CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 18, 2011, 5:30 P.M.

Call to Order
Roll Call

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA
OCTOBER 18, 2011

Roll Call: Agency Members

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

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

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

7- Government Code Section 54957 - Performance Evaluation - Title: City Manager.

During Closed Session the Joint City Council/Redevelopment Agency Meeting will adjourn to a meeting of the City Council.

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

Pledge of Allegiance Led by Council Member Pete V. McCracken
Invocation

PROCLAMATIONS
National Friends of the Library Week

PRESENTATIONS
Employee of the Month – Jenni Byers

REPORTS
This is the time for all AB 1234 reports; Committee/Commission/Board Reports; Subcommittee Reports; and Information Items and Reports.

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

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

1. City Council Minutes of June 21, 2011

2. Award of Consultant Service Agreement Contract for Architectural & Engineering Services for the Public Safety Building Project
   Re: Considering authorization to execute the Consultant Service Agreement with Taylor-Teter Partnership at an agreed fee of $342,870 for services related to the design of the Public Safety Building.

3. Authorization to Travel – Out of State Training
   Re: Considering approval of staff travel to Las Vegas, Nevada, for the purpose of attending the “Improving Public Works Construction Inspection Skills”, a two-day course held in December of 2011.

4. Annual Library Food for Fines Campaign
   Re: Considering authorization to conduct the fifth Annual food for Fines Campaign from October 24th through December 19th, 2011.
5. **Annual California Library Association Conference**  
Re: Considering approval of an expenditure of $1,317 from the Library Division’s general fund for the purpose of sending three members of the Library and Literacy Commission to the California Library Association Conference.

6. **Approval for Community Civic Event – New Hope Christian Fellowship Skateboard Demo – October 29, 2011**  
Re: Considering approval of an event to take place at the Skate Park, from 1:00 p.m. to 5:00 p.m. on October 29, 2011.

7. **Approval for Community Civic Event – Veterans’ Homecoming Committee Veterans’ Day Parade – November 11, 2011**  
Re: Considering approval of an annual event to take place on Friday, November 11, 2011, from 5:00 a.m. to 12:00 p.m. along Main Street.

8. **Approval for Community Civic Event – Porterville Chamber of Commerce and Rotary Club of Porterville – Annual Children’s Christmas Parade – December 1, 2011**  
Re: Considering approval of an annual event to take place on Thursday, December 1, 2011, from 5:00 p.m. to 9:00 p.m. along Main Street.

9. **Amendment to Employee Pay & Benefit Plan – Porterville Police Officers Association**  
Re: Considering approval of a resolution amending the Employee Pay and Benefit Plan.

10. **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.

11. **Council Member Requested Agenda Item – Request for the City Council to Schedule the Consideration of Authorizing a Resolution of Support for H.R. 1837 (Nunes), “San Joaquin Valley Water Reliability Act”**  
Re: Consideration of a request to consider an item authorizing a resolution of support for H.R. 1837.

12. **Council Member Requested Agenda Item – Request for the City Council to Schedule the Consideration of Authorizing an Audit of the City’s Housing Programs**  
Re: Consideration of a request to consider an item authorizing an audit of the City’s housing programs.

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

**SCHEDULED MATTERS**

13. **Consideration of Appointments to the Parks & Leisure Services Commission**  
Re: Consideration of the appointment of two individuals to fill the seats vacated by Mr. Charles Webber and Mr. Donald Beardsley, with four-year terms to expire in October 2015.

14. **Sports Complex Lighting Options**  
Re: Consideration of options available for sports field lighting.

15. **Consideration of Support for Appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District**
Re: Consideration of support for a candidate applying for appointment to the San Joaquin Valley Air Pollution Control District.

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

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

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JUNE 21, 2011, 5:30 P.M.

Call to Order at 5:30 p.m.
Roll Call: Council Member Ward (arrived after roll call), Vice Mayor Hamilton, Council Member Shelton (arrived after roll call), Council Member McCracken, Mayor Irish

ORAL COMMUNICATIONS
None

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.
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7- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no reportable action had taken place.
Pledge of Allegiance Led by Council Member Shelton
Invocation – a moment of silence was observed.

Mayor Irish acknowledged Tule River Tribal Council Member Rhoda Hunter in the audience.

PRESENTATIONS
Employee of the Month – Mariko Williams
Police Department’s Gang Prevention/Intervention Program
San Joaquin Valley Water Reliability Act – Rudy Mendoza

REPORTS
- Council Member Shelton spoke of events he had attended, including: two Sesquicentennial Committee meetings; Holy Cross Car Show; Toastmasters’ meeting; meet & greet at the Porterville Museum; Library & Literacy Commission meeting; Flag Day Ceremony; Tule River Tribe meeting regarding Freedom Fest; and Leadership Porterville Government Day.
- Vice Mayor Hamilton, spoke of the Flag Day Ceremony.
- Council Member Ward reported on his attendance at the National Gang Symposium held the week of June 6th in Orlando, Florida, and elaborated on various strategies covered for combating gang issues, including civil injunctions and a 10-point faith-based program.
- Mayor Irish lauded the recent Porterville Airshow, and thanked the Tribe, the Chamber of Commerce and staff for their efforts. He then advised that all TCAG member cities’ Councils had approved the Amendment to the Joint Powers Agreement.
- Deputy City Manager Milt Stowe advised that written communication had been received that day from Mr. Jim Podercois of the Mint Card Room in which Mr. Podercois requested that the Council consider increasing the amount of card tables he was allowed to operate.

ORAL COMMUNICATIONS
- John Coffee, suggested that the City should proceed with acquiring the right-of-way on North Grand Avenue, and stated that the Council ought to move very cautiously with supporting the proposed San Joaquin Valley Water Reliability Act.
- Cal Rossi, Southern California Edison Region Manager, came forward to present information relative to the “State of the Utility” for the City of Porterville. At Mayor Irish’s request, Mr. Rossi confirmed that he would be available to make a formal presentation at an upcoming meeting and that that staff would work with him to schedule it.
- Wendy Taylor, came forward on behalf of the Sesquicentennial Committee, thanked the City and staff for their support, and invited all to attend the upcoming festivities on June 25th in Downtown Porterville.
- Stephanie Cortez, a Library and Literacy Commission Member, extended a challenge to the Council Members to enter the Library’s Summer Adult Reading Contest.
- Monte Reyes, Chairman of the Transactions and Use Tax Oversight Committee, reported that the Committee recently met and reviewed the revenue and expenditures.
of the three Measure H budgets, being Fire, Police, and Library, and found that the expenditures and the proposed FY 2011/2012 budget are consistent with the intent of the ballot measure. Mr. Reyes then presented the Mayor with a written report.

(name inaudible), spoke of societal changes that have negatively impacted families and increased gang activity.

CONSENT CALENDAR

Item Nos. 2, 3, 5, 8 and 10 were removed for further discussion.


Recommendation: That the City Council approve the Minutes of April 19, 2011, and June 6, 2011.

Documentation: Minute Order No. 01-062111
Disposition: Approved.

4. CITY-COUNTY AGREEMENT FOR THE TEA POT DOME AVENUE FRONTAGE IMPROVEMENTS RELATED TO THE PORTERVILLE FAIRGROUNDS PROJECT

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

Documentation: Minute Order No. 02-062111
Disposition: Approved.

6. JOINT FUNDING AGREEMENT WITH PORTERVILLE UNIFIED SCHOOL DISTRICT AND BURTON SCHOOL DISTRICT

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

Documentation: Minute Order No. 03-062111
Disposition: Approved.

7. RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS UNDER PROP 84
Recommendation: That the City Council adopt the respective resolution approving the application for Statewide Park Program grant funds for the Heritage Ballfields project.

Documentation: Resolution 24-2011
Disposition: Approved.

9. This Item has been removed.

11. APPROVAL FOR COMMUNITY CIVIC EVENT – SESQUICENTENNIAL COMMITTEE AND PORTERVILLE BREAKFAST LIONS SESQUICENTENNIAL KRAZY DAZES

Recommendation: That the City Council approve the Community Civic Application and Agreement from the Sesquicentennial Committee and Porterville Breakfast Lions, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit ‘A’ of the Community Civic Event Application.

Documentation: Minute Order No. 04-062111
Disposition: Approved.

12. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: Minute Order No. 05-062111
Disposition: Approved.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve Item Nos. 1, 4, 6, 7, 9, 11 and 12. The motion carried unanimously.

2. AWARD CONTRACT – FINANCIAL AUDITING SERVICES

Recommendation: That the City Council:
1. Authorize Staff to negotiate a contract with Gallina, LLP of Roseville, CA, to provide financial auditing services for the fiscal years ending June 30, 2011, through June 30, 2013.
2. Further, that the Council authorize Staff to make progress payments and to negotiate and exercise optional contract renewals.

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

Council Member Shelton pulled the item to inquire about the negotiation of a service contract for professional services and the reason for the change. A discussion ensued regarding engineering bids for professional services. City Attorney Lew indicated that she could provide a memo to the Council about laws/requirements applicable to the City relative to the engineering bid process for professional services.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council authorize Staff to negotiate a contract with Gallina, LLP of Roseville, CA, to provide financial auditing services for the fiscal years ending June 30, 2011, through June 30, 2013; and authorize staff to make progress payments and to negotiate and exercise optional contract renewals. The motion carried unanimously.

Disposition: Approved.

3. CALIFORNIA EMERGENCY MANAGEMENT AGENCY (CALEMA) – DESIGNATED POSITIONS AUTHORIZED TO ACT ON CITY BEHALF

Recommendation: That the City Council:
1. Designate the Public Works Director, City Engineer and Finance Director as the duly approved and authorized representatives for the City of Porterville in matters associated with the December 2010 Flood Event;
2. Authorize the Mayor to execute the proposed Resolution (OES Form 130) that informs CalEMA who the City’s authorized representatives are; and
3. Direct the Public Works Director to complete and transmit OES Form 90 “Project Application for Federal Assistance” to the California Emergency Management Agency, Sacramento.

Deputy City Manager Stowe introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton then indicated that he had pulled the item in order to laud staff’s efforts with regard to CalEMA approval.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council designate the Public Works Director, City Engineer and Finance Director as the duly approved and authorized representatives for the City of Porterville in matters associated with the December 2010 Flood Event; authorize the Mayor to execute the proposed Resolution (OES Form 130) that informs CalEMA who the City’s authorized representatives are; and direct the Public Works Director to complete and transmit OES Form 90 “Project Application for
Federal Assistance” to the California Emergency Management Agency, Sacramento. The motion carried unanimously.

Disposition: Approved.

5. AGREEMENT ALLOWING USE OF POLICE FACILITY BY STAFF OF THE CALIFORNIA HIGHWAY PATROL

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

Deputy City Manager Stowe introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton inquired about whether additional agencies would be utilizing the facility. Police Chief McMillan indicated that there may be a couple more in the future.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the Agreement for the period of 07/01/2011 through 06/30/2013; and authorize the Chief of Police to execute the agreement on behalf of the City of Porterville. The motion carried unanimously.

Disposition: Approved.

8. APPROVAL OF 2011 CITY OF PORTERVILLE FEDERAL TRANSIT ADMINISTRATION TITLE VI REPORT UPDATE

Recommendation: That the City Council approve the 2011 Title VI Program Update and authorize City staff to submit the program to the FTA.

Deputy City Manager Stowe introduced the item. The staff report was waived, and Council Member Ward inquired about the use of a consultant to prepare the report. Transit Operations Manager Richard Tree indicated that TPG had completed the 2009 report, but with deficiencies; so it had been requested that those deficiencies be corrected in order to receive the grant.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the 2011 Title VI Program Update and authorize City staff to submit the program to the FTA. The motion carried unanimously.

Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT – CITY OF PORTERVILLE AND TULE RIVER TRIBE FREEDOM FEST AND FIREWORKS SHOW
Recommendation: That the Council approve the Community Civic Event Application and the Agreement submitted by the City of Porterville and Tule River Tribe, subject to the stated requirements contained in Exhibit ‘A’.

The Deputy City Manager introduced the item, and the staff report was waived at the Council’s request. Mayor Irish reported a conflict of interest, recused himself, and exited the Chambers. Council Member Shelton expressed his excitement about the event.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve the Community Civic Event Application and the Agreement submitted by the City of Porterville and Tule River Tribe, subject to the stated requirements contained in Exhibit ‘A’.

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

Disposition: Approved.

The Council recessed for fifteen minutes at 7:45 p.m.

PUBLIC HEARINGS

13. ADOPTION OF FY 2011/2012 BUDGET

Recommendation: The City Manager proposes that the Council consider adoption of the proposed 2011-2012 Fiscal Year Budget, including any modifications and for the time period designated by Council.

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

The Mayor opened the public hearing at 7:56 p.m.

- Brock Neely, suggested that the $50,000 for the Council Chambers be deferred, as well as expenditures relative to the Alignment Plan.

- Nikki Edwards, voiced support for prioritizing the building of a local shelter.

The Mayor closed the public hearing at 7:58 p.m.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council adopt the proposed 2011-2012 Fiscal Year Budget, as presented.
AYES: McCracken, Hamilton
NOES: Ward, Shelton, Irish
ABSTAIN: None
ABSENT: None

Council Member Ward inquired about the following: Public Safety Building allocations; parking fee revenues; the Community Development budget; Zalud House; sewer collection; graffiti restitution; and Police and Fire budgets.

Council Member Shelton expressed concern regarding the loss of money at the Municipal Golf Course; inquired about allocations to the Kings/Tulare County Agency on Aging and the Chamber of Commerce.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve an allocation of $35,000 for the Chamber of Commerce.

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

Council Member Shelton requested that an item be added to the Agenda regarding a full audit of the Chamber of Commerce.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Resolution 25-2011 Resolution Mayor Hamilton that the City Council adopt the proposed Resolution 26-2011 2011-2012 Fiscal Year Budget.

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

Disposition: Approved.

The Council recessed for fifteen minutes.

14. CONSIDERATION OF MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 5-2010 (RINCONCITO COSALA)

Recommendation: That the City Council open the Public Hearing to consider the modification or revocation of CUP 5-2010.
The Deputy City Manager introduced the item, and the staff report was waived at the Council’s request. Vice Mayor Hamilton inquired about the restaurant being closed, and Chief McMillan confirmed that the lease had been revoked.

The public hearing was opened at 9:05 p.m.

- Brock Neely, suggested that the City Attorney work with other legal counsels in the County to seek enforcement by ABC.

The public hearing was closed at 9:06 p.m.

Council Member McCracken pointed out that the conditional use permit was tied to the land, not the business and therefore it would be prudent of the Council to revoke the CUP.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve draft resolution containing findings to revoke CUP 5-2010. The motion carried unanimously.

City Attorney Lew read the resolution into the record as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS TO REVOKE CONDITIONAL USE PERMIT 5-2010, FOR A TYPE 41, BEER AND WINE ON-SALE LICENSE IN CONJUNCTION WITH SERVING MEALS LOCATED AT 887 W. OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of November 16, 2010, adopted Resolution 122-2010 approving Conditional Use Permit 5-2010, to allow a Type 41 on-sale beer and wine license in conjunction with serving meals at the Rinconcito Cosala Taqueria Buffet Restaurant located at 887 W. Olive Avenue and a Letter of Public Convenience or Necessity; and

WHEREAS: On June 7, 2011, the City Council set a Public Hearing to consider modifying or revoking the Conditional Use Permit due to the number and nature of incident reports taken by the Police Department on separate occasions. The incident reports included criminal events, being open beyond the approved hours of operation and for the sale and serving of alcohol after 2:00 a.m., which is also a violation of the State’s Business and Professions Code, and

WHEREAS: Resolution 122-2010 contained the following conditions of approval:

“2. The hours of operation during which alcoholic beverages may be sold under the on-sale license shall be from 10:00 a.m. to 2:00 a.m. Monday through Saturday, and Sunday from 10:00 a.m. to 10:00 p.m.”

