Call to Order
Roll Call

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

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases concerning facts not yet known to potential Plaintiffs.
   5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three Cases.

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

Pledge of Allegiance Led by Council Member Brian Ward
Invocation

PROCLAMATIONS
National Library Card Sign-Up Month – September 2012
Constitution Week – September 17 – 23, 2012

PRESENTATIONS
Employee of the Month – Cody Clem

AB 1234 REPORTS
This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Consolidated Waste Management Authority (CWMA)
2. Tulare County Economic Development Corporation
3. Tulare County City Selection Committee
4. Council of Cities

REPORTS
This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

I. City Commission and Committee Meetings:
1. Transaction and Use Tax ("Measure H") Oversight Committee

II. Staff Informational Items
1. County Board of Supervisor’s Meeting August 28, 2012
   Re: Informational report of action taken regarding a budget shortfall in the County’s Solid Waste Enterprise.

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 May 15, 2012

2. Purchase of Specialized Equipment
   Re: Considering authorization to begin negotiations for the purchase of specialized equipment for various departments.

3. Purchase of Honda ST1300P Motorcycle from the City of Farmersville
   Re: Considering approval of an expenditure of $11,000 in funds from the vehicle replacement account to purchase a Honda police motorcycle from the City of Farmersville.

4. Award of Contract – Preparation and Painting of City Hall Building
   Re: Considering awarding a contract in the amount of $10,400 to U.S. National Corp. of Panama City, California, for the preparation and painting of the entire exterior of City Hall and limited interior painting including the metal window frames and full light doors.

5. Reject All Bids – Fire Station #2 Training Facility Mezzanine & Stairs Project
   Re: Considering rejection of all bids for the project consisting of the furnishing and fabrication of all the supporting structures, decking, guardrails, handrails, stairs, and all other necessary items for the “Sea-Train” Fire training facility mezzanine and stairs.
6. **Airport Lease Renewals – Lots 49B and 46C**  
   Re: Considering approval of an extension of the Lease Agreement between the City of Porterville and Mr. Michael Quatacker of Porterville for Lots 49B and 46C at the Porterville Municipal Airport.

7. **Program Supplement to the Local Agency-State Master Agreement – Jaye Street & Montgomery Avenue Roundabout Project**  
   Re: Considering adoption of a resolution approving Program Supplement Agreement N043 for the construction of a roundabout at Jaye Street and Montgomery Avenue.

   Re: Considering approval of an event to take place at Veteran’s Park on September 29 and 30, 2012, from 7:00 a.m. to 10:00 p.m.

9. **Approval for Community Civic Event – Central California Family Crisis Center – Annual Candlelight Vigil for Domestic Violence – October 18, 2012**  
   Re: Considering approval of an event to take place at Centennial Park on Thursday, October 18, 2012, from 4:00 p.m. to 8:00 p.m.

10. **Consideration of Street Closure for Porterville “Step-Up” Neighborhood Outreach Event**  
    Re: Considering authorization of the temporary closure of Doree Street between Forester and Mohoff on September 22, 2012, in support of a “Step-Up” outreach event.

11. **City of Porterville Conflict of Interest Code – Amendment No. 9**  
    Re: Considering approval of a resolution approving the amended City of Porterville Conflict of Interest Code.

12. **Review of Local Emergency Status**  
    Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.

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

**PUBLIC HEARINGS**

13. **Construction of Concrete Improvements – W. North Grand Avenue Reconstruction Project**  
    Re: Considering authorization to schedule a Public Hearing prior to the establishment of a fee for concrete improvements, in accordance with the Mitigation Fee Act.

**SCHEDULED MATTERS**

14. **Approval of Amendment Two to the Tulare County Association of Governments Joint Powers Agreement**  
    Re: Considering amendments to the Tulare County Association of Governments JPA relative to the implementation and management of the County’s Transportation Impact Fee Program, and participation in the Central California Railroad Authority.
15. **Appointment of Council Member to a Grievance Appeals Board**  
   Re: Considering the appointment of one member and one alternate to serve as the City Council representative on a Grievance Appeals Board.

16. **Consideration of City Council’s Procedural Handbook**  
   Re: Considering the City Council’s Procedural Handbook for ratification or potential amendments.

17. **Consideration of Financial Support for the Porterville City Firefighters Association’s “Porterville Firehouse Chili Cook-Off”**  
   Re: Consideration of financial support for the Porterville City Firefighters Association’s Chili Cook-Off event.

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

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

**ADJOURNMENT** - to the meeting of September 21, 2012.

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.
COUNCIL AGENDA: SEPTEMBER 4, 2012

SUBJECT: COUNTY BOARD OF SUPERVISOR’S MEETING AUGUST 28, 2012

SOURCE: Public Works Department

COMMENT: At the County Board of Supervisor’s meeting on August 28, 2012, the Board took the following actions regarding a $5.1 million dollar budget shortfall in their Solid Waste Enterprise:

1. **Teapot Dome Landfill**- Effective November 1st, 2012, there will be a reduction in the days of operation to Thursday through Saturday. The County estimates they will save $440,000 annually by closing three-days a week. The impact to the City of Porterville would be $101,000 annually to transport waste Monday through Wednesday to the nearest landfill, which is Woodville.

2. **Closure of Transfer Stations**- Effective November 1st, 2012, they will close transfer stations at Earlimart, Balance Rock, Badger, and Kennedy Meadows. County estimates $367,000 in annual savings by closing these transfer stations. No impact on City of Porterville.

3. **Flow Control for County Licensed Refuse Haulers** - County haulers collecting waste within the County unincorporated areas will be required to deliver the waste to Tulare County landfills. The County estimates additional annual revenue of $682,000. No impact on City of Porterville.

4. **Solid Waste Rate Increase** – Effective October 1st, 2012, implement all proposed rate increases at the landfills and transfer stations, except the tipping fee, which is currently $31/ton. The proposed $3 increase in the tipping fee was carried over to the September 11, 2012, meeting. The county estimates a revenue increase of $3.1 million by increasing tipping fees. The impact of fee increases (including the anticipated $3 tipping fee increase) to the City of Porterville is estimated to be $110,000 annually.

The City of Porterville Solid Waste Fund 2012/2013 budget estimates:

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<tr>
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<tr>
<td>Available balance</td>
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Report No. II.1
Revised estimate of budget

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<td>Tipping Fee increases</td>
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Available balance end of year $765,284

RECOMMENDATION: Informational Item.
Call to Order at 5:30 p.m.
Roll Call: Council Member Ward (arrived late), Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish

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

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

Roll Call: Agency Member Ward (arrived immediately after roll call), Vice Chair Hamilton, Agency Member Shelton, Agency Member McCracken, Chairman Irish

ORAL COMMUNICATIONS
None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:

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

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL/AGENCY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that the following action took place:

ITEM A-1. GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN 253-138-001. AGENCY NEGOTIATOR: JOHN LOLLIS AND BRAD DUNLAP. NEGOTIATING PARTIES: CITY OF PORTERVILLE/SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY AND SOCIAL VOCATIONAL SERVICES, INC. UNDER NEGOTIATION: TERMS AND PRICE.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council approved the draft resolution terminating the Operation, Use, and Maintenance Covenants (Parking Covenant) with respect to the property at 253-138-001 and removing the Parking Covenant from record title to the property; authorized the Mayor to sign all necessary documents to implement the resolution; and authorized staff to record a termination and release of the Parking Covenant with the County Recorder.

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

Documentation: Resolution 43-2012
Disposition: Approved.

AGENCY ACTION: MOVED by Member McCracken, SECONDED by Vice Chair Hamilton, the Successor Agency to the Porterville Redevelopment Agency authorized the sale of the property located at the southeast corner of Fourth Street and Harrison Avenue (APN 253-138-001) to Social Vocational Services, Inc.; adopted the draft resolution approving the Purchase and Sale Agreement between the Successor Agency and Social Vocational Service, Inc.; authorized the Chairman and Agency Secretary or their designees, to sign all necessary documents to complete the transaction; authorized staff to prepare an item for the Oversight Board of the Successor Agency to authorize proceeding with the sale of property to Social Vocational Services, Inc., and authorized staff to open escrow and take all other actions necessary to complete the transaction contemplated by the Purchase and Sale Agreement.
ITEM B-1. GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: 841 N. BELMONT AND 321 S. GREENWOOD. AGENCY NEGOTIATOR: JOHN LOLLIS AND BRAD DUNLAP. NEGOTIATING PARTIES: CITY OF PORTERVILLE, SONYA M. FUENTES AND ELIZABETH LUCI. UNDER NEGOTIATION: TERMS AND PRICE.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken, the City Council authorized staff to open escrow in the amount of $120,000 for the property at 841 N. Belmont, with the City paying closing costs up to $3,400; authorized staff to open escrow in the amount of $165,000 for the property located at 321 S. Greenwood, with the City paying all closing costs from NSP funds; authorized the Mayor to sign all necessary documents; and authorized staff to record all documents with the County Recorder.

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

Documentation: Resolutions 44-2012 and 45-2012
Disposition: Approved.


COUNCIL ACTION: MOVED by Vice Mayor Hamilton, seconded by Mayor Irish, the City Council authorized staff to begin escrow for the property at APN 261-070-004, with the City paying escrow fees; authorized staff to make payment to Poplar Irrigation District, in the amount of $64,115.00 after completion of escrow; authorize the Mayor to sign all necessary documents; and authorize staff to record all documents with the County Recorder. The vote was 4/0 with Council Member Shelton absent.

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

Documentation: Resolution SA 2012-03
Disposition: Approved.
AYES: Ward, Hamilton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Shelton

Documentation: Resolution 46-2012
Disposition: Approved.

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

PROCLAMATIONS
Water Conservation Month

PRESENTATIONS
Chamber of Commerce’s Annual Report for 2011

AB 1234 REPORTS
1. Tulare County Local Agency Formation Commission:
   Vice Mayor Hamilton reported on the May 2, 2012 meeting advising that the
   Commission had adopted policy language for disadvantaged communities.
2. Joint City/School Committee:
   Council Member Ward advised that the Committee discussed various city and school
   projects and Safe Routes to School.

REPORTS
A. City Commission and Committee Meetings:
   1. Parks & Leisure Services Commission:
      Chairman Case Lok reported on the May 2, 2012 meeting.

B. Informational Reports
   1. Update on Status of Transit Grant Applications: Written report provided.

ORAL COMMUNICATIONS
• Brock Neeley thanked the Chamber of Commerce for its hard work.
• Felipe Martinez, 195 W. Putnam, 1) thanked the Chamber of Commerce for its
  efforts with Step Up; 2) inquired as to the status of the Arts Commission, noting that
  collaboration with the Mural and Time Marches On Committees would be beneficial;
  and 3) thanked Ms. McClure and the Tea Party for hosting the recent Candidate
  Forum.
• Danny Henderson inquired as to the status of the Lime Street Park project, noting
  current potential safety issues.
• Case Lok, requested the opportunity to speak when the Council discussed Item
  No.14.
• (An unidentified individual) requested that the City install lights at the tennis courts
  at Zalud Park.
• Johnna Key, a Porterville resident, inquired as to the Chamber and City’s position on the State’s high speed rail project.

Noting a large number of people in attendance regarding Item No. 9, Mayor Irish requested that this Item be presented next.

9. INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTION OF APPLICATION FOR NORTH MAIN STREET ANNEXATION NO. 475

Recommendation: That the City Council adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

City Manager John Lollis presented the item.

Council Member Shelton advised that he owned property within 500 feet of Area “C” and therefore had a conflict of interest which would prohibit his participation on the item pursuant to regulations of the Fair Political Practices Commission. He advised that he had strong feeling/concerns regarding annexations, and requested that Area “C” be bifurcated so as to allow him the ability to participate on the remaining areas. Staff advised that LAFCo would need to be reached to determine whether the proposed annexation could be split, and in the event LAFCo would allow two separate actions, the City may be required to pay two filing fees, which could be costly. Staff indicated that in the event the Council wished to consider separating the proposed annexations, the public hearing would need to be continued so as to provide staff time to meet with LAFCo representatives. Following the brief discussion, Council Member Shelton recused himself and exited the Council Chambers.

Mayor Irish polled those present to speak on the annexations to determine if any opposed continuing the public hearing until the next Council Meeting. Nineteen individuals came forward and voiced their unanimous support for continuing the item.

COUNCIL ACTION: 

MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council continue the public hearing to the June 5, 2012 City Council Meeting.

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

Disposition: Continued to June 5, 2012.

CONSENT CALENDAR

Item Nos. 2, 4 and 5 were removed for further discussion. Council Member Shelton further advised of his abstention on Item 3.

1. CITY COUNCIL MINUTES OF MARCH 6, 2012, MAY 1, 2012, AND MAY 8,
2012

Recommendation: That the City Council approve the draft City Council Minutes of March 6, 2012, May 1, 2012 and May 8, 2012

Documentation: M.O. 02-051512
Disposition: Approved.

3. APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENTS – OAK AVENUE AND GARDEN AVENUE PEDESTRIAN WALKWAY PROJECTS

Recommendation: That the City Council:
1. Approve the draft Resolutions affirming the City Council’s support of the Oak Avenue and Garden Avenue Pedestrian Walkway Projects;
2. Authorize the Mayor and City Manager to execute the Oak Avenue and Garden Avenue Pedestrian Walkway Project Supplemental Agreements for the design and construction of each project; and
3. Direct the City Clerk to transmit the executed Supplemental Agreements to Tulare County Transportation Authority.

COUNCIL ACTION: That the City Council approve staff’s recommendation.

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

Documentation: Resolutions 47-2012 and 48-2012
Disposition: Approved.

6. AIRPORT LEASE RENEWAL – LOT 49A

Recommendation: That the City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. And Mrs. Michael Wall of Porterville, CA for Lot 49A at the Porterville Municipal Airport.

Documentation: M.O. 03-051512
Disposition: Approved.

7. REVIEW OF LOCAL EMERGENCY STATUS

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

Documentation: M.O. 04-051512
Disposition: Approved.

COUNCIL ACTION: That the City Council approve Item Nos. 1, 3, 6 and 7. The motion carried unanimously, with a noted abstention by Council Member Shelton on Item No. 3.

2. REQUEST TO PURCHASE TACTICAL WEAPONS AND GEAR

Recommendation: That the City Council:
1. Authorize the purchase of the listed tactical weapons and gear from the City of Lindsay; and
2. Authorize payment upon satisfactory delivery of the equipment.

City Manager Lollis presented the item and indicated it had been removed from Consent Calendar by Council Member Shelton. Council Member Shelton inquired as to the condition of the equipment and lauded staff for taking advantage of the opportunity to save the City money.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council authorize the purchase of the listed tactical weapons and gear from the City of Lindsay; and authorize payment upon satisfactory delivery of the equipment. The motion carried unanimously.

Disposition: Approved.

