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(a) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
   5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation: Claim against the City by Maria Dolores Santoyo, et al.

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

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation

PROCLAMATIONS
Freedom from Workplace Bullies Week – October 14-20, 2012
Friends of the Library Week – October 21-27, 2012
Make a Difference Day – October 27, 2012

PRESENTATIONS
Police Officer Badge Pinning Ceremony

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

1. Tulare County Association of Governments (TCAG) – October 15, 2012
2. Tule River Improvement JPA – October 11, 2012
REPORTS
This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

I. City Commission and Committee Meetings:
   1. Library and Literacy Commission – October 9, 2012
   3. Youth Commission – October 8, 2012

II. Staff Informational Items:
   1. City Attorney’s Report of Closed Session Action on September 26, 2012

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. Authorization to Distribute Request for Qualifications (RFQ) for On-Call Consulting Services
   Re: Considering authorization to distribute a RFQ for on-call consulting services to provide environmental and other specialized services to the City.

2. Award of Contract – CalEMA Repair Projects
   Re: Considering awarding contract in an amount of $95,391.71 to Greg Bartlett Construction of Porterville, for the project consisting of the repair of areas damaged during the December 2010 floods.

3. Award Service Agreement Contract for Electronic Farebox Equipment
   Re: Considering approval of a three year Service Agreement with GFI Genfare to purchase electronic farebox equipment on an as-needed basis for an amount not to exceed $150,000 for Fiscal Year 2012/2013, and $70,000 each for Fiscal Years 2013/2014 and 2014/2015.

4. Acceptance of Project – 2012/2013 Micro-Surfacing Project (Olive Avenue & Indiana Street)
   Re: Considering accepting project as complete from Bowman Asphalt, Inc., and authorizing the filing of the Notice of Completion for the project consisting of the installation of a durable thin asphalt overlay, removal and replacement of badly distressed asphalt concrete, and the sealing of significant cracks on several streets within the City.
5. **Acceptance of Project – Preparation and Painting of Porterville City Hall Building**  
Re: Considering accepting project as complete from US National Corporation, and authorizing the filing of the Notice of Completion for the project consisting of the preparation and painting of the entire exterior and limited interior of City Hall.

6. **Resolution Approving the Application for California State Parks Land and Water Conservation Fund**  
Re: Considering adoption of a resolution approving the application for funds for Sports Complex lighting.

7. **Consideration of Street Closure for Project Homeless Connect Outreach Event**  
Re: Considering authorization to temporarily close “B” Street between Olive Avenue and Vine Avenue on Thursday, November 1, 2012, in support of the planned Project Homeless Connect outreach event.

8. **Annual Library Food for Fines Campaign**  
Re: Considering authorization to conduct the sixth Annual Food for Fines Campaign for a nine-week period to commence October 22, 2012, and run through December 22, 2012.

Re: Considering approval of an event to take place at 32 West Mill Avenue on November 2, 2012.

10. **Approval for Community Civic Event – Veterans’ Homecoming Committee – Veterans’ Day Parade – November 12, 2012**  
Re: Considering approval of an event to take place along Main Street on Monday, November 12, 2012, from 6:00 a.m. to 12:00 p.m.

11. **Approval for Community Civic Event – Porterville Chamber of Commerce and Rotary Club of Porterville – Annual Children’s Christmas Parade – November 29, 2012**  
Re: Considering approval of an event to take place along Main Street on Thursday, November 29, 2012, from 5:00 p.m. to 9:00 p.m.

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. **Variance, Conditional Use Permit and Tentative Subdivision Map for the Development of Sixteen (16) Reduced Lot Size Single Family Lots**  
Re: Considering adoptions of resolutions approving a Tentative Subdivision Map to divide a 3.03± acre vacant site into sixteen (16) single family lots with a 1.3± acre remainder, a conditional use permit for reduced minimum lot size and widths, and a variance from the requirement for variable lot widths.
14. **Adoption of the Second Amendment of the Nondisposal Facility Element**  
   Re: Considering adoption of a resolution approving the second amendment of the Nondisposal Facility Element to include the expansion of a transfer facility, pursuant to California Public Resources Code (PRC), Sections 41730 et seq.

**SECOND READING**

15. **Ordinance 1792, Amending Chapter 2, Article I, Section 2-1 of the Municipal Code Concerning Adjournment Time**  
   Re: Second Reading of Ordinance 1792, An Ordinance of the City Council of the City of Porterville amending Chapter 2, Article I, Section 2-1 of the Municipal Code Concerning Adjournment Time, which was given first reading on October 2, 2012.

**SCHEDULED MATTERS**

16. **Consideration of Reorganization of the Parks and Leisure Services Department**  
   Re: Considering approval of a resolution authorizing a change in the City’s Departmental Table of Organization; and amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan.

17. **Environmental Review of the Jaye Street/Montgomery Avenue Roundabout Project**  
   Re: Considering approval of a draft resolution approving the Mitigated Negative Declaration for the Jaye Street Bridge Widening Project.

18. **Authorization to Establish the Porterville Transit Advisory Committee**  
   Re: Considering approval of a resolution establishing a Porterville Transit Advisory Committee to advise the transit division, transit manager, and the City Council on matters concerning the City’s transit system.

19. **Reconsideration of the City Council Procedural Handbook**  
   Re: Reconsideration of the City Council’s Procedural Handbook for ratification or potential amendments.

20. **Consider Implementing the Use of Online Registration for City Sports and Activities**  
   Re: Considering the use of online registration software for City sports and activities.

21. **Consideration of Establishing a Local Community Event Support Budget for Each Member of City Council**  
   Re: Considering the establishment of a Local Community Event Support Budget for each Council Member in an amount not to exceed $420 to any one entity or organization.

22. **Consideration of Appointment of Both a City Council Representative and an Alternate to Attend California League of Cities – South San Joaquin Valley Division Meetings**  
   Re: Considering the appointment of a Council Representative and an Alternate to attend California League of Cities Division meetings.
ORAL COMMUNICATIONS

OTHER MATTERS

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

ADJOURNMENT - to the meeting of November 6, 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.
Closed Session Report

Date of Closed Session: 09/26/12
Purpose:

- §54956.8 Real Property Negotiations
- §54956.9 Pending/Threatened Litigation
  - Check: Defend/Initiate/Discuss Litigation
  - Check: Seek Appellate Review
  - Check: Refrain From Seeking Appellate Review
  - Check: Amicus Participation
  - Check: Final Approval of Settlement Agreement or Acceptance of Settlement Offer

- §54956.95 Claims Disposition
- §54957 Employment; Threat; Resignation; Discipline; Dismissal

- §54957.6 Labor Negotiations

Subject Matter of Session: Initiation of lawsuit against Tulare County re adoption of the County General Plan

Title of Position (if applicable): n/a

Action(s) taken or directions given: After discussion by Council, a Motion was made by Vice Mayor McCracken and seconded by Council Member Hamilton to file a lawsuit against Tulare County. [Note: Council members Ward and Shelton were absent for the vote, although Mr. Shelton arrived to the closed session after the vote during further discussion related to the matter.]

Change in compensation (if applicable): n/a

Council Members and Their Votes:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>McCracken</td>
<td>(m) Y</td>
</tr>
<tr>
<td>Hamilton</td>
<td>(s) Y</td>
</tr>
<tr>
<td>Gurrola</td>
<td>Y</td>
</tr>
<tr>
<td>Ward</td>
<td>absent</td>
</tr>
<tr>
<td>Shelton</td>
<td>absent</td>
</tr>
</tbody>
</table>

Voting Tally: 3-0

Non-Disclosure of action taken recommended (check if yes) 
See explanation, below.

Legal Justification (if yes) (see §54957.1):
- Negotiations not complete/final agreement not approved
- Employee dismissal/administrative remedies not exhausted

Explanation: The parties are currently in negotiations to settle the dispute, and to disclose would jeopardize the ability to conduct said negotiations to its advantage. Disclosure of action shall be available to the public once Tulare County has been directly notified and the suit has been filed.

Approved:

City Attorney

Date: 9/27/12

REPORT ITEM: II-1
CONSENT CALENDAR

SUBJECT: AUTHORIZATION TO DISTRIBUTE REQUEST FOR QUALIFICATIONS (RFQ) FOR ON-CALL CONSULTING SERVICES.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Since 2003, the City of Porterville has maintained an On-Call Consulting Services contract with a consulting firm to provide environmental and other specialized services to the City when there is an identified funding source or for developers wishing to shorten the timeline for recruiting for and bringing a separate consultant on board for a project. The City recently hired on-staff the most recent consultant as City Planner, resulting in a lack of a consultant to use for specialized environmental, archaeological, biological and other specialty services. These services have been utilized on a number of private development projects as well as public works projects that include, but are not limited to, elderberry mitigation monitoring, environmental for parks and CDBG projects, road widening and extension projects. At this time staff is requesting authorization to distribute a Request for Qualifications (RFQ) for On-Call Consulting Services.

The services to be rendered under this contract would consist of, but not be limited to, the preparation of Initial Studies, Negative Declarations, Environmental Impact Reports and where appropriate, Categorical Exclusions, Environmental Assessments, Environmental Impact Studies and other documents as necessary to comply with state and federal environmental guidelines. The selected consultant must have a substantial working knowledge of CEQA and NEPA, and the ability to perform specialized studies such as wetlands delineations, biological surveys, and archaeological surveys and must possess strong writing and communication skills and have a flexible schedule that will allow for attendance at meetings as necessary. Although the Community Development Director or City Planner will review the consultant’s work, the above referenced skills are essential to meeting the objectives of this program.

In addition to the preparation of environmental documents and studies, it is anticipated that the City will have a number of projects requiring on-site biological and/or archaeological monitoring during construction. Other services typically rendered by the selected firm may also be utilized from time to time. It is intended that the successful consultant will perform on both public and private sector projects. Pursuant to the City’s Development Ordinance and local CEQA Guidelines, the City provides an option to developers to utilize the City’s on-call services in lieu of going through the separate RFQ process. Members of the development community have utilized this service a number of times.
Many of the City's larger development projects (Riverwalk I and Jaye Street Crossing) over the course of the consultant services period have utilized the consultant to expedite and provide specialized services and technical studies to comply with CEQA/NEPA. Most recently, the consultant contract was utilized to expedite the preparation of technical studies for private development projects including a traffic impact report for a proposed large mixed use development, and a traffic impact fee determination for a new Walgreen's store. Biological evaluation of the City's elderberry beetle mitigation area as required by the US Fish & Wildlife Service has been provided by the consultant with biological specialization. Categorically funded public works projects such as CMAQ and CalEMA projects also make use of the on-call consultant.

RECOMMENDATION: That City Council authorize staff to distribute a Request For Qualifications for On-Call Consulting Services

ATTACHMENTS: Request for Qualifications
CITY OF PORTERVILLE

REQUEST FOR QUALIFICATIONS (RFQ) FOR ON-CALL CONSULTANT SERVICES FOR PROJECTS WITH IDENTIFIED FUNDING SOURCES

The City of Porterville seeks the services of an environmental consultant or consulting firm to provide assistance to City Staff as necessary in the preparation of environmental documents for certificates of participation and other projects with identified funding sources. The services to be rendered under this contract would consist of the preparation of Initial Studies, Negative Declarations, Environmental Impact Reports and where appropriate, Categorical Exclusions, Environmental Assessments and other documents as necessary to comply with state and federal environmental guidelines. It is anticipated that the majority of the work effort would be focused on CEQA compliance. The selected environmental consultant must have a substantial working knowledge of CEQA and NEPA, must possess strong writing and communication skills and have a flexible schedule that will allow for attendance at meetings as necessary. Although the consultant’s work will be reviewed by the Community Development Director or City Planner, the above referenced skills are essential to meeting the objectives of this program.

In addition to the preparation of environmental documents and studies, it is anticipated that the City will have a number of projects requiring on-site biological and/or archaeological monitoring during construction. Other services typically rendered by the selected firm may also be utilized during the course of this agreement.

SCOPE OF ENVIRONMENTAL CONSULTANT SERVICES:

The consultant will respond directly to the Community Development Manager or her designee on a particular project. The selected consultant will perform, but not be limited to the following tasks:

1. Compile background data necessary for the preparation of the appropriate environmental documents.

2. Prepare Initial Study checklists, technical studies, categorical exemptions, negative declarations, mitigated negative declarations, environmental impact reports, environmental assessments, categorical exclusions and environmental impact statements.

3. Develop timelines and work hour estimates necessary for the preparation of the environmental documents based on specific projects.

4. Identify key factors that need to be evaluated and that may require hiring a specialist in a particular area of analysis (i.e. air quality, noise, etc.). This may be addressed through services normally rendered by the consultant under this contract.

5. Coordinate early consultation and ongoing meetings with City staff and staff at other agencies.

ATTACHMENT ITEM NO. 1
6. Prepare appropriate forms associated with the applicable environmental document such as public hearing notices, notices of determination, negative declarations, notice of completion, etc.

7. Prepare requests for proposals for the preparation of technical studies to be utilized in the preparation of the environmental documents.

8. Provide biological and archaeological and other technical analysis staff or sub-consultants for project site monitoring during construction activities in response to project specific mitigation measures.