“4. That at all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Development Ordinance,
adopted building code and all other applicable laws and ordinances."

"5. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Chapter 601.12 of the Porterville Development Ordinance."

"10. That the sale of alcohol beverages is allowed only in conjunction with the serving of meals.", and

WHEREAS: On June 21, 2011, the City Council held a Public Hearing and made the following findings with respect to violating the conditions of approval as set forth in Resolution 122-2010 for Conditional Use Permit 5-2010:

1. That the establishment has violated the approved hours of operation on multiple occasions as identified by the attached Police incident reports.

2. That the use has created a public safety issue due to drunkenness in public and arrests due to outstanding warrants reported in Police incident reports attached here to as Exhibit A.

3. That the use has violated State Law Business and Professions Code Section 25631 by conducting sales of alcohol between the hours of 2am-6am.

4. That the use has created a public nuisance due to the reported vehicle burglaries, suspicious circumstances, and burglary alarm calls as identified in Police incident reports attached here to as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby revoke Conditional Use Permit 5-2010 for violating conditions of approval and creating a public nuisance.

Disposition: Conditional Use Permit 5-2010 revoked.

SECOND READINGS
15. ORDINANCE 1778, SIGN CODE

Recommendation: That the City Council give Second Reading to Ordinance No. 1778, waive further reading, and adopt said Ordinance.

The item was introduced by the Deputy City Manager, and the staff report was waived at the Council's request.
COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve Second Reading to Ordinance No. 1778, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING AND REPLACING SUBCHAPTER 305 OF CHAPTER 21 OF THE MUNICIPAL CODE REGARDING SIGNS, waive further reading and adopt said Ordinance. The motion carried unanimously.

Deputy City Manager Milt Stowe read the ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

16. REVIEW OF PROJECT REVIEW COMMITTEE FEES

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

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

Following the staff report the Council discussed variations of a tiered structure, the amount of staff time required for various projects, and cost recovery.

Council Member McCracken communicated that it appeared the Council was in support of a tiered structure. He then made a MOTION to direct staff to draft a tiered structure, provide more defined categories, recommend fee levels, and look into whether an hourly rate would be appropriate. The motion was SECONDED by Vice Mayor Hamilton.

A discussion followed, during which the Community Development Director explained that the current fees, which were adopted following the Maximus study had not achieved cost recovery. He indicated that the fees recovered approximately 33% of the costs. He then cautioned the Council about the level of administration involved in time accounting, and the increased cost associated with hourly rates versus a flat fee.

Council Member Shelton made a MOTION to amend the fees as follows: small, $250; medium, $500; and large, $1,500. City Attorney Lew noted that any increases in fees would require a public hearing. Council Member Shelton withdrew his amendment, then made a MOTION to amend the fees as follows: small, $250; medium $500; large $753. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council direct staff to draft a tiered structure, provide more defined categories, recommend fee levels, and look into whether an hourly rate would be appropriate. The motion carried unanimously.
Staff noted that in the event the draft tiered fee structure involved an increase in fees the item would return as a Public Hearing. If no fees were increased the item would return as a Scheduled Matter.

Disposition: Staff direction given.

On a motion by Council Member Ward, Seconded by Vice Mayor Hamilton, the Council voted unanimously to extend the adjournment time.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the extension of the adjournment time. The motion carried unanimously.

Disposition: Adjournment time extended.

17. AWARD OF CONTRACT – POLICE SHOOTING RANGE IRRIGATION WELL

Recommendation: That the City Council:
1. Award the contract to the lowest responsible bidder, provided the lowest responsible bid is within 10% of the Engineer’s estimate;
2. Authorize a 10% Construction Contingency and a 5% Construction Management & Inspection contingency; and
3. Authorize payments to the Contractor up to 90% of the contract amount.

The Deputy City Manager introduced the item, and Public Works Director Rodriguez presented the staff report, which included supplemental information. Mr. Rodriguez indicated that although the bids received exceeded the Engineer’s estimate, staff would be recommending that the Council award the contract due to the identification of additional funds which would allow for construction of a monitor well. He stated that staff’s recommendation was to award the contract to Consolidated Testing Laboratories, and use the $50,000 Indian Gaming Grant and test well funds.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council award the contract to Consolidated Testing Laboratories, using the $50,000 Indian Gaming Grant and test well funding; authorize a 10% Construction Contingency and a 5% Construction Management & Inspection contingency; and authorize payments to the Contractor up to 90% of the contract amount. The motion carried unanimously.

Disposition: Approved.

Council Member McCracken made note of the late hour and moved to continue Item 18.

18. CONSIDERATION OF CITY COUNCIL PROCEDURAL HANDBOOK
Recommendation: That the City Council consider adoption of the proposed amended Procedural Handbook.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council continue the item to the next available date. The motion carried unanimously.

Disposition: Item continued.

The Council adjourned to a Joint Council/Porterville Redevelopment Agency Meeting at 9:46 p.m.

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

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

JOINT SCHEDULED MATTER
PRA-01 REDEVELOPMENT AGENCY 2011-2012 BUDGET AND A LOAN FROM CITY OF PORTERVILLE TO THE PORTERVILLE REDEVELOPMENT AGENCY

Recommendation: That the Redevelopment Agency:
1. Request a loan in the amount of $495,000, which is $165,000 each year for fiscal years 2011/12, 2012/13 and 2013/14; and
2. Adopt the attached draft resolution approving the 2011-2012 Redevelopment Agency budget contingent upon the City Council’s approval of the above referenced loan.

That the City Council:
1. Approve the Porterville Redevelopment Agency’s request for assistance in the cumulative amount of $495,000, which is $165,000 each year for fiscal years 2011/12, 2012/13 and 2013/14; and
2. Adopt the attached draft resolution approving a loan in the amount of $495,000 between the City of Porterville and the Porterville Redevelopment Agency for operation and administrative charges for fiscal years 2011/12, 2012/13 and 2013/14.
The Deputy City Manager introduced the item, and the staff report was waived at the Council’s request.

**AGENCY ACTION:**
PRA 2011-03

MOVED by Agency Vice-Chair Hamilton, SECONDED by Agency Member McCracken that the Redevelopment Agency request a loan in the amount of $495,000, which is $165,000 each year for fiscal years 2011/12, 2012/13 and 2013/14; and adopt the draft resolution approving the 2011-2012 Redevelopment Agency budget contingent on the City Council’s approval of the above referenced loan.

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

**COUNCIL ACTION:**
Resolution 28-2011

MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve the Porterville Redevelopment Agency’s request for assistance in the cumulative amount of $495,000, which is $165,000 each year for fiscal years 2011/12, 2012/13 and 2013/14; and adopt the draft resolution approving a loan in the amount of $495,000 between the City of Porterville and the Porterville Redevelopment Agency for operation and administrative charges for fiscal years 2011/12, 2012/13 and 2013/14.

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

Disposition: Approved, as amended by staff.

The Joint Council/Porterville Redevelopment Agency meeting was adjourned to a meeting of the Porterville City Council at 9:50 p.m.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

- Council Member Shelton spoke of upcoming events in the City, including, Pioneer Days, a Victory Outreach event, Toastmasters, and Freedom Fest.
- City Attorney Julia Lew advised that staff has requested, that in light of time constraints that evening, Items A3, A4 and A5 could be carried over to the next meeting.

Council Member McCracken moved to place an item on the Agenda to consider modifying the City’s ordinance to allow for more than three card tables at one establishment. The motion died
for lack of a second.

The Council recessed for ten minutes at 10:00 p.m. and reconvened in Closed Session.

CLOSED SESSION
It was reported that no action took place in Closed Session.

ADJOURNMENT
The Council adjourned at 11:00 p.m. to the meeting of July 5, 2011 at 5:30 p.m.

SEAL

Luisa Herrera, Deputy City Clerk

Ronald L. Irish, Mayor
SUBJECT: AWARD OF CONSULTANT SERVICE AGREEMENT CONTRACT FOR ARCHITECTURAL & ENGINEERING SERVICES FOR THE PUBLIC SAFETY BUILDING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On August 2, 2011 City Council authorized staff to negotiate a contract with Taylor-Teter Partnership for services related to the design of the Public Safety Building. Staff estimated the cost for design services at $350,000 to $375,000.

Taylor-Teter Partnership has provided a comprehensive “Scope of Services” covering all crucial tasks that staff feels is necessary for a successful project. Taylor-Teter Partnership’s design fee is $342,870, which is 2.1% lower than staff’s lower estimate. A 5% contingency to cover unforeseen design issues is requested for a total “not to exceed” contract amount of $360,000. The complete scope of services is included for Council’s review and understanding.

The funding source will be from the 2010/2011 “Local” Measure ‘H’ tax revenue funds.

RECOMMENDATION: That the City Council:

1. Authorize the Mayor to execute the Consultant Service Agreement with Taylor-Teter Partnership at an agreed fee of $342,870 for the services described herein;

2. Authorize a 5% contingency to cover unforeseen design issues that may arise once the design effort begins; and

3. Authorize progress payments up to 100% of the fee amount.

ATTACHMENT: Service Agreement w/Scope of Services

P:\pubworks\General\Council\Award of Consultant Service Agreement - Design Services Public Safety Building - 2011-10-18.doc

Dir. Appropriated/Funded CM Item No. 2
SERVICE AGREEMENT

DATE: October 18, 2011

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Taylor-Teter Partnership, hereinafter referred to as "CONSULTANT".

RECITALS: CITY has undertaken a project on which it is seeking assistance from CONSULTANT. Said project which will hereinafter be referred to as "project" is described as follows:

Project Name: City of Porterville Public Safety Building

Description of Project: Consultant to provide Architectural, Civil Engineering, Landscape Architecture, Structural Engineering, Mechanical Engineering and Electrical Engineering Services for the above referenced project (Refer to Exhibit "A" attached and made a part hereof).

AGREEMENTS:

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER set forth the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in Exhibit "A", Scope of Services, in connection with the above described project.
SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis, not to exceed Three Hundred Forty-Two Thousand, Eight Hundred Seventy Dollars, ($342,870.00) (Original fee proposal attached as Exhibit “A”) 

TIME OF PAYMENT: Progress payment requests shall be submitted by the 25th of each month. CONSULTANT should receive payment within 30 days of the date the bill is received.

SECTION 3. COMPLETION DATE: The services to be performed by CONSULTANT will be commenced upon execution of this agreement, no later than November 7, 2011. The services to be performed by CONSULTANT shall be complete by the end of April, 2012.

SECTION 4. FAMILIARITY WITH PROJECT: CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.

SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants
that it will have in full force and effect, valid insurance covering:

(i) Full liability under worker's compensation laws of the State of California; and

(ii) Bodily injury and property damage insurance in the amount not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) aggregate; and

(iii) Errors and Omissions insurance of Three Million Dollars ($3,000,000) minimum per occurrence and aggregate, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars ($50,000) or more, the City may require a Surety Bond (or financial statement in lieu of said bond) for the deductible; and

(iv) Automotive liability in the amount not less than One Million Dollars ($1,000,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. CONSULTANT agrees to indemnify, defend (at CITY’S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or
any of them arising out of negligence of CONSULTANT or any of its employees or agents.

SECTION 6. WORKMANSHIP AND MATERIALS: Every part of the work herein described shall be executed in a professional manner with competent, experienced personnel. Finished or unfinished material prepared under the agreement, prepared by CONSULTANT, shall become property of CITY. CONSULTANT hereby warrants that any materials prepared under this agreement shall be fit for the intended use contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the parties that CITY has entered into this contract with the express understanding that CONSULTANT will perform all work. CONSULTANT shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION. CONSULTANT will not discriminate against any employee, or applicant for employment because of race, color, religion, gender, marital status, or national origin.

SECTION 9. CONFLICT OF INTEREST CODE: CONSULTANT agrees to comply with the regulations of CITY’S “Conflict of Interest Code”. Said
code is in accordance with the requirements of the Political Reform Act of 1974.

CONSULTANT covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.

SECTION 10. TERMINATION: Either party for just cause may terminate this contract by giving seven (7) days written notice to the other party. Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. CONSULTANT may be entitled to just and equitable compensation for satisfactory work completed, except CITY can withhold damages incurred as a result of the termination.

SECTION 11. ENTIRE CONTRACT: It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys' fees and costs.
SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

By __________________________
Ron L. Irish, Mayor

CONSULTANT

By __________________________

Date _________________________

Date _________________________

BSR:jb

P:\pubworks\Projects\9004 Public Safety Building\Documents\Attachment Public Safety Bldg TTP Service Agreement - 2011-10-18.doc
September 29, 2011

Mr. Jason Biagio, Project Manager
City of Porterville
291 North Main Street
Porterville, CA 93257

Subject: Porterville Public Safety Building
Professional Fees for Porterville Public Safety Building
Project No: A 10-8069.00 Contract File

Dear Jason:

Attached, please find our professional fee quotation for your public safety building. This fee was based upon our previously submitted scoping document and the return comments from the City modifying that document.

The modified Scope of Work and Services we are proposing to provide the City of Porterville are the following. These Services are being proposed to be provided for the Proposed Fee(s) noted within our proposal letter.

Scope of Work and Proposed Services

- Architectural design and documents through plan check approval and bidding phase.
- Structural design and documents through plan check approval and bidding phase.
- Mechanical design and documents through plan check approval and bidding phase.
- Electrical design and documents through plan check approval and bidding phase.
- Landscape design and documents through plan check approval and bidding phase.
- Civil Engineering design for on site improvements including grading and drainage as well as wet utility design.
- Cost Estimating for;
  - Program cost estimates
  - Schematic level cost estimates
  - Design development level cost estimate
  - 90% contract documents cost estimate
Proposed Professional Fees

Our professional fees for the basic services above will be: $317,750.00

Per our scoping letter with your amendments, it is our understanding that we are also to provide the following services with the associated fees:

- CEQA application and processing for environmental approval. This fee does not include any technical studies nor would include any environmental impact reports. *(Excluded reports include but are not limited to, Railroad Studies, Aeronautical Studies, Traffic Studies, Pipe Line Studies, Supplemental Site Investigative Studies (SSI's), etc.)*
  $6,750.00

- Cal-Green Commissioning Plan (required for all buildings in excess of 10,000 square feet / California Building Code). *(Note: The noted Fee does not include construction phase commissioning activities.)*
  $2,000.00

- Brown Street improvement documents:
  $3,920.00

- Parcel map preparation and county processing (up to 5 parcels total):
  $5,680.00

- Boundary survey, which would include the southwest five acres plus/minus, including topographical information:
  $3,520.00

- SWPPP plan/process for storm water system:
  $3,250.00

Total for additional professional services beyond the traditional basic services: $25,120.00

Total combined professional fees: $342,870.00

Jason, we are excited by the opportunity of working together once again with the City of Porterville. As always, please do not hesitate to contact me directly to discuss this or any scoping questions you might have.