4. TEMPORARY ABEYANCE OF SEWER CONNECTION POLICY AT 361 N. LINDALE STREET

Recommendation: That the City Council:
1. Authorize the abeyance of Resolution 9853 specifically for the property located at 361 N. Lindale Street for a period not to exceed one (1) year;
2. Direct the Public Works Director to issue a septic tank/leach line repair permit to the homeowner’s representative (plumbing contractor); and
3. Direct the Public Works Director to work with the escrow agent representing the homeowner of the property at 361 N. Lindale Street to formulate acceptable language in the escrow conditions that state:
   A) As a condition of approval to repair the septic tank/leach line system, homeowner agrees without reservation to pay all applicable sewer connection fees; and
   B) Connect to the City sewer system within 90-days of said sewer system being made available at 361 Lindale Street.

City Manager Lollis presented the item, and indicated that it had been removed from Consent Calendar for further discussion by Council Member Shelton. Council Member Shelton inquired as
to the issue at the subject property and lauded staff.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council authorize the abeyance of Resolution 9853 specifically for the property located at 361 N. Lindale Street for a period not to exceed one (1) year; direct the Public Works Director to issue a septic tank/leach line repair permit to the homeowner’s representative (plumbing contractor); and direct the Public Works Director to work with the escrow agent representing the homeowner of the property at 361 N. Lindale Street to formulate acceptable language in the escrow conditions that state: A) As a condition of approval to repair the septic tank/leach line system, homeowner agrees without reservation to pay all applicable sewer connection fees; and B) Connect to the City sewer system within 90-days of said sewer system being made available at 361 Lindale Street. The motion carried unanimously.

Disposition: Approved.

5. AUTHORIZE STAFF TO OPERATE SHUTTLE SERVICE TO THE PORTERVILLE FAIR

Recommendation: That the City Council authorize staff to operate one (1) shuttle to the Porterville Fair.

City Manager Lollis presented the item, and indicated that Council Member Shelton had removed it from Consent Calendar for further discussion. Council Member Shelton voiced concern with spending City funds on bus service for an unknown number of individuals. A discussion ensued during which it was noted that the City has provided bus service to other community civic events including the Airshow and Freedom Fest Fireworks Show. Following the discussion staff was directed to provide data relative to the ridership for community events.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the Council authorize staff to operate one (1) shuttle to the Porterville Fair; and direct staff to provide data on ridership to community events.

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

Disposition: Approved.

PUBLIC HEARINGS

8. AMENDMENTS TO THE PORTERVILLE DEVELOPMENT ORDINANCE IN RELATION TO MINOR CONDITIONAL USE PERMITS
Recommendation: That the City Council:
1. Approve the proposed draft ordinance amending the Porterville Development Ordinance and give first reading to the draft ordinance;
2. Waive further reading and order the ordinance to print; and
3. Adopt the resolution establishing a fee for a Minor Use Permit contingent on the effective date of the above ordinance.

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

The public hearing was opened at 8:03 p.m.

- Greg Woodard, 1055 W. Morton, stated that the issue had been made more complicated than necessary; and suggested that the process was not business friendly.
- Brock Neeley, spoke against allowing crops in residential areas.
- Mary McClure, spoke against the proposed language and commented that it was not business-friendly.
- Lyle Arthur, suggested that the language be simplified.

The public hearing was closed at 8:15 p.m.

A discussion ensued regarding the proposed options, the intent of the requested amendment to the conditional use permit process, and monetary penalties. Council Member Shelton voiced his opposition to the proposed language.

At 8:22 p.m. the Council recessed for 10 minutes. The public hearing was reopened at 8:35 p.m.

- Greg Woodard, spoke of a misunderstanding on his part which was clarified by Community Development Director Dunlap; and recognized staff’s efforts to streamline the process.

The public hearing was closed at 8:38 p.m.

Council Member McCracken made a motion to approve staff’s recommendation, which was seconded by Mayor Irish. Council Member Ward requested that the language pertaining to fines be amended to include “up to” before each penalty amount, and the Council concurred.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council approve the draft ordinance amending the Porterville Development Ordinance, as amended to include “not to exceed” language to penalties, give first reading, waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE IN RELATION TO MINOR CONDITIONAL USE PERMITS AND MONETARY
Resolution 49-2012 PENALTIES; and approve the resolution establishing a fee for a Minor Use Permit contingent on the effective date of the ordinance.

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

The City Manager read the ordinance by title only.

Disposition: Approved, as amended.

SCHEDULED MATTERS
10. APPOINTMENTS TO THE TRANSACTIONS AND USE TAX “MEASURE H” OVERSIGHT COMMITTEE

Recommendation: That the City Council:
1. Consider the appointment of interested individuals to the Transaction and Use Tax Oversight Committee to fill the two vacant positions with four-year terms to expire in May 2016; or,
2. Provide further direction to staff.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council appoint Margaret Stinson to one of the two vacant positions with a four-year term to expire in May 2016. The motion carried unanimously.

Staff was then directed to continue publicizing the remaining vacancy.

Disposition: Ms. Margaret Stinson appointed; and direction given.

11. RE-VISIT STREET SELF PERFORMANCE EQUIPMENT & OPERATION

Recommendation: That the City Council provide direction.

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

The Council discussed adjustments to the matrix which included a 5-year extension of the replacement period, the exclusion of salary and benefits from the analysis, and smaller, less expensive equipment. Mayor Irish, Vice Mayor Hamilton and Council McCracken challenged the introduction of new conditions to make the purchase a good economic decision, and Council Member Ward voiced his support for the changes. Council Member Shelton commended Council...
Member Ward for his efforts to address the issue of street maintenance. He then expressed concern that the equipment would be parked a majority of the time.

The Council explored the possibility of sharing equipment costs with other cities. Staff was directed to inquire about a potential joint powers agreement with other agencies and bring the item back for consideration.

Disposition: Item continued, and direction given.

12. RE-VISITED – UPCOMING CALL FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) AND HIGH RISK RURAL ROAD (HRRR) PROGRAM PROJECTS

Recommendation: That the City Council:

1. Direct the Public Works Director to review intersections within the City of Porterville that potentially could score well under the HSIP and HRRR Grant guidelines;
2. Authorize the preparation and delivery of a HSIP and/or HRRR Grant application or applications if the Director deems intersections within the City are candidates for funding; and
3. Consider roundabouts as a viable candidate for these types of federal funds and provide direction to staff accordingly.

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

Council Member McCracken spoke in favor of roundabouts in high traffic areas to decrease vehicular accidents, but expressed concern with the use of roundabouts in areas where pedestrian traffic is prevalent. Council Member Ward spoke in support of applying for grant monies. At the request of Council, staff elaborated on costs of signaled intersections and roundabouts. Council Members Ward and Mayor Irish spoke in support of staff becoming more familiar with roundabouts.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council Direct the Public Works Director to review intersections within the City of Porterville that potentially could score well under the HSIP and HRRR Grant guidelines; authorize the preparation and delivery of a HSIP and/or HRRR Grant application or applications if the Director deems intersections within the City are candidates for funding; and consider roundabouts as a viable candidate for these types of federal funds and provide direction to staff accordingly.

AYES: Ward, Hamilton, Shelton
NOES: McCracken, Irish
ABSTAIN: None
ABSENT: None
13. AUTHORIZATION TO ADVERTISE FOR BIDS – 2012/2013 FISCAL YEAR MICRO-SURFACING PROJECT

Recommendation: That the City Council:
1. Approve staff’s recommended Plans and Project Manual for the 2012/2013 Micro-Surfacing Project;
2. Approve the advancement of 2012/2013 Local Measure ‘R’ Funds pending approval by TCTA; and
3. Consider authorizing staff to advertise for bids on the project.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Ward expressed concern with the proposed project limit of Olive Avenue from Westwood to Mathew, and inquired about the prioritization of streets. Staff elaborated on the relation of the Pavement Condition Index and pavement treatment.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve staff’s recommended Plans M.O. 10-051512 and Project Manual for the 2012/2013 Micro-Surfacing Project; approve the advancement of 2012/2013 Local Measure ‘R’ Funds pending approval by TCTA; and consider authorizing staff to advertise for bids on the project. The motion carried unanimously.

Disposition: Approved.

Council Member McCracken made note of the time, and Council Member Shelton requested that Item 14 be continued. Without objection the item was continued to the next Council meeting.

14. AB 1234 EXPENSE REIMBURSEMENT REQUIREMENTS FOR ELECTED OFFICIALS

Recommendation: That the Council consider the staff report and provide further direction as it deems appropriate.

Disposition: Item continued.

ORAL COMMUNICATIONS
None

OTHER MATTERS
None

ADJOURNMENT
The Council Meeting adjourned at 9:42 p.m. to the meeting of May 22, 2012 at 5:30 p.m.
Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Vice Mayor
SUBJECT: PURCHASE OF SPECIALIZED EQUIPMENT

SOURCE: Finance Department/Purchasing Division

COMMENT: In accordance with the City's Purchasing Policy and Procedure Manual, as amended by Resolution No. 122-87 adopted by Council on October 10, 1987, Staff hereby requests approval to begin negotiations for the purchase of the following specialized equipment for the various departments:

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>DESCRIPTION</th>
<th>ESTIMATED COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire</td>
<td>Self-Contained Breathing Apparatus Flow Tester $ 8,000</td>
<td></td>
</tr>
<tr>
<td>Golf Course</td>
<td>Greensmaster Mower</td>
<td>34,000</td>
</tr>
<tr>
<td></td>
<td>Top Dresser</td>
<td>13,000</td>
</tr>
<tr>
<td></td>
<td>Golf Carts, Used (9)</td>
<td>20,700</td>
</tr>
<tr>
<td>Water Distribution</td>
<td>SCADA Upgrade</td>
<td>60,000</td>
</tr>
<tr>
<td></td>
<td>Air Compressor</td>
<td>21,000</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>Commercial Bins &amp; Roll-off Containers</td>
<td>100,000</td>
</tr>
<tr>
<td></td>
<td>Automated Containers</td>
<td>96,000</td>
</tr>
<tr>
<td>Lab/Pretreatment</td>
<td>Mercury Analyzer</td>
<td>40,000</td>
</tr>
<tr>
<td></td>
<td>Industrial Sampler</td>
<td>6,000</td>
</tr>
<tr>
<td>WWTF</td>
<td>Daft Chain, Drive, Flight Repl.</td>
<td>75,000</td>
</tr>
<tr>
<td></td>
<td>Hydraulic Angle Blade Attach.</td>
<td>40,000</td>
</tr>
<tr>
<td></td>
<td>Chlorine Generation System</td>
<td>200,000</td>
</tr>
<tr>
<td>Streets</td>
<td>Liftbed &amp; Crane Body</td>
<td>20,000</td>
</tr>
<tr>
<td>Equipment Maint.</td>
<td>Vehicle Service Hoist</td>
<td>50,000</td>
</tr>
<tr>
<td>Airport</td>
<td>Jet A Fuel Truck, Used</td>
<td>50,000</td>
</tr>
</tbody>
</table>

Funds for the purchase of this equipment are available in the Equipment Replacement Funds and Capital Outlay Budgets.

RECOMMENDATION: That Council authorize purchase by negotiation of the specialized equipment listed and authorize payment for said equipment upon satisfactory delivery.

D.D. Appropriated/Funded C.M. Item No. 2
SUBJECT: PURCHASE OF HONDA ST1300P MOTORCYCLE FROM THE CITY OF FARMERSVILLE

SOURCE: Police Department

COMMENT: The Farmersville Police Department has recently disbanded their traffic enforcement unit and is no longer utilizing their police motorcycles. As a result, they intend to sell a 2008 Honda ST1300P motorcycle. This motorcycle is fully equipped with emergency lighting, siren, and radio. The Farmersville Police Department has agreed to sell this police motorcycle to the Porterville Police Department for $11,000. The cost of the emergency equipment alone for this unit is estimated at $6,000.

The Porterville Police Department is in need of a new motorcycle for daily traffic enforcement. This vehicle will replace unit #3243, a 2005 Harley Davidson motorcycle, which was totaled in a collision in December of 2010. There are currently sufficient funds in the replacement account for the purchase.

This 2008 Honda ST1300P has been inspected and test ridden by members of the Porterville Police Department Traffic Unit and was found to be in excellent overall condition, with just over 13,000 miles. Purchasing this used motorcycle gives us an opportunity to better evaluate the performance of the Honda product in comparison to the Harley Davidson product, as the replacement of our current motorcycles will be needed in the near future.

RECOMMENDATION: That the City Council:

Approve the expenditure of $11,000 in funds from the vehicle replacement account to purchase the Honda police motorcycle from the City of Farmersville.
SUBJECT: AWARD OF CONTRACT – PREPARATION AND PAINTING OF PORTERVILLE CITY HALL BUILDING

SOURCE: Public Works Department - Engineering Division

COMMENT: On August 23, 2012, staff received eight (8) bids for the Preparation and Painting of Porterville City Hall Building Project. The project includes the preparation and painting of the entire exterior of City Hall and limited interior painting including metal window frames and full light doors of the front foyer, Finance and Human Resources entry doors.

The Engineer’s Estimate of Probable Cost for the project is $15,000. The low bid for the project is 30.7% below the Engineer’s Estimate. An additional $1,040 is required for construction contingency (10%). It is anticipated that an additional $2,250 is required for construction management and inspection services for a total estimated project cost of $13,690.

General Fund is the funding source for the project as included in the 2012/2013 Annual Budget.

The bids are as follows:

<table>
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<tr>
<th>Contractor</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1. U.S. National Corp. Panorama City, CA</td>
<td>$10,400</td>
</tr>
<tr>
<td>2. Jimmy Cole Painting Porterville, CA</td>
<td>$15,000</td>
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<tr>
<td>3. Russell Sanders Painting Lindsay, CA</td>
<td>$17,400</td>
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<tr>
<td>4. Tony Painting Garden Grove, CA</td>
<td>$23,850</td>
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<tr>
<td>5. NEP Painting Company Granada Hills, CA</td>
<td>$29,850</td>
</tr>
<tr>
<td>6. Seven Island Painting, Inc. Daly City, CA</td>
<td>$34,500</td>
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<tr>
<td>7. WM. B. Saleh Co. Fresno, CA</td>
<td>$36,555</td>
</tr>
</tbody>
</table>

Dir Appropriated/Funded CM Item No. 4
8. Fix Painting Co.  
Woodland Hills, CA  
$34,500

Staff has checked references and found the low bid acceptable.

Additionally, it was determined that some existing paint and materials contained lead and asbestos and would need to be properly remediated prior to any construction efforts. The cost of this remediation is estimated at $20,000 and will be funded through Risk Management.