9. Provide other consulting services as available through the selected firm.

10. Other Requirements:

a) The selected firm will be required to carry and provide certificates of insurance for general and automobile liability insurance as follows:

<table>
<thead>
<tr>
<th>Insurance Type</th>
<th>Coverage Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Liability</td>
<td>$1,000,000 minimum per occurrence</td>
</tr>
<tr>
<td>Automobile Liability</td>
<td>$1,000,000 minimum per occurrence</td>
</tr>
<tr>
<td>Workers Compensation</td>
<td>Statutory Limits</td>
</tr>
</tbody>
</table>

The General Liability is to contain or be endorsed to name the City, its officers, officials, employees and agents as Additional Insured as respects liability arising out of the activities performed in connection with this contract. The coverage shall be primary and shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer’s liability. Original endorsements, signed by a person authorized to bind coverage on its behalf, shall be furnished to the City by the successful firm.

b) The selected consultant/firm shall indemnify and hold harmless the City, its officers, employees and agents from and against all claims, damages, losses and expenses caused in whole or in part by any negligent act or omission of the firm, its consultants, subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, except where caused by the active negligence or willful misconduct by the City.

c) Labor and material proposals submitted on this form shall be subject to the provisions of Section 1700, California Labor Code, as specified by Section 3700, California Labor Code, which requires Worker’s Compensation insurance to be provided by the selected consultant/firm.

d) Worker’s Compensation policy(ies) are to be endorsed to include a waiver of subrogation against the City, its officers, officials, employees and agents.
The firm and its employees are independent contractors and not employees of the City of Porterville. The Firm and/or its insurers are responsible for payment of any liability arising out of worker’s compensation, unemployment, or employee benefits offered to its employees.

Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A:VII, unless otherwise acceptable to the City.

Endorsements are to be received and approved by the City before work commences.

The successful consultant/firm shall obtain a City of Porterville business license. Fee is based on gross receipts for all business transactions in the City of Porterville. For information, contact the Business License clerk at (559) 782-7457.

A service contract will be provided, by the City, to the selected contractor.

All work performed by the consultant under this contract shall be under the ownership of the City of Porterville.

All work performed under this contract shall be researched, prepared and executed in a professional and competent manner for which the consultant will be responsible.

In accordance with City of Porterville and Caltrans policy, disadvantaged business enterprises (DBE), including qualified small minority and woman-owned firms, are encouraged to submit a proposal or otherwise participate in the completion of the work covered by this request. No DBE participation goals have been established for this project.

The employee(s) identified in the proposal as performing the duties under this contract shall not be replaced without the prior written approval of the Community Development Director of the City of Porterville.

DESIRABLE QUALIFICATIONS OF THE CONSULTANT

The City is seeking a qualified consultant to provide on-call consulting services for the preparation of environmental documents, studies, related notices and mitigation monitoring for compliance with the applicable environmental regulations and other consulting services. The desired consultant shall have the following qualifications:

1) Extensive experience in the preparation of environmental documents in compliance with CEQA and NEPA.

2) The Consultant’s proven ability to expeditiously and accurately produce the required product in a concise and useable format.
3) Knowledge of the City of Porterville development and environmental review process is highly desirable.

4) The consultant must possess strong writing skills and be proficient using Microsoft Word and other standard software programs.

5) Be equipped with qualified biologists available for construction monitoring for project specific mitigation measures, and to provide site specific project reviews for non-discretionary projects as needed.

6) Provide archaeological services either in house or through a subconsultant that is listed on the Southern San Joaquin Valley Information List of qualified consultants.

CONTENTS OF STATEMENTS OF QUALIFICATIONS TO BE SUBMITTED TO CITY

Environmental Consultants/Consulting firms wishing to be considered for selection to provide the services to the City described herein should submit Statements of Qualifications in their proposals containing the following information:

1) A description, including background, size and orientation of the firm.

2) A summary of the qualifications of the firm to perform the services described herein, including, but not necessarily limited to:
   a. the firm’s previous experience in preparing environmental documents/studies; and
   b. the firm’s previous experience in performing similar services for other agencies; and
   c. the firm’s previous experience with the City of Porterville and familiarity with the community; and
   d. the firm’s ability to produce the required product in a timely fashion, within budget and ability to present such reports to elected officials and the general public.

3) Prospective consultants shall describe the qualifications of all professional personnel to be assigned to this project, including a summary of similar work or studies each member has performed and a resume of each professional involved with this contract.

4) Prospective consultants shall designate by name the project planner/manager to be employed in this effort. The selected consultant shall not substitute the project planner/manager without prior approval by the Community Development Director of the City of Porterville.
The proposal shall contain the fee(s) the firm proposes to charge for the services to be provided. The fee(s) shall be in the form of hourly rates which consider all billable expenses such as mileage, materials, insurance, phones, etc. Time will be of the essence in completing the services described in relation to this project. It is anticipated that this effort may require significant staff resources at times, particularly for mitigation monitoring during construction projects. It is also important that when services are requested, that the consultant will return to the City for work within five (5) working days in the event a lapse in service occurs.

Four (4) copies of the proposal should be submitted by not later than 5:00 P.M., November 12, 2012 to:

City of Porterville
Planning Division
Attn: Bradley D. Dunlap
Community Development Director
291 North Main Street
Porterville, CA 93257

The proposals must be submitted in an envelope clearly marked with the proposer’s name and “Qualifications for Consulting Services”. Late or incomplete proposals will not be considered by the City.

SELECTION PROCESS:

Proposals will be evaluated using the attached Exhibit “A” the Consultant Selection Rating Form.

INQUIRIES REGARDING THIS RFQ:

Any inquiries regarding this RFQ or the project described herein should be directed to Bradley D. Dunlap, Community Development Director, by calling (559) 782-7460.
RESPONSE TO REQUEST FOR QUALIFICATIONS FOR ENVIRONMENTAL CONSULTING SERVICES

TO: City of Porterville

FROM: ___________________________
        Name/Company

______________________________
Address

______________________________
City, State, Zip Code

______________________________
Telephone No.                         Fax No.

Proposal Amount:  Hourly Rate  Availability/hours per week

Project Manager/Principal           ________  ________

Project Planner                    ________  ________

Clerical (If applicable)           ________  ________

Notice prior to commencing work on particular project ________ hours/days.

(Summary of qualifications, references and relevant experience must be attached.)

______________________________
Signature                               Date

______________________________
Name and Title (Printed)
October 19, 2012

Subject: Request for Qualifications (RFQ) – On-call Consulting Services

The City of Porterville is in the midst of a significant number of public and private improvement projects. While some of the projects will continue to require selected consultants to work in conjunction with an engineering firm in the design and environmental review process, there are a number of other projects that require environmental clearance that are designed in house or are derived from other specified funding sources. Therefore, the City of Porterville is requesting qualifications for consulting services to assist staff in the preparation of the required environmental documents and studies. The consulting services described in the attached RFQ will be performed upon request as projects are initiated by the City.

If selected, the City will provide a Service Contract for two (2) years following the date of the signed service agreement. The contract may be extended by mutual agreement. Upon contract renewal, the cost for services must be agreed upon by both parties. Due to the volume of work needed, the City of Porterville reserves the right to place services, in addition to the services being performed by the selected firm, with other qualified firms.

This contract is subject to thirty (30) day written notice of cancellation by either party except that City may cancel contract upon five (5) days written notice in the event of nonperformance by contractor. Nonperformance by contractor or repeated lack of response or attention to responsibilities and/or directions and requests of City shall be considered adequate cause for termination of contract and/or withholding of funds to contractor which City must pay to third party or parties to correct deficiencies to lack of performance as determined by City.

Four (4) copies of the proposals must be submitted, in accordance with the attached request by 5:00 PM, November 12, 2012 to:

City of Porterville, Planning Division
Attn: Bradley D. Dunlap
Community Development Director
291 N. Main Street
Porterville, CA 93257

Award of contract should occur in December 2012 or January 2013, by the City Council.

Please contact me at (559) 782-7460 if you have any questions regarding this letter.

Sincerely,

Bradley D. Dunlap
Community Development Director
Task Order ___________
Date ________________

Project Understanding:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Scope of Work:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Schedule/Milestones:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Cost:

________________________________________________________________________
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Approvals:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
SUBJECT: AWARD OF CONTRACT – CalEMA REPAIR PROJECTS

SOURCE: Public Works Department - Engineering Division

COMMENT: On October 9, 2012, staff received five (5) bids for the CalEMA Repair Project. The proposed projects include repairing areas damaged during the December 2010 floods.

- Plano Street south of Thurman Avenue – remove/replace drop inlet and storm drain pipeline.
- El Granito at Zalud Park – remove/replace cross gutters, spandrels, disabled ramps and deteriorated asphalt.
- E. Grand Avenue and Henrahan Street – repair damaged asphalt shoulder, including utilizing Developer Fees to install Master Plan Storm Drain to prevent future run-off problems.
- W. Grand Avenue and Hawaii Street – remove/replace cross gutter, spandrel, disabled ramp and damaged asphalt.

The Engineer’s Estimate for probable cost for construction of the flood damaged areas is $105,453. The low bid for this portion of the project is $81,010.59 which is 23.2% below the Engineer’s estimate. An additional $8,101.06 is required for the construction contingency (10%). It is anticipated that an additional $6,736 is required for construction management, quality control and inspection. The total estimated cost for construction of the flood damaged areas is $95,847.65.

The Engineer’s estimate of probable cost for the Master Plan Storm Drain at E. Grand Avenue and Henrahan Street is $38,650. The low bid for this portion of the project $14,381.12 which is 62.8% below the Engineer’s estimate. An additional $1,438.11 is required for the construction contingency (10%). It is anticipated that an additional $5,000 is required for construction management, quality control and inspection. The total estimated cost for construction of the Master Plan Storm Drain is $20,819.23.

Funding for this project is from CalEMA disaster relief and was approved in the 2012/2013 Annual Budget. Staff is requesting an additional appropriation of $20,819.23 from Storm Drain Developer Fees to fund the Master Plan Storm Drain portion of the project.

Dir Appr Appropriated/Funded CM Item No. 2
The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Greg Bartlett Construction</td>
<td>$95,391.71</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>2. Todd Companies</td>
<td>$100,962.44</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
<tr>
<td>3. 99 Pipeline</td>
<td>$105,000.00</td>
</tr>
<tr>
<td>Lindsay, CA</td>
<td></td>
</tr>
<tr>
<td>4. Serna Construction</td>
<td>$137,241.90</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>5. HPS Mechanical</td>
<td>$196,792.50</td>
</tr>
<tr>
<td>Bakersfield, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the CalEMA Repairs Project to Greg Bartlett Construction in the amount of $95,391.71;

2. Authorize progress payments up to 95% of the contract amount;

3. Authorize an appropriation of $20,819.23 from Storm Drain Developer Fees to fund the Master Plan Strom Drain portion of the project;

4. Authorize a 10% contingency to cover unforeseen construction costs and $11,736 for construction management, quality control and inspection.

ATTACHMENT: Locator Map
SUBJECT: AWARD SERVICE AGREEMENT CONTRACT FOR ELECTRONIC FAREBOX EQUIPMENT

SOURCE: Public Works Department - Transit

COMMENT: On August 21, 2012, staff received authorization to advertise for a Request for Proposals (RFP) for automatic farebox collection equipment. During the solicitation, staff and legal counsel determined that the City's current transit farebox collection system is proprietary and there is only one vendor, GFI Genfare, which is capable of providing the same or additional equipment that will be compatible with the City's current system.

On October 2, 2012, staff received authorization to negotiate for the continued purchase of GFI Genfare equipment for the transit system. Staff determined that an award to any another contractor would result in substantial duplication of costs that will not be recovered through competition.

Staff received a quote for all potential equipment needed now and in the next three (3) years and performed a cost analysis, as required by the Federal Transit Administration. After completion of the cost analysis, staff determined that the pricing schedule for electronic farebox equipment is found to be reasonable. Staff has budgeted approximately $150,000 in this fiscal year for various upgrades, smart card technology and spare parts. Fiscal years 2013/2014 and 2014/2015 have $70,000 each budgeted for ongoing purchases. The GFI Genfare pricing schedule is attached for Council's review.

Staff compared pricing the City received last year and current pricing from the City of Visalia and the City of Lodi.

Staff is pleased with the electronic farebox pricing for this project and recommends entering into a service agreement with GFI Genfare for a performance period of three (3) years to purchase electronic farebox equipment on an as-needed basis.
RECOMMENDATION: That the City Council:

1) Authorize the Mayor to execute the Service Agreement with GFI Genfare for a period of three (3) years for the equipment described herein; and

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

ATTACHMENTS: October 2, 2012, Staff Report
August 21, 2012, Staff Report
GFI Genfare Pricing Schedule
SUBJECT: AUTHORIZE STAFF TO APPROVE THE PURCHASE OF GFI GENFARE EQUIPMENT

SOURCE: Public Works Department - Transit

COMMENT: On August 21, 2012, staff received authorization from City Council (see attached) to advertise for a Request for Proposals (RFP) for automatic farebox collection equipment. During the solicitation, staff and legal counsel determined that the City's current transit farebox collection system is proprietary and there is only one vendor, GFI Genfare, which is capable of providing the same or additional equipment that will be compatible with the City's current system.

Although there are approximately ten automatic farebox collection system vendors, staff has determined that each vendor's system is also proprietary and not available for open competition. With this information, staff subsequently cancelled the request for proposals.

It is staff's opinion that this is a case of what the Federal Transit Administration describes as a "follow-on contract for the continued production of highly specialized equipment." It is also staff's recommendation that the award to another contractor would result in substantial duplication of costs that will not be recovered through competition.

RECOMMENDATION: That the City Council:

1) Authorize staff to begin negotiations for the purchase of GFI Genfare equipment; and

2) Authorize payment upon satisfactory delivery of the equipment.

ATTACHMENT: August 21, 2012, City Council Meeting Staff Report

P:\pub\work\General\Council\Transit - Award of Contract - GFI GENFARE Farebox Equipment - 2012-10-02.doc
SUBJECT: AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR TRANSIT AUTOMATIC FAREBOX COLLECTION EQUIPMENT

SOURCE: Public Works Department - Transit

COMMENT: Throughout the year, the Transit System is in need of various automatic farebox collection equipment, such as spare parts, fare media, upgrades, and additional fareboxes for on-going maintenance and support. The City awarded a one-year contract to GFI Genfare on April 5, 2011, and this contract has now expired.

It is staff's recommendation to advertise for proposals for automatic farebox collection equipment for a base period of three years. A three-year contract will enable the City to purchase equipment for a longer period of time and potentially receive discounted pricing from a long-term contract.