Sincerely,

Taylor/Teter Partnership, LLP

On Behalf Of

Russell F. Taylor, AIA, LEED AP
Partner/Architect

cc: Mr. Mallory Cusenbery
    Mr. Glen Teter
    Mr. Byron Dietrich
    Mr. Jamie Hickman

7535 N. PALM AVE. 201
FRESNO, CA 93711
TEL: 559-437.0887
FAX: 559-438.7554
www.taylorteter.com
CITY COUNCIL AGENDA: OCTOBER 18, 2011

SUBJECT: AUTHORORIZATION TO TRAVEL – OUT OF STATE TRAINING

SOURCE: Public Works Department – Engineering Division

COMMENT: The University of Wisconsin-Madison, a well-established resource of instructional classes for professional development in the engineering field, is holding a two-day public works course in Las Vegas, Nevada. This two-day course entitled “Improving Public Works Construction Inspection Skills” will be held in December 2011 and is only offered in Las Vegas and Madison, Wisconsin.

The Public Works Department – Engineering Division seeks authorization to send both Public Works Inspectors for this well respected course in engineering principles, practical tips and techniques in Public Works oriented inspection skills. Estimated costs for registration, travel and accommodations is $2,500 total.

Funding is available in the Public Works Department – Engineering and Building Division budget, and staff will seek reimbursement from the Tulare County Association of Governments’ 2011/2012 Work Element 601.07 – Training and Travel Account. The reimbursable amount is $1,000 specifically targeted to the City of Porterville and must be used for transportation type training.

RECOMMENDATION: That City Council approve of staffs’ travel to Las Vegas, Nevada and attendance at the “Improving Public Works Construction Inspection Skills”.

Item No. 3
COUNCIL AGENDA: OCTOBER 18, 2011

SUBJECT: ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Library and Literacy Commission and staff propose to conduct the fifth Annual Food for Fines Campaign from October 24 to December 19 over an eight-week period. The library benefits from this program by recovering lost library materials and from the clearing of fines on patron accounts.

Last year the campaign ran for eight weeks, which 270 library patrons participated by returning overdue materials and clearing other overdue fines off their accounts. During the implementation of this campaign, the library recovered 172 materials, collected 1100 items of food, and waived $875.25 in fines. Staff will once again coordinate with the local Kiwanis Club who annually distribute food through their Family Food Basket program.

PROGRAM OUTLINE:
➢ For every can of food submitted during the drive, $1 of overdue fees will be waived up to $10 per account.
➢ The cans of food and other non-perishables must not be damaged or expired.
➢ Staff will track transactions by how many cans were donated and the total fines waived.

RECOMMENDATION: That the Council authorize the fifth Annual Food for Fines Campaign to run October 24 through December 19, 2011.
COUNCIL AGENDA: OCTOBER 18, 2011

SUBJECT: ANNUAL CALIFORNIA LIBRARY ASSOCIATION CONFERENCE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The California Library Association (CLA) Annual Conference is scheduled for November 11-13, 2011, in Pasadena. Once again CLA has joined conference efforts with the California School Library Association. The conference title for this year is "The Journey continues...Creating the New Normal", which is geared to empower all librarians, library staff, students and library supporters with a myriad of tools to succeed in our changing economic, cultural, and literary environment.

The Parks and Leisure Services Department, Library Division has always programmed conference expenditures into the annual budget process. This year Library and Literacy Commissioner’s May, Leavitt, and Ybarra wish to participate.

Past participation in this annual conference has yielded direct contact with vendors and their products such as our HelpNow! online homework help service, Early Literacy Computers, and 3M self-check system. The conference runs program tracks that include: Adult Services, Advocacy, Programs, Service Models, Youth, Technology, and Partnerships. The exposure to public and school library issues and trends this conference provides is invaluable. The return on investment is often grant opportunities, introductions to new technologies, and program development.

Staff will be strategic in building the appropriate program itinerary for the participants as to align with the library mission. In addition, the expectation will be that the participants give a collaborative presentation at the December Library and Literacy Commission meeting.

Commissioner May has opted to pay her registration expense. The anticipated expenditure for conference registration for two is $240, lodging for two nights $576, mileage $181, and three meal & incidental per diems $320.

RECOMMENDATION: That the Council authorize the estimated travel expenditure of $1,317 from the Library Division’s general fund to send three members of the Library and Literacy Commission to the 2011 California Library Association Conference.

Signed, Director Appropriated/Funded City Manager ITEM NO.: 5
COUNCIL AGENDA: OCTOBER 18, 2011

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – NEW HOPE CHRISTIAN FELLOWSHIP SKATEBOARD DEMO – OCTOBER 29, 2011

SOURCE: Finance Department

COMMENT: The New Hope Christian Fellowship is requesting approval to hold a skateboard demonstration by the Ambassador Skate Park group at the Skate Park on October 29, 2011, from 1:00 p.m. to 5:00 p.m.

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

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the New Hope Christian Fellowship, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

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

D.D. Appropriated/Funded C.M.  Item No. 6
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE?

Application date: 9/11
Event date: 10/29/11
Event time: 1:00-5:00

Name of Event: NEW HOPE/AMBASSADOR SKATEBOARD DEMO

Sponsoring organization: NEW HOPE CHRIATAN FELLOWSHIP
Address: 1163 LINDA VISTA
Phone # 781-1588

Authorized representative: MATT LIFCOY
Address: 1163 LINDA VISTA
Phone # 714-0690

Event chairperson: MATT LIFCOY
Phone # 714-0690

Location of event (location map must be attached): VETERANS PARK

Type of event: SKATEPARK DEMO

Non-profit status determination:

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

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

Parks facility application required: Yes: _ No: _ Attached: __
Assembly permit required: Yes: _ No: _ X: Attached: ___

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

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

1 of 4
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.

New Hope Christian Fellowship  
(Name of Organization)  

(Signature)  

9/12/11  
(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: 

Sponsoring organization: 

Location: 

Event date: 

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.

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

Name of event: ________________________________

Sponsoring organization: ________________________________

Event date: _____________________  Hours: ________________

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

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4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

NEW HOPE CHRISTIAN FELLOWSHIP
EMBASSADOR SKATE PARK

OCTOBER 29, 2011

Business License Supervisor:
  S. Perkins

No requirements if no vendors.

Public Works Director:
  B. Rodriguez

No comment.

Community Development Director:
  B. Dunlap

Field Services Manager:
  B. Styles

No comments.

Fire Chief:
  M. G. Garcia

No comment.

Parks and Leisure Services Director:
  M. Stowe

Police Captain:
  S. Rodriguez

No special conditions or requirements for this event.

Administrative Services Manager:
  P. Hildreth

See Exhibit A, page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: New Hope Christian Fellowship
Event: Skateboard Demo
Event Chairman: Matt Gifford
Location: Skate Park
Date of Event: October 29, 2011
Time of Event: 1:00 p.m. to 5:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A\VII, and the insurance company must be an “admitted” insurer in the State of California.
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

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

1 Name and home address of the applicant: Matt Griffith
   22716 White Ave, Strathmore, CA 93267

2 Address where amplification equipment is to be used: Skate Park

3 Names and addresses of all persons who will use or operate the amplification equipment: Matt Griffith
   1163 Linda Vista, Porterville

4 Type of event for which amplification equipment will be used: Skate Park Demo

5 Dates and hours of operation of amplification equipment: 10/29/11 11-5

6 A general description of the sound amplifying equipment to be used: PA system

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

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

Ord. Code § 6311

Section 18-14 It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows or exhibitions for the convenience 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 9/12/11

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

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

Date OCT. 6, 2011
**ACORD - CERTIFICATE OF LIABILITY INSURANCE**

PRODUCER: FRANCIS L. DEAN & ASSOCIATES, INC.
1776 S. NAPERVILLE RD., BLDG. B
P.O. BOX 4200
WHEATON, IL 60189
(800) 745-2409
www.fdean.com

INSURED: SPORTS AND RECREATION PROVIDERS ASSOCIATION (PURCHASING GROUP) AND ITS PARTICIPATING MEMBERS:
Embassador Skate Park
382 Killingsworth Circle
Vacaville, CA 95687

**COMPANIES AFFORDING COVERAGE**

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<thead>
<tr>
<th>COMPANY</th>
<th>NAME</th>
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<tr>
<td>A</td>
<td>RIVERPORT INSURANCE COMPANY</td>
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**COVERAGES**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**LIMITS**

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**DESCRIPTION OF OPERATIONS/Locations/VEHICLES/SPECIAL ITEMS**

Certificate holder is named as additional insured.

**CERTIFICATE HOLDER**

City of Porterville Skatepark

**CANCELLATION**

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

**AUTHORIZED REPRESENTATIVE**

Francis L. Dean

© ACORD CORPORATION 1988
COMMERCIAL GENERAL LIABILITY  
CG 20 26 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

Policy Number: FLDG180411/AP138749  
Insured: Ambassador Skate Park

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s)</th>
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</table>
| City of Porterville  
291 North Main Street  
Porterville, CA 93257 |

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 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 of the acts or omissions of those acting on your behalf:

A. In the performance of your ongoing operations; or
B. In connection with your premises owned by or rented to you.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT VETERANS' HOMECOMING COMMITTEE VETERANS' DAY PARADE - NOVEMBER 11, 2011

SOURCE: Finance Department

COMMENT: The Veterans’ Homecoming Committee is requesting approval to hold its annual Veterans’ Day Parade on Friday, November 11, 2011, from 5:00 a.m. to 12:00 p.m. They are requesting the closure of Main Street from Doris Avenue to Olive Avenue and also per the attached map.

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, Exhibit A and Exhibit B. A map showing the desired street closures is included.

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Veterans’ Homecoming Committee, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

ATTACHMENTS: Community Civic Event Application, Agreement, Exhibit A, Exhibit B, Map and Outside Amplifier Permit.

DD Appropriated/Funded CM Item No.
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: 8-15-2011  Event Date: 11-11-2011

Name of Event: Veterans Day Parade

Sponsoring Organization: Veterans Homecoming Committee

Address: 1238 Linda Vista Ave, Porterville, CA 93257

Authorized Representative: Don R. Dowling  Phone: 781-7759/920-2659

Event Chair-Person: Ed Flory  Phone: 784-0730

Location of Event: (location map must be attached) Main street Porterville

Type of event/method of operation: Parade

Nonprofit Status determination: Nonprofit

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

Barricades (quantity): 75 Street Sweeping  yes x No

Police Protection  Yes x  No Refuse pickup  yes x  No

Other:

Parks facility application required: Yes  No

Assembly permit required: Yes  No

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

Risk Manager
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.

[Signature]
(Name of Organization) 8-17-91
(Signature) (Date)
CITY OF PORTERVILLE

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

Name of Event: ____________________________ Veterans Day Parade

Sponsoring Organization: ____________________ Veterans Homecoming Committee

Location: Main Street Porterville Event Date: 11 November 2011 Event time 0500-1200

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 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>
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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

PLEASE SEE ATTACHED MAP

Name of event: Veterans Day Parade

Sponsoring Organization: Veterans Homecoming Committee

Event Date: 11 November 2011  Hours: 0500-1200

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

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<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Main Street</td>
<td>Henderson</td>
<td>Orange</td>
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<tr>
<td>Second</td>
<td>Olive</td>
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<td>Sunnyside</td>
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<tr>
<td>Main Street</td>
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<td>Orange</td>
<td>Vets. Day Parade</td>
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<thead>
<tr>
<th>Parking lots and Spaces</th>
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<th>Activity</th>
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT

VETERANS' HOMECOMING COMMITTEE

VETERANS' DAY PARADE

NOVEMBER 11, 2011

Business License Supervisor:  
S. Hartman  
Business License Department requires list of vendors prior to event.

Public Works Director:  
B. Rodriguez

Community Development Director:  
B. Dunlap  
The Redevelopment Agency should be additionally insured as well.

Field Services Manager:  
B. Styles  
City sponsored parade. City Staff to supply the barricades, street closures, trash/recycle cans and clean up.

Fire Chief:  
M.G. Garcia  
Area in front of the Fire Station (Division St. west) must be kept clear and unobstructed for emergency response.

Parks and Leisure Services Director:  
M. Stowe  
Portable toilets are needed, keep spectators out of planters and clean-up following event.

Police Captain:  
S. Rodriguez

Administrative Services Manager:  
P. Hildreth  
Please see attached Exhibit A, page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Veterans' Homecoming Committee
Event: Veterans’ Day Parade
Event Chairman: Ed Flory
Location: Main Street from Danner Ave. to Orange Ave.
Date of Event: November 11, 2011

RISK MANAGEMENT: Conditions of Approval

1. The following street sections are not authorized for closure and shall remain open to vehicular traffic.
   a. Division Street and Hockett Street between Oak Avenue and Olive Avenue
   b. Oak Avenue from Division Street to ‘D’ Street
   c. Streets adjacent to the Police Station and Fire Station No.1
   d. Orange Avenue, east and west traffic flow

2. That the Veterans’ Homecoming Committee provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Sponsoring Organization’s operation and sponsorship of the aforementioned Community Civic Event. If this 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 than A: VII, and the insurance company must be an “admitted” insurer in the State of California.

3. The use of sidewalks, during this event, for any purpose other than normal pedestrian traffic, e.g., food booths, sales booths, displays, bleachers, etc., is prohibited within a ten-foot radius of all walk-up Versa-Teller operations.
CITY OF PORTERVILLE
Community Civic Event Application

VETERANS DAY PARADE- Nov. 11, 2011

Proposed Conditions/Requirements for Veteran’s Day Parade

➢ City Council approval is required for all street closures.

➢ Ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.

➢ Veteran’s Homecoming Committee should meet with street vendors to coordinate rules regarding their activities, such as:
   - Staying off the parade route and crossing in front of floats or groups
   - Shall not sell silly string, snap caps or party poppers
   - Ensure each vendor has properly obtained a City business license

➢ Food vendors should be situated where they minimally block the sidewalk.

➢ Food vendors should provide inspection certificates from the Tulare County Health Department to members of the Veteran’s Homecoming Committee, to ensure safe food products.

➢ Throwing candy from vehicles, floats, or any parade entry is prohibited. This results in children scampering to catch or find candy in a crowded environment, and causes others to run out into the street. This practice creates significant and unnecessary risk for parade goers. All registered parade entrants should be informed of this prohibition and efforts taken to cease this practice.

Silver Rodriguez, Captain
Police Department

EXHIBIT B

Porterville Police Department Mission Statement
The members of the Porterville Police Department are committed to the safety and security of the community while providing quality service with excellence, honesty and integrity.
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

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

1 Name and home address of the applicant:  
1958 LINDA VISTA

2 Address where amplification equipment is to be used:  
CITY HALL

3 Names and addresses of all persons who will use or operate the amplification equipment:  
1958 LINDA VISTA

4 Type of event for which amplification equipment will be used:  
Veterans Day Parade.

5 Dates and hours of operation of amplification equipment:  
NOV. 11, 2011 1000 HRS. TO 1200 HRS.

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

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

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

Section 18-14  
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within in the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefor, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall be 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.

SILVER RODRIGUEZ / CAPTAIN  
Signature of Applicant  
SEPT. 14, 2011  
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 REVOCAITION OF THE PERMIT.