RECOMMENDATION: That City Council:

1. Authorize the use of Risk Management funds to remediate existing lead and asbestos paint materials;

2. Award the Preparation and Painting of Porterville City Hall Building Project to U.S. National Corp in the amount of $10,400;

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

4. Authorize a 10% contingency to cover unforeseen construction costs and $2,250 for construction management and inspection.
REJECT ALL BIDS – FIRE STATION #2 TRAINING FACILITY MEZZANINE & STAIRS PROJECT

PUBLIC WORKS DEPARTMENT - ENGINEERING DIVISION

On August 16, 2012, staff received two (2) bids for the Porterville Fire Station No. 2 Training Facility Mezzanine & Stairs Project. The project consists of the furnishing and fabrication of all the supporting structures, decking, guardrails, handrails, stairs, and all other necessary items for the “Sea-Train” Fire training facility mezzanine and stairs. The project is located at 500 N. Newcomb Street, Porterville, CA.

The Engineer’s Estimate of Probable Cost for the Base Bid is $60,553. An additional $6,055 is necessary for construction contingency (10%); and an additional $4,239 for construction management, quality control and inspection services (7%). Total estimated cost associated with the Base Bid is $70,847.

The Estimate of Probable Cost for Add Alternate “A” (provide light gauge steel siding and insulation on western face of “Sea-Train” structure) is $5,715 with $572 required for construction contingency (10%). An additional $400 is required for construction management, quality control and inspection services (7%), equating to a total construction cost of $77,534 (Base Bid + Add Alternate “A”).

Funding for this project is re-appropriated General Fund Reserve and was approved in the 2012/2013 Annual Budget.

The bids, which includes the add alternate, are as follows:

1. Steelex Industrial
   Strathmore, CA
   $65,784

2. Dayco Construction, Inc.
   Porterville, CA
   $100,515

The bids received surpass the Engineer's estimate by 23% and 52% respectively. It is City Council's policy to reject all bids when the low bid exceeds 10% of Engineer's Estimate.

RECOMMENDATION: That the City Council:

1. Reject all bids and direct the City Engineer to work with the Fire Department to revise construction documents; and

2. Re-advertise the project once those revisions are complete and within the original estimated amount.

ATTACHMENT: Locator Map

Item No. 5
SUBJECT: AIRPORT LEASE RENEWALS – LOTS 49B AND 46C

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Mr. Michael Quatacker is the current leaseholder of Lots 49B and 46C at the Porterville Municipal Airport. The lease on Lot 49B expires on October 31, 2012, and the lease on Lot 46C will expire on November 30, 2012; however, the lease terms allow for options to extend both leases in five-year periods, provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) further states the City’s granting of the option is discretionary, but will not be unreasonably withheld. Both leases have identical terms. On June 11, 2012, Staff received written requests from Mr. Quatacker asking to continue his leases on Lots 49B and 46C. Staff recommends that Council grant the five-year options and extend the leases to 2017.

RECOMMENDATION: That the Council approve the extension of the Lease Agreements between the City of Porterville and Mr. Michael Quatacker of Porterville for Lots 49B and 46C at the Porterville Municipal Airport.

ATTACHMENT: Locator Maps
Letters from Mr. Quatacker requesting renewals
Paragraph 2 of original Lease Agreements
Mike Quacker
52 W. Orange
Porterville Ca. 93257

City Of Porterville
P.O. Box 7500
Porterville Ca. 93258

Dear sir

I would like to exercise my option to extend my leases on hanger 49B that expires October 31 2012 for another five years. This is my written notice.

Thank You

Mike Quacker
Mike Quatacker  
52 W. Orange  
Porterville Ca. 93257  

City Of Porterville  
P.O. Box 7500  
Porterville Ca. 93258  

Dear sir  

I would like to exercise my option to extend my leases on hanger 46C that expires November 30 2012 for another five years. This is my written notice.  

Thank You  

[Signature]  

Mike Quatacker
LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California this 1st day of December, 1992, by and between the CITY OF PORTERVILLE, a political subdivision of the State of California, hereinafter referred to as "City" and L. TRACY SAYLOR (L. Tracy Saylor), hereinafter referred to as "Lessee".

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

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

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises:

   (a) Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, more particularly described by metes and bounds in Exhibits being attached hereto and by this reference made a part hereof.

2. Term: The term of this lease shall commence when both parties have executed the same and shall terminate on November 30, 2002. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease. Lessee shall have an option to request an extension of the terms hereof
for additional periods of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five year extension. Lessor is not obligated to grant any extension but such shall not be unreasonably withheld.

3. **Rental and Business Privilege Consideration:** Lessee agrees to pay to City in lawful money of the United States without deduction or offset, to the Finance Director, City of Porterville, P O Box 432, Porterville, California, 93258, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of $.1662 per square foot per year. Inasmuch as the lease site contains approximately 3,780 square feet of land area, said rental rate will be $628.24 per year payable in advance on December 1st of each year of this lease. See Exhibit "A" attached.

At the end of each year of this lease, the rate shall be adjusted by a percentage equal to the percentage increase or decrease in the Consumer Price Index (CPI) for San Francisco in the interval between the date of execution of this Lease or the last date of rate adjustment.

4.a **Purpose:** This Lease is made for the purpose of constructing and operating an aircraft hangar to be used for the parking and storage of aircraft and other activities incidental thereto. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above. Lessee shall not do or permit any act or thing to be done upon the premises which constitutes nuisance or which may disturb the quiet enjoyment of City or any tenant of City on
COUNCIL AGENDA: SEPTEMBER 4, 2012

SUBJECT: PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – JAYE STREET & MONTGOMERY AVENUE ROUNDABOUT PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Department of Transportation has submitted Program Supplement Agreement Number N043, and requests that the City execute said agreement. The executed agreement becomes a part of the Agency-State Agreement for Federal-Aid Projects No. 06-5122.

The attached Program Supplement is for the construction of a roundabout at Jaye Street and Montgomery Avenue.

RECOMMENDATION: That the City Council:

1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and

2. Direct staff to return the signed program supplement to CalTrans.

ATTACHMENTS: Locator Map
Program Supplement Agreement No. N043
Resolution

P:\PUBWORKS\GENERAL\COUNCIL\PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - JAYE STREET & MONTGOMERY AVENUE ROUNDABOUT - 2012-09-04.DOC

Authorized Signature
This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/20/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

**PROJECT LOCATION:**
At Montgomery Ave and Jaye Street.

**TYPE OF WORK:** Construct roundabout at Montgomery Ave and Jaye Street

**LENGTH:** 0.0(MILES)

<table>
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<tr>
<th>Estimated Cost</th>
<th>Federal Funds</th>
<th>Matching Funds</th>
<th>Other</th>
</tr>
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<tbody>
<tr>
<td>$1,359,116.00</td>
<td>$1,109,025.00</td>
<td>$143,686.00</td>
<td>$106,405.00</td>
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</table>

**CITY OF PORTERVILLE**

By

Title

Date

Attest

**STATE OF CALIFORNIA**

Department of Transportation

By Chief, Office of Project Implementation

Division of Local Assistance

Date

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer

Date 8/8/12

$1,109,025.00

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<thead>
<tr>
<th>Chapter</th>
<th>Statutes</th>
<th>Item</th>
<th>Year</th>
<th>Program</th>
<th>BC</th>
<th>Category</th>
<th>Fund Source</th>
<th>AMOUNT</th>
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<th>AMOUNT</th>
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Program Supplement 06-5122-N043- ISTEA
TO: STATE CONTROLLER'S OFFICE  
Claims Audits  
3301 "C" Street, Rm 404  
Sacramento, CA 95816  

DATE PREPARED: 8/7/2012  
PROJECT NUMBER: 0600020629  

FROM: DEPARTMENT OF TRANSPORTATION  

REQUISITION NUMBER / CONTRACT NUMBER: RQS-2660-061300000058  

SUBJECT: ENCUMBRANCE DOCUMENTS  

VENDOR / CONTRACTOR: CITY OF PORTERVILLE  

CONTRACT AMOUNT: $1,109,025.00  

PROCUREMENT TYPE: LOCAL ASSISTANCE  

I HEREBY CERTIFY UPON MY OWN PERSONAL KNOWLEDGE THAT BUDGETED FUNDS ARE AVAILABLE FOR THIS ENCUMBRANCE AND PURPOSE OF THE EXPENDITURE STATED ABOVE.  

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>STATUTES</th>
<th>ITEM</th>
<th>YEAR</th>
<th>PEC / PECT</th>
<th>TASK / SUBTASK</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>33</td>
<td>2011</td>
<td>2660-102-0890</td>
<td>2011/12</td>
<td>20.30.010.820</td>
<td>2620/0400</td>
<td>$1,109,025.00</td>
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</tbody>
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ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information, call (915) 654-6410 of TDD (916) -3680 or write: Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.
SPECIAL COVENANTS OR REMARKS

1. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

3. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

4. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if
PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency’s DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN PROGRAM SUPPLEMENT NO. N043 TO ADMINISTER THE AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 06-5122

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. N043 to the Local Agency-State Master Agreement No. 06-5122, for the construction of the Jaye Street and Montgomery Avenue Roundabout Project.

PASSED, APPROVED AND ADOPTED this 4th day of September, 2012.

Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk

SOURCE: Finance Department

COMMENT: The Filipino-American Association of California is requesting approval to hold their annual Filipino-American Weekend at Veteran's Park, on Saturday and Sunday, September 29 and 30, 2012, from 7:00 a.m. to 10:00 p.m. The event is being held as a weekend of cultural celebration of the Filipino-American heritage with displays of folk dances, songs and cuisine, along with a car show.

A motorcade with no street closures is requested for a procession using one lane around the park on Saturday, September 29, 2012. In order not to impede or interfere with the normal flow of traffic, participants will abide by all traffic laws and rules of the road.

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

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

CITY OF PORTERVILLE
291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569

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

DO YOU HAVE? Event Flyer? YES E-mail address? NONE Website under construction
Application date: July 2, 2012 Event date: Sept 29-30, 2012
Event time: 7:00 am - 10:00 pm

Name of Event: Filipino Week

Sponsoring organization: Filipino Amer Assn. of CA Phone # (559) 782-3639
Address: 968 W Cleo Ave, Porterville, CA 93257
Authorized representative: Marilou A. Aguad Phone # (559) 359-1142
Address: 968 W Cleo Ave, Porterville, CA 93257
Event chairperson: Marilou A. Aguad Phone # (559) 359-1142

Location of event (location map must be attached): Porterville Veteran's Park
Henderson Ave Corner Newcomb St.

Type of event: Cultural Public Event, Car Show, Entertainment, Presentation, Singing, etc...

Non-profit status determination: YES 501-C3 BL# 9708

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 ____ Attached _____

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

<table>
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<tr>
<th>Appr.</th>
<th>Deny</th>
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1 of 4
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

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

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

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

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

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

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

Signed:
Fil-Am Assn. of CA, Inc.
8/23/12

(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: Filipino American Week

Sponsoring organization: Fil Amer Assn of CA Inc

Location: West Henderson corner Newcomb St

Event date: Sept 29 2012

Event time: 7:00 am - 10:00 pm

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Methys</td>
<td>(559) 359-1142</td>
<td>N</td>
<td>Cook</td>
</tr>
<tr>
<td>Mehgies</td>
<td>(559) 781-1523</td>
<td>Y</td>
<td>Temporary Vendor</td>
</tr>
</tbody>
</table>

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

Name of event: Filipino American Week

Sponsoring organization: Fil- Amer Assn. of CA, Inc

Event date: Sept. 29 - 30, 2012

Hours: 7:00am - 10:00pm
Both days

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>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veterans Park</td>
<td></td>
<td>Food Vending</td>
</tr>
<tr>
<td>Pavilion I and</td>
<td></td>
<td>Games</td>
</tr>
<tr>
<td>Parking and surrounding areas</td>
<td></td>
<td>Car Show</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Entertainment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Shows like</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Singing, dancing</td>
</tr>
</tbody>
</table>

Leaving Temp. Vendor Carts, Hiring Security
## REQUIREMENTS FOR COMMUNITY CIVIC EVENT

FILIPINO-AMERICAN ASSOCIATION OF CALIFORNIA

FILIPINO-AMERICAN WEEKEND

SEPTEMBER 29 - 30, 2012

<table>
<thead>
<tr>
<th>Role</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business License Supervisor: S. Hartman</td>
<td>Business license will require complete vendor list prior to event. Also, non-profit status should be clarified.</td>
</tr>
<tr>
<td>Public Works Director: B. Rodriguez</td>
<td>No comment.</td>
</tr>
<tr>
<td>Community Development Director: B. Dunlap</td>
<td>Park restrooms close at 8 p.m. Park closes at 10 p.m. You will assume responsibility of all equipment left in the Park overnight.</td>
</tr>
<tr>
<td>Field Services Manager: B. Styles</td>
<td>See attached conditions/requirements on Exhibit 'B.'</td>
</tr>
<tr>
<td>Fire Chief: M.G. Garcia</td>
<td>No additional comments from Risk Management other than insurance requirements. See Exhibit A, Page 2.</td>
</tr>
<tr>
<td>Parks and Leisure Services Director: D. Moore, Interim</td>
<td></td>
</tr>
<tr>
<td>Police Captain: D. Haynes</td>
<td></td>
</tr>
<tr>
<td>Administrative Services Manager: P. Hildreth</td>
<td></td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Filipino-American Association of California
Event: Filipino-American Weekend
Event Chairman: Marilou A. Agpaoa
Location: Veterans' Park
Date of Event: September 29 - 30, 2012

RISK MANAGEMENT: Conditions of Approval

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

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

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

Marlon A. Agpawa
968 W Cleo Ave, Porterville CA 93257

2 Address where amplification equipment is to be used: 

Porterville Veterans Park Pavilions
W Henderson Ave & Erenbome St

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

Ely C. Agpawa 968 W Cleo Ave, Porterville CA 93257

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

Filipino Week, Car Shows, Singing, Dancing

5 Dates and hours of operation of amplification equipment: 

7:00 am — 8:00 pm Sept 28 & 30 2012

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

mikephones, cd player, amplifiers and karaoke

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

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

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

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

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

Signature of Applicant

Date

7-2-12

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

City of Porterville, Chief of Police/Designee

Date

8-16-12
CITY OF PORTERVILLE

APPLICATION FOR COMMUNITY CIVIC EVENT

Proposed Event:

Filipino-American Week - Veteran’s Park - September 29 & 30, 2012

Staff Comments:  Conditions/Requirements by Police Department

- No street closures have been mentioned, but all street closures require City Council approval.
- Event organizers must provide proof of non-profit status in order to qualify as a Community Civic Event.
- No procession has been mentioned, but participants in any procession on city roadways must comply with all traffic laws and rules of the road. Additionally, they shall not impede traffic or generally interfere with the normal flow of traffic.
- There shall be no sales, possession or consumption of alcoholic beverages in the park during the event.
- Amplified music or sound shall not continue beyond 8:00 p.m., which is the time requested and approved on an outside amplifier permit.
- Event organizers shall contact Porterville Police Captain Chris Dempsie, or his designee, well in advance of the event in order to determine additional policing concerns/requirements. Captain Dempsie can be contacted during business hours Monday-Friday at 559-782-7400 or 559-782-7404.