This project is funded in part by FTA Section 5307 funds with a 20 percent local match. For the transit automatic farebox collection equipment, staff has budgeted $150,000 for maintenance, support, and upgrades in fiscal year 2012/2013.

RECOMMENDATION: That the City Council:

1. Authorize staff to issue a request for proposals for Transit Automatic Farebox Collection Equipment.

Item No. 2
### SECTION 9: FORMS AND CERTIFICATIONS
### PRICING SCHEDULE

This PROPOSAL FORM is to be used to submit the PROPOSERS firm fixed price proposal for all work described in SECTION 8. SCOPE OF WORK.

#### Automatic Farebox Collection Price and Option Worksheet

<table>
<thead>
<tr>
<th>Hardware/Software Pricing</th>
<th>Unit Price - # Year Base Period</th>
<th>Quantity</th>
<th>Total Bid Price - Base Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odyssey Smart Card Reader</td>
<td>$ 510.00</td>
<td>16</td>
<td>$ 8,160.00</td>
</tr>
<tr>
<td>Smart Card Interconnect Bracket</td>
<td>$ 10.35</td>
<td>16</td>
<td>$ 165.60</td>
</tr>
<tr>
<td>Magnetic Card Printing/Encoding Device</td>
<td>$ 18,860.00</td>
<td>1</td>
<td>$ 18,860.00</td>
</tr>
<tr>
<td>Full Size Farebox w/ Smart Card</td>
<td>$ 11,500.00</td>
<td>4</td>
<td>$ 46,000.00</td>
</tr>
<tr>
<td><strong>Total Hardware/Software Total</strong></td>
<td></td>
<td></td>
<td><strong>$ 73,175.60</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Optional Hardware/Software Pricing</th>
<th>Unit Price - Base Period</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Short Farebox</td>
<td>$ 11,500.00</td>
<td>1</td>
<td>$ 11,500.00</td>
</tr>
<tr>
<td>Data Collection System</td>
<td>$ 54,360.00</td>
<td>1</td>
<td>$ 54,360.00</td>
</tr>
<tr>
<td>Wireless Probing System</td>
<td>$ 21,000.00</td>
<td>1</td>
<td>$ 21,000.00</td>
</tr>
<tr>
<td>10% Spare Parts Kit</td>
<td>$ 7,500.00</td>
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<tr>
<td>Spare Cashbox</td>
<td>$ 631.24</td>
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<td>$ 631.24</td>
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<tr>
<td>Portable Vaulling System</td>
<td>$ 37,240.00</td>
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<td>$ 37,240.00</td>
</tr>
<tr>
<td>Audit Unit</td>
<td>$ 11,100.00</td>
<td>1</td>
<td>$ 11,100.00</td>
</tr>
<tr>
<td>Portable Data Unit</td>
<td>$ 18,860.00</td>
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<tr>
<td>Portable Electronic Key</td>
<td>$ 900.00</td>
<td>1</td>
<td>$ 900.00</td>
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<tr>
<td>Odyssey Test Simulator</td>
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<td>$ 13,905.00</td>
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<tr>
<td>Custom Printed Smart Card</td>
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<td>$ 4,700.00</td>
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<tr>
<td>Custom Printed Stored Value Ticket</td>
<td>$ 400.00</td>
<td>1,000</td>
<td>$ 400,000.00</td>
</tr>
<tr>
<td>Custom Printed Senior/ADA Stored Value Ticket</td>
<td>$ 400.00</td>
<td>1,000</td>
<td>$ 400,000.00</td>
</tr>
<tr>
<td>Custom Printed 1-Day Pass</td>
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<td>$ 400,000.00</td>
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<td>Custom Printed Weekly Unlimited Pass</td>
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<td>Custom Printed 31-Day Pass</td>
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<td>$ 420,000.00</td>
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<td>Custom Printed Student Monthly Pass</td>
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<td>$ 470.00</td>
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<tr>
<td>Custom Printed Transfer Ticket</td>
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<td>1,000</td>
<td>$ 360,000.00</td>
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<tr>
<td><strong>Total Optional Hardware/Software Total</strong></td>
<td></td>
<td></td>
<td><strong>$ 2,582,146.24</strong></td>
</tr>
</tbody>
</table>

---

GFI Genfare, a Division of SPX Corporation
SUBJECT: ACCEPTANCE OF PROJECT – 2012/2013 MICRO-SURFACING PROJECT (OLIVE AVENUE & INDIANA STREET)

SOURCE: Public Works Department - Engineering Division

COMMENT: Bowman Asphalt, Inc. has completed the 2012/2013 Micro-Surfacing Project per plans and specifications. The project is part of the City’s Measure “R” street maintenance program, which consists of a durable thin asphalt overlay on several streets within the City. An important project component is the removal and replacement of badly distressed asphalt concrete, along with the sealing of significant cracks. New pavement markings were placed once each street received the thin asphalt overlay. Streets and project limits are as follows:

- Olive Avenue – Salisbury Street to Westwood Street
- Indiana Street – Putnam Avenue to Henderson Avenue

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On July 3, 2012, City Council authorized expenditure of $736,754.47 for construction, construction management and quality control services for the 2012/2013 Micro-Surfacing Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $681,229.27.

2) Construction management and quality control costs are $18,494.72, which is 2.8% of the awarded construction contract. This amount is lower than the 5% construction management and quality control amount requested at the time of award.

Total project construction costs equate to $699,723.99 which is less than the $736,754.47 overall budget approved by Council at the time of award.

“Local” Measure ‘R’ tax revenue is the funding source for the project, as approved in the 2012/2013 budget.

Bowman Asphalt, Inc. requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

[Signature]
Appropriated/Funded

CM

Item No. 4
RECOMMENDATION: That City Council:

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

ATTACHMENTS: Locator Maps
COUNCIL AGENDA: OCTOBER 16, 2012

SUBJECT: ACCEPTANCE OF PROJECT – PREPARATION AND PAINTING OF PORTERVILLE CITY HALL BUILDING

SOURCE: Public Works Department - Engineering Division

COMMENT: US National Corporation has completed the Preparation and Painting of Porterville City Hall Building Project. The project included 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.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On September 4, 2012 City Council authorized expenditure of $13,690.00 for construction, construction management and inspection services for the Preparation and Painting of Porterville City Hall Building Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) construction management and inspection.

1) Final construction cost is $10,400.00.

2) Construction management and inspection costs are $969.97, which is 9.3% of the awarded construction contract. This amount is less than the $2,250.00 construction management and inspection amount requested at time of award.

Total project construction costs equate to $11,369.97, which is less than the $13,690.00 overall budget approved by Council at the time of award.

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

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 was estimated at $20,000 and the final cost is $11,000. Funding was through Risk Management.

US National Corporation requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.
RECOMMENDATION: That City Council:

1. Accept the project as complete;

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

3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.
RESOLUTION APPROVING THE APPLICATION FOR CALIFORNIA STATE PARKS LAND AND WATER CONSERVATION FUND

The Land and Water Conservation Fund (LWCF) program, administered nationally by the National Park Service, provides funds to federal agencies, the 50 states and 6 territories. Funds for the program come from federal recreation fees, sales of federal surplus real property, federal motorboat fuels tax and Outer Continental Shelf mineral receipts.

This year, the LWCF program is expected to provide nearly $2 million for grants to cities, counties and districts for the acquisition or development of outdoor recreation areas and facilities. Development projects shall include the construction of new and/or renovation of existing facilities for outdoor recreation. Property acquired or developed under the program is federally protected in perpetuity for public outdoor recreation use.

The proposed application will be for lighting a 120 x 80 yard field that could be used for football or soccer at the Sports Complex. The lighting of a field immediately north of the football field was an option discussed at the October 18, 2011, Council meeting. This addition would add to the ongoing effort to increase the amount of City lighted athletic fields. Currently, the City has an inadequate number of lit athletic fields for youth and adult sports.

The budget estimate for the project is $220,000 for purchase and installation of four pre-cast concrete bases, four galvanized steel poles, remote electrical component, and 32 factory-aimed and assembled luminaires. The 50% required match for the grant would be funded by the Municipal Ballpark sports field lighting mitigation funds. The anticipated remaining balance in the sports field lighting account after the 50% project match would be $314,000. The $314,000 is going to be used to light the existing two softball fields, and install some perimeter lighting at the Sports Complex per Council direction. It is requested that the Council approve the attached resolution to provide permission to apply for monies from the Land and Water Conservation Fund for the Sports Complex Lighting Project.

RECOMMENDATION: That Council adopt the resolution approving the application for Land and Water Conservation Fund Grant-In-Aid program, for the Sports Complex Lighting Project.

ATTACHMENT: Resolution
RESOLUTION-NO: __________-2012

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING THE APPLICATION FOR LAND
AND WATER CONSERVATION FUND
PORTERVILLE SPORTS COMPLEX LIGHTING PROJECT

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal
Land and Water Conservation Fund Grant-In-Aid program, providing Matching funds to the State of
California and its political subdivisions for acquiring lands and developing Facilities for public outdoor
recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of
the program in the State, setting up necessary rules and procedures governing Applications by local agencies
under the program; and

WHEREAS, said adopted procedures established by the State Department of Parks and
Recreation require the APPLICANT to certify by resolution the approval of Applications and the availability of
eligible Matching funds prior to submission of said Applications to the State; and

WHEREAS, the proposed ___Sports Complex Lighting___ Project is consistent
with the most recent California Outdoor Recreation Plan (CORP); and

WHEREAS, the Project must be compatible with the land use plans of those
jurisdictions immediately surrounding Project;

NOW, THEREFORE, BE IT RESOLVED that the ___Porterville City Council___ hereby:

1. Approves the filing of an Application for Land and Water Conservation Fund assistance; and

2. Agrees to abide by SECTION 6(F)(3) of Public Law 88-578 which states "No property acquired or
developed with assistance under this section shall, without the approval of the National Secretary of the
Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such
conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor
recreation plan and only upon such conditions as he deems necessary to assure the substitution of
other recreation properties of at least equal fair market value and of reasonably equivalent usefulness
and location."

3. Certifies that said agency has Matching funds from eligible source(s) and can finance 100 percent of the
Project, which up to half may be reimbursed; and

4. Certifies that the Project is compatible with the land use plans of those jurisdictions immediately
surrounding the Project; and

5. Appoints the ___Director of Parks and Leisure Services___ agent of the APPLICANT to conduct
all negotiations and execute and submit all documents, including, but not limited to, Applications, contracts,
amendments, payment requests, and compliance with all applicable current state and federal laws which
may be necessary for the completion of the aforementioned Project.
Approved and adopted the 16th day of October, 2012

Virginia R. Gumola, Mayor

ATTEST:
John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
CONSENT CALENDAR

SUBJECT: CONSIDERATION OF STREET CLOSURE FOR PROJECT HOMELESS CONNECT OUTREACH EVENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Project Homeless Connect annual outreach event is scheduled for Thursday, November 1, 2012, beginning at 9:00 a.m. and ending at 2:00 p.m. on “B” Street, near the corner of Olive Avenue. In support of this event, it is being requested that City Council approve the temporary closure of half a block of “B” Street between Olive Avenue and Vine Avenue between 7:00 a.m. and 3:00 p.m.

RECOMMENDATION: That the City Council authorize the temporary closure of “B” Street between Olive Avenue and Vine Avenue on Thursday, November 1, 2012, in support of the planned Project Homeless Connect outreach event.

ATTACHMENT: Locator Map
COUNCIL AGENDA: OCTOBER 16, 2012

SUBJECT: ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Library and Literacy Commission and staff propose to conduct the sixth Annual Food for Fines Campaign from October 22 to December 22, for a nine-week period. The library benefits from this program by recovering lost library materials and from the clearing of fines on patron accounts.

Last year the campaign ran for eight weeks, 270 library patrons participated by returning overdue materials and clearing other overdue fines off their accounts. During the implementation of this campaign, the library recovered 122 materials, collected 895 items of food, and waived $851.25 in fines. Staff will once again coordinate with the local Kiwanis Club who annually distribute food through their Family Food Basket program.

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

RECOMMENDATION: That Council authorizes the sixth Annual Food for Fines Campaign to run October 22 through December 22, 2012.
COUNCIL AGENDA: OCTOBER 16, 2012


SOURCE: Finance Department

COMMENT: The O.L.A. Raza, Inc. is requesting approval to hold an art show with food and music at 32 West Mill Avenue on November 2, 2012. Applicant is requesting that Division Street be closed from Mill Avenue to Putnam Avenue.

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 O.L.A. Raza, Inc. subject to the stated requirements contained in the Application, Agreement and Exhibit A.

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

DD  ALB Appropriated/Funded  ALB  C.M.  Item No. 9
CITY OF PORTERVILLE
291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 764-4569

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

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: 10.4.2012 Event date: 11.2.12
Event time:

Name of Event: "DIA DE LOS MUERTOS" "DAY OF THE DEAD"

Sponsoring organization: O.L.A. RAZA INC Phone # 784.1121
Address: 180 N. MAIN ST. PORTERVILLE, CA 93257
Authorized representative: Robert E. de la Rosa Phone # 782.9005
Address: 584 W. YATES AVE. PORTERVILLE, CA 93257
Event chairperson: Robert E. de la Rosa Phone # 782.9005
(831) 454-6177

Location of event (location map must be attached):

Type of event: FREE ART SHOW, WINDOW DISPLAY REVEAL, FOOD & MUSIC DEEJAY, LIVE PAINTING ON CANVAS
Non-profit status determination: ATTACHED ON FILE

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): 4 Street sweeping Yes ___ No ✓
Police protection Yes ___ No ✓ Refuse pickup Yes ___ No ✓
Other:

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

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

Appr. Deny

___ ___ Bus. Lic. Spvr. ________________________________
___ ___ Pub. Works Dir. ________________________________
___ ___ Comm. Dev. Dir. ________________________________
___ ___ Field Svcs. Mgr. ________________________________
___ ___ Fire Chief ________________________________
___ ___ Parks Dir. ________________________________
___ ___ Police Chief ________________________________
___ ___ Admin. Svcs. Dir. ________________________________

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.