City of Porterville, Chief of Police/Designee  

Date
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE AND ROTARY CLUB OF PORTERVILLE - ANNUAL CHILDREN'S CHRISTMAS PARADE - DECEMBER 1, 2011

SOURCE: Finance Department

COMMENT: The Porterville Chamber of Commerce and Rotary Club of Porterville are requesting approval to hold the annual Children's Christmas Parade along Main Street on Thursday, December 1, 2011 from 5:00 p.m. to 9:00 p.m. This application is being submitted under the Community Civic Event Ordinance No. 1326, as amended. The following closures are requested:

STREETS (5:00 p.m. - 9:00 p.m.):
Main Street from Danner Avenue to Olive Avenue;
Olive Avenue from Hockett Street to Second Street;
Morton Avenue from Hockett Street to Second Street;
Harrison Avenue from Hockett Street to Second Street;
Thurman Avenue from Hockett Street to Second Street;
Putnam Avenue from Hockett Street to Second Street;
Mill Avenue from Hockett Street to Second Street;
Cleveland Avenue from Hockett Street to Second Street;
(no blocking street for fire access.)
Oak Avenue from Hockett Street to Second Street;
Garden Avenue from Main Street to Second Street;
Second Street from Olive Avenue to Oak Avenue;
School Avenue, Belleview Avenue, North Avenue and Doris Avenue from Main Street to Second Street and Sunnyside.

SIDEWALKS (5:00 p.m. - 9:00 p.m.):
Main Street from Danner Avenue to Olive Avenue and
Olive Avenue from Main Street to Second Street.

PARKING SPACES (6:00 a.m. - 9:00 p.m.):
Main Street in front of Chamber of Commerce

PARKING SPACES (3:00 p.m. - 9:00 p.m.):
Main Street, north end, in front of City hall

This application has been routed according to the ordinance regulations and has been reviewed by all departments involved. The requirements are listed on the attached copy of the Application, Agreement, Exhibit A and Exhibit B.
The closure of Main Street at 5:00 p.m. will require the early closure of the Fixed Route Transit System at 4:30 p.m., instead of the usual 7:00 p.m., on December 1, 2011. Staff is requesting that Council authorize the change in schedule for the Fixed Route system only.

Early closure of the parking spaces in front of City Hall (requested from 3:00 p.m. to 5:00 p.m. for placement of the announcer's stand) will adversely affect City Hall patrons. This conflict was resolved by placing the announcer's stand at the north end of City Hall along Main Street.

RECOMMENDATION: That Council:

1. Approve the Community Civic Event application from the Porterville Chamber of Commerce and Rotary Club of Porterville subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application;

2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on December 1, 2011;

3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m., to those at the north end of City Hall along Main Street.

ATTACHMENTS: Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Outside Amplifier Permit, Street Maps and Certificate of Liability Insurance.
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: September 24, 2011 Event date: December 1, 2011
Event time: 5-9 pm street & sidewalk closure 7-9 pm parade (camp parking in

Name of Event: Children's Christmas Parade

Sponsoring organization: Porterville Chamber of Commerce
City of Porterville
Address: 93 N. Main St. Porterville, CA 93257
Phone # 784-7502

Authorized representative: Darnelle Carter
Address: 93 N. Main St. Porterville, CA 93257
Phone # 784-7502

Event chairperson: Frank Euclyde Phone #
Denise Marchant
Phone # 784-6259

Location of event (location map must be attached): Main St. From Danner
to Albie side streets for assembly and disbursement

Type of event: Children's Christmas Parade

Non-profit status determination: on file BL # 0248 / BL # 00462

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

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

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

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

Appr. Deny
Bus. Lic. Spvr. __________________________
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 or 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 559.733.6444, 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.

Porterville Chamber | 9/19/11
Porterville, CA
Rotary Club of Porterville

(Name of Organization) | (Signature) | (Date)
CITY OF PORTERVILLE

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

Name of event: Children's Christmas Parade

Sponsoring organization: Rotary Club of Porterville, Porterville Chamber of Commerce, City of Porterville

Location: Main St. Event date: Dec. 2011 Event time: 5pm-9pm

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

Will be submitted later by the Chamber

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

Name of event: Children's Christmas Parade

Sponsoring organization: Rotary Club of Porterville, Porterville Chamber of Commerce, City of Porterville

Event date: Dec 1, 2011

Hours: 8am-9pm streets & sidewalks
6am parking spaces in front of Chamber
3pm parking spaces in front of City Hall

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main St.</td>
<td>Dodson Ave</td>
<td>Olive Ave</td>
<td>Parade Float Assembly</td>
</tr>
<tr>
<td>Olive Ave</td>
<td>Hackett St</td>
<td>Second St.</td>
<td>Parade Float</td>
</tr>
<tr>
<td>Market Avenue</td>
<td>Hackett St</td>
<td>Second St.</td>
<td>Float Assembly</td>
</tr>
<tr>
<td>Equipment, Cleveland</td>
<td></td>
<td></td>
<td>Rail Yard</td>
</tr>
<tr>
<td>Garden Ave</td>
<td>Main St.</td>
<td>Second St.</td>
<td>Float Assembly</td>
</tr>
<tr>
<td>School Playground</td>
<td>Main St.</td>
<td>Second St.</td>
<td>Parade Float</td>
</tr>
<tr>
<td>Second St.</td>
<td>Olive Ave</td>
<td>Oak Ave</td>
<td>Parade Disbandment</td>
</tr>
<tr>
<td>Sidewalks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main St.</td>
<td>Dodson Ave</td>
<td>Olive Ave</td>
<td>View Parade and Float</td>
</tr>
<tr>
<td>Olive Ave</td>
<td>Main St.</td>
<td>Second St.</td>
<td>Assembly Area</td>
</tr>
</tbody>
</table>

Parking lots and spaces

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chamber of Commerce, 93 N. Main</td>
<td>Judge's Stand</td>
</tr>
<tr>
<td>City Hall, 291 N. Main</td>
<td>Announcer's Stand</td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

PORTERVILLE CHAMBER OF COMMERCE
ROTARY CLUB OF PORTERVILLE

ANNUAL CHILDREN'S CHRISTMAS PARADE

DECEMBER 1, 2011

Business License Supervisor: S. Hartman

Business License Division requires vendor list prior to event.

Public Works Director: B. Rodriguez

Community Development Director: B. Dunlap

No comment.

Field Services Manager: B. Styles

City sponsored parade. City staff to supply barricades, street closure, trash/recycle cans and clean up.

Fire Chief: M.G. Garcia

Parks and Leisure Services Director: M. Stowe

Keep spectators of planters; provide portable toilets.

Police Captain: S. Rodriguez

See list of Conditions/Requirements for Children’s Christmas Parade in Exhibit B.

Administrative Services Manager: P. Hildreth

See Exhibit A, page 2. Redevelopment Agency should be named additional insured.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsors: Porterville Chamber of Commerce, Rotary Club of Porterville
Event: Annual Children’s Christmas Parade
Event Chairman: Donnette Carter
Location: Main Street
Date of Event: December 1, 2011
Time of Event: 5:00 p.m. to 9:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Chamber of Commerce and Rotary Club of Porterville 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, Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

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

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

ANNUAL CHILDREN’S CHRISTMAS PARADE- Dec. 1, 2011

Conditions/Requirements for Children’s Christmas Parade

➤ City Council approval is required for any/all street closures.

➤ Ensure highly visible and adequate barricades/barriers are used to warn motorists of non-access to closed streets and prevent vehicle access to those designated areas.

➤ Children’s Christmas Parade Committee should meet with street vendors to coordinate rules regarding their activities, such as:
   • Staying off the parade route (street area) and avoid crossing in front of floats or groups.
   • Shall not sell silly string, snap caps or party poppers.
   • Ensure each vendor has properly obtained a City business license.

➤ Food vendors should be situated where they minimally block the sidewalk.

➤ Food vendors should provide inspection certificates from the Tulare County Health Department to members of the Children’s Christmas Parade Committee, to ensure safe food products.

➤ Throwing candy from vehicles, floats, or any parade entry is prohibited. This results in children scampering to catch or find candy in a crowded environment, and causes others to run out into the street. This practice creates significant and unnecessary risk for parade goers. All registered parade entrants should be informed of this prohibition and efforts taken to cease this practice.

Silver Rodriguez, Captain (SR)
Police Department

EXHIBIT B

Porterville Police Department Mission Statement
The members of the Porterville Police Department are committed to the safety and security of the community while providing quality service with excellence, honesty and integrity.
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

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

1 Name and home address of the applicant: Rotary Club of Porterville
   Porterville Chamber of Commerce, 93 N. Main St 784-7502

2 Address where amplification equipment is to be used: Main St

3 Names and addresses of all persons who will use or operate the amplification equipment: Unknown, Different

4 Type of event for which amplification equipment will be used: Children's Christmas Parade

5 Dates and hours of operation of amplification equipment: 6pm-9pm Dec 1, 2011

6 A general description of the sound amplifying equipment to be used: Amplifiers on floats

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 § 8311)

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

Penal Code Section 415.2
Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

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

Signature of Applicant

Date

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

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

Date

SEPT. 28, 2011
CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/1/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERST 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
LOCKTON COMPANIES, LLC • CHICAGO
525 W. Monroe, Suite 600
CHICAGO IL 60661
(312) 669-6900

CONTACT NAME:
Lockton Companies, LLC
PHONE: 1-800-921-3172
TAX: 1-312-681-6769
EMAIL: Rotary@lockton.com

INSURED
All Active US Rotary Clubs & Districts
Attn: Risk Management Department
1560 Sherman Ave.
Evanston, IL 60201-3698

INSURER(S) AFFORDING COVERAGE
NAD #: INSURER A: ACE American Insurance Company 22667
INSURER B: ACE Property & Casualty Insurance Co 20699

COVERAGES
CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HERIN 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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<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>SUB-WRITING</th>
<th>POLICY NUMBER</th>
<th>START DATE</th>
<th>END DATE</th>
<th>EACH OCCURRENCE</th>
<th>DAMAGE TO RENTED PREMISES (EA occurrence)</th>
<th>MEDICAL EXPENSE (Any one person)</th>
<th>PERSONAL &amp; ADJURY INJURY</th>
<th>AGGREGATE</th>
<th>PRODUCTS COMPLIANCE</th>
<th>EXCESS LIABILITY</th>
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<td>GENERAL LIABILITY</td>
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<td>7/1/2012</td>
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<td>$500,000</td>
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<td>7/1/2011</td>
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<td>$10,000,000</td>
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The Certificate Holder is included as Additional Insured where required by written contract or permit subject to the terms and conditions of the General Liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER

City of Porterville, Porterville, California

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

[Signature]

ACORD 25 (2010/05) The ACORD name and logo are registered marks of ACORD ©1988-2010 ACORD CORPORATION. All rights reserved
**CERTIFICATE OF LIABILITY INSURANCE**

**DATE (MM/DD/YYYY):** 9/20/2011

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**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.**

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**PRODUCER**
- Name: Walter Mortensen Insurance
- CA License #: 0044424
- Address: 89 East Mill Ave.
  - Porterville, CA 93257

**INSURED**
- Name: Porterville Chamber of Commerce
- Address: 93 N. Main St.
  - Porterville, CA 93257-3711

**INSURER(S) AFFORDING COVERAGE**
- Travelers Property Casualty

**PRODUCER CUSTOMER ID #:** 00110327

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**COVERAGES**

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**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES**

Certificate issued as evidence of General Liability Insurance Coverage maintained by the Named Insured. Coverage is subject to "all" policy terms, conditions, limitations and/or exclusions.

Regarding: Christmas Parade Event Dated 12/1/2011

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**CERTIFICATE HOLDER**

**CANCELLATION**

City of Porterville
291 N Main Street
Porterville, CA 93257

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 / JMDRI

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**ACORD 25 (2009/09)**

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SUBJECT: AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN – PORTERVILLE POLICE OFFICERS ASSOCIATION

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/HUMAN RESOURCES

COMMENT: Within the scope of the Meyers-Milias-Brown Act, City representatives have concluded labor negotiations with the Porterville Police Officers Association ("PPOA"). City representatives and PPOA have reached an agreement, and a written comprehensive Memorandum of Understanding ("MOU") has been executed restating current benefits as well as amendments pertaining to wages, benefits and working conditions.

City Council acceptance and approval of an executed MOU is most commonly demonstrated by Council authorization to change or amend, when applicable, those documents as are necessarily known to implement the points of agreement contained in the MOU.

RECOMMENDATION: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan.

ATTACHMENT: Draft Resolution

Item No. 9

[Signatures]

Dr.

Approp./Funded

CM
RESOLUTION NO. _________-2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN

WHEREAS, the City Council has determined and reiterated that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan and Retirement Plan are essential for the proper administration of the City’s affairs, including employee recruitment and retention, and for proper supervision of City Employees; and

WHEREAS, the City Council recognizes the necessity of amending and/or changing the contents of such plans and regulations from time to time, and of executing instruments to implement and to keep the provisions thereof current, and to maintain the relevancy of the same and;

WHEREAS, there has been concurrence on a Memorandum of Understanding with the Porterville Police Officers Association for the period from July 1, 2011, until June 30, 2014, covering provisions to amend the Employee Pay and Benefit Plan, as they relate to employees holding positions represented by such recognized employee organization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan, for employees holding positions represented by the aforementioned recognized employee organization, is hereby amended as follows:

I. TERM OF MEMORANDUM OF UNDERSTANDING

Thirty-six (36) months. i.e., from July 1, 2011, until June 30, 2014.
II. **SALARIES**

The Employee Pay and Benefit Plan, Position Pay Plan Schedule shall be amended to increase the base pay for Porterville Police Officers Association employees as follows:

Effective 10-01-11, Porterville Police Officer Association employees shall receive a 5% salary increase.

Effective 01-01-13, Porterville Police Officer Association employees shall receive a 3% salary increase.

Effective 01-01-14, Porterville Police Officer Association employees shall receive a 2% salary increase. The City shall have the right to re-open negotiations with P.P.O.A regarding this item.

III. **CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS)**

Effective 07-01-11, the City’s contribution rate for the Public Safety group will increase from 25.893% to 30.382%. To minimize the financial impact to the City, effective 10-01-11, Porterville Police Officer Association employees shall begin paying 9% of the employee’s pre-taxed monthly retirement contribution.

Effective 07-01-12, Porterville Police Officer Association employees shall pay 50% of the employer contribution rate increase for the 2012/2013 fiscal year.

Effective 07-01-13, Porterville Police Officer Association employees shall pay 50% of the employer contribution rate increase for the 2013/2014 fiscal year. In the event that said total increase exceeds 3% (or 1.5% for PPOA’s share), this item shall be re-opened for additional negotiations.

IV. **EDUCATIONAL INCENTIVE**

Effective 10-01-11, or soon thereafter as possible, the City agrees to amend Administrative Policy, IV-B-2 Employee Training to:

Police Series:

Mutual Benefit Training: Training of generally equal benefits to the City and the employee, for course work applied toward a Bachelor’s or Master’s degree related to the employee’s present position or possible promotion within the City. City participation to consist of full reimbursement for tuition, registration costs, for any class(es) or course(s) to the equivalent of Fresno State University tuition (lecture course) for six (6) units or less per school semester (and two semesters per fiscal year), or equivalent quarter units, per employee. A semester will be calculated by the classes successfully completed between January to June (Spring) and July to December (Fall).
Due to the recent increases in tuition cost, the current reimbursement amount will be confirmed by contacting the Fresno State University Cashier’s Office as requests for tuition reimbursement are routed to the Human Resources Office.

* Current reimbursement amount allowed is $1,982.50 per semester.