Dan Haynes / Captain
Porterville Police Department
**ACORD™ CERTIFICATE OF LIABILITY INSURANCE**

**PRODUCER**
Walter Mortensen Insurance
P.O. Box 1960
Porterville, CA 93258
559-781-5200

**INSURED**
Fil - Amer Association Of California,
20441 Ave 164
Porterville, CA 93257

**INSURERS AFFORDING COVERAGE**

<table>
<thead>
<tr>
<th>INSURER A:</th>
<th>Western Heritage Insurance Company</th>
<th>37150</th>
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<tbody>
<tr>
<td>INSURER B:</td>
<td></td>
<td></td>
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<tr>
<td>INSURER C:</td>
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<td></td>
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<tr>
<td>INSURER D:</td>
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</tbody>
</table>

**COVERAGES**

The Policies of insurance listed below have been issued to the Insured named above for the Policy Period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the Policies described herein is subject to all the Terms, exclusions and conditions of such Policies. Aggregate limits shown may have been reduced by paid Claims.

<table>
<thead>
<tr>
<th>INS NO.</th>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>A</td>
<td>GENERAL LIABILITY</td>
<td>SCP0572606</td>
<td>Each Occurrence $1,000,000</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Certificate #:NAEP051715</td>
<td>Damage to Rented Premises (EA occurrence) $50,000</td>
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<td></td>
<td></td>
<td>9/29/2012</td>
<td>Med Exp (Any one person) $0</td>
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<td></td>
<td>10/1/2012</td>
<td>PERSONAL &amp; ADV INJURY $1,000,000</td>
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<td>GENERAL AGGREGATE $2,000,000</td>
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<td>PRODUCTS - CONM/OP AGG $1,000,000 Included</td>
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<td></td>
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<td>AUTOMOBILE LIABILITY</td>
<td>Host Liquor Liability</td>
<td>COMBINED SINGLE LIMIT (EA accident) $</td>
</tr>
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<td>BODILY INJURY (Per person) $</td>
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<td>BODILY INJURY (Per accident) $</td>
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<td>PROPERTY DAMAGE (Per accident) $</td>
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<td>GARAGE LIABILITY</td>
<td>AUTO ONLY - EA ACCIDENT $</td>
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<td>OTHER THAN AUTO ONLY - EA ACCIDENT $</td>
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<td>EXCESSUMBERLLA LIABILITY</td>
<td>EACH OCCURRENCE $</td>
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<td>AGGREGATE $</td>
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<td>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</td>
<td>WC STATutory Limits $</td>
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<td></td>
<td>E.L. EACH ACCIDENT $</td>
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<td>E.L. DISEASE - EA EMPLOYEE $</td>
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<td></td>
<td></td>
<td></td>
<td>E.L. DISEASE - POLICY LIMIT $</td>
<td></td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

Additional Insured: City Of Porterville

**CERTIFICATE HOLDER**
City Of Porterville
589 W Vine Street
Porterville, CA 93257

**CANCELLATION**

Should any of the above described Policies be cancelled before the expiration date thereof, the Issuing Insurer will endeavor to mail 30 days written notice to the Certificate Holder named to the left, but failure to do so shall impose no obligation or liability of any kind upon the Insurer, its agents or representatives.

Authorized Representative: Robert V. Nuccio

© ACORD CORPORATION 1988
IMPORTANT

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

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

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.
POLICY NUMBER: SCP0572606
NAEP051715

COMMERCIAL GENERAL LIABILITY
CG 20 11 01 96

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You): Veteran's Park & Monache High School Gym
2. Name of Person or Organization (Additional Insured): City Of Porterville

3. Additional Premium:

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

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

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.

SOURCE: Finance Department

COMMENT: The Central California Family Crisis Center is requesting approval to hold its annual candlelight vigil at Centennial Park on Thursday, October 18, 2012, from 4:00 p.m. to 8:00 p.m. This vigil is held as a remembrance for those who have lost their lives to domestic violence. The event consists of oral speakers and information booths. There is no request for street closures.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Central California Family Crisis Center, subject to the stated requirements contained in the Application, Agreement and Exhibit ‘A.’


DD MF Appropriated/Funded MF C.M. Item No. 9
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: June 26th, 2012  Event date: Oct 18th, 2012
Event time: 4:00pm - 8:00pm

Name of Event: 14th Annual Candlelight Vigil

Sponsoring organization: Family Crisis Center  PHONE # 559-781-7402
Address: 770 N Main St Porterville CA 93257

Authorized representative: Krystle Centereas  PHONE # 559-781-7402
Address: 770 N Main St Porterville CA 93257

Event chairperson: Krystle Centereas  PHONE # 559-781-7402

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

Type of event: Candlelight Vigil in memory of victims of domestic violence

Nonprofit status determination: 501(c)3

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

- Barricades (quantity): 0
- Street sweeping: Yes  No
- Police protection: Yes  No
- Refuse pickup: Yes  No
- Other:

Parks facility application required: Yes  No  Attached

Assembly permit required: Yes  No  Attached

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

Approve  Deny

Bus Lic Spvr
Pub Works Dir
Comm Dev Dir
Field Svcs Mgr
Fire Chief
Parks Dir
Police Chief
Deputy City Mgr
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

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

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

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

Authorized Representative Initials

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Authorized Representative Initials

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Authorized Representative Initials

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

Authorized Representative Initials

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

Family Crisis Center

(Name of Organization)

Authorized

(Signature)

0-25-12

(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: **Family Crisis Center 14th Annual Candlelight Vigil**

Sponsoring organization: **Family Crisis Center**

Location: **Centennial Park**, Event date: **10-18-12**, Event time: **4:00pm - 8:00pm**

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

<table>
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<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
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**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: 14th Annual Candlelight Vigil

Sponsoring organization: Family Crisis Center

Event date: Oct 18th, 2019 Hours: 4:00pm - 8:00pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

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<th>Street Name</th>
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<th>Sidewalks</th>
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4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
CENTRAL CALIFORNIA FAMILY CRISIS CENTER
CANDLELIGHT VIGIL FOR DOMESTIC VIOLENCE
OCTOBER 18, 2012

Business License Supervisor:
   S. Hartman

Public Works Director:
   B. Rodriguez

Community Development Director:
   B. Dunlap

Field Services Manager:
   B. Styles

Fire Chief:
   M. G. Garcia

Parks and Leisure Services Director:
   D. Moore, Interim

Police Captain:
   D. Haynes

Administrative Services Manager:
   P. Hildreth

Business License requires vendor list, if applicable, prior to event.

No comment.

Approved. No comment.

Parks facility request form required.

Please see Exhibit 'B.'

No further comments other than insurance requirements. See Exhibit 'A,' Page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Central California Family Crisis Center
Event: Candlelight Vigil for Domestic Violence
Event Chairman: Krystle Contreras
Location: Centennial Park
Date of Event: October 18, 2012

RISK MANAGEMENT: Conditions of Approval

That the Central California Family Crisis Center provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permitted operation and sponsorship of the aforementioned Community Civic Event. If the event is located in the City of Porterville’s Redevelopment Agency area, the same conditions apply.

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A: VII, and the insurance company must be an 'admitted' insurer in the State of California.
Proposed Conditions/Requirements of Police Department

➢ All street closures in the city require City Council approval.

➢ Ensure highly visible and adequate barricades/barriers are used to warn motorist of non-access to closed street and prevent vehicle access to those designated areas.

➢ Ensure that participants do not interfere with the normal flow of pedestrian/vehicle traffic in the area of the event.

➢ An “Outside Amplifier Permit” has been requested and granted. However, event organizers shall not allow sound amplification so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.

➢ Sound amplified shall not continue after 10:00 p.m.

Dan Haynes, Captain
Police Department- Services Division
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: Krystle Contreras
720 N Main St Porterville, CA 93257

2 Address where amplification equipment is to be used: Centennial Park Porterville, CA

3 Names and addresses of all persons who will use or operate the amplification equipment: Krystle Contreras
Anna Green

4 Type of event for which amplification equipment will be used: Candlelight Vigil

5 Dates and hours of operation of amplification equipment: 10/26-8:00pm Oct 18th, 2012

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

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

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

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

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

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

Signature of Applicant

Date

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

City of Porterville, Chief of Police/Designee

Date
CERTIFICATE OF LIABILITY INSURANCE

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

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

PRODUCER
DLL Insurance Agency II
1401 Fulton St Ste 200
Fresno, CA 93721
Greg Anderson

559-451-3411
559-451-3415
Nicky Gutierrez
PHONE (Ext): 559-451-3411
FAX (Asc. No.): 559-451-3415
E-MAIL ADDRESS: ngutierrez@dllinsurance.com
INSURER(S) AFFORDING COVERAGE
NAIC #
INSURER A: Nonprofits' Insurance Alliance

INSURED
Central California Family
Crisis Center
770 Main Street
Porterville, CA 93257

COVERAGES

GENERAL LIABILITY

[type: COMMERCIAL GENERAL LIABILITY]
[CLAIMS-MADE: OCCUR]

[POLICY NUMBER: 20120631NPO]
[POLICY BEGIN DATE: 01/01/12]
[POLICY EXPIRATION DATE: 01/01/13]

[LIMITS: EACH OCCURRENCE $1,000,000]
[Damage to Premises $500,000]
[Medical Expense (Any One Person) $20,000]
[Personal & Advertising Injury $1,000,000]
[General Aggregate $2,000,000]
[Products - Completed Operations $2,000,000]

AUTOMOBILE LIABILITY

[ANY AUTO]
[SCHEDULED AUTOS]
[NONOWNED AUTOS]

[UMBRELLA LIABILITY]
[EXCESS LIABILITY]

[DED RETENTION]

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

Notice of cancellation is 30 days except in the event of cancellation for Non-Payment of Premium which is 10 days.

RE: Annual Domestic Violence Candlelight Vigil - Centennial Park, Porterville, CA Certificate Holder is named as Additional Insured.

CERTIFICATE HOLDER
CITPORT

City of Porterville
291 N Main Street
Porterville, CA 93257

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

© 1988-2010 ACORD CORPORATION. All rights reserved.

ACORD 25 (2010/05) The ACORD name and logo are registered marks of ACORD
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
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<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s)</th>
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<td>Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.</td>
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Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

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

A. In the performance of your ongoing operations; or
B. In connection with your premises owned by or rented to you.
SUBJECT: CONSIDERATION OF STREET CLOSURE FOR PORTERVILLE "STEP-UP" NEIGHBORHOOD OUTREACH EVENT

SOURCE: Administration

COMMENT: A "Step-Up" neighborhood outreach event is being planned and scheduled for Saturday, September 22, 2012, beginning at 6:00 p.m. on Doree Street, in the area of Forester and Mohoff Courts. In support of this event, it is recommended that the City Council approve the temporary closure of Doree Street between Forester and Mohoff Courts.

RECOMMENDATION: That the City Council authorize the temporary closure of Doree Street between Forester and Mohoff Courts on September 22, 2012, in support of the planned neighborhood "Step-Up" outreach event.

ATTACHMENT: Locator Map

Item No. 10
"STEP-UP" NEIGHBORHOOD OUTREACH EVENT
LOCATOR MAP

OUTREACH LOCATION
COUNCIL AGENDA – SEPTEMBER 4, 2012

SUBJECT: CITY OF PORTERVILLE CONFLICT OF INTEREST CODE - AMENDMENT NO. 9

SOURCE: ADMINISTRATION/CITY CLERK DIVISION

COMMENT: Government Code Sections 87300 et seq. require that local agencies biennially review their Conflict of Interest Codes and submit to their Code Reviewing Body a report identifying whether changes are warranted, and if so, what the proposed changes are. The City Council, as the City of Porterville’s Code Reviewing Body, accepted the City’s Biennial Report for 2012 at its regular meeting of August 21, 2012. Said report concluded that an amendment to the City’s Conflict of Interest Code was necessary.

The recommended revisions pertain to changes in the list of designated employees to reflect reorganizations and the addition of positions, as well as other non-substantive changes for clarification purposes.

RECOMMENDATION: That the City Council adopt the draft resolution approving the amended City of Porterville Conflict of Interest Code.

ATTACHMENTS: 1. Draft Resolution

Item No. 11
RESOLUTION NO. ______-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING A REVISED CONFLICT OF INTEREST CODE FOR THE CITY OF PORTERVILLE

WHEREAS, Government Code Sections 87300 et seq. require that local agencies biennially review their Conflict of Interest Codes and submit to their Code Reviewing Body a report identifying whether changes are warranted, and if so, what the proposed changes are; and

WHEREAS, at its regular meeting on August 21, 2012, the City Council, as the City of Porterville’s Code Reviewing Body, accepted the City’s 2012 Biennial Report which concluded that an amendment to the City’s Conflict of Interest Code was necessary.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville that the Conflict of Interest Code for the City of Porterville, attached hereto as Exhibit A, is hereby adopted; and

BE IT FURTHER RESOLVED by the City Council of the City of Porterville that the City Manager, as Administrative Supervisor, is hereby authorized to execute said document.

PASSED, APPROVED AND ADOPTED this 4th day of September, 2012.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

Patrice Hildreth, Chief Deputy City Clerk
CONFLICT OF INTEREST CODE OF THE
"CONFLICTS AND DISCLOSURE MONITOR AGENCY" OF THE
CITY OF PORTERVILLE

SECTION 1. Establishment. The City Council of the City of Porterville has heretofore established a Conflicts and Disclosure Monitor Agency (hereinafter "Agency") having jurisdiction as set forth herein over all officers, officials, and employees of the City. The City Manager shall be the Administrative Supervisor of such Agency with authority to act for and on behalf of such Agency. Such Agency shall not affect the duties, responsibilities, or chain of command of any Department, Board, or Commission except to administer and enforce the requirements, rules, and regulations set forth herein. The City Council shall be deemed the "Code Reviewing Body" of said Agency pursuant to the provisions of Section 87300 et seq. of the Government Code.

SECTION 2. Purpose. The Conflicts and Disclosure Monitor Agency of the City of Porterville hereby adopts this document as its "Conflict of Interest Code" in accordance with the requirements of the Political Reform Act of 1974.

SECTION 3. Designated Positions. The positions listed on Exhibit "A" attached hereto are designated positions. Officers and employees holding those positions are designated employees and are deemed, for the purposes of this Code, to make, or participate in the making of, decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employees by virtue of his or her position.

SECTION 4. Disclosure Statements. Each such designated employee shall file disclosure statements disclosing reportable investments, business positions, interests in real property, and income, to the extent required by the Act, and on forms prescribed by the Fair Political Practices Commission and supplied by the City Clerk.
SECTION 5. **Place and Time of Filing.**

A. All designated employees required to file disclosure statements shall file same with the City Clerk, as Secretary to the Code Reviewing Body.

B. A designated employee required to submit a disclosure statement shall file their initial statement within thirty (30) days after the effective date of this Code disclosing reportable investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12-months before the effective date of the Conflict of Interest Code.