O.A. Raza, Inc.
(Name of Organization)

Authorised Representative Initials

Authorized Representative Initials

10.5.12
(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: DIA DE LOS MEXICANOS

Sponsoring organization: O.L.A. PAZA, INC.

Location: Division St. between Mill St. and 4th
Event date: 11-2-12
Event time: 5-8 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>32 West Gallery</td>
<td>32 West Mill St., 833-1032</td>
<td></td>
<td>ART DISPLAY</td>
</tr>
<tr>
<td>DJ REY</td>
<td></td>
<td></td>
<td>MUSIC</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.*

3 of 4
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: **DIA DE LOS MUERTOS**

Sponsoring organization: **O.L. A. RAZA, INC.**

Event date: **11.2.2012** Hours: **5-8pm**

**ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:**

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division St.</td>
<td>5pm</td>
<td>6pm</td>
<td></td>
</tr>
<tr>
<td>(Mill Ave)</td>
<td></td>
<td>(Putnam Ave)</td>
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</tr>
</tbody>
</table>

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

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

O.L.A. RAZA, INC.

DIA DE LOS MUERTOS – DAY OF THE DEAD

NOVEMBER 2, 2012

Business License Supervisor: S. Hartman

Business License Division requires complete vendor list prior to event.

Public Works Director: B. Rodriguez

Community Development Director: B. Dunlap

No comments.

Field Services Manager: B. Styles

Applicant needs to obtain barricades on day of event at 555 N. Prospect. Barricades can be returned Monday after event.

Fire Chief: G. Irish, Acting

Approved with no comments.

Parks and Leisure Services Director: D. Moore, Acting

No comments.

Police Captain: D. Haynes

Administrative Services Manager: P. Hildreth

Risk Management requires insurance certificate with $1,000,000 coverage, naming City of Porterville and RDA as additional insured.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsors: O.L.A. Raza, Inc.
Event: Dia de los Muertos – Day of the Dead
Event Chairman: Roberto De La Rosa
Location: 32 West Mill Avenue
Date of Event: November 2, 2012
Time of Event: 5:00 p.m. to 8:00 pm

RISK MANAGEMENT: Conditions of Approval

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

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

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

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

1 Name and home address of the applicant: ROBERTO J. DE LA ROSA
584 W. YATES AVE. PORTERVILLE, CA. 93257

2 Address where amplification equipment is to be used: 32W MILL ST.

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

4 Type of event for which amplification equipment will be used: 'ABE, MUSIC, DIVOCOS UNIVERSOS'

5 Dates and hours of operation of amplification equipment: Nov 2, 2012, 5pm – 8pm

6 A general description of the sound amplifying equipment to be used: Amplifier, Microphones, Speaker

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 10.1.12

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
Policy No.: 90-D3-7050-2

Named Insured: OTA RASA INC
PO BOX 190
PORTERVILLE CA 93258

Name of Additional Insured: CITY OF PORTERVILLE

Address of Additional Insured: 291 N MAIN ST
PORTERVILLE CA 93257

interest of Additional Insured: LESSOR - SPECIAL EVENT

Location of Premises: DOWNTOWN PORTERVILLE, 291 N MAIN ST, PORTERVILLE CA 93257

The word "insured", wherever used in this policy, also includes the designated person or organization named above as Additional Insured under the provisions of the policy Sections shown below as applicable by an "X" to the extent indicated.

☐ SECTION I. This applies only to COVERAGE A - BUILDINGS.

☐ SECTION I. This applies only to COVERAGE B - BUSINESS PERSONAL PROPERTY.

Description of Property:

☒ SECTION II. This applies only to COVERAGE L - BUSINESS LIABILITY and COVERAGE M - MEDICAL PAYMENTS and then only with respect to the ownership, maintenance or use of the premises designated above and operations necessary or incidental thereto. These SECTION II coverages do not apply to:

1. structural alterations or new construction performed by or on behalf of the designated person or organization;

2. personal injury caused by the designated person or organization;

3. liability the designated person or organization assumed under a contract; or

4. products-completed operations hazard arising out of goods or inventory which are not sold or distributed by you or arising out of the manufacturing or packaging of such goods or inventory.

All other provisions of the policy apply.
**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**
Tom Wright Insurance Agency, Inc
837 N Main Street
Porterville, CA 93257

**Contact Person**
Brandi Karady

**Policy Number**
7844569

**Insured**
Ola Raza Inc
P.O. Box 160
Porterville, CA 93258

**Certificate Number**
90-D3-7950-2

**Revision Number**

**Coversages**

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<td>Any Insuree</td>
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<td>Any Proprietor/Partner/Executive Office/Member Excluded</td>
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<td>Other</td>
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<td>Statutory Limits</td>
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<td>Each Disease - Policy Limit</td>
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**Description of Operations / Locations / Vehicles** (Attach ACORD 44, Additional Notes Schedule, if more space is required)

**Certificate Holder**
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**

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1081486 132849.6 11-15-2010
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - VETERANS' HOMECOMING COMMITTEE - VETERANS' DAY PARADE - NOVEMBER 12, 2012

SOURCE: Finance Department

COMMENT: The Veterans' Homecoming Committee is requesting approval to hold its annual Veterans' Day Parade on Monday, November 12, 2012, from 6:00 a.m. to 12:00 p.m. They are requesting the closure of Main Street from Doris Avenue to Olive Avenue and also the streets per the attached map.

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

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

ATTACHMENTS: Community Civic Event Application, Agreement, Exhibit A, Exhibit B, Map and Outside Amplifier Permit.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

VETERANS' HOMECOMING COMMITTEE

VETERANS’ DAY PARADE

NOVEMBER 12, 2012

Business License Supervisor:  
S. Hartman

Business License Division requires vendor list prior to event.

Public Works Director:  
B. Rodriguez

Community Development Director:  
B. Dunlap

Field Services Manager:  
B. Styles

City sponsored parade. City crews will provide: barricades for street closures, trash cans and sweeper services.

Fire Chief:  
G. Irish, Acting

Parks and Leisure Services Director:  
D. Moore, Acting

Police Captain:  
D. Haynes

Please see proposed conditions/ requirements on Exhibit B.

Administrative Services Manager:  
P. Hildreth

Please see attached Exhibit A, page 2.

EXHIBIT A, Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Veterans' Homecoming Committee
Event: Veterans' Day Parade
Event Chairman: Ed Flory
Location: Main Street from Danner Ave. to Orange Ave.
Date of Event: November 12, 2012

RISK MANAGEMENT: Conditions of Approval

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

2. That the Veterans’ Homecoming Committee provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers and the Successor Agency to the Porterville Redevelopment Agency as Additional Insured against all claims arising from, or in connection with, the Sponsoring Organization’s operation and sponsorship of the aforementioned Community Civic Event.
   a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.
   b. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A. M. Best Rating of no less than A: VII, and the insurance company must be an admitted insurer in the State of California.

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

EXHIBIT A, Page 2
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: AUGUST 8, 2012 Event date: NOV. 12, 2012
Event time: 0600 - 1200

Name of Event: VETERANS DAY PARADE

Sponsoring organization: UHC Phone # 581-7759
Address: 1900 W. OLIVE

Authorized representative: DON DOWLING Phone # 910-7659
Address: 1258 LINDA VISTA PORTERVILLE 93257

Event chairperson: ED FLOW Phone # 784-0730

Location of event (location map must be attached): MAIN STREET PORTERVILLE

Type of event: PARADE

Non-profit status determination: NON-PROFIT - BL# 7536

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): 75 Street sweeping Yes X No
Police protection Yes X No Refuse pickup Yes X No
Other: __________________________

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

STAFF COMMENTS (list special requirements or conditions for event):
Appr. Deny
Pub. Works Dir.
Comm. Dev. Dir.
Field Svcs. Mgr.
Fire Chief
Parks Dir.
Police Chief
Admin. Svcs. Dir.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

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

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

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

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

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

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

(Name of organization) (Signature) (Date)

2 of 4
CITY OF PORTERVILLE

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

Name of event: **VETERANS DAY PARADE**

Sponsoring organization: **VETERANS HOMECOMING COMMITTEE**

Location: **MAIN STREET**

Event date: 11/11/2012

Event time: 0500-1200

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

Sponsoring organization:  **Vets Homecoming Committee**

Event date:  **11/12/2012**  Hours:  **0500 - 1200**

**ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:**

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<thead>
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<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
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<td>Doris</td>
<td>Orange</td>
<td>Parade</td>
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<tr>
<td>Second</td>
<td></td>
<td>Olive</td>
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</tr>
<tr>
<td>Sunny Side</td>
<td>Doris</td>
<td>Market</td>
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<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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</table>

4 of 4
CITY OF PORTERVILLE
Community Civic Event Application

VETERANS DAY PARADE- Nov. 12, 2012

Proposed Conditions/Requirements for Veteran’s Day Parade

➢ City Council approval is required for all street closures.

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

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

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

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

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

➢ Event organizers shall coordinate all policing/traffic/parking/posting concerns with Sergeant R. Carrillo well in advance of the event. Sergeant Carrillo can be contacted at 559-782-7408/559-782-7400.

Dan Haynes, Captain
Police Department

EXHIBIT B
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:  
   DON R. DOWLING 1338 KINDA VISTA AVE
   PORTERVILLE CA. 93257

2 Address where amplification equipment is to be used:  
   CITY HALL, FRK CLUB, CHARLES

3 Names and addresses of all persons who will use or operate the amplification equipment:  
   ED. FLYLY, DOW

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

5 Dates and hours of operation of amplification equipment:  
   1000 - 1200 11/12/2012

6 A general description of the sound amplifying equipment to be used:  
   LARGE AMP W/SPEAKERS

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

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

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

Penal Code Section 416 (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 REVOCAION OF THE PERMIT.

City of Porterville, Chief of Police/Designee  

Date
COUNCIL AGENDA: OCTOBER 16, 2012

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE AND ROTARY CLUB OF PORTERVILLE - ANNUAL CHILDREN’S CHRISTMAS PARADE – NOVEMBER 29, 2012

SOURCE: Finance Department

COMMENT: The Porterville Chamber of Commerce and Rotary Club of Porterville are requesting approval to hold the annual Children’s Christmas Parade along Main Street on Thursday, November 29, 2012 from 5:00 p.m. to 9:00 p.m. This application is being submitted under the Community Civic Event Ordinance No. 1326, as amended. The following closures are requested:

STREETS (5:00 p.m. - 9:00 p.m.):
Main Street from Danner Avenue to Olive Avenue;
Olive Avenue from Hockett Street to Second Street;
Morton Avenue from Hockett Street to Second Street;
Harrison Avenue from Hockett Street to Second Street;
Thurman Avenue from Hockett Street to Second Street;
Putnam Avenue from Hockett Street to Second Street;
Mill Avenue from Hockett Street to Second Street;
Cleveland Avenue from Hockett Street to Second Street;
(not blocking street for fire access.)
Oak Avenue from Hockett Street to Second Street;
Garden Avenue from Main Street to Second Street;
Second Street from Olive Avenue to Oak Avenue;
School Avenue, Bellevue Avenue, North Avenue and Doris Avenue from Main Street to Second Street and Sunnyside.

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

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

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

This application has been routed according to the ordinance regulations and has been reviewed by all departments involved. The requirements are listed on the attached copy of the Application, Agreement, Exhibit A and Exhibit B.

DD [Signature] Appropriated/Funded [Signature] CM [Signature] Item No. [Number]
The closure of Main Street at 5:00 p.m. will require the early closure of the Fixed Route Transit System at 4:30 p.m., instead of the usual 7:00 p.m., on November 29, 2012. Staff is requesting that Council authorize the change in schedule for the Fixed Route system only.

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

RECOMMENDATION: That Council:

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

2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on November 29, 2012;

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

ATTACHMENTS: Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Outside Amplifier Permit, Street Map.
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: September 19, 2012
Event date: November 29, 2012
Event time: 5-9 pm parade

Name of Event: Children's Christmas Parade

Sponsoring organization: Rotary Club of Porterville
Porterville Chamber of Commerce
PHONE # 784-7502

Address: 93 N. Main St Porterville, CA 93257

Authorized representative: Donna Marie Cantey
PHONE # 784-7502

Address: 93 N. Main St Porterville, CA 93257

Event chairperson: ________________________
PHONE # ________________________

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

Type of event: Children’s Christmas Parade

Nonprofit status determination: om gizelk#0248/00402

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

Barricades (quantity): Yes ______ No _____
Police protection: Yes ______ No _____
Other: ________________________

Street sweeping: Yes ______ No _____
Refuse pickup: Yes ______ No _____

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

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

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

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

Authorized Representative Initials

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

Authorization 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.

Porterville Chamber of Commerce
Rotary Club of Porterville

(Name of Organization)  (Signature)  (Date)
CITY OF PORTERVILLE
VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Children's Christmas Parade

Sponsoring organization: Rotary Club of Porterville; Porterville Chamber of Commerce

Location: Main St.; City of Porterville; Event date: Nov 27, 2012; Event time: 5 pm - 9 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.