V. OVERTIME/COMPENSATORY TIME

Effective 10-01-11, or soon thereafter as possible, the Employee Pay and Benefit Plan, Section II, C., Overtime, shall be amended as follows:

Employees designated to the Police Series may choose to receive overtime compensation for that pay-period or bank the overtime hours to cash out at a later date, or use for compensatory time.

a. Overtime: Overtime hours worked will be compensated at 1 ½ times the regular rate of pay, unless immediately after working overtime, the employee designates that their hours be banked. Employees shall not bank more than 120 hours per fiscal year (equivalent to 80 overtime hours worked).

b. Overtime Cash Out: Subject to the Department Head’s approval, employees may cash out their banked overtime hours banked overtime hours twice per fiscal year (dates designated by Department Head). Employees shall be compensated at their current rate of pay at the time of cash out. Without prior notice, the Department Head can temporarily suspend overtime cash-outs.

c. Compensatory Time: With approval from Department Head or Supervisor and subject to staffing requirements and operational priorities, employees may request compensatory time off in lieu of cash payment for overtime hours worked. Compensation time accrues at the same rate as overtime (1 ½ hours per hour of overtime worked).

d. Overtime cash out and compensatory time usage is subject to an annual evaluation by the Department Head.

e. Upon termination, all accumulated compensatory time off will be paid to employee at his/her current rate.

VI. COURT TIME/COURT STANDBY

Court time is divided into two sessions: Morning and Afternoon.

Court Stand-by Officers shall be paid two (2) hours straight time for each court session for which they have been placed on standby. Officers shall submit an overtime slip with the corresponding subpoena and the slip shall be marked “Court Standby, Morning Session” or “Court Standby, Afternoon Session,” depending upon which session the standby time is for. In the event the officer is on call for both the morning and afternoon session, the slip shall be submitted for four (4) hours and shall be marked “Morning and Afternoon Session.”
In the event the officer is called to court, they will be paid time and one half (1 ½) from the beginning of that court session, but in no case less than two (2) hours. Officers shall submit an overtime slip for that court session and the slip shall be marked “In Court.” If the officer is on call during the morning session, and is called to testify in the afternoon session, the officer will be compensated two (2) straight time hours for standby in the morning session, and overtime for the afternoon session. Officers will submit two overtime slips with one subpoena. At no time will an officer be paid for both standby time and court time during any individual morning or afternoon court session.

In the event the officer is “In Court” for both sessions, the officer shall submit one slip documenting the times of both the morning session and the afternoon session. The officer shall be compensated for their time in each session.

VII. **SICK LEAVE**
An absence or absences totaling not more than 48 hours of accrued and available sick leave per calendar year for employees other than Fire Shift personnel, and 67.2 hours for Fire Shift personnel, to attend to an illness whether requiring hospitalization or not, of a child, parent, spouse or domestic partner of the employee. In no event can an employee use more paid sick leave than he/she has accrued. For the purpose of this benefit, “child” means a biological, foster, or adopted child, a stepchild, a legal ward, or a child of a person standing in loco parentis. “Parent” means a biological, foster, or adoptive parent, a stepparent, or a legal guardian.

VIII. **STRATEGIC RETIREMENT ADVISORS**
Effective 10-1-11, or as soon thereafter as possible, the City will contract with Strategic Retirement Advisors, LLC to provide employees represented by PPOA with an additional investment advisor vendor.

IX. **2014-2015 NEGOTIATIONS**

X. **STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS**
Benefits and working conditions as were previously agreed upon through the Meet and Confer process, and subsequently approved and implemented by appropriate authority shall, unless herein expressly modified or eliminated, remain in effect until such time as they are subsequently modified or eliminated through the Meet and Confer process and similarly approved by appropriate authority.
BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

__________________________
Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By ________________________
Patrice Hildreth, Chief Deputy City Clerk
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 October 4, 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 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 recently 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: None
SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Schedule the Consideration of Authorizing a Resolution of Support for H.R. 1837 (Nunes), “San Joaquin Valley Water Reliability Act”

SOURCE: City Manager

COMMENT: Vice Mayor Hamilton has requested that the City Council authorize the scheduling on the next Council Agenda the consideration of authorizing a Resolution of support for H.R. 1837 (Nunes), known as the “San Joaquin Valley Water Reliability Act”.

RECOMMENDATION: Vice Mayor Hamilton makes the motion that the City Council authorize the scheduling on the November 1st Council Agenda the consideration of authorizing a Resolution of support for H.R. 1837 (Nunes), known as the “San Joaquin Valley Water Reliability Act”.

ATTACHMENT: H.R. 1837 (Nunes) “San Joaquin Valley Water Reliability Act”
112TH CONGRESS  
1ST SESSION  
H. R.  

To address certain water-related concerns on the San Joaquin River, and for other purposes.  

IN THE HOUSE OF REPRESENTATIVES  

Mr. Nunes (for himself, Mr. McCarthy of California, and Mr. Denham) introduced the following bill; which was referred to the Committee on  

A BILL  

To address certain water-related concerns on the San Joaquin River, and for other purposes.  

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

2 SECTION 1. SHORT TITLE.  

4 This Act may be cited as the “San Joaquin Valley Water Reliability Act”.  

6 SEC. 2. TABLE OF CONTENTS.  

7 The table of contents for this Act is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.
TITLE I—CENTRAL VALLEY PROJECT IMPROVEMENT ACT REFORMS

See. 101. Amendment to purposes.
See. 102. Amendment to definition.
See. 103. Limitation on contracting and contract reform.
See. 104. Water transfers, improved water management, and conservation.
See. 105. Fish, wildlife, and habitat restoration.
See. 106. Restoration Fund.
See. 107. Additional authorities.
See. 109. Authorized service area.
See. 111. Water Storage.

TITLE II—SAN JOAQUIN RIVER RESTORATION

See. 201. Reference.
See. 203. Repeal of the San Joaquin River Settlement.
See. 204. Satisfaction and discharge of obligations.
See. 205. San Joaquin River Habitat Restoration.
See. 207. Natural and artificially spawned species.

TITLE III—REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS

See. 301. Repayment contracts and acceleration of repayment of construction costs.

1 TITLE I—CENTRAL VALLEY PROJECT IMPROVEMENT ACT REFORMS

4 SEC. 101. AMENDMENT TO PURPOSES.

5 Section 3402 of the Central Valley Project Improvement Act (106 Stat. 4706) is amended—

7 (1) in subsection (f), by striking the period at the end; and

9 (2) by adding at the end the following:

10 “(g) to ensure that water dedicated to fish and wild-

11 life purposes by this title is replaced and provided to Cen-
tral Valley Project water contractors by December 31, 2016, at the lowest cost reasonably achievable; and 
“(h) to facilitate and expedite water transfers in accordance with this Act.”.

**SEC. 102. AMENDMENT TO DEFINITION.**

Section 3403(a) of the Central Valley Project Improvement Act (106 Stat. 4707) is amended to read as follows:

“(a) the term ‘anadromous fish’ means those native stocks of salmon (including steelhead) and sturgeon that, as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and their tributaries and ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;”.

**SEC. 103. LIMITATION ON CONTRACTING AND CONTRACT REFORM.**

Section 3404 of the Central Valley Project Improvement Act (106 Stat. 4710) is amended by striking the language of the section and by adding:

“(a) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—Upon request of the contractor, the Secretary shall renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years,
and renew such contracts for successive periods of 40 years each.

"(b) DELIVERY CHARGE.—Beginning on the date of the enactment of this Act, a contract entered into or renewed pursuant to this section shall include a provision that requires the Secretary to charge the other party to such contract only for water actually delivered by the Secretary.”.

SEC. 104. WATER TRANSFERS, IMPROVED WATER MANAGEMENT, AND CONSERVATION.

Section 3405 of the Central Valley Project Improvement Act (106 Stat. 4710) is amended as follows:

(1) In subsection (a)—

(A) by inserting before “Except as pro-
vided herein” the following: “The Secretary shall take all necessary actions to facilitate and expedite transfers of Central Valley Project water in accordance with such Act or any other provision of law.”

(B) in paragraph (1)(A), by striking “to combination” and inserting “or combination”;

(C) in paragraph (2), by adding at the end the following:

“(E) The contracting district from which the water is coming, the agency, or the Sec-
retary shall determine if a written transfer proposal is complete within 45 days after the date of submission of such proposal. If such district or agency or the Secretary determines that such proposal is incomplete, such district or agency or the Secretary shall state with specificity what must be added to or revised in order for such proposal to be complete.

“(F) Except as provided in this section, the Secretary shall not impose mitigation or other requirements on a proposed transfer, but the contracting district from which the water is coming or the agency shall retain all authority under State law to approve or condition a proposed transfer.”; and

(D) by adding at the end the following:

“(4) Notwithstanding any other provision of law—

“(A) the authority to make transfers or exchanges of, or banking or recharge arrangements using, Central Valley Project water that could have been conducted before October 30, 1992, is valid, and such transfers, exchanges, or arrangements shall not be subject to, limited, or conditioned by this title; and
“(B) this title shall not supersede or re-
voke the authority to transfer, exchange, bank,
or recharge Central Valley Project water that
existed prior to October 30, 1992.”.

(2) In subsection (b)—

(A) in the heading, by striking “METER-
ING” and inserting “MEASUREMENT”; and

(B) by inserting after the first sentence
the following: “The contracting district or agen-
cy, not including contracting districts serving
multiple agencies with separate governing
boards, shall ensure that all contractor-owned
water delivery systems within its boundaries
measure surface water at the district or agen-
cy’s facilities up to the point the surface water
is commingled with other water supplies.”.

(3) By striking subsection (d).

(4) By redesignating subsections (e) and (f) as
subsections (d) and (e), respectively.

(5) By amending subsection (e) (as redesig-
ned by paragraph (4)) to read as follows:

“(e) RESTORATION FUND.—All revenues received by
the Secretary that exceed the cost-of-service rate applica-
to the delivery of water transferred from irrigation use
to municipal and industrial use under subsection (a) shall
be deposited into the Restoration Fund, as established
under section 3407.”.

SEC. 105. FISH, WILDLIFE, AND HABITAT RESTORATION.

Section 3406 of the Central Valley Project Improve-
ment Act (106 Stat. 4714) is amended as follows:

(1) In subsection (b)—

(A) in paragraph (1), by amending sub-
paragraph (B) to read as follows:

“(B) MODIFICATION OF PROGRAM.—

“(i) IN GENERAL.—As needed to
achieve the goals of the program estab-
lished under this paragraph, the Secretary
may modify Central Valley Project oper-
ations to provide reasonable water flows of
suitable quality, quantity, and timing to
protect all life stages of anadromous fish.
Such flows shall be provided—

“(I) from the quantity of water
dedicated for fish, wildlife, and habi-
tat restoration purposes under para-
graph (2);

“(II) from the water supplies ac-
quired pursuant to paragraph (3); and

“(III) from other sources that do
not conflict with fulfillment of the
Secretary's remaining contractual obligations to provide Central Valley Project water for other authorized purposes.

"(ii) INSTREAM FLOW NEEDS.—Reasonable instream flow needs for all Central Valley Project controlled streams and rivers shall be determined by the Secretary based on recommendations of the United States Fish and Wildlife Service and the National Marine Fisheries Service after consultation with the United States Geological Survey."

(B) by amending paragraph (2) to read as follows:

"(2) upon October 30, 1992, dedicate and manage annually 800,000 acre-feet of Central Valley Project yield for the purposes of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by such Act; assisting the State of California in its efforts to protect the waters of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary; and helping to meet such obligations as may be legally imposed upon the Central Valley Project under State or Federal law following Octo-
ber 30, 1992, including additional obligations under
1531 et seq.). For the purpose of this section, the
term 'Central Valley Project yield' means the deliv-
ergy capability of the Central Valley Project during
the 1928 to 1934 drought period after fishery, water
quality, and other flow and operational requirements
imposed by terms and conditions existing in licenses,
permits, and other agreements pertaining to the
Central Valley Project under applicable State or
Federal law existing on October 30, 1992, have been
met. All Central Valley Project water used for the
purposes specified in this paragraph shall be cred-
ited to the quantity of Central Valley Project yield
dedicated and managed under this paragraph by de-
determining how the dedication and management of
such water would affect the delivery capability of the
Central Valley Project during the 1928 to 1934
drought period after fishery, water quality, and
other flow and operational requirements imposed by
terms and conditions existing in licenses, permits,
and other agreements pertaining to the Central Val-
ley Project under applicable State or Federal law ex-
isting on October 30, 1992, have been met. To the
fullest extent possible and in accordance with section
3411, Central Valley Project water dedicated and
managed pursuant to this paragraph shall be reused
to fulfill the Secretary's remaining contractual obli-
gations to provide Central Valley Project water for
agricultural or municipal and industrial purposes.”;
and

(C) by amending paragraph (2)(C) to read:

“(C) If by March 15th of any year the
quantity of Central Valley Project water fore-
casted to be made available to water service or
repayment contractors in the Delta Division of
the Central Valley Project is below 75 percent
of the total quantity of water to be made avail-
able under said contracts, the quantity of Cen-
tral Valley Project yield dedicated and managed
for that year under this paragraph shall be re-
duced by 25 percent.”.

(2) By adding at the end the following:

“(i) SATISFACTION OF PURPOSES.—By pursuing the
programs and activities authorized by this section, the
Secretary shall be deemed to have met the mitigation, pro-
tection, restoration, and enhancement purposes of section
2 of the Act of August 26, 1937 (Chapter 832; 50 Stat.
850).”.
SEC. 106. RESTORATION FUND.

Section 3407 of the Central Valley Project Improvement Act (106 Stat. 4714) is amended as follows:

(1) By amending subsection (a) to read as follows:

"(a) RESTORATION FUND ESTABLISHED.—

"(1) IN GENERAL.—There is established in the Treasury the 'Central Valley Project Restoration Fund', which shall be available for deposit of donations from any source and revenues collected under sections 3404(c)(3), 3405(f), 3406(c)(1), and 3407(d). Funds donated to the Restoration Fund by a non-Federal entity for a specific purpose shall be expended for such purpose only and shall not be subject to appropriation. Amounts deposited shall be credited as offsetting collections. Not less than 50 percent of the amounts deposited to the Restoration Fund shall be expended for purposes of the Central Valley Project unit or division regarding which the amounts were collected.

"(2) PROHIBITION.—The Secretary may not—

"(A) directly or indirectly require a donation or other payment to the Restoration Fund, or environmental restoration or mitigation fees not otherwise provided by law, as—
"(i) a condition to providing for the storage or conveyance of non-Central Valley Project water pursuant to Federal reclamation laws; or

"(ii) a condition to the delivery of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97-293; 96 Stat. 1270); or

"(B) require a donation or other payment to the Restoration Fund for any water that is delivered with the sole intent of groundwater recharge.

"(3) USE OF CERTAIN AMOUNTS.—The Secretary shall use the amounts collected pursuant to section 3406(c)(1)—

"(A) to assist in improving water quality, riparian values, and fish habitat in the San Joaquin River from Friant Dam to Mendota Pool; or

"(B) to support other projects benefitting land within the Friant Division.

"(4) CERTAIN USE OF RESTORATION FUND.— Except as provided under paragraph (1), funds deposited into the Restoration Fund may be appropriated for the acquisition of water supplies and the
construction of facilities used to implement projects
or programs undertaken pursuant to section
3408(j).”.