C. Individuals hereafter appointed to designated positions shall file his or her initial statement within thirty (30) days after assuming office disclosing reportable investments, business positions, and interests in real property held on, and income received during the twelve (12) months before, the date of assuming office.

D. After the initial filing, each person holding a designated position, shall, on or before the first day of March of each calendar year, file an annual disclosure statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the previous calendar year, or since the date the designated employee took office if during the calendar year. Such annual statements shall cover the period of the preceding calendar year.

E. Every designated employee who leaves office shall file, within thirty (30) days of leaving office, a statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

F. Any designated employee who resigns their position within twelve (12) months following initial appointment or within thirty (30) days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by
virtue of being appointed to the position. Within thirty (30) days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

1. File a written resignation with the appointing power.
2. File a written statement with the filing officer on a form prescribed by the Commission and signed under the penalty of perjury stating that the individual during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

G. A designated employee required to file a statement of economic interest with any other public agency whose disclosure requirements are comparable hereto, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with such other agency, in lieu of an entirely separate statement.

SECTION 6. **Contents of Disclosure Statements.** Disclosure statements shall be submitted on forms supplied by the City Clerk, and shall contain the following information:

A. **Disclosure of Investment or Interest in Real Property.**
   1. When an investment or an interest in real property is required to be disclosed the statement shall contain:
      a. A statement of the nature of the investment or interest;
      b. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
      c. The address or other precise location of the real property;
      d. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars ($2,000) but does not exceed ten thousand dollars ($10,000), whether it exceeds ten thousand dollars ($10,000) but does not exceed one hundred thousand dollars ($100,000), whether it exceeds one hundred thousand dollars ($100,000) but does not exceed one million dollars ($1,000,000), or whether it exceeds one million dollars ($1,000,000);
e. In the case of a statement filed under Government Code Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

f. For purposes of disclosure, interest in real property does not include the principal residence of the filer or any other property which the filer utilizes exclusively as a personal residence of the filer.

B. Disclosure of Income.

1. When income is required to be reported the statement shall contain, except as provided in Government Code Section 87207(b):
   a. The name and address of each source of income aggregating five hundred ($500) or more in value, or fifty dollars ($50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
   b. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred ($500) but did not exceed one thousand dollars ($1,000), whether it was in excess of one thousand dollars ($1,000) but not greater than ten thousand dollars ($10,000), whether it was in excess of ten thousand dollars ($10,000) but not greater than one hundred thousand dollars ($100,000), or whether it was greater than one hundred thousand dollars ($100,000);
   c. A description of the consideration, if any, for which the income was received;
   d. In the case of a gift, the amount and the date on which the gift was received;
   e. In the case of a loan, the annual interest rate and the security, if any, given for the loan, and the term of the loan.

2. When the filer's pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported, the statement shall contain:
   a. The name, address, and a general description of the business activity of the business entity;
b. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000) during a calendar year.

3. When a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interest. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.

4. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, or as to which he or she is a paid consultant, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity. If the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or has done business, or plans to do business in the jurisdiction at any time during the two years prior to the date of the statement, it is required to be filed.

5. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired to disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal;

SECTION 7. Prohibition on Receipt of Honoraria. No member of the City Council or candidate for the office of City Council shall accept any honorarium. No designated employee shall accept any honorarium from any source if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. Subdivisions (b) of Government Code Section 89502 shall apply to the prohibitions in this section. This section shall not limit or prohibit
payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

SECTION 8. Prohibition on Receipt of Gifts in Accordance with Government Code Section 89503. No member of the City Council, candidate for the office of City Council, or designated employee shall accept any gifts with a total value of more than the statutory annual limit in a calendar year from any single source, as adjusted biennially pursuant to Section 89503(f).

SECTION 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the employee or a member of his or her immediate family or on:

A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars ($2,000) or more;

B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars ($2,000) or more;

C. Any source of income, other than gifts or loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars ($500) or more in value provided to, received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made;

D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts in an aggregate amount of the limit or more as specified in Government Code Section 89503 (as adjusted biennially by State law) provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.
F. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

G. For purposes of this Section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a designated employee, by an agent on behalf of a designated employee, or by a business entity or trust in which the employee, the employee's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

1. Notwithstanding subdivision (c) of Government Code Section 87103, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to a designated employee who owns a 10-percent or greater interest in the entity if the retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer is not distinguishable from the amount of income received from its other retail customers.

SECTION 10. Manner of Disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor. This notice shall be forwarded to the Administrative Supervisor, who shall record the employee's disqualification. Upon receipt of such statement, the Administrative Supervisor shall immediately arrange for the matter to be reassigned to another employee.

SECTION 11. Interpretation. In the event of any ambiguity in these rules as to interpretation, construction, or applicability, the Administrative Supervisor shall, by written instrument, clarify such ambiguity. Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114,
or from the City Attorney, provided that nothing in this section requires the attorney for the City to issue any formal or informal opinion.

SECTION 12. Violation. Violation of any provision of this Code, including: (1) willful failure to file, or timely file, any requisite Disclosure Statement, (2) willful failure to disclose any financial or other interest required to be disclosed in such Disclosure Statement, or (3) filer's willful failure to disqualify himself or herself as required herein, shall be grounds for discipline or removal from office, pursuant to Government Code Section 91003.5. Upon ascertaining any such violation, the Administrative Supervisor shall report the same to the appointing official for appropriate proceedings. Such violation shall not, however, invalidate or otherwise affect any decision or action to which such violations might relate. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Act, Government Code Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

SECTION 13. Effective Date. The City of Porterville Conflict of Interest Code, and any amendments to said Code, shall become effective immediately upon passage and approval by the City Council.

Adopted this _____ day of September, 2012.

CONFLICTS AND DISCLOSURE MONITOR AGENCY

________________________________________
John D. Lollis, Administrative Supervisor
DESIGNATED EMPLOYEES*  
EXHIBIT "A"

A. ADMINISTRATION:  
1. Deputy City Manager

B. DEPARTMENT DIRECTORS:  
1. Administrative Services Manager  
2. Community Development Director  
3. Fire Chief  
4. Parks and Leisure Services Director  
5. Police Chief  
6. Public Works Director

C. DEPARTMENTAL EMPLOYEES AS FOLLOWS:  
1. Community Development Department:  
   a. City Planner  
   b. Development Associate  
   c. Project Manager

2. Finance Department  
   a. Purchasing Agent  
   b. Information Technology Manager  
   c. Accountant

3. Fire Department:  
   a. Battalion Chief/Fire Marshall  
   b. Battalion Chief of Operations  
   c. Deputy Fire Marshall

4. Public Works Department  
   a. Chief Building Official  
   b. Deputy Public Works Director/City Engineer  
   c. Deputy Public Works Director/Field Services Manager  
   d. Assistant City Engineer

D. CONSULTANTS: Consultants shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitations:

The Administrative Supervisor may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Administrative Supervisor's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

* This designation does not include the following City officials or employees required to report their financial interests pursuant to Article 2 of Chapter 7 of the Act, Government Code Sections 87200, et seq.:  
   a. City Council Members  
   b. City Manager  
   c. City Attorney  
   d. Finance Director
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 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review on August 21, 2012, 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. Although all repair projects were originally to be completed by no later than July 2012, the City has received a one (1)-year extension to July 2013.

As was previously reported, staff made application for almost $2 million in State Office of Emergency Services (OES) grant funds, which would provide financial assistance for mitigating repetitive flooding conditions. Considering the preliminary flood prevention measures previously presented to the Council, staff evaluated the grant application criteria, and made application for mitigation projects, specifically focusing on Downtown, Murry Park, and Zalud Park projects. Staff is pleased to report that its proposed grant-funded projects successfully passed initial screening, with staff having also attended several days of required training in preparation for administering the grant funds.

RECOMMENDATION: That the Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

ATTACHMENT: None

Item No. 12
PUBLIC HEARING

SUBJECT: CONSTRUCTION OF CONCRETE IMPROVEMENTS – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place for a Public Hearing to discuss the proposed construction of concrete improvements for the subject project.

The W. North Grand Avenue Reconstruction Project (Highway 65 to Railroad) includes the construction of curbs, gutters, and drive approaches in front of undeveloped properties and/or developed properties that lack these public improvements. Section 20-40.1 of the Municipal Code stipulates that these improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code allows the City to recover the cost of the concrete improvements when the owner pulls a building permit(s) from the City and said permit(s) has a valuation of $18,421.00 or more within a two (2) year period.

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

RECOMMENDATION: That the City Council:

1. Take public comments, concerns and questions; and

2. Authorize staff to schedule a Public Hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of each project.

ATTACHMENTS: Locator Map
Reimbursement Spreadsheet

P:\pubworks\General\Council\Public Hearing - Construction of Concrete Improvements on W North Grand Ave - 2012-09-04.doc

Appropriated/Funded MB CM

Item No. 13
### Exhibit "B"

W North Grand Reconstruction Project - Hwy 65 to RR
Reimbursement for City Installed Improvements

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<th>APN</th>
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<th>Owner Address</th>
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*Current costs are based on bid prices and quantities of work included on plans. Final costs will be determined based on field measurement after completion and prior to establishing reimbursement fee.*
SUBJECT: APPROVAL OF AMENDMENT TWO TO THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS JOINT POWERS AGREEMENT

SOURCE: Public Works Department - Engineering Division

COMMENT: City Council reviewed this staff report during the August 7, 2012, and the August 21, 2012, Council Meetings and requested staff to bring it back on this date. The Tulare County Association of Governments (TCAG) operates under a Joint Powers Agreement (JPA) among the eight incorporated cities and the County of Tulare. The initial JPA was approved in 1971, and has had updates and amendments from time to time.

City Council directed the City Attorney to contact TCAG's legal counsel to review the language in the JPA and report back. Information will be provided by the City Attorney at this Council Meeting.

Recent actions of the TCAG Board and legislative changes have triggered the need for amendments to the TCAG Joint Powers Agreement. There are two parts to Amendment Two as described below:

Regional Transportation Impact Fee

On December 5, 2011, the TCAG Board authorized TCAG staff to plan, program, and implement the County of Tulare's Transportation Impact Fee (TIF) Program subject to Tulare County Board of Supervisors' (BOS) support. On January 10, 2012, the BOS approved TCAG assuming responsibility for the preparation and implementation of the Regional TIF Program. While TCAG can currently conduct planning studies, a JPA amendment is required to allow TCAG to implement and manage the TIF Program.

TCAG is the regional transportation authority tasked with planning, financing and development of the Regional Transportation System through a number of funding sources. The possibility to evaluate and implement a Development Impact Fee (DIF) structure to accommodate new growth falls in line with this objective. The Cities and County have been asked to approve an amendment to the TCAG JPA to allow TCAG to facilitate the process of evaluating the preparation of DIFs to further the development of the Regional Transportation Network benefiting the entire County. It is important to note that the City of Porterville committed to the establishment of a Regional Transportation Impact Fee with the adoption of the City of Porterville 2030 General Plan to offset the impacts of new

Appropriated/Funded

CM

Item No. 14

ACTING CITY MANAGER
growth on our existing and future transportation network. In addition, the City certified the Riverwalk Phase II EIR committing to making the required regional roadway improvements to maintain an acceptable level of service on State Route 190 and area roadways. This also included the adoption of a regional impact fee. It seems logical for that fee to be developed by the Regional Transportation Planning Agency rather than by the City looking at a very small portion of the regional network. Substantial improvements to State Route 190 from Highway 99 through Road 284 (Reservation Road), and to other regional roadways, could be realized through the implementation of the regional fee.

To clarify that each member agency also has the right to implement a local TIF Program, the following language is included in the proposed JPA Amendment:

“This power is not exclusive delegation of authority and the member agencies of the Association reserve the right to retain and establish mitigation fee programs under this Act.”

Central California Railroad Authority

SB 325 (Central California Railroad Authority Act) creates an authority to ensure railroad service continues on existing short rail lines in San Joaquin Valley counties if the Surface Transportation Board authorizes the abandonment or discontinuance of service on those lines, or in the event of the bankruptcy or sale of existing short line railroad operations in the San Joaquin Valley counties that are a part of the rail authority.

Communities heavily reliant on short haul rail services stand to lose access to goods movement and shipping services if an alternative is not developed to ensure dependable rail service for the San Joaquin Valley counties. SB 325 was signed by the governor on September 6, 2011. In order for TCAG to join the Central California Railroad Authority, an amendment to the TCAG JPA is required.

Once the Cities and County have approved and passed the appropriate resolution, TCAG will circulate a “master” agreement for each City and the County to sign. This process will insure that each agency has a document with original signatures.

RECOMMENDATION: That the City Council:

1. Review the full breadth of Amendment Two to the “Tulare County Association of Governments Joint Powers Agreement”;

2. Authorize the Mayor to execute the attached “Tulare County Association of Governments Joint Powers Agreement” resolution; and
3. Authorize the Mayor to execute the Master Agreement when said Master Agreement is made available to the City for signature.

ATTACHMENTS:  
- TCAG Joint Powers Agreement - Amendment Two
- Joint Powers Agreement Resolution
- 2012 Potential DIF Highway Funding by Tier
AMENDMENT TWO TO THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
JOINT POWER AGREEMENT

THIS AGREEMENT, dated for convenience as of this____day of______, 2012, by
and between the COUNTY OF TULARE, hereinafter referred to as the “County,” and the CITIES OF
DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA, and
WOODLAKE, or so many of said Cities as have executed this Agreement, hereinafter collectively
referred to as the “Cities”;

WITNESSETH:

WHEREAS, the Tulare County Association of Governments, hereinafter referred to as the
“Association,” will be a separate entity from the County; and

WHEREAS, as of the 4th day of May, 1971, the County and the Cities executed an Agreement
(Tulare County Agreement No. 6466) which established the Association, and set forth the powers and
duties of the Association; and

WHEREAS, the Joint Powers Agreement may be amended from time to time; and

WHEREAS, the Association incorporated subsequent amendments to the original Agreement
entered into on the 4th day of May, 1971 and make changes to the Agreement to reflect current
practices and terminology on the 15th day of June, 2010 (Tulare County Agreement No. 24583); and

WHEREAS, the Association amended said Agreement to give the Association the ability to
make real property transactions for purposes of TCAG operations and staff accommodation on the 13th
day of June, 2011 (Tulare County Agreement No. 24583-A); and

WHEREAS, the Association desires to amend said Agreement to authorize the Association to
prepare the Tulare County Regional Traffic Impact Fee Program, establish a Traffic Development
Impact Fee, and cause collection of said fees; and
WHEREAS, the Association desires to amend said Agreement to implement Cal. Gov. Code §93300 et seq., to enter into and carry out the terms and conditions of the Central California Railroad Authority, hereby amend said Agreement.