Will be submitted later by the Chamber

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
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</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: Children's Christmas Parade

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

Event date: Nov. 29, 2013

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

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main St.</td>
<td>Danner Ave</td>
<td>Olive Ave</td>
<td>Parade Review &amp; Assembly</td>
</tr>
<tr>
<td>Olive Ave</td>
<td>Hockett St</td>
<td>Second St</td>
<td>Parade Route</td>
</tr>
<tr>
<td>Morton Harris</td>
<td>Hackett St</td>
<td>Second St</td>
<td>Adjacent to Parade Route</td>
</tr>
<tr>
<td>Palmview Cleveland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parkview Mill Park</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Coarden Ave.</td>
<td>Main St.</td>
<td>Second St</td>
<td>Adjacent to Parade Route</td>
</tr>
<tr>
<td>School Blvd.</td>
<td>Main St.</td>
<td>Second St</td>
<td>Parade Assembly</td>
</tr>
<tr>
<td>Second St.</td>
<td>Olive Ave.</td>
<td>Oak Ave</td>
<td>Parade Disbursement</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main St.</td>
<td>Danner Ave</td>
<td>Olive Ave</td>
<td>View Parade and Parade</td>
</tr>
<tr>
<td>Olive Ave</td>
<td>Main St.</td>
<td>Second St</td>
<td>Assembly Area</td>
</tr>
</tbody>
</table>

Parking lots and spaces | Location                      | Activity     |
-------------------------|-------------------------------|--------------|
Main St (7 spaces)      | Chamber of Commerce 93 N. Main | Judges’ Stand|
Main St (4 spaces)      | City Hall 291 N. Main         | Announcer's Stand
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

PORTERVILLE CHAMBER OF COMMERCE
ROTARY CLUB OF PORTERVILLE

ANNUAL CHILDREN’S CHRISTMAS PARADE

NOVEMBER 29, 2012

Business License Supervisor:
S. Hartman

Business License Division requires vendor list prior to event.

Public Works Director:
B. Rodriguez

Community Development Director:
B. Dunlap

Field Services Manager:
B. Styles

City sponsored parade. City crews will provide: barricades for street closure, trash/recycle cans and sweeper services.

Fire Chief:
R. Irish, Acting

Approved with no comments.

Parks and Leisure Services Director:
D. Moore, Acting

Police Captain:
D. Haynes

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

Administrative Services Manager:
P. Hildreth

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

Sponsors: Porterville Chamber of Commerce, Rotary Club of Porterville
Event: Annual Children's Christmas Parade
Event Chairman: Donnette Carter
Location: Main Street
Date of Event: November 29, 2012
Time of Event: 5:00 p.m. to 9:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Chamber of Commerce and Rotary Club of Porterville provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville and the Successor Agency to the Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as Additional Insured against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

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

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

EXHIBIT A, Page 2
CITY OF PORTERVILLE
Community Civic Event Application

ANNUAL CHILDREN'S CHRISTMAS PARADE-NOVEMBER 29, 2012

Conditions/Requirements for Children's Christmas Parade

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

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

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

➢ Food vendors should be situated where they will not block the sidewalk.

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

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

➢ Event organizers shall establish contact with Sergeant Rick Carrillo (Porterville Police Department/Traffic Unit) no less than 30 days in advance of the event in order to coordinate efforts related to the posting of the parade route and advance enforcement. Sergeant Carrillo can be contacted at 559-782-7408 or 559-782-7400.

Dan Haynes, Captain
Porterville Police Department

EXHIBIT B
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

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

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

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

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

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

5 Dates and hours of operation of amplification equipment: 10am - 9pm Nov 29, 2012

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

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 exhibit 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 by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

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

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

Signature of Applicant

Date

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

City of Porterville, Chief of Police/Designee

Date
COUNCIL AGENDA: October 16, 2012

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 October 2, 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: VARIANCE, CONDITIONAL USE PERMIT AND TENTATIVE SUBDIVISION MAP FOR THE DEVELOPMENT OF SIXTEEN (16) REDUCED LOT SIZE SINGLE FAMILY LOTS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Tentative Subdivision Map to divide a 3.03± acre vacant site into sixteen (16) single family lots with a 1.3± acre remainder, a conditional use permit for reduced minimum lot size and widths, and a variance from the requirement for variable lot widths. The project is currently zoned RM-2 (Medium Density Residential) and is generally located at Clare Avenue and Lombardi Street.

The proposed subdivision would complete the single family residential development initially approved in 2005 and built-out as Summit Estates, to the south of the proposed project. In addition to the Tentative Subdivision Map, a Conditional Use Permit is required pursuant to Section 201.04 (c) to allow reduced minimum lot size, and width. This code provision can be applied when building single family residences in single family as well as multi-family residential zones. In the RM-2 (Medium Density Residential) zoning, the standard minimum lot size is 6,000 square feet, with a minimum width of sixty (60) feet, and minimum depth of seventy-five (75) feet. Section 201.04 (c) allows a developer, with approval of a Conditional Use Permit, to reduce those requirements as follows: minimum lot size is not less than 3,000 square feet, with a minimum width of thirty-five (35) feet, and minimum depth of sixty (60) feet. The smallest lot size requested on the proposed map is 4,200 square feet, and the smallest lot width is forty (40) feet. The depth of all proposed lots meets the standard minimum.

Additionally, the Development Ordinance [Section 201.04(c)1(a)2] requires a variety of lot widths when requesting reduced minimum lot size and dimensions. While the proposed map does include lots ranging in width from forty (40) to forty-nine (49) feet, the majority of parcels are generally the same size; therefore, the project does not meet the requirement for a variety of lot widths to be distributed throughout the subdivision. Due to the existing lot depths of 100 to 137 feet and the nature of the project as a transitional product type and other design restrictions such as corner setbacks, the applicant has requested a variance from this development standard.

RECOMMENDATION: That the City Council:
1. Adopt the draft resolution approving Variance 2011-022-V; and

2. Adopt the draft resolution approving Conditional Use Permit 2011-022-C; and

Appropriated/Funded $4,000,000 CM

Item No. 13
3. Adopt the draft resolution approving Tentative Subdivision Map 2011-022-M.

ATTACHMENT: Full Staff Report
CITY COUNCIL AGENDA: OCTOBER 16, 2012

PUBLIC HEARING – STAFF REPORT

SUBJECT: VARIANCE, CONDITIONAL USE PERMIT AND TENTATIVE SUBDIVISION MAP FOR THE DEVELOPMENT OF SIXTEEN (16) REDUCED LOT SIZE SINGLE FAMILY LOTS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

APPLICANT: Nicholson & Smee
444 N Prospect, Suite A
Porterville, CA 93257

AGENT: James Winton & Associates
150 W Morton Avenue
Porterville, CA 93257

SPECIFIC REQUEST:

The applicant is requesting approval of a Tentative Subdivision Map to divide a 3.03± acre vacant site into sixteen (16) single family lots with a 1.3± acre remainder, a conditional use permit for reduced minimum lot size and widths, and a variance from the requirement for variable lot widths.

The following project elements require approval of a Conditional Use Permit:

- Allowance of reduced minimum lot size and dimension. Pursuant to Section 201.04 (c) to allow reduced minimum lot size and width. In the RM-2 (Medium Density Residential) zoning, the standard minimum lot size is 6,000 square feet, with a minimum width of sixty (60) feet, and minimum depth of seventy-five (75) feet. Section 201.04 (c) allows a developer, with approval of a Conditional Use Permit, to reduce those requirements as follows: minimum lot size is not less than 3,000 square feet, with a minimum width of thirty-five (35) feet, and minimum depth of sixty (60) feet. The smallest lot size requested on the proposed map is 4,200 square feet, and the smallest lot width is forty (40) feet. The depth of all proposed lots meets the standard minimum.

The following project elements require approval of a Variance:

- Inconsistency with development requirement to provide a variety of lot widths with reduced minimum lot size and width. The Development Ordinance [Section 201.04(c)1(a)2] requires a variety of lot widths when requesting reduced minimum lot size and dimensions.

SIZE OF PROPERTY: 3.03± acres; 1.81± acres proposed for development

GENERAL PLAN AND ZONING: The General Plan designates the site as Medium Density Residential, and the site is zoned RM-2 – Medium Density Residential.

PRESENT USE: Vacant, graded but undeveloped land.

SURROUNDING ZONING & LAND USE:
North: CR (Retail Centers) - Clare Avenue, Partially developed with church
South: RS-2 (Low Density Residential) - Fully developed in single family residences - Summit Estates.
East: PS (Public and Semi-Public)- Summit Charter Academy
West: RM-3 (High Density Residential) - Residential uses.

ENVIRONMENTAL REVIEW:
On October 1, 2012, the Environmental Coordinator made a preliminary determination that the mitigated negative declaration prepared previously for the Burns Property Tentative Subdivision, which included the project area, adopted on November 15, 2005, is still valid and in effect, and that there are no substantial changes to the project from what was originally approved. No further environmental review is needed.

BACKGROUND:
A subdivision map was approved in 2005 that included the subject site, but the subject portion was never developed; the proposed project would accommodate development of sixteen (16) single family residences south of Clare Avenue and east and west of Lombardi Street, leaving a 1.33± acre remainder. Various infrastructure improvements were put in place as a result of the aforementioned previous subdivision map and associated development. Clare Avenue and Lombardi Street are fully improved in the project area, and additional road improvements would not be required. Both water and sewer lines exist through Clare Avenue and Lombardi Street with sufficient capacity to accommodate the proposed use. A surface drainage basin exists just north of the project area, and would accommodate storm drainage for the project. The Porterville Nazarene Church has partially developed land to the north of the project area, and the City has approved plans for the future development of the westerly portion of that site as sports fields.

STAFF ANALYSIS:
On September 27, 2011, the project proponent submitted an application to the Project Review Committee (PRC) to consider the project. The project has been considered at a series of PRC meetings and various project elements have been modified to become closer to fully compliant with the standards and requirements of the Development Ordinance. The single remaining project component not in compliance with the Development Ordinance is the development standard regarding a variety of lot widths. While the proposed map does include lots ranging in width from forty (40) feet to forty-nine (49) feet, the majority of parcels are generally the same size; therefore, the project does not meet the intent of the requirement for various lot widths to be distributed throughout the subdivision. However, due to the nature of the project as a transitional product type and other design restrictions such as existing adjacent development, existing improved streets and other infrastructure, and corner setbacks, the applicant has requested a variance from this development standard.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: September 27, 2011
DATE ACCEPTED AS COMPLETE: September 18, 2012

RECOMMENDATION: That the City Council:
1. Adopt the draft resolution approving Variance 2011-022-V; and
2. Adopt the draft resolution approving Conditional Use Permit 2011-022-C; and
3. Adopt the draft resolution approving Tentative Subdivision Map 2011-022-M.

ATTACHMENTS:

1. Locator Map
2. Site Plan
3. Draft Resolution approving Tentative Subdivision Map 2011-022
4. Draft Resolution approving Conditional Use Permit 2011-022-C
5. Draft Resolution approving Variance 2011-022-V
SUMMIT HERITAGE VILLAS
TENTATIVE SUBDIVISION

NOTES
1. DATE OF PREPARATION: JUNE 2, 2009
2. ZONE: R-2, CENTER PLAN: MODERN MIDDLE RESIDENTIAL
3. SCHOOL DISTRICT: WATSON
4. ALL DISTANCES SHOWN ARE IN FEET AND ARE APPROXIMATE
5. NET PARCEL AREA: 1.00 ACRES, LOT SIZE: 0.00 ACRES
6. EXISTING LAND USE: VACANT
7. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL (120% OF SITE) - LOTS 1-16
8. IMPROVEMENTS TO CONFORM TO APPLICABLE ORDINANCES & STRATUTES.
9. EXTERIORS FOR PUBLIC UTILITIES TO BE PROVIDED AS REQUIRED
10. NOT SUBJECT TO EMINENT DOMAIN OR CHEMICAL FARM ZONE # 1
11. NATURAL GAS BY THE GAS COMPANY
12. TELEPHONE BY AT&T
13. WATER PS: SOUTHERN CALIFORNIA EDISON CO.
14. RURAL T.V. BY: CHARTER COMMUNICATIONS
15. DOMESTIC WATER BY: CITY OF PORTERVILLE
16. SEWER DISPOSAL BY: CITY OF PORTERVILLE
17. REFUSE COLLECTION BY: CITY OF PORTERVILLE
18. DRAINAGE: SURFACE AND SUBSURFACE DRAINAGE SYSTEM
19. WATER QUANTITY AS PER CITY STANDARDS

LEGEND
- SUMMIT ESTATES, PHASE ONE
- SUMMIT ESTATE
- SUMMER ENGAGEMENT
- SUMMER CENTER
- SUMMER SIDEWALK
- SUMMER STREET
- SUMMER PARK
- SUMMER BOAT
- SUMMER DESIGN

SCALE: 1" = 80'
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A VARIANCE REGARDING VARIETY OF LOT WIDTHS

WHEREAS: The City Council of the City of Porterville maintains the authority, subject to Chapter 606 of the Development Ordinance to approve variances as a mechanism for relief from the strict application of the Development Ordinance where strict application would deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions. Variances may be granted with respect to dimensional and performance standards, but Variances from the use regulations of the Development Ordinance are not allowed; and

WHEREAS: The applicant has applied for a variance related to the requirement to provide variable lot widths when requesting reduced lot size, width, and depth pursuant to Section 201.04 (c) of the Development Ordinance, due to project lot configuration requirements related to the proposed single family residential product proposed and the financial infeasibility of developing a smaller number of lots in order to more readily accommodate that development standard; and

WHEREAS: The City Council made the following findings with respect to a variance per Section 606 of the Development Ordinance:

a. There are special circumstances applicable to the property which do not generally apply to uses in the vicinity: the project proposes to develop a remaining segment from a previously approved subdivision, and the dimensions of the project area limit site planning options. The existing streets and irregular project boundaries hamper the ability to modify lot depths as well as widths that might otherwise provide for the design of a reduced lot size subdivision with varying lot widths.

b. Due to the special circumstances applicable to this property, strict application of the regulation requiring variable lot widths would deprive the property owner of the opportunity to develop the subject site in a manner financially feasible while providing a medium density, single family detached housing option for the residents of Porterville. The project site is located in the RM-2 Zone which would allow for alternative development of higher density dwellings. The proposed design provides a transitional density between the commercial development to the north and low density residential development to the south.

c. Special circumstances applicable to the property were not self-imposed by the property owner as the project site is a remaining phase of development surrounded by public improvements, commercial and residential development. Other than lot width, there are limitations on lot configuration to accommodate a reduced lot size subdivision in-fill project.

d. The authorization of this variance will substantially meet the intent and purpose of the zoning district in which the subject property is located and will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood,
or the public welfare in general. The project site is zoned RM-2, which allows for a maximum of 15 dwelling units per acre, while the proposed subdivision consists of approximately 8.88 dwelling units per acre.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve a variance, removing the requirement for varying lot widths for the proposed Summit Heritage Villas project, and allowing lot widths to be developed as represented on the proposed site plan, incorporated herein by reference as Exhibit A.

