of the sale of excess land at the Porterville Municipal Airport upon the airport within a five year period;

2. Authorize the City Manager and/or the Mayor to execute all necessary document; and

3. Approve a budget adjustment allocate the $169,740 to the Airport Security Fencing and Access Control Project.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council continue Item No. 23 to the Council Meeting of April 5, 2011. The motion carried unanimously.

Disposition: Item continued.

24. CONSIDERATION OF NAMING CITY CONFERENCE ROOMS

Recommendation: That the City Council consider the suggestions made in the naming of City conference rooms.

Disposition: Item continued.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member
M.O. 22-031511  McCracken that the City Council continue Item No. 24 to the Council Meeting of April 5, 2011. The motion carried unanimously.

24a. SESQUICENTENNIAL COMMITTEE REQUEST FOR CITY FINANCIAL SUPPORT OF CELEBRATION ACTIVITIES

Recommendation: As directed by Council.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council continue Item No. 24a to the Council Meeting of April 5, 2011. The motion carried unanimously.

Disposition: Item continued.

25. COUNCIL MEMBER REQUESTED AGENDA ITEM – MODIFICATION TO MUNICIPAL CODE REQUIRING IMPROVED AREAS FOR PARKING

Recommendation: As directed by Council.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council continue Item No. 25 to the Council Meeting of April 5, 2011. The motion carried unanimously.

Disposition: Item continued.

26. COUNCIL MEMBER REQUESTED AGENDA ITEM – MODIFICATION TO CITY PROJECT REVIEW COMMITTEE FEES

Recommendation: As directed by Council.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council continue Item No. 26 to the Council Meeting of April 5, 2011. The motion carried unanimously.

Disposition: Item continued.

27. COUNCIL MEMBER REQUESTED AGENDA ITEM – MODIFICATION TO CITY COUNCIL BUDGET FOR ACCOUNTING OF COUNCIL MEMBER EXPENDITURES

Recommendation: As directed by Council.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council continue Item No. 27 to the Council Meeting of April 5, 2011. The motion carried unanimously.
Disposition: Item continued.

**ORAL COMMUNICATIONS**
- Monte Reyes, address on record, lauded the efforts of Animal Control staff and stated that a community’s treatment of animals was a reflection of their civility.

**OTHER MATTERS**
- Council Member Ward requested that an item be placed on the agenda regarding temporary street vendors.
- Council Member Shelton requested that an item be added to discuss a community firework show, and spoke of upcoming community events.

The Council recessed for five minutes at 11:13 p.m., and reconvened in Closed Session.

**CLOSED SESSION**
It was reported that the following action had taken place:

3. CLAIM – FERNANDO MARTINEZ

Recommendation: That the City Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the claimant proper notification. The motion carried unanimously.

Disposition: Approved.

4. CLAIM – MICHAEL SMITH

Recommendation: That the City Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the claimant proper notification. The motion carried unanimously.

Disposition: Approved.

**ADJOURNMENT**
The Council adjourned at 12:00 a.m. to the meeting of April 5, 2011 at 5:30 p.m.
COUNCIL AGENDA: SEPTEMBER 6, 2011

SUBJECT: ACCEPTANCE OF PROJECT – SPORTS COMPLEX LIGHTING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: G&S Electric has completed the Sports Complex Lighting Project per plans and specifications. The project consisted of the installation of a power service cabinet, conduit, four (4) light standards and related appurtenances at the City of Porterville Sports Complex located at 2701 W. Scranton Avenue.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council's direction, staff has commenced with the reporting of project construction expenditures. On June 28, 2011, City Council authorized an expenditure of $75,132.95 for construction, construction management and quality control services for the Sports Complex Lighting Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $71,205.71

2) Construction management and quality control costs are $4,643.77, which is 7% of the awarded construction contract. This amount is greater than the 5% construction management and quality control amount requested at time of award. Due to importance of assuring project schedule, special communications with Southern California Edison and the FAA were required for power installation and cut over. The $716.53 overage was unavoidable due to these necessary requirements.

Total project construction costs equate to $75,849.48, which is $716.53 more than the $75,132.95 overall budget approved by Council at the time of award.

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

G&S Electric requests that the City accept the project as complete. Staff reviewed the work and found it to be acceptable.

RECOMMENDATION: That the City Council:

1. Accept the project as complete;

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

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

ATTACHMENT: Locator Map

P:\pub\workoffice\Gen\Council\Acceptance of Project - Sports Complex Lighting Project - 2011-09-06.doc

Dir Appropriated/Funded CM Item No.
COUNCIL AGENDA: September 6, 2011

SUBJECT: AGREEMENT WITH PORTERVILLE YOUTH FOOTBALL LEAGUE FOR FACILITY USE AND MAINTENANCE

SOURCE: PARKS AND LEISURE SERVICES

COMMENT: The City Council authorized staff to form an agreement with Porterville Youth Football League for the utilization and maintenance of the fields. The agreement provides a sharing of maintenance, the responsibility of insurances and reimbursements.

PYFL will have exclusive use of the designated park space during the football season, July through December. In return of the exclusive usage during football season PYFL has committed to fund and construct a restroom facility in compliance with the park's Master Plan within the term of the agreement.

The agreement has a five (5) year term, beginning September 7, 2011, through December 31, 2015.

RECOMMENDATION: That the City Council approve the Agreement and direct the City Manager to execute same.

ATTACHMENT: Agreement
PORTERVILLE SPORTS COMPLEX
FACILITY USE AND MAINTENANCE AGREEMENT
BETWEEN CITY OF PORTERVILLE AND PORTERVILLE YOUTH FOOTBALL LEAGUE

SEPTEMBER 2011

Recognizing the value to the community of sharing facilities, the following Agreement has been adopted by the City of Porterville ("City") and the Porterville Youth Football League ("PYFL"). The agreement establishes policies regarding the use and lighting of the open park space located at 2701 W. Scranton Avenue.

Terms and Termination

This Agreement shall be for five years beginning September 7, 2011, and ending December 31, 2015. Each year, the PYFL shall file an “Application Use of City Facilities” with the City of Porterville. Parks and Leisure Services Department ("Department"). The application shall be reviewed annually by both parties, and may be amended or terminated upon mutual consent. PYFL shall have the option to enter into an additional five (5) year agreement under the terms and conditions below commencing on the expiration date specified above with mutual agreement of both parties. PYFL has the intent and commitment within the term of the agreement to fund and construct a restroom/snack bar facility in exchange for the exclusive use of the lights and designated area during their season.

Rights and Responsibilities of the PYFL

1. Upon approval of the “Application for Use of City Facilities”, all affected PYFL Board personnel and/or coaches shall attend a pre-season organizational meeting with ‘City staff to discuss specific operational duties and responsibilities.

2. PYFL shall have exclusive use of the designated park space during the scheduled football season, July through December.