NOW, THEREFORE, BE IT AGREED as follows:

(1) Paragraph (2) of said Agreement is hereby amended by adding thereto subparagraph (r) to read as follows:

(r) To prepare a Tulare County Regional Traffic Impact Fee Program, establish a Traffic Development Impact Fee, and cause collection of said fees pursuant to Cal. Gov. Code §66000 et. seq. (Mitigation Fee Act) as amended from time to time. This power is not exclusive delegation of authority and the member agencies of the Association reserve the right to retain an establish mitigation fee programs under this Act.

(2) Paragraph (2) of said Agreement is hereby further amended by adding thereto subparagraph (s) to read as follows:

(s) To implement Cal. Gov. Code §93300 et seq., (Central California Railroad Authority Act), create and join the Central California Railroad Authority and exercise the authority set out in the Central California Railroad Authority Act as it pertains to the purposes of this Act.

(3) Except as expressly provided herein, all other terms and conditions of the Joint Powers Agreement and the Amendments thereto shall remain in full force and effect.

(4) The County and Cities hereby agree that this Amendment Agreement may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute the same Agreement. Notwithstanding the foregoing, the Parties hereby agree that duplicate originals shall be executed so each party may retain a fully executed counterpart of this Amendment Agreement.
IN WITNESS WHEREOF, the parties hereto have caused this Amendment Agreement to be executed as of the day and year first above written pursuant to resolutions of the governing bodies of the respective parties, duly adopted, authorizing such execution.

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

COUNTY OF TULARE

By ________________________________
Deputy Chairman, Board of Supervisors

ATTEST:

CITY OF DINUBA

By ________________________________
Mayor

ATTEST:

CITY OF EXETER

By ________________________________
Mayor

ATTEST:

CITY OF FARMERSVILLE

By ________________________________
Mayor

ATTEST:

CITY OF LINDSAY

By ________________________________
City Clerk

ATTEST:

By ________________________
   City Clerk

Mayor

CITY OF PORTERVILLE

By ________________________

City Clerk

ATTEST:

CITY OF TULARE

By ________________________
   Mayor

By ________________________
   City Clerk

ATTEST:

CITY OF VISALIA

By ________________________
   Mayor

By ________________________
   City Clerk

ATTEST:

CITY OF WOODLAKE

By ________________________
   Mayor

By ________________________

Page 4 of 4

Joint Powers Agreement - Tulare County Association of Governments
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING AMENDMENT TWO TO THE TULARE COUNTY ASSOCIATION OF
GOVERNMENTS JOINT POWERS AGREEMENT AND AUTHORIZING THE CITY
MANAGER TO EXECUTE SAID AMENDMENT

WHEREAS, the Tulare County Association of Governments (TCAG) operates
under a Joint Powers Agreement among the eight incorporated Cities and County of
Tulare; and

WHEREAS, on December 5, 2011, the TCAG Board authorized TCAG staff to
plan, program and implement a Tulare County Regional Traffic Impact Fee Program;
and

WHEREAS, an amendment to the TCAG Joint Powers Agreement is necessary
for TCAG to have the authority to undertake the implementation and management of a
Regional Transportation Impact Fee Program; and

WHEREAS, Amendment Two to the TCAG Joint Powers Agreement authorizes
TCAG to prepare the Tulare County Regional Traffic Impact Fee Program, establish a
Traffic Development Impact Fee, and cause collection of said fees; and

WHEREAS, Senate Bill 325 created the Central California Railroad Authority to
protect and preserve railroad service on existing short rail lines in San Joaquin Valley
counties; and

WHEREAS, TCAG desires to join the Central California Railroad Authority, but
cannot do so under the current Joint Powers Agreement; and

WHEREAS, Amendment Two to the TCAG Joint Powers Agreement makes
provisions for TCAG to join the Central California Railroad Authority.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
Porterville approves Amendment Two to the TCAG Joint Powers Agreement, subject
only to minor conforming or clarifying changes acceptable to the City Manager and City
Attorney.

PASSED, APPROVED AND ADOPTED this 4th day of September, 2012.

ATTEST: 
John D. Lollis, City Clerk

Virginia R. Gurrola, Mayor

By: Patrice Hildreth, Chief Deputy City Clerk
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**Avg. amount per year**

- Tier 1: $19,518,000
- Tier 2: $27,540,000
- Tier 3: $28,190,000

**Percentage**

- Tier 1: 58.36%
- Tier 2: 20.56%
- Tier 3: 21.07%

*Added per Porterville*
SUBJECT: APPOINTMENT OF COUNCIL MEMBER TO A GRIEVANCE APPEALS BOARD

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT / HR DIVISION

COMMENT: The City's Personnel Rules and Regulations sets forth the procedure by which City employees can seek resolution of grievances on matters affecting their jobs. The City's procedure is designed to expeditiously resolve employee grievances at the lowest possible administrative level, and also provides for an appeals process in the event the employee/grievant is not satisfied with the outcome at any given step in the process.

The Administrative Services Department is currently processing an employee grievance which has reached the final appeal step. The process provides for a review by a three-member Grievance Appeals Board which is comprised of a City Council Member appointed by the City Council, an employee appointed by the employee/grievant, and a neutral third member which is mutually agreed upon by the two other members.

Staff hereby requests that the City Council appoint one City Council Member to serve on the aforementioned Grievance Appeals Board. Staff further recommends that the Council appoint one alternate to serve in the event the City Council appointee has any potential conflicts. Due to the confidential nature of personnel matters, no further details can be provided at this time with regard to the specific grievance.

RECOMMENDATION: That the City Council appoint one member and one alternate to serve as the City Council representative on the Grievance Appeals Board for the grievance herein referenced.

Item No. 15
SUBJECT: CONSIDERATION OF CITY COUNCIL’S PROCEDURAL HANDBOOK

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: With the seating of the new City Council, it is appropriate for the Council to consider its Procedural Handbook for ratification or potential amendments that the new Council may desire. This item was presented at the meeting of August 21st and postponed with no action taken.

A copy of the Handbook is herein provided for the Council’s review and consideration. Additionally included for the Council’s consideration are proposed amendments prepared by Vice Mayor McCracken.

RECOMMENDATION: That the City Council consider its Procedural Handbook, and direct staff accordingly.

2. Amendments Proposed by Vice Mayor McCracken

Item No. 16
CITY COUNCIL
PROCEDURAL
HANDBOOK

Compiled by:
The Office of City Clerk
291 North Main Street
Porterville, CA 93257
Tel: (559) 782-7442
Fax: (559) 782-7452
www.ci.porterville.ca.us

Adopted July 19, 2011 via Minute Order 08-071911

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City Council Procedural Handbook

Adopted July 19, 2011

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   F. Annual City Manager/City Attorney Evaluations
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APPENDICES
   A. Annual City Manager/City Attorney Evaluation Forms
   B. Laptop Computer and Cell Phone Policy
      (to be attached upon completion and adoption)
   C. Email Retention Policy
      (to be attached upon completion and adoption)
PREAMBLE

The residents and businesses of the City of Porterville are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public Officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public Officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

No part of this Handbook shall be interpreted so as to violate any federal or state law; a Council Member’s Oath of Office; a Council Member’s moral or ethical responsibilities; or the exercise of a Council Member’s individual rights afforded him/her by the U.S. Constitution.

To this end, the City Council of the City of Porterville hereby approves of and affirms the above to encourage public confidence in the integrity of local government and its operations. (Minute Order 21-070511, July 5, 2011.)

City Council Procedural Handbook

Adopted July 19, 2011

Page 4 of 24
II. MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding regular meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary consideration when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

A. REGULAR MEETINGS

1. Regular meetings shall be held the first and third Tuesday of each month beginning at 5:30 p.m. Closed Session Items shall be considered at 5:30 p.m., with open session to commence at 6:30 p.m. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day, or as determined by Council. (Ordinance 1766, approved August 17, 2010.)

2. Regular meetings shall be held in the Council Chambers, 291 North Main Street, in the City of Porterville.

3. Regular meeting open sessions shall be between the hours of 6:30 p.m. and 9:45 p.m. The Council Meetings shall adjourn no later than 9:45 p.m. unless otherwise approved by a majority vote of the Council Members present. Following the mid-meeting break (around 9:00 p.m.) the Mayor, with assistance from the City Manager, will review the balance of the agenda with Council to discuss how it can be handled in the allowed time. If it is necessary to continue any items, it will be announced at that time. (Ordinance 1766, approved August 17, 2010.)

B. ADJOURNED MEETINGS/STUDY SESSIONS (Open to the public)

1. The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants and the City Council regarding specific programs, projects or policies. If noticed, formal action may be taken at such a meeting.

2. Adjourned Meetings/Study Sessions will be held at a time and place convenient to Council and advantageous for public participation.
3. Participation of the public shall be at the discretion of the Presiding Officer, upon consensus of the Council.

C. SPECIAL MEETINGS

1. Special meetings may be called by the Mayor or three members of the City Council. (GC § 54956) Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each member of the City Council not joining the call.

2. Written notice must be given to the City Council and to the media 24 hours prior to each meeting. (GC § 54956)

3. A supplemental telephone call shall be made if necessary to notify each Council Member.

4. No business other than that announced shall be discussed.

5. Any special meeting held at a place other than City Hall shall be open to the public. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

D. ORDER OF BUSINESS:

Call to Order
Roll Call
Oral Communications
Closed Session(s)
Reconvene at 6:30 p.m.
Closed Session Report
Pledge of Allegiance
Invocation
Presentations/Proclamations
Reports (AB1234 Reports, Committee/Commission/Board Reports; Subcommittee Reports; Information Items and Reports)
Oral Communications
Consent Calendar
Approval of Minutes
Claims Against the City
Payment of Bills
Payments on Public Works Projects
Authorization to Purchase
Authorization to Call for Bids
E. CONSENT ITEMS

Consent items are the first items on the open session portion of the agenda (items that are routine, have been discussed before, relate to implementation of approved budget items, or to City operations or item to be later set for public hearing).
III. MEETING PROCEDURES

A. PRESIDING OFFICER

1. The Mayor is the Presiding Officer and acts as Chair at Council meetings.

2. In the absence or incapacity of the Mayor, the Vice Mayor as Mayor Pro Tempore will serve as Presiding Officer. In the absence of both the Mayor and Vice Mayor, the Council Members present shall select one of their number to serve as Presiding Officer for that meeting. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

3. Seating arrangement of the Council:

Seating arrangements shall be at Council discretion with preference being given to health conditions, seniority, individual Council Member preferences, and the Mayor’s preference, in that order. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

4. Signing of City Documents:

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager, or his or her designee, has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor may sign the required documents. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

B. QUORUM

A majority of the Council Members shall constitute a quorum for the transaction of business. (Charter)

C. DISCUSSION RULES

1. Obtaining the floor:

a. A member of the City Council, staff, or public shall first address the Presiding Officer and gain recognition.
b. Comments and questions shall be limited to the issue before Council except when members of the public are addressing the Council under Oral Communications.

c. Council shall have the opportunity for discussion on the item prior to requiring a motion and a second. (Minute Order 18-050311, approved May 3, 2011.)

d. Cross-exchange between Council Members, staff or public shall be avoided.

e. Any citizen may arise and address the City Council on any business especially concerning them or affecting their interests during Oral Communications, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the presiding officer of their desire to speak.

f. Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or Mayor Pro Tem of the City Council, shall be guilty of a misdemeanor. It shall be the duty of the Chief of Police, upon order of the presiding officer, to eject any such member or person from the council room. (Ordinance 1537)

2. Questions to staff:

A Council Member shall, after recognition by the Presiding Officer, address questions to duly designated staff members through the City Manager.

3. Interruptions:

a. Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.

b. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.

c. Upon being recognized by the Presiding Officer, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.
IV. COUNCIL REQUESTS FROM THE PUBLIC

A. Response to Letters from the Public

Periodically Council Members receive letters requesting their response. If a Council Member wishes to answer the letter, the matter can be handled in either of three ways:

1. The Council Member can give the letter to the City Manager's Secretary along with direction on how they wish their response to be worded. The City Manager's staff will then prepare the letter on City Council stationery and forward it to the appropriate Council Member for approval and signature. Copies of both letters are kept on file in the City Manager's Office, and copies are available upon request.

2. If the letter requires specific information or details only available from another City Department, the City Manager may refer the letter to the appropriate Department Head for response by them or their designee. Copies of the letters will then be forwarded to the City Manager's Office for filing.

3. If the Council Member wishes to answer their own correspondence, City stationery is available upon request from the City Manager's secretary. Copies of all such letters on City Letterhead shall be provided to all other Council members, and the letter shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. If the Council Member wishes to have a copy of the letters in their file, they should submit a copy to the City Manager's staff for filing.

If a Council Member receives an informational item and wants a copy to be given to the other Council Members and the City Manager or other Directors, the item should be given to the City Manager's staff and copies will be made and sent out.

B. Referrals to Council agenda

Periodically Council Members receive correspondence or verbal requests for items to be acted upon, or considered, by the City Council. If a Council Member wishes to respond to the request, the matter should be referred to the City Manager. The request can then be handled as follows:
1. The Council Member may request the City Manager to place the item on the Council agenda as a written communication (however, the request must be stated on the agenda face sheet for Council to be able to act on it at the meeting); or

2. Upon research, the request may be determined to be a violation of City, State or Federal law, policy, or previous Council determination, in which case an appropriate response as to why the matter can not be heard will be provided to the requesting party.

Correspondence requesting that an item be acted upon, or considered, by the City Council, which is received directly by the City Manager, is handled in either of two ways:

1. The City Manager shall place any routine and/or legitimate written request under written communications*, or have a staff report prepared if time permits, for the next City Council agenda; or

2. The City Manager shall place any request which has already been acted upon by Council, cannot legally be accomplished, or which has a potential for litigation, in an Administrative Memorandum.

C. Telephone Calls

Citizens attempting to communicate with the City Council often call the offices at City Hall. Such calls are referred to the City Manager's Office. The City Manager's staff will take a message and refer it to the appropriate Council Member, or give the caller the telephone number of the City Council Member so they may call them directly, according to instructions given by the Council Member [see X-D (3)].

D. Personal Meetings

Council Members who wish to meet with their constituents may use various rooms at City Hall. The Council Member should call the City Manager's Secretary as soon as they know a room is needed so that it can be reserved for their use. No more than two Council Members may attend a meeting to discuss City matters without the meeting becoming a public meeting and therefore falling under the requirements of the Brown Act Open Meeting Laws.
E. Personal Correspondence

Council Members who wish to send their own correspondence using City stationery shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. Copies of all such letters on City Letterhead shall be provided to all other Council members. Letterhead stationary is available upon request from the City Manager's secretary, and if the Council Member wishes to have a copy of their letter in their file, they should submit a copy to the City Manager's staff for filing.
V. COUNCIL MEMBER REQUESTS TO STAFF

A. General Information

All City Council Member requests for information or documents shall be referred through the City Manager. Any Department Head who receives a direct request from a Council Member shall submit the request, including the name of the requesting Council Member, to the City Manager.