PASSED, APPROVED, and ADOPTED this 16th day of October, 2012

____________________________________
Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By ____________________________

Patrice Hildreth, Chief Deputy City Clerk
SUMMIT HERITAGE VILLAS
TENTATIVE SUBDIVISION

For:
NICKLUND & BILLS
1620 BARTHOLOMEW AVENUE
PORTERVALE, CALIFORNIA 92377
(714) 786-2222

By:
JAMES WYTON & ASSOCIATES
1620 BARTHOLOMEW AVENUE
PORTERVALE, CALIFORNIA 92377
(714) 786-5166

NOTES
1. DATE OF PREPARATION: JANUARY 2, 2009 REvised SEPTEMBER 17, 2012
2. ZONE: AG-1 GENERAL PLAN MEDIUM DENSITY RESIDENTIAL
3. SCHOOL DISTRICT: RIVERTON
4. ALL DISTANCES SHOWN ARE IN FEET & DECIMALS THEREOF AND ARE APPROXIMATE.
5. LOT PANEL AND LOT AREA = SUBURBAN DENSITY = 10 UNITS/HOME
6. EXISTING LAND USE: RANCOR.
7. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL (VIEW OF SITE) = LOTS 1-16.
8. IMPROVEMENTS TO CONFORM TO APPLICABLE ORGANIZATIONS & STATUTES.
9. EGRESSWAYS FOR PUBLIC UTILITIES TO BE PROVIDED AS REQUIRED.
10. NOT SUBJECT TO INCLUSION OR EXCLUSION FROM ZONE X.
11. NATURAL GAS BY THE GAS COMPANY.
12. TELEPHONE BY AT&T.
13. POWER BY: SOUTHERN CALIFORNIA EDISON.
14. CABLE TV BY: QUARTER COMMUNICATIONS.
15. DOMESTIC WATER BY: CITY OF PORTERVALE.
16. SEWAGE DISPOSAL BY: CITY OF PORTERVALE.
17. REFUSE COLLECTION BY: CITY OF PORTERVALE.
18. DRAINAGE: SURFACE FLOW AND EXTENSION OF EXISTING STORM DRAIN SYSTEM.
19. WATER QUALITY: AS PER CITY STANDARDS.

LEGEND
- SUBURBAN RESIDENTIAL
- PERIMETER STREET
- PROPOSED STREET LINE
- WATER LINES
- LIVESTOCK WATER LINES
- PROPOSED CREEK BANK LINES
- SALTATION WATER LINES
- STORM DRAIN LINES
- LICKING RODS
- POWER LINES
- TELEPHONE LINES

SHEET: 1 OF 1

SUMMIT ESTATES, PHASE ONE

SCALE: 1" = 80'

3-DES SHEET ONLY
RESOLUTION NO.________________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
A CONDITIONAL USE PERMIT TO ALLOW REDUCED MINIMUM LOT SIZE AND
WIDTH FOR THE SUMMIT HERITAGE VILLAS TENTATIVE SUBDIVISION; A 3.03±
ACRE SITE LOCATED AT CLARE AVENUE AND LOMBARDI STREET,
APPROXIMATELY 800 FEET SOUTH OF OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled
meeting of October 16, 2012, conducted a public hearing to consider approval of Summit
Heritage Villas Tentative Subdivision Map, being a division of a 3.03± acre parcel into a 16 lot
single family residential subdivision with a remainder located at Clare Avenue and Lombardi
Street, approximately 800 feet south of Olive Avenue; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled
meeting of October 16, 2012, also conducted a public hearing to consider a conditional use
permit for a reduced minimum lot size, width, and depth for the Summit Heritage Villas
Tentative Subdivision; and

WHEREAS: On November 15, 2005, the City Council adopted a Mitigated Negative
Declaration previously prepared for the Burns Property Tentative Subdivision, which included
the project area; and

WHEREAS: The City Council received testimony from all interested parties relative to
the proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the proposed project site is identified and designated Medium Density
Residential on the City’s General Plan. The design, lot size, project density and
improvements of the proposed project are consistent with the Medium Density
Residential General Plan Land Use Designation.

2. That the site is physically suitable for the type and density of the proposed
development (Exhibit A). The project site is in the RM-2 (Medium Density
Residential) Zoning, the standard minimum lot size is not less than 6,000 square
feet, with a minimum width of sixty (60) feet, and minimum depth of seventy-five
(75) feet. A developer is allowed to reduce those requirements pursuant to
Development Ordinance Section 201.04(c) with an approved conditional use
permit to allow reduced minimum lot size, width, and depth. At no time can lot
sizes be less than 3,000 square feet, less than thirty-five (35) wide, or less than
sixty (60) feet deep. The proposed lots meet these requirements.

3. Additional site and building design elements are proposed, including two car
garages for each unit, with full depth driveways, and variations in building
architecture. Street trees will be incorporated and provided in all front yards. The
adjacent elementary school will provide and meet the intent of parkland and open
space. Shared and clustered driveways will allow for additional landscape on each lot front yard. Features on homes propose the inclusion of front and side yard porches, and architectural diversity from house plan to house plan.

4. The lot size is acceptable considering site topography, public street configuration and access, availability of utilities, existing neighborhood characteristics, including the average density of surrounding development. Pursuant to the Development Ordinance, reduced lots at no time may be less than 3,000 square feet, less than thirty-five (35) wide, or less than sixty (60) feet deep. The smallest proposed lot is 4,200 square feet, and the smallest width is forty (40) feet. The lot depth meets the standard minimum.

5. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage.

6. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area, due to the availability of open space amenities and single loaded design features.

7. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Summit Heritage Villas Tentative Subdivision Map subject to the following conditions:

1. Approval of this Conditional Use Permit is contingent upon the approval of Variance 2011-022-V.
2. The applicant shall comply with all approved plans attached hereto as Exhibits A & B.
3. Architectural styles of the residences shall comply with the elevations and floor plans presented by the applicant and attached hereto as Exhibit C.
4. Garages on all lots shall be of minimum design for a standard two-car garage layout.
5. Driveways shall be full depth and clustered.
6. Prior to recordation of the final map, Covenants, Conditions, and Restrictions shall be recorded to address, at minimum, the location of trash containers for weekly pick up, such that the placement of bins can still accommodate maximum on-street parking and driveway access.
7. The applicant shall comply with all local, state, and federal regulations.
PASSED, APPROVED, and ADOPTED this 16th day of October, 2012

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By ________________________________
Patrice Hildreth, Chief Deputy City Clerk
SUMMIT HERITAGE VILLAS
TENTATIVE SUBDIVISION

SUMMIT ESTATES, PHASE ONE

LEGEND

1. Existing Street
2. Existing Easement
3. Proposed Street
4. Proposed Easement
5. Water Line
6. Storm Drain Inlet
7. Storm Drain Outfall
8. Other Inlet
9. Other Outfall
10. Joist Rods
11. Proposed Street
12. Storm Drain
13. Easement

EXHIBIT A

SHEET 1 OF 3
EXHIBIT C-1
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
SUMMIT HERITAGE VILLAS TENTATIVE SUBDIVISION MAP FOR THAT 3.03± ACRE
SITE LOCATED AT CLARE AVENUE AND LOMBARDI STREET, APPROXIMATELY
800 FEET SOUTH OF OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled
meeting of October 16, 2012, conducted a public hearing to consider approval of Summit
Heritage Villas Tentative Subdivision Map, being a division of a 3.03± acre parcel into a 16 lot
single family residential subdivision located at Clare Avenue and Lombardi Street,
approximately 800 feet south of Olive Avenue; and

WHEREAS: On November 15, 2005, the City Council adopted a Mitigated Negative
Declaration previously prepared for the Burns Property Tentative Subdivision, which included
the project area; and

WHEREAS: The City Council received testimony from all interested parties relative to
the proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the
   General Plan.

2. That the site is physically suitable for the type and density of the proposed
devolution (Exhibit A).

3. The project site is in the RM-2 (Medium Density Residential) Zoning, the
   standard minimum lot size is not less than 6,000 square feet, with a minimum
   width of sixty (60) feet, and minimum depth of seventy-five (75) feet. A
   developer is allowed to reduce those requirements pursuant to Development
   Ordinance Section 201.04(c) with an approved conditional use permit to allow
   reduced minimum lot size, width, and depth. At no time can lot sizes be less than
   3,000 square feet, less than thirty-five (35) wide, or less than sixty (60) feet deep.
   The proposed lots meet these requirements.

4. That the design of the project, or proposed improvements, are not likely to cause
   substantial environmental damage.

5. That the proposed location of the project and the conditions under which it would
   be operated or maintained will not be detrimental to the public health, safety or
   welfare, or materially injurious to properties or improvements in the area.

6. That the standards of population density, site area dimensions, site coverage, yard
   spaces, heights of structures, distance between structures, off-street parking

ATTACHMENT
ITEM NO. 5
facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Summit Heritage Villas Tentative Subdivision Map subject to the following conditions:

1. Approval of the tentative subdivision map is contingent upon the approval of Variance 2011-022-V regarding varying lot widths, and approval of a Conditional Use Permit 2011-022-C allowing reduced lot size and width.

2. Prior to recordation of the final map, Covenants, Conditions, and Restrictions shall be recorded to address, at minimum, the location of trash containers for weekly pick up, such that the placement of bins can still accommodate maximum on-street parking and driveway access.


4. The developer/applicant shall comply with the Americans with Disabilities Act, the California Building Code and Section 304.10 of the Development Ordinance for on-site travel ways.

5. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

6. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel along Clare Avenue and Lombardi Street, except where they exist and are in good condition in the opinion of the City Engineer (Ordinance, No. 1306).

7. The developer/applicant shall provide and show all required utility easements on the Final Map.

8. The developer/applicant shall cause all unnecessary easement to be vacated prior to or in conjunction with the Final Map processing.

9. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District and submit with the petition the $375 fee. The following shall be included and maintained in said district: (1) Lighting, (2) Recreational Open Space, (3) Public Landscaping, if any (4) Public walls/fences, if any, (5) Drainage reservoir, if any, and (6) any
other public improvement in accordance with Series 400, Section 403.03 (i) of the Development Ordinance.

10. The developer/applicant shall prepare an Engineer's Report for the establishment of the assessments in order to provide for ongoing maintenance of the subdivision improvements to be included in the Lighting and Landscape Maintenance District. The Lighting and Landscape Maintenance District shall be established, or annexation into an existing District shall be concluded and landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the project.

11. Exclusive of assessments for a Lighting and Landscape Maintenance District, the developer/applicant shall pay all service fees and maintain all new lighting and landscape improvements in a safe and healthy manner for the greater of a minimum ninety-day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Lighting and Landscape Maintenance District.

12. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Chapter 18 and Appendix J of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:

- Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
- Soils Report(s) in accordance with Chapter 18 and Appendix J of the California Building Code.

13. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

14. In accordance with Series 400, Section 403.02 (g) or (h) of the Development Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months of the Final Map acceptance.

15. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615 for all wells that will remain in service. Wells that will remain in service shall be designated on the Tentative Subdivision Map.

16. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer,
replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.

17. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).

18. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

19. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).

20. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g. Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

21. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 – Indirect Source Review (ISR) Rules

Effective March 1, 2006, the San Joaquin Valley Air Pollution Control District will enforce the Indirect Source Rule (ISR). ISR applies to projects that are at least:

• 50 residential units
• 2,000 square feet of commercial space
• 9,000 square feet of educational space
• 10,000 square feet of government space
• 20,000 square feet of medical or recreational space
• 25,000 square feet of light industrial space
• 39,000 square feet of general office space
• 100,000 square feet of heavy industrial space
Projects that meet the above thresholds but are found through the application process to have mitigated emissions of less than two tons per year each of nitrogen oxides and PM10 (particulate matter 10 microns and smaller) will not be subject to the emission-reduction requirements of the rule.

A. It is the applicants' responsibility to file an application (found at http://www.valleyair.org/ISR/ISR.htm) with the District. The application must be filed with the District no later than concurrent with an application for final discretionary approval with a public agency. An application may be filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the benefits of the ISR program emission reductions in their environmental documents.

B. The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects.

C. ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.

D. The District will be responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District will enforce those measures through a Monitoring and Reporting Schedule (MRS).

E. The District will notify the local agency when a project's application is deemed complete, and when it is approved. The District will send copies of the preliminary and finalized MRS to the local agency for voluntary review for consistency with local regulations and programs.

F. If the local agency, or applicant or district determines that a measure on the MRS is not consistent with local agency regulations and programs, that measure will be removed from the MRS and the project will be reassessed.

G. The District will provide a letter of rule compliance status to the local agency upon request.

H. The ISR Rules and Program does not place any requirements upon the agency.
22. Building or foundation permits shall not be issued until all of the following items are accepted as complete:
   A. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
   B. The water system, is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
   C. Street base rock for accessibility by the public safety officials and building inspectors;
   D. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommendations contained in the Preliminary Soils Report;
   E. Lot corners are marked;
   F. Fire hydrants are accepted by the Fire Department and the Engineering Division.

23. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50).

24. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.
25. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

26. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.

27. The developer/applicant shall construct City standard barricades at the end of all dead end streets.

28. The developer/applicant shall provide street striping and flexible delineators as necessary to provide safe vehicular movements, where directed by the City Engineer.

29. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.