(2) In subsection (c), by amending paragraph
(1) to read as follows:
“(1) To the extent required in Acts of approp-
riation, the Secretary shall assess and collect addi-
tional annual payments, in addition to the charges
collected under sections 3404(e)(3), 3405(a)(1)(C),
3405(f), and 3406(c)(1), consisting of charges to di-
rect beneficiaries of the Central Valley Project under
subsection (d) of this section in order to recover a
portion or all of the costs of carrying out programs,
projects, plans, habitat restoration, improvement,
and acquisition provisions of this title.”.

(3) By adding at the end the following:
“(g) REPORT ON EXPENDITURE OF FUNDS.—At the
end of each fiscal year, the Secretary, in consultation with
the Restoration Fund Advisory Board, shall submit to
Congress a plan for the expenditure of all of the funds
deposited into the Restoration Fund during the preceding
fiscal year. Such plan shall contain a cost effectiveness
analysis of each expenditure.

“(h) ADVISORY BOARD.—
“(1) ESTABLISHMENT.—There is hereby established the Restoration Fund Advisory Board (hereinafter in this section referred to as the ‘Advisory Board’) composed of 12 members selected by the Secretary, each for four year terms, one of whom shall be designated by the Secretary as Chairman. The members shall be selected so as to represent the various Central Valley Project stakeholders, four of whom shall be from CVP agricultural users, three from CVP municipal and industrial users, three from CVP power contractors, and two at the discretion of the Secretary. The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

“(2) DUTIES.—The duties of the Advisory Board are as follows:

“(A) To meet at least semi-annually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out pursuant to the Central Valley Project Improvement Act.

“(B) To ensure that any advice or recommendation made by the Advisory Board to the Secretary reflect the independent judgment of the Advisory Board.
“(C) Not later than December 31, 2012, and annually thereafter, to transmit to the Secretary and Congress recommendations required under subparagraph (A).

“(D) Not later than December 31, 2012, and biennially thereafter, to transmit to Congress a report that details the progress made in achieving the goals of the Restoration Fund as identified in this Act.

“(3) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency. Non-Federal members of the Advisory Board, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence under section 5703 of title 5, United States Code. Funds from the Restoration Fund may be used to carry out this paragraph.

“(4) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.”
SEC. 107. ADDITIONAL AUTHORITIES.

(a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section 3408(c) of the Central Valley Project Improvement Act (106 Stat. 4728) is amended to read as follows:

"(c) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.—

"(1) IN GENERAL.—The Secretary is authorized to enter into contracts pursuant to Federal reclamation law and this title with any Federal agency, California water user or water agency, State agency, or private organization for the exchange, impoundment, storage, carriage, and delivery of non-project water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

"(2) LIMITATION.—Nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99–546 (100 Stat. 3051).

"(3) AUTHORITY FOR CERTAIN ACTIVITIES.—The Secretary shall use the authority granted by this subsection in connection with requests to exchange, impound, store, carry, or deliver nonproject water using Central Valley Project facilities for any beneficial purpose.

"(4) RATES.—

"(A) IN GENERAL.—The Secretary shall develop rates not to exceed the amount required
to recover the reasonable costs incurred by the
Secretary in connection with a beneficial pur-
pose under this subsection. Such rates shall be
charged to a party using Central Valley Project
facilities for such purpose. Such costs shall not
include any donation or other payment to the
Restoration Fund.

"(B) REDUCTION IN OPERATIONS AND
MAINTENANCE.—Any payment received in con-
nection with the use of Central Valley Project
facilities shall be applied to reduce the current-
year operations and maintenance expenses, oth-
erwise payable by Central Valley Project con-
tractors, for such facilities used.

"(5) CONSTRUCTION.—This subsection shall be
construed and implemented to facilitate and encour-
age the use of Central Valley Project facilities to ex-
change, impound, store, carry, or deliver nonproject
water for any beneficial purpose."

(b) REPORTING REQUIREMENTS.—Section 3408(f) of
the Central Valley Project Improvement Act (106 Stat.
4729) is amended—

(1) by striking “Interior and Insular Affairs
and Merchant Marine and Fisheries” and inserting
“Natural Resources";
(2) in the second sentence, by inserting before the period at the end the following: "including progress on the plan required by subsection (j)"; and

(3) by adding at the end the following: "The filing and adequacy of such report shall be personally certified to the Committees referenced above by the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation."

(e) PROJECT YIELD INCREASE.—Section 3408(j) of the Central Valley Project Improvement Act (106 Stat. 4730) is amended to read as follows:

"(j) PROJECT YIELD INCREASE.—

"(1) PLAN REQUIRED.—In order to minimize adverse effects upon existing Central Valley Project water contractors resulting from the water dedicated for fish and wildlife under this title, and to assist the State of California in meeting its future water needs, the Secretary, on a priority basis and not later than September 30, 2012, shall submit to Congress a least-cost plan to increase, as soon as possible but not later than September 30, 2016 (except for the construction of new facilities which shall not be limited by that deadline), the water of the Central Valley Project by the amount dedicated and managed for fish and wildlife purposes under this title
and otherwise required to meet the purposes of the
Central Valley Project including satisfying contrac-
tual obligations.

"(2) CONTENTS OF PLAN.—The plan required
by paragraph (1) shall include—

"(A) recommendations on appropriate cost-
sharing arrangements and authorizing legisla-
tion or other measures needed to implement the
intent, purposes, and provisions of this sub-
section; and

"(B) a description of how the Secretary in-
tends to use the following options:

"(i) Improvements in, modification of,
or additions to the facilities and operations
of the project and construction of new
water storage facilities.

"(ii) Conservation.

"(iii) Transfers.

"(iv) Conjunctive use.

"(v) Purchase of water.

"(vi) Purchase and idling of agricul-
tural land.

"(vii) Direct purchase of water rights.

"(viii) Water banking and recharge.
“(3) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriated funds, the Secretary shall implement the plan required by paragraph (1) commencing on October 1, 2012. In order to carry out this subsection, the Secretary shall coordinate with the State of California in implementing measures for the long-term resolution of problems in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

“(4) FAILURE OF THE PLAN.—Not withstanding any other provision of law, if by September 30, 2016, the plan required by paragraph (1) fails to increase the annual delivery capability of the Central Valley Project by 800,000 acre-feet, implementation of section 3406(b)(2) shall be suspended until the plan achieves an increase in the annual delivery capability of the Central Valley Project by 800,000 acre-feet.”.

(d) TECHNICAL CORRECTION.—Section 3408(h) of the Central Valley Project Improvement Act (106 Stat. 4729) is amended—

(1) in paragraph (1), by striking “paragraph (h)(2)” and inserting “paragraph (2)”; and

(2) in paragraph (2), by striking “paragraph (h)(i)” and inserting “paragraph (1)”. 
SEC. 108. COMPLIANCE WITH ENDANGERED SPECIES ACT

(a) COMPLIANCE.—

(1) IN GENERAL.—All requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be considered to be fully met for the protection and conservation of the species listed pursuant to the Act for the operations of the Central Valley Project and the California State Water Project, if the Central Valley Project and the California State Water Project are operated in a manner consistent with the “Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government” dated December 15, 1994.

(2) BIOLOGICAL OPINIONS AND MODIFICATION.—The Secretary of the Interior and the Secretary of Commerce shall issue biological opinions for coordinated operations of the Central Valley Project and the California State Water Project that are no more restrictive than provisions of the “Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government” dated December 15, 1994. Such biological opinions may be modified only with the consent of the signatories to the “Principles for Agree-

(b) PREEMPTION OF STATE LAW.—

(1) STATE LAW PREEMPTION.—Neither the State of California, an agency of the State, nor any political subdivision of the State shall adopt or enforce any requirement for the protection or conserva-
tion of any species listed under the Endangered Species Act for the operations of the Central Valley Project or the California State Water Project that is more restrictive than the requirements of this section. Any provision of California State law that au-
thorizes the imposition of conditions or restrictions on the operations of the Central Valley Project or the California State Water Project for the protection or conservation of a species that is more restrictive than this section is preempted.

(2) NATIVE SPECIES PROTECTION.—Any restric-
tion imposed under California law on the take or harvest of any nonnative or introduced aquatic or terrestrial species that preys upon a native fish species that occupies the Sacramento and San Joaquin Rivers and their tributaries or the Sacramento-San Joaquin Rivers Delta shall be void and is preempted.
SEC. 109. AUTHORIZED SERVICE AREA.

The authorized service area of the Central Valley Project shall include the area within the boundaries of the Kettleman City Community Services District, California, as those boundaries exist on the date of the enactment of this title. Notwithstanding the provisions of the Act of October 30, 1992, (Public Law 102-575, 106 Stat. 4600 et seq.) upon enactment of this title, the Secretary is authorized and directed to enter into a long-term contract in accordance with the Reclamation laws with the Kettleman City Community Services District, California, for the delivery of up to 900 acre-feet of Central Valley Project water for municipal and industrial use. The Secretary may temporarily reduce deliveries of the quantity of water made available pursuant to up to 25 percent of such total whenever reductions due to hydrologic circumstances are imposed upon agricultural deliveries of Central Valley Project water.

SEC. 110. AREA OF ORIGIN AND PRIOR RIGHTS.

Nothing in this title shall affect the Secretary's duty to operate the Central Valley Project in a manner consistent with applicable provisions of State water law protecting any area of origin, watershed of origin, county of origin, or any other water rights, such as senior appriopriative rights, including rights appropriated prior to December 19, 1914.
SEC. 111. WATER STORAGE.

The Secretary, acting through the Commissioner of the Bureau of Reclamation, may provide funds authorized to be appropriated to the surface storage projects identified in section 103(d)(1) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361) and Acts supplemental and amendatory of that Act, to local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, to advance those projects.

TITLE II—SAN JOAQUIN RIVER RESTORATION

SEC. 201. REFERENCE.

Subtitle A of title X of Public Law 111–11 is hereby repealed.

SEC. 202. PREEMPTION OF STATE LAW.

Notwithstanding section 8 of the Reclamation Act of 1902, except as provided herein, this title preempts and supersedes any State law, regulation, or requirement that imposes more restrictive requirements or regulations on the activities authorized under such title. Provided nothing herein shall exempt the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project from orders issued by the State Water Resources Control Board pursu-
ant to the Porter-Cologne Water Quality Control Act
(California Water Code Sections 13000 et seq.).

SEC. 203. REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.

As of the date of enactment of this title, the Secretary
shall cease any action to implement the San Joaquin River
Restoration Settlement Act (subtitle A of title X of Public
Law 111–11) and the Stipulation of Settlement (Natural
GGH).

SEC. 204. SATISFACTION AND DISCHARGE OF OBLIGATIONS.

Congress finds and declares that the enactment of
this section satisfies and discharges all of the following
obligations:

(1) Those of the Secretary contained in section
3406(c)(1) of the Reclamation Projects Authorization
and Adjustment Act of 1992 (Public Law 102–
575), except that the Secretary shall continue to as-
sess and collect the charges described in such section
3406(c)(1).

(2) Those of the Secretary and all other parties
to protect and keep in good condition any fish that
may be planted or exist below Friant Dam, including
any obligations under section 5937 of the California
Fish and Game Code and the public trust doctrine.

SEC. 205. SAN JOAQUIN RIVER HABITAT RESTORATION.

(a) PURPOSE.—The purpose of this section is to im-
plement a program of increased water releases from
Friant Dam to address environmental, habitat, fisheries,
and water quality concerns on the San Joaquin River from
Friant Dam to Sack Dam.

(b) DEFINITIONS.—For the purposes of this section:

(1) RESTORATION FLOWS.—The term “Res-
toration Flows” means the minimum flow of 50
cubic feet per second at Sack Dam, located approxi-
mately 85 river miles downstream from Friant Dam.

(2) SECRETARY.—The term “Secretary” means
the Secretary of the Interior.

(3) WATER YEAR.—The term “Water Year”
means October 1 through the following September
30.

(c) CRITICAL WATER YEAR.—For purposes of this
section a Critical Water Year is when the total unimpaired
runoff at Friant Dam is less than 400,000 acre-feet.

(d) RELEASE OF RESTORATION FLOWS.—In each
Water Year, commencing in the Water Year starting on
October 1, 2012, the Secretary—
(1) shall modify Friant Dam operations so as to release the Restoration Flows for that Water Year, except in any critical water year;

(2) shall ensure that the release of Restoration Flows are maintained at the levels prescribed by this section;

(3) shall release the Restoration Flows in a manner that improves the fishery in the San Joaquin River below Friant Dam, but upstream of Gravelly Ford in existence as of the date of the enactment of this section, and the associated riparian habitat, while improving water quality in the San Joaquin River at Vernalis and achieving such other environmental benefits as the Secretary may reasonably determine; and

(4) may, without limiting the actions required under paragraphs (1) through (3) and subject to subsection (m), use the Restoration Flows to enhance or restore a warm water fishery if the Secretary determines that it is reasonable, prudent, and feasible to do so.

(e) **EFFECT ON EXISTING OBLIGATIONS.**—Except as described in subsection (f), nothing in this section shall modify any existing obligation of the United States under Federal Reclamation law to operate the Central Valley
Project in conformity with State law and existing or to be renewed water service, repayment, purchase, or exchange contracts.

(f) Recovery of Restoration Flows.—Not later than 1 year after the date of the enactment of this section, the Secretary shall develop and implement a least-cost plan to fully recover or replace all Restoration Flows and provide such recovered or replacement flows to those water service contractors within the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project that relinquished the Restoration Flows so recovered or replaced. Such a program shall not impact the water supply or water rights of any entity outside the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project.

(g) Groundwater Impact Plan.—

(1) In General.—Not later than 1 year after the date of the enactment of this section, the Secretary, in cooperation with representatives of affected landowners, shall develop and implement a least-cost plan to fully mitigate the impact on groundwater resources within the service area of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project caused by the release of Restoration Flows.
(2) MITIGATION.—The mitigation required under paragraph (1) may include one or more of the following: the development of new water supplies, land retirement, and groundwater banking and recharge projects. To the extent Restoration Flows are recovered or replaced pursuant to subsection (g) in a manner that mitigates the impact on groundwater resources caused by the release of Restoration Flows, such recovery or replacement may be considered to be a part of the plan to be implemented under this subsection.

(h) PRIVATE RIGHTS OF ACTION.—Nothing in this section shall confer upon any person or entity a private right of action or claim for relief to interpret or enforce the provisions of this section. Any Central Valley Project long-term water service or repayment contractor within the Friant Division, Hidden Unit, or Buchanan Unit adversely affected by the Secretary’s failure to comply with subsection (f) or (g) may bring an action against the Secretary for injunctive relief or damages, or both. Any action for damages shall be brought in the United States Court of Federal Claims.

(i) NO IMPACTS ON OTHER INTERESTS.—No Central Valley Project or other water other than San Joaquin River water impounded by or bypassed from Friant Dam
shall be used to implement subsection (d) unless such use
is on a voluntary basis. No cost associated with the imple-
mentation of this section shall be imposed directly or indi-
rectly on any Central Valley Project contractor, or any
other person or entity, outside the Friant Division, the
Hidden Unit, or the Buchanan Unit, unless such costs are
incurred on a voluntary basis. The implementation of this
section shall not result directly or indirectly in any reduc-
tion in water supplies or water reliability on any Central
Valley Project contractor, any State Water Project con-
tractor, or any other person or entity, outside the Friant
Division, the Hidden Unit, or the Buchanan Unit, unless
such reductions or costs are incurred on a voluntary basis.