3. The PYFL shall be responsible for maintaining the facilities in good playing condition during the scheduled playing period. Maintenance and responsibilities shall include:

   a. Trimming the designated area on a weekly basis, or as needed year-round.
   b. Maintaining and filling in area, as necessary, with proper material throughout course of the season.
   c. Maintaining the storage facility.
   d. Maintaining bleacher area in good order and free of litter. Cleaning the bleacher area after each game.
   e. Installing goal posts, and portable bleachers prior to each season and removal at the completion of the season.
   f. Make repairs and corrections to miscellaneous items not in proper working condition.
   g. Repairing damage to designated area of whether or not a result of PYFL programs during the season.
   h. Providing off-season maintenance to the facilities, provided equipment remains on premises.
i. Providing the necessary maintenance equipment and supplies to accomplish all the above tasks - hoses, couplers, edgers, blowers, rakes, shovels, etc.

j. At no time shall vehicles or maintenance vehicles be permitted on turf areas except in the performance of necessary maintenance duties, without permission of the Parks and Leisure Services staff.

4. PYFL staff shall be responsible for providing all related supplies and equipment such as goal posts, bleachers, scoreboards, and other miscellaneous items that may be required.

5. PYFL staff shall provide the public address system, announcer, scoreboard operator, and pre-game set-up.

6. Upon City approval of concession stand site, PYFL shall provide all supplies and materials to operate a concession stand.

7. At no time concession vehicles are permitted on turf areas or on restricted maintenance roads unless approval has been granted by the Department.

8. After the completion of each game and practice, PYFL staff shall be responsible for clean up of all debris in a timely manner and locking all gates when necessary and storage areas.

9. PYFL shall contact Department Director, Leisure Services Superintendent, and/or Parks Superintendent before installing improvements relative to the program such as signs, field improvements, electrical improvements, etc.

10. Roundup or equal herbicide is not allowed to be sprayed on turf.

11. All concerns or request for routine, additional or special maintenance needs are to be directed to the Parks Superintendent. Superintendent may be reached through the Parks & Leisure Services office at 782-7536 or Parks Division at 782-7519.

12. Department staff shall be notified if at any time entrance fees or donations are to be collected.

13. If PYFL should make substantial improvements to the facility, upon termination of this Agreement, City shall determine disposition of these improvements. If the City determines that some or all of the improvements are to be removed, PYFL at its own expense shall remove them in a timely manner and return the facility to its original condition. Otherwise, all improvements shall remain City property.

14. PYFL shall make repairs and corrections to miscellaneous items not in proper working condition. Field markings must be painted, chemically sprayed is prohibited.

15. PYFL shall provide storage facilities for program related supplies and equipment, additional portable restroom facilities as needed approved by the City.

16. All games and practices must be scheduled during normal park hours (6 am to 10 pm).
PYFA Reimbursement for Services

The PYFL shall reimburse the City of Porterville for the costs of maintenance and operation attributable to PYFL program related activity. Those costs shall include but not be limited to, the following services:

1. Utility Demands and Maintenance: The PYFL shall be responsible for cost of lighting, and maintenance costs for these services.
   a. Any future lighting fees shall be billed based on the amount of actual use times at a per hour charge. That charge is set annually by the City Parks and Leisure Services Commission with input from City staff based on actual costs from Southern California Edison.

2. City personnel costs accrued for any maintenance performed, with the exception of mowing the main turf area.

3. Providing restroom maintenance and supplies.

4. Damage caused regardless of whether or not a result of the PYFL programs, for the maintenance and repairs of their equipment.

5. Miscellaneous materials or supply costs.

Insurance Requirements for PYFL using open space

PYFL must procure and maintain for the duration of the activity for which parkland has been reserved against claims for injuries to persons or damages to property which may arise from or in connection with PYFL operation and use of City parkland use. The cost of such insurance shall be borne by PYFL.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
2. Property insurance against all risks to loss to any tenant improvements or betterments.

Minimum Limits of Insurance

PYFL shall maintain limits no less than $1,000,000 per occurrence for bodily injury, personal injury property damage and product liability. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
**Other Insurance Provisions**

The general liability policy is to contain, or be endorsed to contain, the following provisions:

1. The City, its officers, officials, employees and volunteers are to be covered as additional insured with respect to liability arising out of ownership, maintenance or use of that part of the premises leased or rented to the lessee.

2. PYFA insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Applicant’s insurance and shall not contribute with it.

3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled, except after thirty (30 days’) prior written notice by certified mail, return receipt requested, has been give the City.

**Acceptability of Insurers**

Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A:VII.

**Verification of Coverage**

PYFL shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by PYFL insurance carriers. *All certificates and endorsements must be received and approved by the City before the activity commences.* The City reserves the right to require complete, certified copies of all required insurance policies including endorsements effecting the coverage required by the these specifications at any time.

Porterville Youth Football League ("PYFL")

__________________________________________________________________________

Board Chairperson 

Date

__________________________________________________________________________

Board Treasurer PYFA

Date

__________________________________________________________________________

John Lollis, City Manager

Date

ATTEST:

__________________________________________________________________________

Deputy City Clerk of the City of Porterville
SUBJECT: INFORMATION ON THE PURCHASE OF WATER SHARES AND/OR SURFACE WATER FOR GROUND WATER RECHARGE

SOURCE: PUBLIC WORKS - FIELD SERVICES DIVISION

COMMENT: At the August 25, 2011 special Council meeting, the Council authorized the Public Works Director, at his discretion, to purchase surface water for ground water recharge and purchase or bid on Pioneer Water Company (PWC) shares. It was reported at this meeting that two (2) shares of PWC were immediately available. Council directed Staff to present a follow up item at the next Council meeting.

With Council direction, the Public Works Director bid on and successfully purchased two (2) additional shares of PWC for $3,250 each from Roger D. and Gina M. Wright at 27426 Avenue 150, Porterville. This brings our total shares in PWC to 453 or approximately 12.58% of total PWC shares.

The City Water Fund has $50,000 available this year for water purchases of this nature. The City Attorney affirms the ability of the Council to authorize the Public Works Director to make such transactions for the remainder of the fiscal year. Staff will prepare a new authorization for each fiscal year budget.

RECOMMENDATION: Information only per Council’s direction.
COUNCIL AGENDA: SEPTEMBER 6, 2011

SUBJECT: AUTHORIZE STAFF TO ACT ON BEHALF OF THE CITY OF PORTERVILLE FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE BY THE PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT

SOURCE: Public Works Department - Transit

COMMENT: The City of Porterville’s authorized individuals who are authorized to execute for and on behalf of the City of Porterville, any actions necessary for the purpose of obtaining Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) funds provided by the California Department of Transportation, Division of Mass Transportation, needs to be updated.

Currently, Linda Clark, who is now retired, and John Lollis are the two individuals authorized to act for and on behalf of the City of Porterville for the purpose of obtaining PTMISEA funds. The attached resolution requests Council’s approval designating John Lollis, City Manager; Baldomero Rodriguez, Public Works Director; and Richard Tree, Porterville Transit Manager to act for and on behalf of the City of Porterville.

The City of Porterville must submit a new authorized agent form when a change to the authorized agents has happened.

Staff seeks to update the PTMISEA Authorized Agent form as required by guidelines for the purpose of administering and distributing PTMISEA funds.