30. The developer/applicant shall move existing utility structures (for example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).

31. Prior to acceptance of improvements, the developer/applicant shall provide 5800 lumen street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Spacing between street lights shall not exceed 160 feet.

32. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

33. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction and reimbursement requests shall be processed in accordance with Series 400, Section 403.02 of the Development Ordinance.

34. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to recording the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.

35. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

36. The project must comply with latest applicable codes.

37. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
38. Fire hydrant spacing shall be as follows:
   i. In Commercial development, one hydrant shall be installed at 300-foot intervals.
   ii. In Residential development, one hydrant shall be installed at 500-foot intervals.

39. Site Plans. Individual site plans of each lot shall be submitted in conjunction with the building plans submitted to the Building Division for building permits. The individual site plans shall include the location and size of all buildings, patio covers and rooms, structures, setbacks, the location, height, width and design of fencing, patios, landscaping, driveways, and sidewalks, the location of trash and recycle containers. A copy of this site plan shall be given to the first buyer of each home before finalizing the sale.

40. Construction Hours. Construction activities shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.

41. Conformance with Approved Exhibits. The applicant's proposal shall be carried out substantially in conformance with approved Exhibits A & B.

PASSED, APPROVED, and ADOPTED this 16th day of October, 2012

Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By ____________
Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: OCTOBER 16, 2012

PUBLIC HEARING

SUBJECT: ADOPTION OF THE SECOND AMENDMENT OF THE NONDISPOSAL FACILITY ELEMENT

SOURCE: Public Works Department – Field Services Division

COMMENT: California Public Resources Code (PRC), Sections 41730 et seq, requires every California city and county to prepare and adopt a Nondisposal Facility Element (NDFE) for all new nondisposal facilities and any expansions of an existing nondisposal facility that are needed to implement the City’s Source Reduction and Recycling Element (SRRE). A nondisposal facility is defined by PRC Section 40151 as any solid waste facility required to obtain a state solid waste facility permit, except solid waste disposal facilities or transformation facilities.

On October 4, 2011, Council approved amending the City’s NDFE to operate a transfer facility that transfers up to 100 tons per day of recyclables and green waste. The second amendment would expand the facility to no more than 150 tons per day and include municipal solid waste. The material received at the transfer station is then transferred to either a permitted materials recovery facility (MRF), permitted compostable materials handling facility, or a permitted landfill.

Staff has prepared a second amendment to the City’s Nondisposal Facility Element to include the expansion of the transfer facility, and it is attached for Council’s review. As indicated by PRC Section 41735 (a), the adoption or amendment of this NDFE is not subject to environmental review under the California Environmental Quality Act (CEQA). Further, pursuant to California Code of Regulations (CEQA Guidelines) Section 15183(i)(2) Projects Consistent with a Community Plan or Zoning, the project as proposed is considered under the existing Environmental Impact Report (EIR) for the General Plan and, therefore, is exempt from CEQA.

The second amendment to the NDFE will be forwarded to Tulare County for inclusion in the County-wide Integrated Waste Management Plan, and it will also be submitted to the Department of Resources, Recycling and Recovery (CalRecycle) for their records.
RECOMMENDATION: That City Council:

1. Conduct a public hearing to receive public input; and

2. Approve the second amendment of the Nondisposal Facility Element.

ATTACHMENTS: Draft Resolution
Nondisposal Facility Element Second Amendment
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE ADOPTION OF A SECOND AMENDMENT OF THE NONDISPOSAL FACILITY ELEMENT (NDFE) FOR THE CITY OF PORTERVILLE

WHEREAS, the second amendment of the Nondisposal Facility Element (NDFE) has been prepared to implement the City’s local Source Reduction and Recycling Element (SRRE);

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Porterville as follows:

Section 1. The Council hereby adopts the proposed second amendment of the Nondisposal Facility Element (NDFE) as attached hereto as Exhibit “A”.

Section 2. The City of Porterville’s Second Amendment of the Nondisposal Facility Element (NDFE) shall be transmitted to the County of Tulare, and to the Department of Resources, Recycling and Recovery (CalRecycle), for their records.

Section 3. This Resolution shall take effect immediately upon its passage.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

PASSED, APPROVED and ADOPTED this 16th day of October 2012.

Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By_____________________________________________
Patrice Hildreth, Chief Deputy City Clerk
CITY OF PORTERVILLE

NONDISPOSAL FACILITY ELEMENT

California Public Resources Code (PRC), Sections 41730 et seq, requires every California city and county to prepare and adopt a Nondisposal Facility Element (NDFE) for all new nondisposal facilities, and any expansions of existing nondisposal facilities, which will be needed to implement local Source Reduction and Recycling Element (SRRE). A nondisposal facility is defined as any solid waste facility required to obtain a solid waste facility permit except a disposal facility or a transformation facility (PRC Section 40151).

The City of Porterville has prepared, adopted, and hereby transmits to Tulare County, the City's amended NDFE, as required by PRC Section 41730 for inclusion in the County-wide Integrated Waste Management Plan. The City is also submitting a copy of its amended NDFE to the Department of Resources, Recycling and Recovery (CalRecycle) for their records.

The City has no permitted nondisposal facilities within its jurisdiction. This amended NDFE identifies the utilization of a transfer facility located at the City's Corporation Yard to collect and transfer residential, mixed commercial and drop-off recyclables, municipal solid waste, and a green waste program at Harvest Power California, LLC, located in an unincorporated area of the county, as nondisposal facilities necessary to implement the City's waste diversion goals. Table A, attached, identifies the nondisposal facilities the City is currently utilizing to implement its SRRE and meet the solid waste diversion requirements of PRC Section 41780.

As indicated by PRC Section 41735 (a), the adoption or amendment of this element is not subject to environmental review under the California Environmental Quality Act (CEQA).
### TABLE A
CITY OF PORTERVILLE NDFE FACT SHEET

<table>
<thead>
<tr>
<th>FACILITY</th>
<th>City of Porterville Transfer Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>FACILITY LOCATION</td>
<td>City of Porterville Corporation Yard 555 N. Prospect Street</td>
</tr>
<tr>
<td>TYPE OF FACILITY</td>
<td>Transfer Station</td>
</tr>
<tr>
<td>FACILITY CAPACITY</td>
<td>Not to exceed 150 tons per day.</td>
</tr>
</tbody>
</table>

Up to 150 tons of residential curbside recyclables, mixed commercial and drop-off recyclables, green waste and municipal solid waste will be transferred to either a permitted materials recovery facility (MRF), permitted compostable materials handling facility, or a permitted landfill.

**EXPECTED DIVERSION RATE:** 75%

---

### CITY OF PORTERVILLE NDFE FACT SHEET

<table>
<thead>
<tr>
<th>FACILITY</th>
<th>Harvest Power California, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>FACILITY LOCATION</td>
<td>24487 Road 140 Visalia, CA</td>
</tr>
<tr>
<td>TYPE OF FACILITY</td>
<td>Composting</td>
</tr>
<tr>
<td>FACILITY CAPACITY</td>
<td>86,000 tons stockpiled</td>
</tr>
</tbody>
</table>

Harvest Power California, LLC is located south of Visalia on Road 140. The facility receives and processes green material and small quantities of source separated food and agricultural wastes. The composting operations consist of grinding and screening to remove oversize material, curing in windrows and storage of the finished product before being marketed.

**EXPECTED DIVERSION RATE:** The City of Porterville hauls an average of 8000 tons of green waste per year to Harvest Power.
SUBJECT: SECOND READING – ORDINANCE 1792, AMENDING CHAPTER 2, ARTICLE I, SECTION 2-1 OF THE MUNICIPAL CODE CONCERNING ADJOURNMENT TIME

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1792, An Ordinance of the City Council of the City of Porterville Amending Chapter 2, Article I, Section 2-1, Time and Place of Regular Meetings, of the Porterville Municipal Code, was given first reading on October 2, 2012, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1792, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1792

Item No. 15
ORDINANCE NO. 1792

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING CHAPTER 2, ARTICLE I,
SECTION 2-1, TIME AND PLACE OF REGULAR MEETINGS,
OF THE PORTERVILLE MUNICIPAL CODE

THE COUNCIL OF THE CITY OF PORTERVILLE DOES HEREBY ORDAIN AS
FOLLOWS:

A. That Chapter 2, Article I, Section 2-1, Time and Place of Regular Meetings, of the
Porterville Municipal Code is hereby amended to read as follows:

Sec. 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 5:30 p.m., with closed session
commencing at 5:30 p.m., and open session commencing at 6:30 p.m.

B. This Ordinance and Code amendment shall be in full force and effect thirty (30) days
from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 16th day of October, 2012.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: October 16, 2012

SUBJECT: CONSIDERATION OF REORGANIZATION OF THE PARKS AND LEISURE SERVICES DEPARTMENT

SOURCE: Administration

COMMENT: As presented by the City Manager as a component of the FY 2012/13 budget adoption, given several recent retirements within the Parks and Leisure Services Department, a reorganization plan within the Department has been developed that would be both functional and cost-effective. The proposed reorganization would include the un-allocation of three Management and/or Confidential positions (Leisure Services Superintendent, Parks Supervisor, and Secretary), establish a new classification (Leisure Services Specialist), and reclassify the Parks & Leisure Services Director, resulting in an approximate $156,000 in annual General Fund net savings. The savings does not include the approximate $43,000 in additional savings experienced in the replacement of retiring staff with less experienced staff. Effective October 1, 2012, staff proposes to change the City’s Table of Organization in Parks and Leisure Services, as follows:

<table>
<thead>
<tr>
<th>Un-allocated Positions</th>
<th>Savings:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Leisure Services Superintendent</td>
<td>$94,442 (Net: $26,714)</td>
</tr>
<tr>
<td>2. Parks Supervisor</td>
<td>$70,431</td>
</tr>
<tr>
<td>3. Secretary</td>
<td>$52,662</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>New Allocated Position</th>
<th>Cost:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Leisure Services Specialist</td>
<td>$67,728</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reclassify Position</th>
<th>Savings:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Parks and Leisure Services Director</td>
<td>$5,791</td>
</tr>
</tbody>
</table>

In addition, the City Manager recommends the reclassification of the Administrative Services Manager to Administrative Services Director (consistent with the reclassification of the Parks and Leisure Services Director), given the additional responsibilities that the position has come to include over the past couple of years. The reclassification has a budgetary impact of approximately $2,500 due to mid-range compatibility of the classifications.

Item No. 16
RECOMMENDATION: That the City Council adopt the draft resolution authorizing a change in the City's Departmental Table of Organization; and amending the Position Allocation Schedule and Position Pay Plan of the City's Employee Pay and Benefit Plan.

ATTACHMENT: 1. Draft Resolution
2. Draft Leisure Services Specialist Job Description
RESOLUTION NO. _____ - 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PROVIDING FOR THE CHANGES IN DEPARTMENTAL TABLES OF ORGANIZATION AND THE ESTABLISHMENT OF A NEW CLASSIFICATION WITHIN THE PARKS AND LEISURE SERVICES DEPARTMENT

Whereas, the reorganization and change in staffing allocations of City Departments are periodically beneficial to enhance the economy and efficiency of City operations; and

Whereas, the City Manager has considered the current organization and staffing levels of the Parks and Leisure Services Department, and in consultation with the Department’s Acting Director, has defined an organizational structure that will enhance organizational integration and effectiveness while achieving budgetary savings; and

Whereas, the revised organizational structure has been recommended to the City Council for consideration and adoption.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Position Allocation Schedule and the Position Pay Plan of the Employee Pay and Benefit Plan, and the Classification Plan of the City are hereby amended as follows:

1. Un-allocate the position of Leisure Services Superintendent at the salary range 195 ($4,584 – $5,595) within the Parks and Leisure Services Department.

2. Un-allocate the position of Parks Supervisor at the salary range 173 ($3,686 - $4,494) within the Parks and Leisure Services Department.

3. Un-allocate the position of Secretary at the salary range 146 ($2,815 – $3,435) within the Parks and Leisure Services Department.

4. Establish the classification of Parks & Leisure Specialist at the salary range 182 ($4,028 - $4,915). This position shall be designated as management, and be included in the Management and Confidential Series for the purposes of representation.

5. Reclassify the Parks and Leisure Services Director at the salary range 248 ($7,772 – $9,483) to the salary range 243 ($7,395 - $9,023). This position shall be designated as Executive Management and exempt from the Competitive Service.

6. Reclassify the Administrative Services Manager at the salary range 231 ($6,561 – $8,007) to Administrative Services Director at the salary range 243 ($7,395 - $9,023). This position shall be designated as Executive Management and exempt from the Competitive Service.
7. Amend the Position Allocation Schedule and Position Pay Plan of the Employee Pay and Benefit Plan to reflect the herein referenced changes.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

PASSED, APPROVED AND ADOPTED this _____ day of October, 2012.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

Luisa Herrera, Deputy City Clerk
LEISURE SERVICES SPECIALIST

DEFINITION
Under general direction, oversees all marketing and public relations for the department, researches and writes grant proposals, assists with planning, organizing and implementing Parks and Leisure Services programs.

DISTINGUISHING CHARACTERISTICS
This position serves as a member of the City’s management team and works under the direction of the Parks and Leisure Services Director.

REPRESENTATIVE DUTIES
*The duties listed below are examples of the work typically performed by the employee of this class. Not all assigned duties may be listed below.*

1. Works with community groups and individuals in the development, organization, and promotion of Parks and Leisure Services programs and activities; keeps the public informed through news releases, promotional materials, by representing the department at community functions, and other forms of media.

2. Responsible for conducting the full range of activities required to prepare, submit, and manage grant proposals.

3. Prepares comprehensive reports; recommends appropriate alternatives and courses of policy action; assists with and makes presentations; follows up on action required.

4. Plans, organizes, directs, and evaluates city-wide recreation programs.

5. Develops, coordinates and conducts the marketing of events and activities.

6. Creates media kits for advertising and sponsorship opportunities.

7. Answers questions and gives information regarding Parks and Leisure Services Department events and activities to residents and the media.