B. Research

All City Council Member requests for information or documents which require extensive research, in the opinion of the City Manager, shall be referred through the City Manager to the Council for direction. The City Manager will discuss the matter with the appropriate department and relay the approximate time table for completion to the City Council for discussion and action at the next available meeting of the City Council. If the request is approved by the Council, upon completion of the research, the information or documents will be forwarded to the City Council Members by the City Manager. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

C. Items for inclusion in Council Agenda

The City Manager shall compile the agenda for each meeting and shall include as agenda items, business in the normal course of City affairs, including but not limited to staff proposals to improve services, support the economy and land use, and enhance the efficiency and effectiveness of the City organization, items relating to current, past, and proposed City contracts, leases, franchises, agreements and similar documents, and matters affecting future or proposed City equipment and property, items relating to City employees, agents and contractors, and such other matters as are defined in this handbook or otherwise directed by the City Council.

All City Council Member requests for an item to be placed on the Council agenda should be referred to the City Manager. Pursuant to Minute Order No. 11-022096, such request shall be submitted prior to Monday noon of the week before the Council meeting in order to be placed on the next regularly scheduled meeting.

The City Manager shall place any Council Member request for an agenda item on the next available agenda as a Consent Calendar item for Council approval to be included
as a Scheduled Matter on the next available agenda. This does not prevent any Council Member from moving to place an item on the next available agenda during Other Matters of the current agenda. (Amended pursuant to M.O. 08-071911, July 19, 2011.)
VI. COUNCIL AGENDA

A. Preparation:

Each Department Head submits agenda items regarding their Department to the City Manager for approval. Upon the City Manager's approval, the items are returned to the appropriate department for copying and collation.

The City Council meeting agendas are prepared on the Thursday prior to the Tuesday meeting. Any questions regarding whether items have been scheduled for consideration at a particular meeting may be directed to the Chief Deputy City Clerk and/or Deputy City Clerk.

B. Deadlines:

The deadlines for the agenda are the Monday preceding the Thursday preparation day. Public hearing items, scheduled matter items, Consent calendar items, and written communications must be submitted by the Monday deadline. The deadline for a Council member request for any item shall be Monday noon preceding the Thursday preparation day.

C. Delivery:

Agendas will be delivered to Council on the Thursday prior to the Tuesday meeting. The agenda shall include a complete copy of the agenda on compact disc suitable for loading on a laptop computer, with provisions for annotating materials with the use of a suitable Acrobat Reader. No items, or additional materials, shall be delivered after the initial delivery to Council on Thursday, except in the instance of a designated emergency item.

Council agendas shall be delivered to the Council Member's home or business, as requested. If no one is available to receive the agenda, the agenda shall be left in an area designated by the Council Member, unless other arrangements have been previously made with the City Clerk's staff. [See X(D)(1)(2).]

The agendas for staff, public and the news media are available after Council receives their agendas, usually on Friday.
VII. THE RALPH M. BROWN ACT

The Ralph M. Brown Act (California Government Code § 54950 et seq.) governs meetings conducted by local legislative bodies such as city councils, boards of supervisors, special districts, and school boards. The Act represents the State Legislature's determination of how the balance should be struck between the public access to meetings of multi-member public bodies on one hand, and the need for confidential candor, debate, and information gathering on the other.

The Act contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny.

Meetings are defined as any gathering of a quorum of a legislative body (which includes newly elected but unsworn members of the body) to discuss or transact business under the body's jurisdiction and serial meetings are prohibited. Exemptions are individual contacts between board members and others which do not constitute serial meetings, attendance at conferences and meetings which are open to the public so long as legislative bodies do not discuss amongst themselves business of a specific nature under the body’s jurisdiction, and attendance at social or ceremonial events where no business of the body is discussed.

The Act requires that notices of regular meetings must be posted at least seventy-two (72) hours prior to the meeting, and twenty-four (24) hour notice must be provided to members of the legislative body and media outlets for special meetings.

A user's guide to the Ralph M. Brown Act is provided to Council Members for their information. If a Council Member has a specific question which does not seem to be covered in the guide, the Council Member should contact the City Attorney for a legal opinion.
VIII. TRAVEL, MEETINGS AND EXPENSES

This policy would satisfy the requirements of California Government Code §§ 53232.2 and 53233.3 in the event such requirements could be constitutionally applied to charter cities.

The City Manager, or his staff, will notify the City Council Members about any League of California Cities' Conferences, Redevelopment Conferences, Committee meetings, and/or local meetings that may be of interest to the Council. If a Council Member is interested in attending any such meeting, the following procedures should be followed:

A. Requests for Reservations:

When a City Council Member wishes to attend a conference or meeting, he/she should contact the City Manager’s office and indicate the following:

1. The date(s) of the conference or meeting;
2. If the Council Member will be accompanied by anyone else, i.e. spouse, child;
3. Any personal preferences for hotel reservations, such as smoking or non-smoking, king or double beds, etc.; and
4. Whether special travel arrangements need to be made, i.e. airplane tickets, ride-sharing, etc.

A disbursement will then be prepared and the payment for the conference or meeting will be forwarded, and, if applicable, the hotel will be contacted to make the appropriate reservations. When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council member. If a prior room reservation request is not made, the Council member shall request a room sales tax waiver prior to payment for a room.

For lodging in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question, if such rates are available at the time of booking. If the group rate is not available, government rates must be used when available. Lodging rates that are equal or less than the government rates are presumed to be reasonable and allowed per this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence allowed.
B. Travel and Expense Form:

A Travel and Expense Form will then be prepared for the Council Member which indicates the following:

1. The amount of money to be issued to the traveler as per diem*; and
2. Mileage expense* (if a personal vehicle is used for travel and cost is paid in advance).

* Amount set in Administrative Policy Manual Sec. II-E-1, Travel & Conference Expenses. In regard to the per diem amount, if payments for expenses are made in advance pursuant to the specified per diem amounts, the disbursement shall not be considered to be reimburseable expense under AB 1234.

The Council Member will then be issued a packet of materials several days prior to the meeting which contains the following:

1. A check for per diem and mileage;
2. Confirmation notification and informational materials regarding the conference;
3. Confirmation notification for any hotel reservations; and
4. A City credit card to pay for the room charges at the end of the meeting.

C. Receipts:

The Council Member shall then bring the receipt for the hotel charges to the City Manager's staff upon his/her return, together with the credit card, and any refund due the City. The Council Member shall sign the original Travel and Expense Form at that time, which shall then be filed with the Finance Department for final processing.

If a refund is due the Council Member, a check will be issued by the Finance Department and then distributed to the Council Member.

D. Eligibility:

The City shall pay for any Council Member to attend any meetings or conferences of their choice. When accompanied by a spouse or child, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council Member shall also be considered a refund due the City, payable within 10 days of the receipt of the charges.
IX. CONFLICT OF INTEREST

A. City Council Members Filing Requirements

City Council Members are under the provisions of the Political Reform Act (Gov. Code, § 81000! et seq, known as "the Act") as enforced by the Fair Political Practices Commission. The Act applies to campaign contributions requirements, as well as matters of conflict of interest while in office.

1. Disclosure of Economic Interests:

City Council Members must file assuming office and leaving office statements, as well as annual statements while in office. The statements basically require the disclosure of the following information:

- Investments or interests in real property and its fair market value;

- Income, and the name and address of each source of income aggregating five hundred dollars ($500) or more, or fifty ($50) or more if a gift, and a general description of the business activity, if any of each source;

- Interests in real property held by a business entity or trust;

- Loans, and its annual interest rate and the security, if any, given for the loan;

2. Disqualification of Participation (Conflict of Interest):

A Council Member shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. This might include decisions which affect property within up to 500 feet of the subject property in which the Council Member has an interest.

A financial interest in a decision, within the meaning of Section 87100 of the Act, is if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Council Member or:

- A member of his or her immediate family;
• A business entity in which the Council Member has a direct or indirect investment worth $2000 or more;

• Any real property in which the Council Member has a direct or indirect interest worth $2,000 or more;

• Any source of income, other than gifts or commercial lending institutes loans, aggregating $500 or more received or promised to the City Council Member within twelve months prior to the time when the decision is made;

• Any business entity in which the City Council Member is a director, partner, trustee, employee, or holds any position of management;

• Any donor, or any intermediary or agent for a donor, or a gift or gifts aggregating $420 or more in value provided to, received by, or promised to the City Council Member within 12 months prior to the time when the decision is made.

Indirect investment or interest means any investments or interest owned by the spouse or dependent child of a City Council Member, by an agent on behalf of a Council Member, or by a business entity or trust in which the Council Member, the Council Member's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

Section 87100 of the Act does not prevent any Council Member from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that a Council Member's vote is needed to break a tie does not make his participation legally required for purposes of this section.

Pursuant to Section 87105 of the Act, a public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
b. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.

c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

d. Notwithstanding paragraph (3), a public official may speak on the issue during the time that the general public speaks on the issue.

B. Other Agencies:

Whenever a Council Member is required to file a Statement of Economic Interest for an outside agency, the Deputy City Clerk will provide the correct form, and using the Statement of Economic Interest Form 700 filed in the City Clerk's Office for the City of Porterville, prepare a duplicate statement for signature, and forward the appropriate form to the requesting agency.

C. Redevelopment Agency Filing Requirements:

Upon assuming office, a City Council Member will also serve as a Redevelopment Agency Member. As an Agency Member, they must file a Conflict of Interest statement for the Porterville Redevelopment Project area. After assuming office, an Agency Member may not acquire any property within the Redevelopment Project area. If prior interests exist within the Project area, the Agency Member must disqualify themselves from any action taken which would constitute a benefit to them.

D. City of Porterville Conflict of Interest Code:

Certain designated City employees are also required to file conflict of interest forms under the provisions of the Political Reform Act Code, § 87100-87500 et seq. The City of Porterville Conflict of Interest Code was adopted by the City Council and is reviewed biennially to make sure it is kept current.

If Council Members have a question on whether an interest they have is sufficient for disqualification, they should contact the Fair Political Practices Commission at (866) 275-3772, or http://www.fppc.ca.gov, for a ruling or opinion.
X. GENERAL ITEMS

A. Different Hats

Members of the City Council also serve as the governing bodies for the following local agencies:

1. Redevelopment Agency
2. Industrial Development Authority
3. Public Financing Authority
4. Public Improvement Corporation
5. Planning Commission
6. Conflicts and Disclosure Monitor Agency

B. Compensation

As stated in the City Charter, Section 9, City Council Members shall receive $20 per Council meeting, $25 per Council meeting for the Mayor, with a maximum of seven paid Council meetings per month.

Redevelopment Agency Members shall receive $30 per Redevelopment meeting.

Council Members receive no benefits other than the amounts per meeting stated above.

C. Issuance of Laptop Computers to Council Members

A Wireless Communications Policy for the laptop computers is being developed as set forth in Minute Order 14-090605. [See Appendix B]

D. Direction to Support Staff:

Upon assuming office, Council Members should notify the City Manager's staff regarding the following items:

1. Where to deliver Council agendas and Administrative Reports and Memorandums, i.e. home or business.

2. Where to leave Council agendas if the business is closed and/or if no one is home, i.e. City Manager’s Office Council mail box, front porch, back door, etc.
3. How to direct citizens who wish to speak to Council Members, i.e. take a message, give out home telephone numbers, give out business telephone numbers, etc.

E. City Attorney

The City Attorney is the legal advisor of the City Council, and all other City officials. The City Attorney shall prosecute all violations of City ordinances and shall draft all contracts and other legal documents and instruments, required by the Council or the City Manager. The City Attorney shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members or by the Mayor.

The types of questions referred to the City Attorney are as follows:

1. Generally whether a conflict of interest exists for a Council Member and whether they should abstain from voting on a specific matter.

   Please note: Any advice received from the City Attorney relating to Conflicts of Interests is informal only and not binding; the Council Member must seek and obtain a formal written opinion from the FPPC in order to be afforded any statutory immunities.

2. Whether an issue has a legal standing, and what type of action would be appropriate.

3. Legal recommendations for matters of litigation.

F. Annual City Manager/City Attorney Evaluations

The City Council shall provide for annual evaluations for the City Manager and the City Attorney. A standardized evaluation form shall be used which shall address the areas of importance as set forth by the City Council. Said evaluation form shall be included as Appendix A.

G. Response to President/Governor Directives

Directives issued by the President of the United States and/or Governor of the State of California shall not be considered a mandatory directive to the City of Porterville except as authorized and/or approved by the City Council. The one exception to this rule is that flags on City buildings shall be flown at half mast upon orders by the President, Governor and/or Mayor, or by majority approval of the City Council.
APPENDICES

A. Annual City Manager/City Attorney Evaluation Forms

B. Laptop Computer and Cell Phone Policy (to be attached upon adoption)

C. Email Retention Policy (to be attached upon adoption)
<table>
<thead>
<tr>
<th>A. Providing Information</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
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<tbody>
<tr>
<td>1. Does the City Manager keep you informed, in a timely manner, of the things you want to know about?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Do you feel that you receive information on an equal basis with other Council members?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Do reports provide adequate information and analysis to help you make sound decisions?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Are agenda items and supporting documents appropriate and brought to Council in sufficient time for deliberations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. Does the City Manager regularly consult with the Council before setting the agenda to determine appropriate topics and timing?</td>
<td>1 2 3 4 5</td>
<td></td>
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<tr>
<td>6. Does the City Manager follow up promptly on Council requests for information or action without having to be reminded?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>7. Are Council packets relatively free of errors and omissions?</td>
<td>1 2 3 4 5</td>
<td></td>
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Average score
<table>
<thead>
<tr>
<th>B. Providing Advice</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
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<tbody>
<tr>
<td>1. Does the City Manager have adequate knowledge of municipal affairs?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Does he exercise good judgment?</td>
<td>1 2 3 4 5</td>
<td></td>
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<tr>
<td>3. Do you feel that the City Manager considers alternatives before making recommendations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Does the City Manager plan ahead, anticipate needs and recognize potential problems?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. How do you feel about the quality of analysis that accompanies recommendations?</td>
<td>1 2 3 4 5</td>
<td></td>
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<tr>
<td>6. Does he have a good sense of timing in bringing issues to the Council for action?</td>
<td>1 2 3 4 5</td>
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Average score

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<th>INTERNAL ADMINISTRATION</th>
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<tr>
<td>A. Financial Management</td>
</tr>
<tr>
<td>1. Are you comfortable with the City Manager's approach to budget preparation and review?</td>
</tr>
<tr>
<td>2. Is the City Manager effective in controlling costs through economical utilization of manpower, materials, and equipment?</td>
</tr>
<tr>
<td>3. Does the City Manager have sufficient knowledge of financial matters?</td>
</tr>
<tr>
<td>4. Does the City Manager provide you with sufficient information on the financial status of the City government?</td>
</tr>
<tr>
<td>5. Is the budget submitted on time?</td>
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</tbody>
</table>