RECOMMENDATION: That the City Council:

1. Approve the attached Resolution in support of the authorized agents for the purpose of obtaining PTMISEA funds; and

2. Authorize the Mayor to sign the required authorized agent form.

ATTACHMENTS: Resolution
PTMISEA Authorized Agent Form

Dir Appropriated/Funded N/A CM Item No. 5
RESOLUTION #______ - 2011

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AUTHORIZING STAFF TO ACT ON BEHALF
OF THE CITY FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE BY
THE PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND
SERVICE ENHANCEMENT ACCOUNT

WHEREAS, the City of Porterville is required to identify and authorize an agent
for the purpose of executing for and on behalf of the City for the purpose of obtaining
financial assistance provided by the Public Transportation Modernization, Improvement,
and Service Enhancement Account (PTMISEA).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of
Porterville that John Lollis, City Manager; Baldomero Rodriguez, Public Works Director;
or Richard Tree, Transit Manager are hereby authorized to execute for and on behalf of
the City of Porterville, the named applicant, a public entity established under the laws
of the State of California, all required documents of the PTMISEA program and any
Amendments thereto with the California Department of Transportation.

PASSED, ADOPTED AND APPROVED this 6th day of September, 2011.

Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
Authorized Agent

AS THE Mayor
(Chief Executive Officer / Director / President / Secretary)

OF THE City of Porterville
(Name of County/City Organization)

I hereby authorize the following individual(s) to execute for and on behalf of the named Regional Entity/Transit Operator, any actions necessary for the purpose of obtaining Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) funds provided by the California Department of Transportation, Division of Mass Transportation. This form is valid at the beginning of Fiscal Year 2010-2011 until the end of the PTMISEA Program. If there is a change in the authorized agent, the project sponsor must submit a new form. This form is required even when the authorized agent is the executive authority himself.

John Lollis, City Manager
(Name and Title of Authorized Agent)

Baldo Rodriguez, Public Works Director
(Name and Title of Authorized Agent)

Richard Tree, Transit Manager
(Name and Title of Authorized Agent)

Ronald L. Irish Mayor
(Print Name) (Title)

(Signature)

Approved this 6th day of September, 2011.
SUBJECT: SCHEDULING OF STUDY SESSION REGARDING COORDINATED COMMUNITY SERVICES ("STEP UP") EFFORTS

SOURCE: ADMINISTRATION

COMMENT: At its meeting of August 16, 2011, the Council was provided an update on the efforts and activities to date of the Coordinated Community Services Committee relative to gang prevention and intervention. At that time the Council directed staff to schedule a study session with the representatives of the committee for the purposes of defining roles and resources.

RECOMMENDATION: That the City Council set October 11, 2011 at 6:00 p.m. as the date and time for a Study Session regarding coordinated community services efforts.
SUBJECT: AIRPORT DRY FARM LEASE AMENDMENT

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: On November 3, 2009, Council awarded a three year lease commencing on November 7, 2009, to Jeff Sheets, owner of J. C. Sheets Farming, for dry farming operations on certain parcels of unused land at the Porterville Municipal Airport. The leased acreage, "Demised Premises," as described in Exhibit A of the Lease Agreement, consists of 366.91 acres. Since the execution of the lease, it has become necessary to reduce the acreage available for dry farming to 348.89 acres. This reduction is necessitated by several events. The FAA has restricted the use of the land at both ends of Runway 12-30. This area is to be kept compacted and free of tilling and weeds. Another small piece involves an access road for Southern California Edison, and Lot 14 is being used as a parking lot and is not suitable for farming due to poor access for equipment. These reductions reduced the leased area by 18.01 acres.

Additionally, it was brought to staff's attention that paragraph 2 referencing the term of the Lease Agreement contained a typographical error. The correct termination date is June 30, 2012, rather than June 30, 2011, as written in the Lease. Staff therefore recommends that Council approve Amendment No. 1 to the Lease Agreement and authorize the Mayor to execute same.

RECOMMENDATION: That the Council approve Amendment No. 1 to the Lease Agreement between the City of Porterville and Jeff Sheets of J. C. Sheets Farming, Terra Bella, CA, for dry farming at the Porterville Municipal Airport.

ATTACHMENT: Amendment No. 1 to Lease Agreement
November 3, 2009 Staff Report
Page 1 of original Lease Agreement
Exhibit A of original Lease Agreement

D.D. Appropriated/Funded C.M. Item No. 7
AMENDMENT NO. 1 TO LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

The City of Porterville, a charter city and municipal corporation of the State of California, hereinafter referred to as “City,” and Jeff Sheets, J.C. Farming, hereinafter referred to as “Lessee,” having entered into a Lease Agreement dated November 7, 2009, with respect to dry farming operations at the Porterville Municipal Airport, do hereby agree to amend said Lease Agreement, contingent only upon the mutual execution of same, as follows:

1. Farmable acres, otherwise known as “Dry Land Lease,” identified and described in Exhibit “A” attached to the Lease Agreement, is hereby reduced to 348.89 acres.

2. Page one, paragraph 2 of Lease Agreement is hereby amended to read:

   “Term: The term of this lease shall commence on November 7, 2009, both parties having executed the same, and shall terminate on June 30, 2012, provided Lessee is not in default with respect to any of the conditions or covenants of this lease.”

3. This Amendment shall be effective on the 6th day of September, 2011.

DATED: August 22, 2011

APPROVED AS TO FORM: CITY OF PORTERVILLE:

Julia Lew, City Attorney

Ronald L. Irish, Mayor

ATTEST: LESSEE:

John Lollis, City Clerk

Jeff Sheets, J. C. Farming
COUNCIL AGENDA: NOVEMBER 3, 2009

SUBJECT: AWARD OF AIRPORT DRY FARM LEASE

SOURCE: Public Works Department - Engineering Division

COMMENT: The current dry farm lease located at the Airport concludes on November 6, 2009. The Airport Manager prepared and advertised for “Dry Farm Lease” proposals. On October 27, 2009, the City received proposals from the following:

<table>
<thead>
<tr>
<th>Farmer</th>
<th>Rent Per Acre</th>
<th>Annual Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeff Sheets Farming</td>
<td>$20</td>
<td>$7,338.20</td>
</tr>
<tr>
<td>Terra Bella, CA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Justin Nuckols Farming</td>
<td>$15</td>
<td>$5,503.65</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The lease payment is on 366.91 acres, referred to as “farmable acres”. As a condition of the lease agreement, the farmer must perform weed abatement on 30.21 acres located immediately north of the runway and at both ends of the runway. The full lease agreement and locator map is attached for Council’s review.

RECOMMENDATION: That the City Council:

1. Authorize the Mayor to execute a three (3) year “Dry Farm” lease agreement with Jeff Sheets Farming.

ATTACHMENTS: Lease Agreement
Locator Map

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[Signature]

Item No. 9
LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the 7th of November, 2009, by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Jeff Sheetshereinafter referred to as "Lessee".

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as "Porterville Municipal Airport"; and

WHEREAS, Lessee desires to lease a portion of said airport for dry farming operations; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. **Premises:** Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as unimproved airport land, at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. **Term:** The term of this lease shall commence on November 7, 2009, both parties having executed the same, and shall terminate on June 30, 2011, provided Lessee is not in default with respect to any of the conditions or covenants of this lease.