(j) PRIORITY.—

(1) IN GENERAL.—All actions taken under this
section shall be subordinate to the Secretary’s use of
Central Valley Project facilities to make Project
water, other than water released from the Friant
Dam pursuant to this section, and the Secretary’s
performance of the Agreement.

(2) DEFINITION OF AGREEMENT.—For the pur-
poses of this subsection, the term “Agreement”
means the Agreement of November 24, 1986, be-
tween the United States and the Department of
Water Resources of the State of California for the
coordinated operation of the Central Valley Project
and the State Water Project as authorized by sec-
tion 103 of Public Law 99–546, including any
agreement to resolve conflicts arising from that
Agreement.

SEC. 206. RESTORATION FUND.

There is hereby established within the Treasury of
the United States a fund, to be known as the San Joaquin
River Fishery Restoration Fund, into which the following
funds shall be deposited and used solely for the purpose
of implementing this title:

(1) All payments received pursuant to section
3406(c)(1) of the Reclamation Projects Authoriza-
tion and Adjustment Act of 1992 (Public Law 102–
575; 106 Stat. 4721).

(2) Any non-Federal funds, including State
cost-sharing funds, contributed to the United States
for this purpose.

(3) Funds in the San Joaquin River Restora-
tion Fund, (Public Law 111–11 section
10009(c)(1)), on the day before the date of the en-
actment of this Act.

SEC. 207. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.

After the date of the enactment of this title, the Sec-
retary shall not distinguish between natural-spawned and
hatchery-spawned or otherwise artificially propagated
strains of a species in making any determination under
seq.) that relates to any anadromous fish species present
in the Sacramento and San Joaquin Rivers or their tribu-
taries and ascend those rivers and their tributaries to re-
produce after maturing in San Francisco Bay or the Pa-
cific Ocean.

TITLE III—REPAYMENT CON-
TRACTS AND ACCELERATION
OF REPAYMENT OF CON-
STRUCTION COSTS

SEC. 301. REPAYMENT CONTRACTS AND ACCELERATION OF
REPAYMENT OF CONSTRUCTION COSTS.

(a) CONVERSION OF CONTRACTS.—

(1) Not later than 1 year after enactment, the
Secretary of the Interior, upon request of the con-
tractor, shall convert all existing long-term contracts
with any Central Valley Project contracts entered
under subsection (e) of section 9 of the Act of Au-
gust 4, 1939 (53 Stat. 1196), to contracts under
subsection (d) of section 9 of said Act (53 Stat.
1195), under mutually agreeable terms and condi-
tions.
(2) Upon request of the contractor, the Secretary is further authorized to convert, not later than 1 year after enactment, any Central Valley Project long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Irrigation Capital Allocations by Contractor, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2013, or if made in approximately equal annual installments, no later than January 31, 2016; such amount to be discounted by ½ the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2013, as adjusted, shall be provided by the Secretary of
the Interior to each contractor no later than
180 days after enactment;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000.

If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context; and

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract.

(4) All contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs
identified in the most current version of the
Central Valley Project Schedule of Municipal
and Industrial Water Rates, as adjusted to re-
fect payments not reflected in such schedule,
and properly assignable for ultimate return by
the contractor, no later than January 31, 2016.
An estimate of the remaining amount of con-
struction costs as of January 31, 2016, as ad-
justed, shall be provided by the Secretary of the
Interior to each contractor no later than 180
days after enactment; and
(B) require that, notwithstanding sub-
section (c)(2), construction costs or other cap-
tialized costs incurred after the effective date of
the contract or not reflected in the schedule ref-
erenced in subparagraph (A), and properly as-
signable to such contractor, shall be repaid in
not more than 5 years after notification of the
allocation if such amount is a result of a collec-
tive annual allocation of capital costs to the
contractors exercising contract conversions
under this subsection of less than $5,000,000.
If such amount is $5,000,000 or greater, such
cost shall be repaid as provided by applicable
Reclamation law, provided that the reference to
the amount of $5,000,000 shall not be a prece-
dent in any other context.

(b) FINAL ADJUSTMENT.—The amounts paid pursu-
ant to subsection (a) shall be subject to adjustment fol-
lowing a final cost allocation by the Secretary of the In-
terior upon completion of the construction of the Central
Valley Project. In the event that the final cost allocation
indicates that the costs properly assignable to the con-
tractor are greater than what has been paid by the con-
tractor, the contractor shall be obligated to pay the re-
mainning allocated costs. The term of such additional re-
payment contract shall be no less than 1 year and no more
than 10 years, however, mutually agreeable provisions re-
garding the rate of repayment of such amount may be de-
veloped by the parties. In the event that the final cost allo-
cation indicates that the costs properly assignable to the
contractor are less than what the contractor has paid, the
Secretary of the Interior is authorized and directed to
credit such overpayment as an offset against any out-
standing or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Notwithstanding any repayment obligation
under subsection (a)(3)(B) or subsection (b), upon a
contractor's compliance with and discharge of the
obligation of repayment of the construction costs as
provided in subsection (a)(3)(A), the ownership and
total-cost pricing limitations of any provision of Fed-
eral Reclamation Law shall not apply to lands in
such district.

(2) Notwithstanding any repayment obligation
under paragraph (3)(B) or paragraph (4)(B) of sub-
section (a), or subsection (b), upon a contractor's
compliance with and discharge of the obligation of
repayment of the construction costs as provided in
paragraphs (3)(A) and (4)(A) of subsection (a), the
Secretary of the Interior shall waive the pricing pro-
visions of section 3405(d) of the Reclamation
Projects Authorization and Adjustment Act of 1992
(Public Law 102–575) for such contractor, provided
that such contractor shall continue to pay applicable
operation and maintenance costs and other charges
applicable to such repayment contracts pursuant to
the then-current rate-setting policy and applicable
law.

(d) CERTAIN REPAYMENT OBLIGATIONS NOT AL-
TERED.—Implementation of the provisions of this section
shall not alter the repayment obligation of any other long-
term water service or repayment contractor receiving
water from the Central Valley Project, or shift any costs
that would otherwise have been properly assignable to any
contractors absent this section, including operations and
maintenance costs, construction costs, or other capitalized
costs incurred after the date of enactment of this Act, to
other such contractors.

(e) **Statutory Interpretation.**—Nothing in this
part shall be construed to affect the right of any long-
term contractor to use a particular type of financing to
make the payments required in paragraph (3)(A) or para-
graph (4)(A) of subsection (a).
COUNCIL AGENDA: October 18, 2011

SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Schedule the Consideration of Authorizing an Audit of the City’s Housing Programs

SOURCE: City Manager

COMMENT: City Council Member Shelton has requested that the City Council authorize the scheduling on the next Council Agenda the consideration of authorizing an audit of the City’s housing programs.

RECOMMENDATION: Councilman Shelton makes the motion that the City Council authorize the scheduling on the November 1st Council Agenda the consideration of authorizing an audit of the City’s housing programs.

ATTACHMENT: None
CONSIDERATION OF APPOINTMENTS TO THE PARKS AND LEISURE SERVICES COMMISSION

ADMINISTRATIVE SERVICES DEPARTMENT

As presented to the City Council on September 20th, the terms of Parks and Leisure Services Commissioners Charles Webber and Donald Beardsley expire at the end of October, and staff has confirmed that both Commissioners will be vacating their seats.

Pursuant to Council’s direction, staff publicized notice of the upcoming vacancies and solicited applications from interested individuals. As of the time of agenda compilation and distribution, staff has received three Requests for appointment. The Requests were submitted from the individuals named below and are attached hereto for Council’s consideration:

- Mrs. Carroll Land
- Mr. James Carson
- Mr. Eric Mendoza

Further, for Council’s information relative to the seat appointed by the Porterville Unified School District, staff has been advised that Mr. Richard Rankin has been appointed to fill the vacancy created by Mr. Gary Ingraham’s departure.

That the City Council appoint two individuals to fill the seats vacated by Mr. Charles Webber and Mr. Donald Beardsley, with four-year terms to expire in October 2015.

Requests for Appointment

Item No. 13
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Carroll Land

(Please Print)

Appointment to: ____________________________

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 778 W. Bellevue

Mailing Address: Same as above

Name of Business:

☐ Own    ☐ Operate

Business Address: ____________________________

Telephone: Home (559) 781-2091

Work ____________________________

FAX ____________________________

E-mail land778@gmail.com

City of Porterville resident: ☒ Yes

☐ No

Registered Voter: ☒ Yes

☐ No
Qualifications: Served as Assistant Recreation Director of City of Porterville late 1950's early 1960's. Worked as playground director in Fresno for 3 years in early 1960's. Coached various sports in Porterville Public Schools and Porterville College for 40 years.

☐ Resume attached
☐ Letter of request attached

Submitted By: Carol Law 10-5-11 Date

Received by:

Forwarded to: City Clerk 10/5/11
☐ City Council Date:
☐ City Manager Date:
☐ Applicable Dept. Date:

Tentative Council Mtg Date: 10/18/11
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: JAMES CARSON
(Please Print)

Appointment to: PARKS & LEISURE COMMISSIONER
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 2574 N. MEMORY LN.
PORTERVILLE, CA 93257

Mailing Address: 

Name of Business: PORTERVILLE COLLEGE
☐ Own ☐ Operate INSTRUCTOR

Business Address: 100 E. COLLEGE AVE.
PORTERVILLE, CA 93257

Telephone: Home 2587-2703 CELL
Work 791-2369
FAX
E-mail: jcarson@portervillecollege.edu

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

Page 1 of 2
Qualifications:

- Over 10 yrs coaching youth sports
- 2 yrs high school basketball coach
- Developed 2 basketball camps for after-school kids
- Shenwill Youth Athletic Association Board member - 4 yrs
- Current St. Annes School Board member
- 12 yrs as professor at PC
- 7 yrs teacher at Monache High School
- I have a deep interest in quality local youth programs

☐ Resume attached
☐ Letter of request attached

Submitted By: ____________________________ 10/11/2011

Received by: ____________________________

Forwarded to: City Clerk  □ Date: ____________________________
City Council  □ Date: ____________________________
City Manager  □ Date: ____________________________
Applicable Dept.  □ Date: ____________________________

Tentative Council Mtg Date: ____________________________
CITY OF PORTERVILLE
REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: ERIC MENDOZA

(Please Print)

Appointment to: PARKS & LEISURE SERVICE COMMISSION

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide:

Street Address: 1660 W. WESTFIELD AVE.

PORTERVILLE, CA 93257

Mailing Address: "same"

Name of Business: PORTERVILLE COLLEGE ATHLETICS

☐ Own ☑ Operate

Business Address: 100 E. COLLEGE AVE.

PORTERVILLE, CA 93257

Telephone: Home (559) 824-5717

Work (559) 791-2460

FAX (559) 791-2487

E-mail ericmend@portervillecollege.edu

City of Porterville resident: ☑ Yes

☑ No

Registered Voter:

☐ Yes

☑ No

Page 1 of 2
Qualifications: PORTERVILLE COLLEGE ADMINISTRATOR
IN CHARGE OF ATHLETIC DEPARTMENT, STUDENT
GOVERNMENT, CAMPUS EVENTS/ACTIVITIES, AND
WELLNESS CENTER. FORMER UNIT DIRECTOR OF
WEST FRESNO BOYS & GIRLS CLUB – AND
B&GC OF FRESNO COUNTY SPORTS COUNCIL CHAIR.
FORMER FRONT OFFICE ASSISTANT FOR
SAN FRANCISCO GIANTS TRIPLE-A AFFILIATE
FRESNO GRIZZLIES. FORMER PROGRAM ASSISTANT AT
CITY OF FRESNO PARKS & RECREATION – CALWA PARK.
CURRENT MEMBER OF PORTERVILLE BOYS & GIRLS CLUB
BOARD OF DIRECTORS.

☐ Resume attached
☐ Letter of request attached

Submitted By: [Signature]  
10/14/11 Date

Received by: [Signature]

Forwarded to: City Clerk  
☐ Date: 10/13/11
City Council  ☐ Date:
City Manager  ☐ Date:
Applicable Dept.  ☐ Date:

Tentative Council Mtg Date: 10/18/11
CAREER OBJECTIVE
An experienced community college professional specializing in campus administration, athletics, student programs, and organizational leadership, seeking a position where these skills will add value to the mission of higher education.

EDUCATION
Fresno Pacific University  M.A., Kinesiology/Physical Education
California State University, Fresno  B.A., Mass Communication & Journalism
Fresno City College  A.A., Liberal Arts
Reedley College  Student-Athlete (Golf)

PROFESSIONAL EXPERIENCE
Porterville College
Director of Student Programs & Athletics
College administrator responsible for planning, directing, and coordinating the operations of Intercollegiate Athletics, Student Activities, Student Government, Outreach, and Wellness Center. Duties include implementing program goals and objectives under KCCD policies and procedures. Organize and administer all programs of intercollegiate competition in men’s and women’s sports. Conduct regular meetings and mandated trainings to promote adherence to conference and state athletic rules, regulations, and codes. Prepare annual budget and monitor all department expenditures in a fiscally responsible manner. Coordinate all activities related to the scheduling of events, facilities, travel, and transportation. Lead the department in the hiring/selection of staff, supervision, evaluation of coaches/support staff/student workers. Plan and coordinate fundraising projects with college president and college foundation board. Oversee all athletic fundraising accounts and related paperwork. Serve as primary contact for media, athletic publicity, marketing and promotions, and special events. Assist physical education division/chair in developing strategic plans, involving curriculum, new courses, scheduling of classes/facilities, faculty assignments, and purchasing equipment. Represent the college in the community, Central Valley Conference, and California Community College Athletic Association (CCCAA). Prepare local and state reports, and coordinate program reviews. Serve as chair and/or member of various college committees, including Administrative Council (President’s Cabinet), College Learning Council (Shared Governance), Budget, Facilities Planning, Accreditation, Marketing and Outreach, Title IX, Athletic Foundation, and Athletic Hall of Fame. Provide leadership in the development of Associated Student Government, Inter-Club Council, student events, recruitment and advising with student clubs and various community groups. Promote a well-rounded educational experience that celebrates a diverse college campus community. Organize committees/events for commencement, student and staff awards, and K-12 partnerships. Participate with outside agencies in outreach activities including career fairs, college nights, and high school presentations. Oversee the college Wellness Center, supervise campus nurse, and provide health-related programs from community such as blood drives, health fairs, and immunization clinics.
Dec. 2005 – Present

Central Valley Conference
Sports Publicist
Under the direction of the CVC Commissioner, responsible for compiling and publicizing sports information and news regarding athletics in the conference. Oversee all broadcast projects and coordinate statistics software training for various sports. Attend regular meetings and represent the conference in leadership and committee roles with the CCCAA, Sports Information Association, and several CCC Coaches’ Associations. Coordinate media relations and event/venue management duties for various men’s and women’s CCCAA state championships. Serve as media contact and liaison for the CVC, statewide statisticians, four-year universities, scouts, and conference representatives. Responsible for content on CVC website.


West Fresno Boys & Girls Club
Director
Responsible for the operations and administration of Fresno County’s largest Boys & Girls Club (more than 650 youth, 10 staff members). Oversaw the development of staffing and budgeting. Coordinated and directed a wide variety of activities as a leader in the community. Planned and implemented specific program objectives and goals, and managed the Unit in accordance with the standards of Boys & Girls Clubs of America and the policies of the organization. Employed and trained staff personnel through proper recruitment and evaluation. Compiled monthly statistical and progress reports. Assisted organization with budget planning, fundraising, and financial administration. Conducted seasonal sports programs, recreation, educational and guidance-oriented programs. Established partnerships with public and private agencies, schools, and other organizations. Developed special events for the Club and local K-12 schools. Organized staff meetings, provided leadership, direction, and problem-solving. Chaired the Boys & Girls Clubs of Fresno County Sports Council – the governing body of all athletic teams.