Average score
<table>
<thead>
<tr>
<th>B. Personnel Management</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Manager successful in guiding people so that they work together as a team toward common objectives?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Is the City Manager effective in selection and placing personnel?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Does the City Manager develop and motivate personnel so that they are increasingly effective in performing their duties?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Is the City Manager willing to face up to disciplinary problems and take action when warranted?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. Is the City Manager effective in promoting positive employer-employee relations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>6. Does the City Manager respond to Council suggestions on employee training, work priorities and productivity? Are the decisions explained to Council?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>7. Is the City Manager effective on assuring that staff makes a positive impression on citizens?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>8. Does the City Manager ensure that every City employee receives a written annual performance review?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td><strong>Average score</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Getting the Job Done</td>
<td>WEAK</td>
<td>STRONG</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
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<td>--------</td>
</tr>
<tr>
<td>1. Do you have the feeling that things the Council decides or directs get done?</td>
<td>1</td>
<td>2</td>
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<td></td>
<td>3</td>
<td>4</td>
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<td></td>
<td>5</td>
<td></td>
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<tr>
<td>2. Does the City Manager organize or assign work so that it is performed efficiently</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>and effectively?</td>
<td>3</td>
<td>4</td>
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<tr>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>3. Does the City Manager pay sufficient attention to detail to avoid error or things</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>&quot;slipping through the cracks&quot;?</td>
<td>3</td>
<td>4</td>
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<tr>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>4. Does the City Manager put in sufficient time and effort to perform to your</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>expectations?</td>
<td>3</td>
<td>4</td>
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<td></td>
<td>5</td>
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<tr>
<td>5. Does the City Manager have a good sense of priorities in the way he spends his</td>
<td>1</td>
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</tr>
<tr>
<td>time on the job?</td>
<td>3</td>
<td>4</td>
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<td></td>
<td>5</td>
<td></td>
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<tr>
<td>6. Is the City Manager able to analyze problems or issues and identify causes,</td>
<td>1</td>
<td>2</td>
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<tr>
<td>reasons, and implications?</td>
<td>3</td>
<td>4</td>
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<td></td>
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<tr>
<td>7. Does the City Manager develop and carry out short- and long-term action plans?</td>
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<td>4</td>
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<td>5</td>
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Average score
### EXTERNAL RELATIONS

<table>
<thead>
<tr>
<th>A. Citizen Relations</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Manager generally make a positive impression on citizens and is he respected in Porterville?</td>
<td>1  2  3  4  5</td>
<td></td>
</tr>
<tr>
<td>2. Is he effective in handling disputes or complaints involving citizens?</td>
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<td></td>
</tr>
<tr>
<td>3. Does the City Manager have appropriate visibility or identity in the community?</td>
<td>1  2  3  4  5</td>
<td></td>
</tr>
<tr>
<td>4. Does the City Manager represent Council positions and policies accurately and effectively?</td>
<td>1  2  3  4  5</td>
<td></td>
</tr>
<tr>
<td>5. Does the City Manager give sufficient credit to Council?</td>
<td>1  2  3  4  5</td>
<td></td>
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<tr>
<td>6. Does the City Manager think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?</td>
<td>1  2  3  4  5</td>
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<table>
<thead>
<tr>
<th>B. Intergovernmental Relations</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Manager effective representing the City’s interests in dealing with other agencies?</td>
<td>1  2  3  4  5</td>
<td></td>
</tr>
<tr>
<td>2. Does the City Manager participate in enough intergovernmental activity to have an impact on behalf of the City?</td>
<td>1  2  3  4  5</td>
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<tr>
<td>Average score</td>
<td></td>
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# PERSONAL CHARACTERISTICS

<table>
<thead>
<tr>
<th>A. Personality</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Manager's personality suited to effective performance of his duties?</td>
<td>1 2 3 4 5</td>
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<tr>
<th>B. Communications</th>
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<td>1. Is the City Manager easy to talk to?</td>
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<td>2. Do you feel he is a good listener?</td>
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<tr>
<td>3. Are communications thoughtful, clear, and to the point?</td>
<td>1 2 3 4 5</td>
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<tr>
<td>4. Does the City Manager show sensitivity to the concerns of others?</td>
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<tr>
<th>C. Management Style</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Manager demonstrate interest and enthusiasm in performing his duties?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Does he have sufficient leadership characteristics to command respect and good performance from employees?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Does the City Manager show initiative and creativity in dealing with issues, problems, and unusual situations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Is the City Manager open to new ideas and suggestions for change?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. Does the City Manager create an atmosphere in which employees can enjoy working for the City?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>6. Is the City Manager honest and ethical?</td>
<td>1</td>
<td>2</td>
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<td>7. Does the City Manager work well under pressure?</td>
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<td>2</td>
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<td>9. Can the City Manager consistently put aside personal views and implement Council policy and direction?</td>
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</table>

**Average score**

**ACHIEVEMENTS**

List the top three achievements or strong points of the City Manager for the past twelve (12) months:

1. 

2. 

3. 

**FUTURE DEVELOPMENT**

List three performance objectives for the City Manager that you feel are the most important targets for this year:

1. 

2. 

3.
TOTAL OVERALL SCORE

<table>
<thead>
<tr>
<th>OVERALL RATING</th>
<th>WEAK</th>
<th>STRONG</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2 3 4 5</td>
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Date:

__________________________________________
Ronald L. Irish, Mayor

__________________________________________
Cameron Hamilton, Vice Mayor

__________________________________________
Pete V. McCracken, Council Member

__________________________________________
Brian Ward, Council Member

__________________________________________
Greg Shelton, Council Member
CITY ATTORNEY
PERFORMANCE EVALUATION
CITY OF PORTERVILLE
(January 1 – December 31, 20__)  

A. Providing Information

<table>
<thead>
<tr>
<th>WEAK</th>
<th>STRONG</th>
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</thead>
<tbody>
<tr>
<td>1 2 3 4 5</td>
<td>1 2 3 4 5</td>
</tr>
</tbody>
</table>

1. Does the City Attorney keep you informed, in a timely manner, of the legal issues affecting the City?  

2. Does the City Attorney demonstrate initiative and resourcefulness in identifying legal problems, and advising and recommending resolutions?  

3. Do reports/memoranda from the City Attorney provide adequate information and analysis to help you make sound decisions?  

4. Do the legal solutions that are developed appropriately address the issues to be resolved?  

5. Does the City Attorney follow up promptly on Council requests for information or action without having to be reminded?  

Average score

B. Providing Advice

<table>
<thead>
<tr>
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<th>STRONG</th>
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<tbody>
<tr>
<td>1 2 3 4 5</td>
<td>1 2 3 4 5</td>
</tr>
</tbody>
</table>

1. Does the City Attorney have adequate knowledge of municipal legal affairs?  

2. Does he/she exercise good judgment?  

3. Do you feel that the City Attorney considers alternatives before making recommendations?  

4. Does the City Attorney plan ahead, anticipate needs and recognize potential legal problems?  

5. How do you feel about the quality of analysis that accompanies recommendations?  

Average score
## C. Getting the Job Done

<table>
<thead>
<tr>
<th>Question</th>
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<tbody>
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<td>2. Does the City Attorney pay sufficient attention to detail to avoid error or things “slipping through the cracks”?</td>
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<td>2 3 4 5</td>
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<tr>
<td>3. Does the City Attorney put in sufficient time and effort to perform to your expectations?</td>
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<td>2 3 4 5</td>
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<tr>
<td>4. Does the City Attorney have a good sense of priorities in the way he/she spends his/her time on the job?</td>
<td>1</td>
<td>2 3 4 5</td>
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<tr>
<td>5. Is the City Attorney able to analyze problems or issues and identify causes, reasons, and implications?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>6. Does the City Attorney perform well under pressure?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>7. When work is delegated to staff/deputy attorneys, is the project/issue handled appropriately?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
</tbody>
</table>

Average score

## EXTERNAL RELATIONS

## A. Citizen Relations

<table>
<thead>
<tr>
<th>Question</th>
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**Average score**

### PERSONAL CHARACTERISTICS

#### A. Personality

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#### B. Communications

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#### C. Management Style

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**FUTURE DEVELOPMENT**

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<td><strong>OVERALL RATING</strong></td>
<td>1</td>
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</table>

**Date:**

---

Ronald L. Irish, Mayor

Cameron Hamilton, Vice Mayor

Pete V. McCracken, Council Member

Brian Ward, Council Member

Greg Shelton, Council Member
Move to amend City Municipal Code Article 2, Section 1: Time and Place of Regular Meetings by striking the third sentence and amend City Council Procedural Handbook, II Meetings of Council, A. 3. to conform with the amended City Municipal Code Article 2, Section 1: Time and Place of Regular Meetings

Moved by: ___________________________
Seconded by: _________________________

<table>
<thead>
<tr>
<th>Councilmember</th>
<th>Shelton</th>
<th>Ward</th>
<th>Hamilton</th>
<th>McCracken</th>
<th>Gurrola</th>
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<tbody>
<tr>
<td>AYE</td>
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2-1: TIME AND PLACE OF REGULAR MEETINGS

Pursuant to section 10 of the city charter, regular meetings of the Porterville city council shall be held on the first and third Tuesday of each month in the city hall, at 291 North Main Street in the city. The regular meetings will commence at five thirty o'clock (5:30) P.M., with closed sessions commencing at five thirty o'clock (5:30) P.M., and open session commencing at six thirty o'clock (6:30) P.M. The council meetings shall adjourn no later than nine forty-five o'clock (9:45) P.M. unless otherwise approved by a majority vote of the city council members present. (Ord. 1766, 8-17-2010)
Move to amend II. MEETINGS OF COUNCIL, D. Order of Business, to clarify that any item removed from the Consent Calendar shall be considered immediately after the last Scheduled Matter on the agenda and immediately before the Second Oral Communications.

Moved by: _____________________
Seconded by: ___________________

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<th>Councilmember</th>
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</table>
Move to amend City Council Procedure Handbook III. Meeting Procedures, C. 1. c. by striking all after “Council shall” and before “a motion and a second” and replace with require, and inserting after the word “second” the words prior to any discussion of an agenda item before the period, thus rescinding Minute Order 18-050311 approved May 3, 2011 and adopting Minute Order _____________, approved August 21, 2012.

Moved by: ______________________
Seconded by: ______________________

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c. Council shall have the opportunity for discussion on the item prior to requiring require a motion and a second prior to any discussion of an agenda item.
Move to amend City Council Procedure Handbook VIII. Travel, Meetings, and Expenses, D. by adding as approved or ratified by Council and inserting a sentence between the first and second sentence that reads: A Council member may request mileage and other expenses associated with attending meetings of boards, commissions, committees, or other groups to which the Council member has been elected, appointed, or designated to attend by the City Council without further approval or ratification. And by striking “or child” in the second sentence and inserting significant other, and/or one or more children immediately after “spouse” and before “the Council Member”.

Moved by: __________________________
Seconded by: _________________________

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VIII, D. Eligibility

The City shall pay for any Council Member to attend any meetings or conferences of their choice as approved or ratified by the City Council. A Council Member may request mileage and other expenses associated with attending meetings of boards, commissions, committees, or other groups to which the Council member has been elected, appointed, or designated to attend by the City Council without further approval or ratification. When accompanied by a spouse or child, significant other, and/or one or more children, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council Member shall also be considered a refund due the City, payable within 10 days of the receipt of the charge.
Move to adopt a policy that a Council Member may accept no more than two (2) tickets issued by the City to a City event or a City sponsored event and that any tickets in excess of two accepted by a Council Member shall be paid for by the Council Member from non City funds at the time of acceptance of the tickets and that the policy be drafted by the City attorney and brought back to Council for adoption at the next Regular Meeting.

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Move to amend Municipal Code, Article 1-9 General Penalty; Continuing Violations A. by adding or any provision of the City Charter not otherwise provided for in the City Charter. And by inserting the words in B. or any provision of the City Charter not otherwise provided for in the City Charter immediately following the words “this code” and before “guilty” in the first sentence of B. and inserting the words or provision of the City Charter immediately following the word “code” and before “makes” in C.

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1-9: GENERAL PENALTY; CONTINUING VIOLATIONS:

A. It shall be unlawful for any person to violate any provision or fail to comply with any requirement of this code or any provision of the City Charter not otherwise provided for in the City Charter.

B. Any person violating any provision or failing to comply with any requirement of this code or any provision of the City Charter not otherwise provided for in the City Charter is guilty of a misdemeanor, unless such violation is specifically deemed an infraction, or unless the city makes a determination to prosecute as an infraction with the concurrence of the city attorney.

C. Whenever this code or provision of the City Charter makes any act or omission unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

D. Any person convicted of a misdemeanor or infraction under the provisions of this code, unless provision is otherwise made herein, shall be punishable by a fine or by imprisonment as set forth in chapter 2, article XIV of this code.
E. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person; and he shall be punished accordingly.

F. Any person charged with an infraction shall be subject to division 17, chapter 2, article 2 of the California Vehicle Code as it relates to promises to appear and the fixing of bail. (Ord. 1537 § B1, 8-6-1996; Ord. 1720 § 1, 5-1-2007)
SUBJECT: CONSIDERATION OF FINANCIAL SUPPORT FOR THE PORTERVILLE CITY FIREFIGHTERS ASSOCIATION'S "PORTERVILLE FIREHOUSE CHILI COOK-OFF"

SOURCE: City Manager

COMMENT: At the request of City Council Member Shelton, the Council has indicated an interest in considering the provision of financial support for the Porterville City Firefighters Association's (PCFA) "Porterville Firehouse Chili Cook-Off", scheduled for Saturday, September 1, 2012. At its meeting on August 7, 2012, the Council considered the ratification of the FY 2012-13 City budget, during which Council Member Shelton made the motion to provide $5,000 in financial support for the PCFA fundraising event - the motion failed due to the lack of a second. Should the Council determine to financially support the community civic event, then staff respectfully requests that the Council also identify the funding source.

As the Council will recall, as part of its development of the General Fund Reserve Policy Ordinance, the Council established a "Special Purposes" Reserve Fund, the purpose of which was to provide funds to support one-time City special events, projects, and/or purposes that benefit the community. The "Special Purposes" Reserve Fund is maintained at a minimum of $100,000, and may only be appropriated by formal City Council action. Should the Fund's balance fall below $100,000 in a given fiscal year, then the General Fund will replenish the Fund to the minimum required level at the beginning of the following fiscal year.

RECOMMENDATION: That the City Council consider financial support for the Porterville City Firefighters Association's "Porterville Firehouse Chili Cook-Off."

ATTACHMENT: Event Flyer
Porterville's Firehouse Chili Cook-Off

Benefitting Children's Hospital of Central California and the Porterville Firefighters Local 2169

SEPTEMBER 1, 2012  TIME:
MAIN ST. PORTERVILLE  10-2pm

FOOD BOOTHs  BUSINESS & CRAFT BOOTHs  BEER GARDEN  KID ZONE LIVE MUSIC

ANTIQUE FIRE TRUCK SHOW

ENTERTAINMENT

Megan Ariel

BRANDED HEART

SPONSORS

Budweiser

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