3. **Rental and Business Privilege Consideration:** Lessee agrees to pay to City in lawful money of the United States without deductions or offset, to the Finance Director, City of Porterville, 291 N. Main Street, Porterville, California 93257, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of $20.00 per farmable acre. The lessee shall be responsible for weed abatement on the entire site of 30.21 acres.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – FATHERS AGAINST DRUNK DRIVING AND PORTERVILLE IGLESIA DEL NAZARENO THIRD ANNUAL WALK-A-THON AND BBQ

SOURCE: Finance Department

COMMENT: The Fathers Against Drunk Driving and Porterville Iglesia Del Nazareno are requesting approval to hold a Walk-a-Thon around Veteran’s Park and BBQ at pavilion #2, on Saturday, September 10, 2011, from 10:00 a.m. to 3:00 p.m. This fund raising event will also include raffle drawings and informational flyers. The annual event promotes public awareness of the dangers of driving under the influence. There will be no vendors and is open to the public. The participants will utilize the sidewalk around Veteran's Park for the Walk-a-Thon.

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 Fathers Against Drunk Driving and Porterville Iglesia Del Nazareno, pending completion of Application and Agreement, receipt of Certificate of Liability Insurance and Additional Insured Endorsement and subject to the stated requirements contained in Exhibit ‘A’ of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application, Agreement, Request for sidewalk usage, Exhibit ‘A,’ flyer promoting event.

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

<table>
<thead>
<tr>
<th>DO YOU HAVE?</th>
<th>Event Flyer?</th>
<th>E-mail address?</th>
<th>Website?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application date:</td>
<td>Aug. 30, 11</td>
<td>Event date: Sept. 10, 11</td>
<td></td>
</tr>
<tr>
<td>Name of Event:</td>
<td>Fathers Against Drunk Driving's 3rd annual Walk-a-Thon / Bar-B-Que</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sponsoring organization:</td>
<td>Iglesia del Nazareno</td>
<td>Phone #: 781-6119</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>137 S. Morton Ave.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authorized representative:</td>
<td>Pacho Frankie Olmedo</td>
<td>Phone #: 789-4299</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Event chairperson:</td>
<td>Robert Ybarra</td>
<td>Phone #: 756-1746</td>
<td></td>
</tr>
<tr>
<td>Location of event (location map must be attached):</td>
<td>Veterans Park #2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of event:</td>
<td>Bar-B-Que</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-profit status determination:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Barricades (quantity):</th>
<th>No</th>
<th>Street sweeping</th>
<th>Yes</th>
<th>No</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police protection</td>
<td>Yes</td>
<td>No</td>
<td>Refuse pickup</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

_________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.

Fathers Against Drunk Driving
(Name of Organization)

(Mathias)
(Signature)

8/30/11
(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: **FA$$ Bar-B-Que**
Sponsoring organization: **Eglesia Del Nazareno**
Location: **Veterans Park #2**
Event date: 9/10/11
Event time: 10am-5pm

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>TG HHSA</td>
<td>132 Valley Oaks</td>
<td></td>
<td>Educational</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: 

Sponsoring organization: 

Event date: _______________ Hours: _______________

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

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

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

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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<tbody>
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4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

FATHERS AGAINST DRUNK DRIVING
AND
PORTERVILLE IGLESIA DEL NAZARENO

3rd Annual Walk-a-Thon

SEPTEMBER 10, 2011

Business License Supervisor:  Business License has no requirements.
   S. Hartman

Public Works Director:
   B. Rodriguez

Community Development Director:
   B. Dunlap

Field Services Manager:  No comments.
   B. Styles

Fire Chief:
   M.G. Garcia

Parks and Leisure Services Director:  No parking on the lawn or in the park.
   Pick up debris following event.
   M. Stowe

Police Captain:
   S. Rodriguez

Administrative Services Manager
   Must provide insurance certificate pursuant
   to requirements set forth in application. All
   P. Hildreth
   participants in walk-a-thon must sign a waiver
   of liability.

EXHIBIT 'A,' Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Del Nazareno
Event: Fathers Against Drunk Driving 3rd Annual Walk-a-Thon
Event Chairman: Robert Ybarra
Location: Veteran's Park
Date of Event: September 10, 2011

RISK MANAGEMENT: Conditions of Approval

That the Fathers Against Drunk Driving and Porterville Iglesia Del Nazareno 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.
ANNUAL FUNDRAISER/OUTREACH PROGRAM

Thank you for your support as we continue to raise awareness on the dangers of driving under the influence in and around our community and throughout communities in Tulare County.

This year we will have our annual giveaway and Recovery Month event at Veterans Park on Saturday, September 10, 2011 from 10am to 3pm. Winners need not be present to win. We will also have a Bar-B-Que next to the skate park on Newcomb Ave.

Prizes include gift cards from various businesses in Porterville and Visalia. The funds will enable us to continue to work to keep our community safe.

Please visit our newly redesigned website at www.faddintl.org, for questions contact Robert Ybarra at 559/756/1748 or via email at faddintl@gmail.com
COUNCIL AGENDA: SEPTEMBER 6, 2011

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - CENTRAL CALIFORNIA FAMILY CRISIS CENTER'S ANNUAL CANDLELIGHT VIGIL FOR DOMESTIC VIOLENCE, OCTOBER 15, 2011.

SOURCE: Finance Department

COMMENT: The Central California Family Crisis Center is requesting approval to hold its annual candlelight vigil at Veteran's Memorial Park on Saturday, October 15, 2011, from 2:00 p.m. to 8:00 p.m. This vigil is held as a remembrance for those who have lost their lives to domestic violence. The event consists of oral speakers, music, food and information booths. The sponsor is requesting the use of the sidewalk around the park for a walk-a-thon and approval to place signs around the park during the walk. The signs will list domestic violence facts. There is no request for street closures.

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 Central California Family Crisis Center, subject to the stated requirements contained in the Application, Agreement and Exhibit 'A.'

ATTACHMENT: Community Civic Event Application, Agreement, Exhibit 'A,' Maps, Outside Amplifier Permit, Certificate of Liability Insurance and Event Flyer.

DD Appropriated/Funded C.M Item No. 9
CITY OF PORTERVILLE  
291 N. Main Street, Porterville, CA 93257  
559-782-7451 Fax: 784-4569

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

DO YOU HAVE?  Event Flyer? ✓  E-mail address? ✓  Website? ✓  
Application date:  7-24-11  Event date:  10-15-11  Event time:  2PM - 8PM  
Name of Event:  13th Annual Candle Light Vigil  

Sponsoring organization:  Family Crisis Center  Phone #: 559-781-7462  
Address:  770 N Main St  Porterville, CA 93257  
Authorized representative:  Krystle Contreras  Phone #: 559-781-7462  
Address:  770 N Main St  Porterville, CA 93257  
Event chairperson:  Krystle Contreras  Phone #: 781-7462

Location of event (location map must be attached):  
Veterans Park Pavillion 1501 W. Henderson Ave

Type of event:  Vigil  Remembrance for those that have lost their lives to domestic violence  Walkathon around park  
Non-profit status determination:  501(3)

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

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

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

<table>
<thead>
<tr>
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<tbody>
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<tr>
<td></td>
<td></td>
<td>Pub. Works Dir</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Comm. Dev. Dir.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Field Svcs. Mgr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fire Chief</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parks Dir.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Police Chief</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Admin. Svcs. Dir.</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Family Crisis Center</th>
<th>Krystle Carter</th>
<th>7-26-11</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Name of Organization)</td>
<td>(Signature)</td>
<td>(Date)</td>
</tr>
</tbody>
</table>
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: 13th Annual Candlelight Vigil
Sponsoring organization: Family Crisis Center
Location: Veterans Park
Event date: 16-15-1
Event time:

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>Non-profit Organizations (Resource Information)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
NO CLOSURE - USAGE ONLY - DROP OFF
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: 13th Annual Candlelight Vigil

Sponsoring organization: Family Crisis Center

Event date: Oct 15th 2011 Hours: 3 - 8:30pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED: (Access)

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Henderson Ave</td>
<td>10 am</td>
<td>9:00 pm</td>
<td>Set up Event, Clean up</td>
</tr>
<tr>
<td>Newcomb Ave</td>
<td>10 am</td>
<td>9:00 pm</td>
<td>Set up Event, Clean up</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Henderson Ave</td>
<td>around Veterans Park</td>
<td>Vigil staff</td>
</tr>
<tr>
<td>Newcomb</td>
<td>around Veterans Park</td>
<td>Vigil staff</td>
</tr>
</tbody>
</table>

4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
CENTRAL CALIFORNIA FAMILY CRISIS CENTER
CANDLELIGHT VIGIL FOR DOMESTIC VIOLENCE
OCTOBER 15, 2011

Business License Supervisor:
   S. Hartman

Public Works Director:
   B. Rodriguez

Community Development Director:
   B. Dunlap

Field Services Manager:
   B. Styles

If barricades and cones are needed they may be picked up and returned to 555 N. Prospect.

Fire Chief:
   M. G. Garcia

No comment.

Parks and Leisure Services Director:
   M. Stowe

Absolutely no parking on the lawn or in the park.

Police Captain:
   S. Rodriguez

The Police Department has no special conditions or requirements for this event. Walkers shall stay on the sidewalk and for obvious safety reasons, should stay out of the roadway.

Administrative Services Manager:
   P. Hildreth

See Exhibit ‘A,’ Page 2.

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

Sponsor: Central California Family Crisis Center
Event: Candlelight Vigil for Domestic Violence
Event Chairman: Krystle Contreras
Location: Veteran's Memorial Park
Date of Event: October 15, 2011

RISK MANAGEMENT: Conditions of Approval

That the Central California Family Crisis Center 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 Permitted operation and sponsorship of the aforementioned Community Civic Event. If the event is located in the City of Porterville’s Redevelopment Agency area, the same conditions apply.

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A: VII, and the insurance company must be an 'admitted' insurer in the State of California.
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: Family Crisis Center
   710 N. Main St. Porterville, CA 93257

2 Address where amplification equipment is to be used: 1501 W. Henderson Ave./Veterans Park

3 Names and addresses of all persons who will use or operate the amplification equipment: Family Crisis Center and Volunteers

4 Type of event for which amplification equipment will be used: Vigil to honor and remember victims of Domestic Violence.

5 Dates and hours of operation of amplification equipment: Oct 15th, 2011 2:30pm - 8:30pm

6 A general description of the sound amplifying equipment to be used: Sound system/microphone, live performers/rock music.

Section 18-9 It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

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

Section 18-14 It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

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

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

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

Signature of Applicant

Date

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

Signature of Approver

Date

City of Porterville, Chief of Police/Designee

Date
# Certificate of Liability Insurance

**Certificate Number:** 201100631NPO  01/01/11  01/01/12

- **Type of Insurance:** General Liability
- **Policy Description:** Commercial General Liability
  - Claims-Made
  - Occur

**Insured:** Central California Family
- **Address:** 770 Main Street, Porterville, CA 93257
- **Insurer:** Nonprofits’ Insurance Alliance

**Limitation:**
- Each Occurrence: $1,000,000
- Property Damage (Insureds) 600,000
- Personal & Advertising Injury: $20,000
- General Aggregate: $1,000,000
- Products-Commodity Agg.: $2,000,000

**Notices:**
- Notice of Cancellation is 30 days except in the event of non-payment of premium which is 10 days
- Certificate Holder is named as Additional Insured

**Authorized Representative:**

City of Porterville
291 N Main Street
Porterville, CA 93257

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The ACORD name and logo are registered marks of ACORD.
**POLICY NUMBER: 2011-00631-NPO**

**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>
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<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s)</th>
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<tr>
<td>Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.</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.
Voices of Hope
13th Annual
Domestic Violence Candlelight Vigil & Walk to Remember

Date: October 15th 2011
Walk 2:00pm
Vigil 4:00-7:30pm
Place: Veterans Park
(Corner of Henderson and Newcomb)

Featuring:
Walk to Remember
Music & Entertainment
Messages of Hope
Community Booths
Silent Auction
Candlelight Vigil

Hosted By the Staff of
Family Crisis Center
Rebuilding Lives
559-781-7462
www.ccfamilycrisis.org
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – WILDPLACES GREAT SIERRA RIVER CLEAN UP

SOURCE: Finance Department

COMMENT: WildPlaces, a Stewardship in the Southern Sierra is requesting approval to hold a volunteer clean up along the pathways of Park 'n' Ride, west of Jaye Street towards Westwood Street and east of Jaye Street toward Main Street along paved path. Clean up will take place along the pathways and river banks. Their mission is to preserve, support, and protect California’s natural and rural places and the peoples of these landscapes through volunteer driven habitat restoration, nature and culture education and career development. The clean up will be held on Saturday, September 17, 2011, starting at 9:00 a.m. No street closures are requested; however, they have requested that the City of Porterville pick up trash in cans and provide a porta-potty at Jaye Street and Park ‘n’ Ride parking lot for volunteers.

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 WildPlaces of Springville, subject to the stated requirements contained in Exhibit ‘A.’

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

Application date: August 26, 2011  Event date: Sept 17
Event time: 9 am

Name of Event: Grant Creek River Clean-up

Sponsoring organization: WildPlaces (903-909) PHONE # 555-6666 5262
Address: 35625 HWY 190, Springville CA 93265

Authorized representative: Cecilia Grubbs PHONE #
Address: 35625 HWY 190, Springville CA 93265

Event chairperson: PHONE #

Location of event (location map must be attached): Slate Street Pack 'n Ride

Clean-up will be west of Slate Street Toward North West of Slate

Type of event: Street cleaning along main street a long paved path

Nonprofit status determination: 501-c-3

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

Barricades (quantity): Street sweeping Yes No
Police protection Yes No Refuse pickup Yes No
Other: We would like the City to pick-up trash of
Parks facility application required: Yes No Attached
Assembly permit required: Yes No Attached

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

Approve Deny
Bus Lic Spvr ____________________________
Pub Works Dir ____________________________
Comm Dev Dir ____________________________
Field Svcs Mgr ____________________________
Fire Chief ____________________________
Parks Dir ____________________________
Police Chief ____________________________
Deputy City Mgr ____________________________
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 16-20(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 belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

[Signature]
(Name of Organization) 8/26/11
(Date)
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

WILDPLACES

GREAT SIERRA RIVER CLEAN UP

September 17, 2011

Business License Supervisor:  
S. Hartman  
Business License has no requirements.

Public Works Director:  
B. Rodriguez  
No comments.

Community Development Director:  
B. Dunlap  
Cleanup crew needs to avoid trimming or disturbing protected species such as Elderberry Shrubs, habitat for the Valley Elderberry Longhorn Beetle.

Field Services Manager:  
B. Styles  
Parks to supply bags and arrange for refuse pickup.

Fire Chief:  
M.G. Garcia  
No comments.