June 2000 - Feb. 2005

Fullerton College
Assistant Athletic Director, Sports Information & Marketing
Responsible for daily operations supporting athletic department’s 20 intercollegiate sports. Developed and managed projects for sports information, media/public relations, marketing, promotions, game/event management, and community outreach. Coordinated all athletic department publications (game programs, media guides, recruiting materials) and website design. Served as primary media contact, and conducted outreach projects with local schools and youth organizations. Assisted the physical education division dean/athletic director with game management operations, compiling annual reports, and other duties as needed. Secured corporate sponsorships and directed various athletic fundraising campaigns. Hired and supervised game management staff, student workers, volunteers, and photographers. Monitored campus budget accounts under district policies and procedures. Represented the college by working with COA/CCCAA in several leadership roles involving Management Council, Festival Advisory Committee, and Affiliate Organizations Relations Committee. Worked various COA/CCCAA men’s and women’s state championships as event/venue director, media director, and statistician. Served on various campus, district, conference (Orange Empire Conference, Mission Football Conference), and statewide committees.

Fresno City College
Public Information Office News Writer/Reporter
Responsibilities included writing, editing and preparing news articles for campus newsletter (City at Large), website, and other college publications. Wrote and distributed press releases, proofread material (class schedules and catalogs), assisted with layout/graphic design, and processed media requests for public information office and college president’s office. Assisted sports publicist and athletic director in media guide/gameday program production and daily operations such as game/event management, coordinating press conferences, handling media requests, compiling statistics, and updating archives. Worked with college administration to organize special events, including homecoming, commencement, graduation ceremonies, fundraising projects, football Hall of Fame dinners, and sports banquets.

May 1999 – June 2000

Fresno Grizzlies Baseball Club
(San Francisco Giants AAA) Promotions & Media Relations Assistant
Duties included coordinating pre-game events and in-game promotions for San Francisco Giants’ Triple-A affiliate. Organized special events for corporate sponsors. Trained new staff members; and assisted media relations director with press releases, website design, writing, editing, statistics and media requests. Fostered relationships with community groups and education partners. Coordinated outreach and fundraising efforts with front office management. Worked with ticket sales staff to attract special events for business clients. Assisted clubhouse staff with hospitality services for visiting teams, players, and coaches.

RELATED EXPERIENCE
Commission On Athletics/California Community College Athletic Association (State Championship Media/Venue Director, 1998-2008) ... CCC Softball Coaches Association (State Publicist, 1998-2008) ... Fresno City College (Student Aide, Athletic Department, 2006) ... Mission Football Conference (Sports Information Director & Statistician, 2001-2005) ... California State University, Fresno (The Collegian, Sports Editor, 1999) ... Fresno State Quarterback Club (Sports Writer, 1999) ... The Fresno Bee (Sports Correspondent/Prep Writer, 1997-98) ... Fresno City College (The Rampage, Sports Editor, 1997-98) ... City of Fresno Parks & Recreation (Calwa Park Program Assistant, 1993-94).

COMPUTER SKILLS

CERTIFICATIONS
Automated External Defibrillator (AED)
Cardio Pulmonary Resuscitation (CPR)
COMMITTEES & AFFILIATIONS

Porterville College
Administrative Council (President’s Cabinet)
College Learning Council (Shared Governance)
Budget Committee
Accreditation Team
Facilities Planning Committee
Student Services Counselors & Directors
Associated Student Government (Director)
Inter-Club Council (Director)
Title IX Committee (Chair)
Athletic Hall of Fame (Co-Chair)
Student-Athlete Advisory Council (Founder/Advisor)
Marketing & Outreach Committee (Co-Chair)
Academic & Athletic Achievement Awards Committee (Founder/Chair)
Student & Staff Recognition Awards Committee (Chair)
“Pirate Madness” (Founder/Chair)
Luminis/Website Committee
Commencement Committee
High School Senior Day Committee
PC Connection/Freshman Registration Committee
Community College Survey of Student Engagement (Administrator)
PC Transition Task Force
KCCD Supervisory Development Workshop (Graduate)
KCCD Human Resource Trainings (Various)

California Community College Athletic Association
Gender Equity Committee (Title IX), 2008-Present
Festival Advisory Committee, 2004
Affiliate Organizations Relations Committee, 2004-05
Management Council, Voting Member, 2003-05

California Community College Athletic Directors Association
Social Media Committee, 2011-Present
Values Committee, 2008-Present
Vice President Candidate, 2011

California Community College Sports Information Association
Member, 2000-Present
Vice President, 2000-03
President, 2003-05

Central Valley Conference
Sports Publicist, 2005-Present
Women’s Basketball Representative, 2010-Present
Planning Board
Appeals Board
Fullerton College
- President’s Table
- Marketing Committee
- Bond Measure Committee
- Athletic Hall of Fame (Co-Chair)
- Student-Athlete Club (Founder/Advisor)
- Neighborhood Partnership Program (Founder)
- “Hornet Madness” (Founder/Chair)

Fresno City College
- 50 Years of Athletics Committee
- Guest Speaker, Learning Community; Public Speaking
- “Ram Jam” Committee (Founder/Chair)
- Rampage Newspaper Club (Sports Editor)

Porterville Boys & Girls Club
- Board of Directors

Association of California Community College Administrators (ACCCCA)
- Member

National Alliance of Two-Year College Athletic Administrators (NATYCAA)
- Member

National Association for the Advancement of Colored People (NAACP)
- Member

American Student Government Association (ASGA)
- Member

California Community College Athletic Directors Association (CCCADA)
- 1st Vice President Nominee (Elections in June 2011)
- Member

California Community College Physical Educators (CCCPE)
- Member

North Orange County Community College District Latino Faculty & Staff Association
- Member, 2000-2005

California Community College Public Relations Organization
- Member, 2000-2005

College Sports Information Directors of America
- Member, 2000-2005
SUBJECT: SPORTS PARK COMPLEX LIGHTING OPTIONS

SOURCE: Public Works Department - Engineering Division

COMMENT: Consistent with Council's direction of October 4, 2011, Engineering, in conjunction with Parks & Leisure Services, has prepared budget estimates to light the Sports Park Complex. Council recently accepted the Sports Complex Lighting project (the football field) as complete at a cost of $75,849.48. This cost represents the amount to assemble and erect the football field lights and the cost of construction management and related expenses. Total expenditures to date for purchasing the lights, incidental material purchases to properly utilize the older lights, conceptual planning, design and construction is approximately $145,000.

$450,000 remains from the original Courthouse Ball Field Replacement account. Options and associated budget estimates utilizing the Sports Park Master Plan as a guide were prepared by staff with assistance from a local electrical contractor. The options and budget estimates are as follows:

Option 1: Light the existing softball fields (2) - $300,000.

Option 2: Light the soccer field located adjacent to and immediately north of the new football field using same lighting criteria as was used on the football field - $150,000. This amount includes the cost of a new complete lighting system.

Option 3: Install perimeter lighting along the fence line immediately south of the existing softball fields. Lighting of this area will allow the adjacent open space area to be used as lighted soccer practice fields. Open field lighting for this purpose is less intense as would be expected for competitive football or soccer use - $50,000.

Option 4: Light two additional softball fields adjacent and immediately east of the existing softball fields - $515,000. This figure includes lighting of the softball fields plus softball related improvements such as but not limited to backstops, dugouts, benches, chain link fence, relocation of irrigation, etc. This figure is in addition to the cost to light the softball fields described in Option 1.

Dir Appropriated/Funded CM Item No/
The attached exhibit shows several power sources available to the Sports Complex and OHV Park. These power sources will be used on an "as lighting options are constructed" basis. It is important to note and understand that the available power sources are limited. Constructing lights beyond the capacity of the existing power sources will require the installation of new electrical panels, new or upgraded conduits, conductor size, etc. The cost for added capacity will be significant.

RECOMMENDATION: That the City Council accept staff's report and provide direction on the appropriate lighting option or options.

ATTACHMENT: Power Sources Location Map

P:\pubworks\General\Council\Sports Park Lighting Options - 2011-10-18.doc
Option 1: Light the existing softball fields (2)

Option 2: Light the soccer field located adjacent to and immediately north of the new football field using same lighting criteria as was used on the football field.

Option 3: Install perimeter lighting along the fence line immediately south of the existing softball fields. The "open field" will allow the adjacent play grounds to be used as soccer fields. Open field lighting is less intense as would be expected for football or soccer use.

Option 4: Light two additional softball fields adjacent and immediately east of the existing softball fields.
CONSIDERATION OF SUPPORT FOR APPOINTMENTS TO THE GOVERNING BOARD OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

ADMINISTRATIVE SERVICES DEPARTMENT

According to the rotation schedule adopted by the San Joaquin Valley Special City Selection Committee, there is currently a vacancy on the District's Governing Board that must be filled by a Council Member from a city with a population less than 100,000 from Tulare County. The following candidates have applied for this position:

- Council Member Melvin “Skip” Barwick, City of Tulare
- Council Member Teresa Boyce, City of Exeter
- Council Member Francis S. Ortiz, City of Woodlake

Pursuant to the appointment procedures adopted by the Board, the next step is for all cities within Tulare County to choose from the candidates named above. In the event the Council has interest in supporting one of the candidates, it must do so via a resolution for submission to the District no later than October 31, 2011. A resolution template has been provided for Council’s consideration.

Further, please note that resumes for the three candidates had not yet been received at the time of agenda compilation, yet are anticipated. Upon staff’s receipt, copies of the candidates’ resumes will be distributed to the Council and made available to the public.

That the City Council:
1. Determine if there is interest in supporting one of the candidates to serve on the Governing Board of the San Joaquin Valley Air Pollution Control District; and
2. In the event there is Council interest, support one candidate for appointment; approve the draft resolution nominating said candidate; and direct the City’s member or alternate member to vote in accordance with the Council’s selection at the appropriate San Joaquin Valley Special City Selection Committee Meeting.

1. Applications for Appointment
2. Draft Resolution

Item No. 15
San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

APPLICATION FOR APPOINTMENT AS A CITY REPRESENTATIVE ON GOVERNING BOARD OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

Current Vacancies

Small City: One member representing the cities with a population less than 100,000 from Tulare County. Councilmembers from Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare and Woodlake are eligible to apply.

If you are an elected official on the council of the cities identified above, you may submit an application for appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District.

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>NELVIN &quot;Skip&quot; BAERWICK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence Address (Must live within the boundaries of the San Joaquin Valley APCD):</td>
<td>147 OAKS CT</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>TULARE, CA 93274</td>
</tr>
<tr>
<td>Telephone:</td>
<td>(559) 280-6090 (559) 682-5229</td>
</tr>
<tr>
<td>Primary</td>
<td>Alt.</td>
</tr>
<tr>
<td>Email Address:</td>
<td><a href="mailto:SKIPBAERWICK@YAHOO.COM">SKIPBAERWICK@YAHOO.COM</a></td>
</tr>
<tr>
<td>Applicant Signature:</td>
<td>Date: 9/26/11</td>
</tr>
</tbody>
</table>

Please submit this form along with any other pertinent information (e.g., resume, candidate statement, education, experience) that you desire to be considered to the address below. Please limit candidate statement to no more than one page. Please complete this application and return it by October 1, 2011 to:

Seyed Sadredin
Air Pollution Control Officer
San Joaquin Valley APCD
1990 E. Gettysburg Avenue, Fresno, CA, 93726
APPLICATION FOR APPOINTMENT AS A CITY REPRESENTATIVE
ON GOVERNING BOARD OF
THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

Current Vacancies
Small City: One member representing the cities with a population less than 100,000 from Tulare County. Councilmembers from Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tufare and Woodlake are eligible to apply.

If you are an elected official on the council of the cities identified above, you may submit an application for appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District.

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>Teresa Boyce</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence Address: (Must live within the boundaries of the San Joaquin Valley APCD):</td>
<td>1404 W. Willow, Exeter, CA 93221</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td></td>
</tr>
<tr>
<td>Telephone:</td>
<td>(559) 592-3215</td>
</tr>
<tr>
<td></td>
<td>(559) 303-1406</td>
</tr>
<tr>
<td>Email Address:</td>
<td><a href="mailto:tboyce@bankofthesierra.com">tboyce@bankofthesierra.com</a></td>
</tr>
<tr>
<td>Applicant Signature:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td>9-20-11</td>
</tr>
</tbody>
</table>

Please submit this form along with any other pertinent information (e.g., resume, candidate statement, education, experience) that you desire to be considered to the address below. Please limit candidate statement to no more than one page. Please complete this application and return it by October 1, 2011 to:

Seyed Sadredin
Air Pollution Control Officer
San Joaquin Valley APCD
1990 E. Gettysburg Avenue, Fresno, CA, 93726
APPLICATION FOR APPOINTMENT AS A CITY REPRESENTATIVE ON GOVERNING BOARD OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

Current Vacancies

Small City: One member representing the cities with a population less than 100,000 from Tulare County. Council members from Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare and Woodlake are eligible to apply.

If you are an elected official on the council of the cities identified above, you may submit an application for appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District.

Applicant Name: FRANCES S. ORTIZ

Residence Address (Must live within the boundaries of the San Joaquin Valley APCD):
265 N. CYPRESS, Woodlake, CA 93286

Mailing Address: Same

Telephone: (559) 564-2385 (559) 679-1633 (cell)
  Primary Alt.

Email Address: ORTIZFRANCES@ATT.NET

Applicant Signature: [Signature]

Date: 09-27-2011

Please submit this form along with any other pertinent information (e.g., resume, candidate statement, education, experience) that you desire to be considered to the address below. Please limit candidate statement to no more than one page.

Please complete this application and return it by October 1, 2011 to:

Woodlake City Council Member, Woodlake, CA

Seyed Sadedin
Air Pollution Control Officer
San Joaquin Valley APCD
1990 E. Gettysburg Avenue, Fresno, CA, 93726
RESOLUTION NO. 2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REGARDING THE NOMINATION TO THE SPECIAL CITY SELECTION COMMITTEE FOR APPOINTMENT TO THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD

WHEREAS, Health and Safety Code Section 40600.5 created a Special City Selection Committee for the appointment of city members of the San Joaquin Valley Air Pollution Control District (District) Governing Board; and

WHEREAS, the Special City Selection Committee has adopted procedures and a rotation schedule for making their appointments, and based upon the adopted rotation schedule a city council member representing a "small" city with less than 100,000 population from Tulare County shall be appointed to the District Governing Board; and

WHEREAS, in selecting a nominee for appointment by the Special City Selection Committee to the District Governing Board, the City Council considered the application materials from the eligible candidates; and

WHEREAS, the vote to select a nominee took place as an item on the publicly noticed agenda and was discussed during the normal City Council Meeting with time for public comment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the City of Porterville hereby nominates ________________________ to the Special City Selection Committee for appointment to the District Governing Board.

PASSED, APPROVED AND ADOPTED this _____ day of October, 2011.

________________________
Ronald L. Irish, Mayor

ATTEST:

JOHN D. LOLLIS, CITY CLERK

By: Patrice Hildreth, Chief Deputy City Clerk