Parks and Leisure Services Director:  
M. Stowe

Police Captain:  
S. Rodriguez  
Police Department has no special conditions or requirements for this event.

Administrative Services Manager:  
P. Hildreth  
Please see Exhibit ‘A,’ Page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: WildPlaces
Event: Great Sierra River Clean Up
Event Chairman: Cabrina Grubb
Location: Porterville Park ‘n’ Ride and along Pathways and River banks
Date of Event: September 17, 2011

RISK MANAGEMENT: Conditions of Approval

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

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

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


PRODUCER
Walter Mortensen Insurance
CA License #044424
89 East Mill Ave.
Porterville CA 93257

INSURER
Mahmet McKilin dba Wild Places
P.O. Box 853
Springville CA 93265

COVERAGE

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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES: (Attach ACORD 49, Additional Rents Schedule, if more space is required)

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

CERTIFICATE HOLDER
mabascom@ci.porterville.ca.
City of Porterville
Parks & Leisure Services Dept.
291 N. Main Street
Porterville, CA 93257

CANCELLATION

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

AUTHORIZED REPRESENTATIVE
Ronald Bunchman/O.C.E.M.
CERTIFICATE OF LIABILITY INSURANCE

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

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

PRODUCER
Walter Mortensen Insurance
CA License #0D44424
89 East Mill Ave.
Porterville CA 93257

CONTACT NAME: Colleen Kimbrell
PHONE: (559) 781-5200
EMAIL: okimbrell@texas-ins.com
ADDRESS: 00117618

INSURED
Mohamad Mckillan dba
Wild Places
P.O. Box 853
Springville CA 93265

INHERITANCE AFFORDING COVERAGE
INHERITT A Landmark American Ins. Co.
INHERIT B:
INHERIT C:
INHERIT D:
INHERIT E:
INHERIT F:

REVOLUTION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTS 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 HEREBIN 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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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 104, Additional Details Schedule, if more space is required)
The City of Porterville Redevelopment Agency is added as Additional Insured in regards to the General Liability policy maintained by named insured. Coverage under this certificate is subject to all policy terms, conditions, and exclusions.

CERTIFICATE HOLDER

mbascom@ci.porterville.ca.

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

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Ronald Burcham/CK1091

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ACORD 26 (2000/09)
INS026 (2000/09)

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POLICY NUMBER: LBA09745600

COMMERCIAL GENERAL LIABILITY
CG 2010 10 01

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

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

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

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

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

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

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

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

THIS POLICY IS ISSUED BY THE COMPANY NAMED BELOW

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

BRANCH ADDRESS: Executive Offices:
945 East Paces Ferry Road, Suite 1800, Atlanta, GA 30326-1160

POLICY NO.: LBA0974566.00

RENEWAL OF: LBA055041

NAMED INSURED:
Wild Places
DBA: Mehmet McMillan

MAILING ADDRESS:
P.O. Box 893
Springville CA 93265

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

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

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

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

Audit Period: Annual unless otherwise stated:

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

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

FORMS AND ENDORSEMENTS APPLICABLE TO ALL COVERAGE PARTS:
SEE SCHEDULE OF FORMS AND ENDORSEMENTS - GBA900002

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

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

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

Countersigned: 02/03/11

Date

Emig McIlvaine
Authorized Representative

GBA 900001 0710

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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 16, 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 made application for almost $2 million in State Office of Emergency Services (OES) grant funds, 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 made application for mitigation projects, specifically focusing on Downtown, Murry Park, and Zalud Park projects. Staff is pleased to report that its proposed grant-funded projects successfully passed initial screening, with staff having also attended several days of required training in preparation for administering the grant funds.

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
<table>
<thead>
<tr>
<th>ITEM #</th>
<th>LOCATION</th>
<th>DESCRIPTION OF DAMAGE AND SCOPE OF WORK</th>
<th>COST ESTIMATE</th>
<th>CATEGORY*</th>
<th>INSURANCE COVERED BY CONTRACT OR BY OWNERSHIP OR OTHER POOL</th>
<th>ENTER NAME OF ENVIRONMENTAL ISSUES OR SPECIAL NEEDS</th>
<th>WAS THERE INSURANCE COVERED BY CONTRACT OR BY OWNERSHIP OR OTHER POOL</th>
<th>WAS THERE DAMAGES TO FACILITY DUE TO DISASTER IF YES, ENTER FACILITY NAME OR NUMBERS</th>
<th>WAS THERE DAMAGE TO BUILDINGS THAT MAY PREVENT FUTURE DAMAGE</th>
<th>CHECK IF AMENDED ITEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>El Granito North of Grand Avenue</td>
<td>Damaged asphalt concrete, &quot;X&quot; gutter and curb &amp; gutter.</td>
<td>$60,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>No</td>
</tr>
<tr>
<td>2</td>
<td>Henderson - Newcomb to Mathew street,</td>
<td>Remove &amp; replace 11,000 SF damaged asphalt concrete.</td>
<td>$160,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No</td>
</tr>
<tr>
<td>3</td>
<td>Hillcrest – Morton Ave. North to Terminus street,</td>
<td>Grade damaged street shoulders, place engineered fill, compact and</td>
<td>$48,900.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>Intersection at East Grand st. &amp; Hennahan st.</td>
<td>Remove &amp; replace 10,000 SF of damaged asphalt concrete.</td>
<td>$63,750.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No</td>
</tr>
<tr>
<td>5</td>
<td>OHV</td>
<td>Bulldozer and tiller damaged.</td>
<td>$2,500.00</td>
<td>E</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No</td>
</tr>
<tr>
<td>6</td>
<td>Murry Park @ Hennahan-Putnam Ave.</td>
<td>Driveway and Parking lot damage.</td>
<td>$48,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No</td>
</tr>
<tr>
<td>7</td>
<td>Intersection at West Rd &amp; Teapot Dome Ave.</td>
<td>Asphalt concrete shoulder on both sides of the road.</td>
<td>$17,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No</td>
</tr>
<tr>
<td>8</td>
<td>Piano st. between Putnam Ave. &amp; Thurman Ave.</td>
<td>Damaged drop inlet, asphalt concrete adjacent to drop inlet &amp; repair/replace</td>
<td>$15,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No</td>
</tr>
<tr>
<td>9</td>
<td>West Rd. at Scranton Ave.</td>
<td>Damaged asphalt concrete shoulder along west side of the street.</td>
<td>$24,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No</td>
</tr>
<tr>
<td>10</td>
<td>Hawaii &amp; Grand Ave.</td>
<td>Remove and replace damaged &quot;V&quot; gutter, spandrel &amp; minor asphalt</td>
<td>$5,000.00</td>
<td>C</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No</td>
</tr>
<tr>
<td>11</td>
<td>Hillcrest Ave. north of Morton Ave.</td>
<td>Pipeline dredging to remove mud &amp; other debris.</td>
<td>$12,000.00</td>
<td>A</td>
<td>F/C</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No</td>
</tr>
<tr>
<td>12</td>
<td>West Rd. at Scranton Ave.</td>
<td>Flood waters pumped-out.</td>
<td>$1,500.00</td>
<td>B</td>
<td>FA</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>X</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*CATEGORY: A) Debris Clearance; B) Protective Measures; C) Road System; D) Water Control Facility; E) Buildings and Equipment; F) Public Utility System; G) Other. (Note: If a single site has more than one category, indicate the category that represents the majority of damage.)
COUNCIL AGENDA: SEPTEMBER 6, 2011

SUBJECT: COST BENEFIT ANALYSIS FOR REPLACING MEDIAN ISLAND GRASS WITH ARTIFICIAL TURF – OLIVE AVENUE REHABILITATION PROJECT AND 2011/2012 MICRO-SURFACING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: City Council awarded the Olive Avenue Rehabilitation project from 'H' Street to Cobb Street, awarded the Olive Avenue Micro-Surfacing project from Cobb Street to Salisbury Street, and awarded the Henderson Micro-Surfacing project from Prospect Street to Newcomb Street during the August 16, 2011 meeting.

Each project bid proposal included bid add alternates for replacement of median island grass with artificial turf within the project limits stated above. Total cost for these add alternates is $531,495.79. The limits of these add alternates are Olive Avenue from 'H' Street to Westwood Street and Henderson Avenue from Prospect Street to Newcomb Street. The following is a cost benefit analysis showing the benefit to the community should the Council give direction to replace the existing median island grass with artificial turf:

- Current itemized median island grass maintenance costs are attached for City Council's reference. The total cost per year is $52,576.04. These costs include labor, water usage and power. In order for there to be a benefit to the community, the ratio of cost savings to capital investment plus the artificial turf maintenance should be equal to 1 or greater.

- 20 Year Maintenance Cost/Initial Capital Investment + Artificial Turf Maintenance Cost x Life Span of Turf = 1 or greater.

- A 20 year life span for the artificial turf is the claimed industry standard and the projected maintenance cost is $1000 per year, therefore the benefit cost analysis ratio is:
  - $52,576.04(20 years)/$531,495.79 + 1000(20 years) = 1.9
  - Payback: 20 years/1.9 = 10.5 years
Apparent to all is the damage created by the irrigation run-off from the median island grass areas into the street and the subsequent damage. Repair costs for these isolated damaged street areas are missing from the above cost benefit analysis. Generating a cost component for loss of street life is difficult and potentially unquantifiable. Efforts to determine if a cost savings component related to street repairs is quantifiable will be time consuming and would only increase an already impressive cost benefit ratio.

RECOMMENDATION: That the City Council:

1. Consider allocating $531,495.79 from General Fund reserves or other funds to finance the replacement of median island grass with artificial turf for both the Olive Avenue Rehabilitation Project and the 2011/2012 Micro-Surfacing Project;

2. Authorize the City Engineer to augment the existing contracts by utilizing the previously provided bid add alternate amounts given by both contractors should Council approve a budget re-appropriation for the herein described work; and

3. Authorize the Finance Director to establish an annual payback plan per Council's direction if a budget re-appropriation is approved.

ATTACHMENTS: Locator Maps
Summary of Current Median Island Grass Maintenance Costs
OLIVE AVENUE - "H" STREET TO CARMELITA STREET
DATE: August 22, 2011

TO: Mike Reed, Deputy Public Works Director/City Engineer

FROM: David Zorn, Parks Superintendent

SUBJECT: Median Island Maintenance Costs

Listed below are the maintenance costs for the Olive Avenue and Henderson Avenue median islands as requested.

<table>
<thead>
<tr>
<th></th>
<th>Maint/month</th>
<th>Water/year</th>
<th>SCE/year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olive Ave – “H” Street to Cobb Street</td>
<td>$856.93</td>
<td>$2,123.77</td>
<td>$0</td>
</tr>
<tr>
<td>Olive Ave – Cobb Street to Salisbury Street</td>
<td>$945.39</td>
<td>$1,161.59</td>
<td>$751.30</td>
</tr>
<tr>
<td>Olive Ave – Salisbury Street to Westwood St</td>
<td>$956.50</td>
<td>$4,619.52</td>
<td>$1,055.86</td>
</tr>
<tr>
<td>Henderson Ave – Prospect St to Newcomb St</td>
<td>$723.25</td>
<td>$1,079.16</td>
<td>$0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,482.07</td>
<td>$8,984.04</td>
<td>$1,807.16</td>
</tr>
</tbody>
</table>

If you have any questions please let me know.

DZ/gl

CC: Milt Stowe
SUBJECT: CONSIDERATION OF STREET SELF-PERFORMANCE AND PURCHASE OF SPECIALIZED EQUIPMENT

SOURCE: Public Works Department - Engineering Division

COMMENT: At the request of City Council Member Ward, the Council has indicated an interest in considering the purchase of specialized equipment for the Public Works Department in an effort to more efficiently utilize dedicated street funds and City forces. Dedicated street funds include Local Transportation Funds (LTF), Special Gas Tax (SGT), Surface Transportation Program funds (STP), Proposition 1B (Prop 1B) and Measure ‘R’ Local funds.

In an average year, the City can expect approximately $2 million to be available in dedicated street funds. Historically, approximately $900,000 has been dedicated annually for micro-overlay surfacing projects, $750,000 to street reconstruction, and $350,000 for cold mix asphalt overlay applications and street sign and signal upgrades self-performed by City forces, as well as alley, curb, gutter, and sidewalk reconstruction work performed by contract.

Absent additional funds, staff has developed two scenarios that represent realistic self-performance street maintenance programs using new specialized equipment that can be instituted utilizing either the $750,000 typically reserved for street reconstruction (Grinder & Paver), or $900,000 typically reserved for road micro-overlay surfacing (Slurry Seal Applicator Truck). It should be noted that under the scenarios presented herein, it is assumed that no additional funds would be available for street maintenance and/or reconstruction work.

Grinder & Paver Purchase:
1. Equipment Cost $436,000
2. Maintenance & Operation (M & O) Cost $ 50,000
3. Depreciation $ 59,000
4. 4-Person Crew Weekly Work Output 12,500 SF
5. Material Cost Per Week @ $4.57/sf $ 57,125
6. Number of Weeks/Year Use of Equipment 13

Assumptions/Summary: Staff assumes that funds other than street funds would be used to purchase the Grinder & Paver and transport trailer. In
summary, working within current budget constraints of $750,000 typically reserved for street reconstruction, Public Works anticipates that the Grinder & Paver machine would be used approximately 13 weeks of the year. Each week of use beyond the thirteen week period would cost approximately $57,125 in material costs. Also, an additional annual appropriation of $109,000 would be needed for M & O and depreciation costs once the equipment is purchased, or alternatively, the assumed annual use of the equipment and materials could be reduced from 13 to 11 weeks.

Slurry Seal Truck, Body & Spreader Box Purchase:
1. Equipment Cost $350,000
2. Maintenance & Operation (M & O) Cost $ 72,000
3. Depreciation $ 47,000
4. 7-Person Crew Weekly Work Output 150,000 SF
5. Material Cost Per Week $ 36,000
6. Number of Weeks/Year Use of Equipment 25

Assumptions/Summary: Staff assumes that funds other than street funds will be used to purchase the Slurry Seal Truck, Body, Spreader Box, M & O, and depreciation. For the purpose of this scenario, staff assumed that sufficient local streets are in a condition suitable to receive a slurry seal, which is probably not a good representative of fact.

Staff is currently conducting an inventory of all local streets to assess their condition. Until the inventory process is complete, it is not known what percent of local streets are truly in sufficient condition to receive a slurry seal. Some streets may need isolated areas to be ground and repaired, while other streets may be too deteriorated and require full reconstruction.

It is staff's recommendation that, should the Council have interest in this scenario, staff be allowed to complete the total inventory of local streets to determine the physical condition of the City's streets, to assist in determining the efficiency of purchasing a Slurry Seal Truck and appurtenances. Staff anticipates completion of the local street inventory task by no later than June 2012, which a follow-up staff report can be prepared reporting staff's findings and recommendations as they relate to the purchase of a Slurry Seal Truck and appurtenances at that time.

RECOMMENDATION: That the City Council provide direction.

ATTACHMENT: None
SUBJECT: CONSIDERATION OF FORMING A COMMUNITY FACILITIES DISTRICT(S) FOR NEIGHBORHOOD STREET MAINTENANCE

SOURCE: City Manager

COMMENT: At the request of City Council Member Ward, the Council has indicated an interest in considering the formation of a Community Facilities District(s) for the purpose of neighborhood street maintenance.

In 1978, Proposition 13 was enacted by voters of California, which limited the ability of many public agencies to finance new projects. In 1982, State Senator Henry Mello and Assemblyman Mike Roos affected the passage of the "Mello-Roos Community Facilities Act of 1982", authorizing local governments and developers to create Community Facilities Districts (CFD's) for the purpose of selling tax-exempt bonds to fund public improvements. The Act allows any county, city, special district, school district or joint powers of authority to establish a CFD, which allows for the financing of public facilities and services. Essentially, it allows communities to raise funds for improvements to infrastructure (streets, sewers, storm drains) and/or provision of public services.

In order to establish a CFD, it must be approved by a two-thirds margin of qualified voters in the District. If there are fewer than twelve (12) qualified voters within the District, the vote must be passed by current landowners unanimously. At the close of the legal proceedings, an established CFD has all the legal privileges of a legally-sanctioned governmental body.

CFD's have primarily been used historically to install the required infrastructure of new development (streets, sewer, storm drain, water, etc). Local governments require developers to put in the necessary local infrastructure for new home developments. The developer then adds the cost of this infrastructure to the price of each new home. The homebuyer pays more for the home, therefore increasing the amount of the mortgage. Some developers have opted to establish a CFD so they can sell the homes at a lower price. Prior to the sale of the homes, the developer is the only "voter" in the CFD, and thus has the power to create the district for future property owners. The CFD has the power to issue tax-exempt bonds to pay for the infrastructure, the cost of which is then passed on to the homeowner in the form of annual special taxes.
However, within the last decade, given an aging and deteriorating road system, and with funds available for street maintenance and/or reconstruction being increasingly dedicated to higher-utilized arterial and collector roadways (streets generally traveled by the general public), communities have experienced an increase in the formation of CFD’s to fund neighborhood street maintenance programs (streets generally traveled by the neighborhood residents). Similarly, within the last decade, newly-formed Landscape/Lighting Maintenance Districts (LMD’s) have also seen the inclusion of neighborhood street maintenance as a component of the service district activities. CFD special taxes for road maintenance are usually levied on properties based on the square footage of the lot or the residence.

Locally, compounding the neighborhood street maintenance problem was the inclusion of numerous miles of neighborhood roadway with the large County-island annexations in 2006, which occurred without the corresponding transfer of property tax of the areas to the City, as well as inheriting streets that are not constructed to higher City standards. With the dilapidated conditions of the annexed neighborhood streets, significant effort has been undertaken by the City in the last couple of years to improve the street conditions by providing cold mix asphalt overlays.

As the Council is aware, staff is currently conducting an inventory of all local neighborhood streets to assess their condition. Until the inventory process is complete, it is not known to what extent either street maintenance or reconstruction will be necessary to bring the local neighborhood streets to an acceptable level of condition.

It is staff’s recommendation that, should the Council have interest in pursuing the formation of CFD’s for street maintenance (or reconstruction), staff be allowed to complete the total inventory of local neighborhood streets to determine their current physical condition, which would assist in determining potential CFD boundaries for future improvements. Staff anticipates completion of the local street inventory task by no later than June 2012, which a follow-up staff report can be prepared reporting staff’s findings and recommendations as they would relate to potential CFD street maintenance or reconstruction boundaries.

Recommendation: That the City Council provide direction.

ATTACHMENT: California Property Tax Information: “What is Mello-Roos?”
What is Mello-Roos?

Background:
In 1978 Californians enacted Proposition 13, which limited the ability of local public agencies to increase property taxes based on a property's assessed value. In 1982, the Mello-Roos Community Facilities Act of 1982 (Government Code §53311-53368.3) was created to provide an alternate method of financing needed improvements and services.

The Mello-Roos Community Facilities Act of 1982
The Act allows any county, city, special district, school district or joint powers authority to establish a Mello-Roos Community Facilities District (a "CFD") which allows for financing of public improvements and services. The services and improvements that Mello-Roos CFDs can finance include streets, sewer systems and other basic infrastructure, police protection, fire protection, ambulance services, schools, parks, libraries, museums and other cultural facilities. By law, the CFD is also entitled to recover expenses needed to form the CFD and administer the annual special taxes and bonded debt.

Why is a Mello-Roos CFD Needed?
A CFD is created to finance public improvements and services when no other source of money is available. CFDs are normally formed in undeveloped areas and are used to build roads and install water and sewer systems so that new homes or commercial space can be built. CFDs are also used in older areas to finance new schools or other additions to the community.

How is a Mello-Roos CFD Formed?
A CFD is created by a sponsoring local government agency. The proposed district will include all properties that will benefit from the improvements to be constructed or the services to be provided. A CFD cannot be formed without a two-thirds majority vote of residents living within the proposed boundaries. Or, if there are fewer than 12 residents, the vote is instead conducted of current landowners. In many cases, that may be a single owner or developer.

Once approved, a Special Tax Lien is placed against each property in the CFD. Property owners then pay a Special Tax each year. If the project cost is high, municipal bonds will be sold by the CFD to provide the large amount of money initially needed to build the improvements or fund the services.

How is the Annual Charge Determined?
By law (Prop. 13), the Special Tax cannot be directly based on the value of the property. Special Taxes instead are based on mathematical formulas that take into account property characteristics such as use of the property, square footage of the structure and lot size. The formula is defined at the time of formation, and will include a maximum special tax amount and a percentage maximum annual increase.

How Long Will the Charge Continue?
If bonds were issued by the CFD, special taxes will be charged annually until the bonds are paid off in full. Often, after bonds are paid off, a CFD will continue to charge a reduced fee to maintain the improvements.

IMPORTANT TO KNOW:
- Rights to Accelerated Foreclosure. It is important for CFD property owners to pay their tax bill on time. The CFD has the right (and if bonds are issued, the obligation) to foreclose on property when special taxes are delinquent for more than 90 days. Additionally, any costs of collection and penalties must be paid by the delinquent property owner. This is considerably faster than the standard 5 year waiting period on county ad valorem taxes.
- Disclosure Requirement for Sellers (California Civil Code §1102.8). When reselling a property in a CFD, the seller must make a "good faith effort" to obtain a Notice of Special Tax from the local agency that levies the Special Tax, and provide it to the buyer.