8. Conducts surveys and evaluations on behalf of the Parks and Leisure Services Department.

9. May participate on task forces to address problems or issues related to governmental activities or community concerns.

10. Works with City officials, co-workers and other interested parties to obtain information, clarify details and understand issues under study.
11. Consults with the Director on matters of department and community needs; provides staff support to the Director; writes reports and makes presentations to City Manager and City Council.

12. Represents and supports the policies and procedures established by the City Council, City Manager, and Department Heads.

EMPLOYMENT STANDARDS

Education and/or Experience:
Graduation from an accredited college with a Bachelor’s degree in recreation administration or a related field and five years of experience in recreation programming, community relations, or any combination of training and experience that provides the desired knowledge and abilities. Experience in brand management, comprehensive marketing plan development, and grant research and writing.

Knowledge of:
Marketing and public relations techniques and strategies; principles and techniques of public relations, customer satisfaction, and public speaking; objectives, methods, and techniques of special event planning; sports and recreational activities suitable for children, youth, and adults; community organizations and resources available; recreation assessment techniques; budget preparation and monitoring.

Ability to:
Speak publicly and make presentations; prepare reports and correspondence; establish and maintain effective working relationships; communicate effectively, both verbally and in writing; analyze situations and resolve problems within established laws, rules, regulations and policies; develop comprehensive plans to meet future needs for service; deal constructively with conflict and develop effective resolutions; work flexible hours with some holiday and weekend work required; perform a variety of tasks simultaneously or in rapid succession; and operate a computer.

Special Requirements:
Possession of or ability to obtain a valid California Driver’s License.

Physical Demands:
Sitting, standing, walking, some stooping, and bending. Dexterity and coordination to handle files; occasional lifting of objects up to 25 lbs. such as files, stacks of paper and other reference materials, and various recreation equipment. Moving from place to place within the office; some reaching for items below and above desk level. Strength, dexterity, coordination and vision to use a keyboard and computer.

WORKING CONDITIONS
Generally clean work environment with limited exposure to conditions such as dust, fumes, odors, or noise. Daily use of a computer. Some travel by car may be required to attend meetings outside of normal business hours.
SCHEDULED MATTER

SUBJECT: ENVIRONMENTAL REVIEW OF THE JAYE STREET/MONTGOMERY AVENUE ROUNDBABOUT PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: Staff has completed the preparation of an Initial Study for the Jaye Street/Montgomery Avenue Roundabout Project and has made a preliminary determination that a Mitigated Negative Declaration is required. The project proposes to reconstruct the current intersection of Jaye Street and Montgomery Avenue from a partially controlled intersection to a roundabout.

As a result of the environmental evaluation for the project, only one mitigation measure regarding pre-construction surveys for San Joaquin kit fox is required to be implemented to reduce the potential environmental impacts to less than significant. The mitigation measure has been incorporated into a Mitigation Monitoring Program adopted as a part of the project. The mitigation measure will reduce all potential environmental impacts to a less than significant level.

ENVIRONMENTAL REVIEW PERIOD:
On September 12, 2012, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed roundabout. The Initial Study has been transmitted to interested agencies, groups, and individuals for review and comment. The review period ran for twenty (20) days, from September 15, 2012, to October 5, 2012. Comments were received from the San Joaquin Valley Air Pollution Control District.

Adoption of the draft resolution approving the Mitigated Negative Declaration is a necessary step before the project can be approved by Council and authorized to be put out to bid, which is expected to occur in mid 2013.

RECOMMENDATION: That the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the Jaye Street Bridge Widening Project.

ATTACHMENTS: Complete Staff Report
ENVIRONMENTAL REVIEW OF THE JAYE STREET/MONTGOMERY AVENUE ROUNDBOUGHT PROJECT

LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, CA 93257

PROJECT LOCATION: The proposed project is approximately 600 feet south of the intersection of Jaye Street with State Route 190. From the center point of the proposed roundabout, the area of proposed disturbance extends approximately 400 feet to the north, 750 feet to the south, 100 feet to the west, and 400 feet to the east. Put in the context of current condition, the center point of the proposed roundabout is approximately 50 feet east of the current center of Jaye Street at Montgomery Avenue.

PROJECT DESCRIPTION: The roundabout would resolve a series of issues at the Jaye/Montgomery intersection, including:

1. Allowing more efficient “u-turn” movements. Currently, southbound drivers that wish to change course to northbound traffic on Jaye Street are faced with an awkward series of movements in order to change course. A landscaped median defines the turn radius for westbound Montgomery to northbound Jaye Street, and the median’s shape stifles a u-turn movement. The roundabout would resolve this as a result of its form.

2. Improving southbound Jaye Street access to the recently completed extension of Jaye Street through to Gibbons Avenue. In winter 2011 (January 2012), improvements were completed that extend Jaye Street through to Gibbons Avenue, approximately 2/3 mile south of the Jaye/Montgomery intersection. The roundabout, designed to accommodate four directions of traffic, would be better suited at this location, as the existing intersection geometry was designed for low volumes of traffic on the southern leg.

3. Aesthetic improvements through addition of landscaping. While construction activities would result in removal of existing pine trees in the area, new landscaping would be included at the center of the roundabout and at the approaches.

The City has been considering an opportunity to resolve traffic issues in the area with a roundabout for years, but had not made any formal plans due to lack of funding. In spring 2011, the City was contacted by the Tulare County Association of Governments (TCAG) regarding an opportunity to receive Federal funds through the Congestion Mitigation and Air Quality Improvement (CMAQ) program. The proposed project would suit the criteria as an air quality improvement related project as well as resolve the operational aspects discussed above.

LEGAL NOTICES:

Mitigated Negative Declaration
<table>
<thead>
<tr>
<th>Date Environmental Document Distributed</th>
<th>Date Notice Published in Porterville Recorder</th>
<th>Date Notice Mailed to Property Owners within 300 feet of Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 12, 2012</td>
<td>September 12, 2012</td>
<td>September 12, 2012</td>
</tr>
</tbody>
</table>

**ENVIRONMENTAL REVIEW:** On September 12, 2012, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the Jaye Street/Montgomery Avenue Roundabout Project. The Initial Study has been transmitted to interested agencies, groups, and individuals for review and comment. The review period ran for twenty (20) days from September 15, 2012, to October 5, 2012.

Comments were received from the San Joaquin Valley Air Pollution Control District. A copy of that letter is available as Attachment 3.

**San Joaquin Valley Air Pollution Control District (District):** The District concluded that project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, no significant adverse impact on air quality. Further, the project is not a “development project” and is not subject to Rule 9510, though other rules may apply.

*Response:* Duly noted. All District rules and regulations will be considered and complied with as required as construction efforts are initiated.

**RECOMMENDATION:** That the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the Jaye Street/Montgomery Avenue Roundabout Project.

**ATTACHMENTS:**

1. Project Locator Map
2. Initial Study and Mitigated Negative Declaration
3. Comment Letter
4. Draft Resolution
Jaye Street/Montgomery Avenue Roundabout Project

Initial Study & Mitigated Negative Declaration

City of Porterville
Community Development Department
Planning Division

September 2012
No Impact. This category applies when a project would not create an impact in the specific environmental issue area. "No Impact" answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)
Figure 1
Project Location Map
## 3 INITIAL STUDY CHECKLIST

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Project title:</td>
<td>Jaye Street/Montgomery Avenue Roundabout Project</td>
</tr>
</tbody>
</table>
| 2. Lead agency: | City of Porterville  
291 North Main Street  
Porterville, CA 93257 |
| 3. Contact person: | Bradley D. Dunlap, AICP  
Community Development Director  
(559) 782-7460 |
| 4. Project location: | See Chapter 2, Project Description |
| 5. General plan designation: | See Chapter 2, Project Description |
| 6. Zoning: | See Chapter 2, Project Description |
| 7. Description of project: | See Chapter 2, Project Description |
| 8. Surrounding land uses and setting: | See Chapter 2, Project Description |
| 9. Other public agencies whose approval is required | None |
Issues:

<table>
<thead>
<tr>
<th>I. AESTHETICS</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

Responses:

a), b) **No Impact.** The project is an urban developed area that does not contain any scenic value, and is not adjacent to a scenic vista. Additionally, the completed project would be visually similar to the current condition. The project is not adjacent to a state scenic highway.

c), d) **Less than Significant Impact.** The surrounding area would change from existing conditions: mature pine trees would be removed from the northeast corner of the intersection, and trees and shrubbery would be removed from the median currently in the center of the intersection. As addressed in the project description, the project would include landscaping efforts, including plantings in the roundabout and along the approaches. These improvements would result in a roundabout of similar visual quality as existing. Lighting at the roundabout would be comparable to what is currently in place; new street lamps will be installed but overall luminescence in the area will be very similar.
Responses:

a), b), c), d), e): No Impact. The proposed project area is completely developed and at this time is considered on the Farmland Mapping and Monitoring Program for the California Resources Agency to be urban built up land. No farmland would be affected by the development of the intersection.
The proposed roundabout would reduce congestion and improve traffic circulation around the project area, reducing "hot-spot" emissions. Operationally, the project would result in fewer criteria pollutants than the existing condition. However, the four month construction period could result in temporarily increased emissions associated with construction equipment, traffic delays during construction, and earth moving activities. Implementation of the SJVAPCD Regulation VIII measures will ensure that the temporary impacts will remain less than significant.

c) **Less Than Significant Impact.** As discussed in Impact III-b, the Project could result in the short term, temporary generation of criteria pollutants. Implementation of the SJVAPCD Regulation VIII measures will ensure that the temporary impacts will remain less than significant.

d) **Less Than Significant Impact.** Section 3 of the Guide for Assessing and Mitigating Air Quality Impacts defines a sensitive receptor as a location where human populations, especially children, seniors, and sick persons are present and where there is a reasonable expectation of human exposure to pollutants. Sensitive receptors normally refer to people with heightened sensitivity to localized, rather than regional pollutants. Short term particulate matter and criteria pollutants concentrations would be generated by the proposed project, however, implementation of the SJVAPCD Regulation VIII measures will ensure that the temporary impacts will remain less than significant.

e) **No Impact.** The Project would not be a source of odors; therefore, there would be no impact.
While no San Joaquin kit fox or suitable habitat was found during the survey, the Department of Fish & Game recommends that kit fox avoidance be performed prior to and during construction as a standard practice to help avoid or minimize impacts to this wide-ranging species. The City will conduct kit fox avoidance prior to and during construction.

b) **No Impact.** No riparian communities or other sensitive natural communities exist within or adjacent to the project area. There would be no impact.

c) **No Impact.** No wetland areas exist within or adjacent to the project area. There would be no impact.

e) **No Impact.** The Porterville 2030 General Plan (2008) indicates that the City currently does not have a tree preservation ordinance. There is no adopted biological preservation or tree preservation ordinance in Tulare County. There would be no impact.

f) **No Impact.** No habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan, is in effect for the area of the proposed Project. Therefore, the proposed Project would have no impact.
VI. GEOLOGY AND SOILS

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Response:

a-i) No Impact. No substantial faults are known to occupy Tulare County according to the Alquist-Priolo Earthquake Fault Zoning Maps and the State of California Department of Conservation. The closest known fault likely to affect the Project site is the Owens Valley Fault located about 40 miles to the northeast in the Sierra Nevada Range.

According to the Five County Seismic Safety Element (FCSSE), Tulare County is located in the V-1 zone, defined as an area "of hard rock alluvium on valley floors". The FCSSE further states that, "The distance to either of the faults expected to be a source of shaking is sufficiently great that shaking should be minimal and
VII. GREENHOUSE GAS EMISSIONS

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact</th>
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<tbody>
<tr>
<td>With Mitigation Incorporation</td>
<td>No Impact</td>
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</table>

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

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<thead>
<tr>
<th>Potentially Significant Impact</th>
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<tr>
<td>With Mitigation Incorporation</td>
<td>No Impact</td>
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Response:

a), b) No Impact. While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization’s Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy have increased dramatically in recent years. In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and pro-active approach to dealing with GHG emissions and climate change at the state level. AB 1493 requires the Air Resources Board (ARB) to develop and implement regulations to reduce automobile and light truck GHG emissions; these regulations applied to automobiles and light trucks beginning with the 2009 model year.

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order S-3-05. The goal of this Executive Order is to reduce California’s GHG emissions to: 1) 2000 levels by 2010, 2) 1990 levels by the year 2020, and 3) 80% below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 sets the same overall GHG emissions reduction goals while further mandating that ARB create a plan, which includes market mechanisms, and implement rules to achieve “real, quantifiable, cost-effective reductions of greenhouse gases.” Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the state’s Climate Action Team.

Climate change and GHG reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing GHG emissions reductions and climate change. As the proposed project does not include a construction component, there would be no impact.
Response:

a) No Impact. There would be no transport, use or disposal of hazardous materials. There would be no impact.

b) No Impact. The Project would not create a significant hazard to the public or the environment as the Project would not discharge hazardous materials into the environment. There would be no impact.

c) No Impact. The Project involves no hazardous emissions, does not involve hazardous materials, or create a hazard to adjacent schools in any way. There would be no impact.

d) No Impact. The Project does not involve land that is listed as a hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by the Department of Toxic Substances Control. There would be no impact.

e) No Impact. The nearest airport, the Porterville Municipal Airport, is approximately two miles southwest of the Project area. Due to the project description and the distance to the airport, there would be no impact.

f) No Impact. Any impacts regarding private airstrips have been discussed in Impact VII-e. There would be no impact.

g) No Impact. Though the project proposes to improve an existing intersection’s functionality, the Project does propose changes to any publicly accessed routes, and would not interfere with implementation of an emergency response plan or evacuation. There would be no impact.

h) No Impact. The proposed project area is surrounded by developed urban land uses. Therefore, the project would not result in risk of loss, injury, or death involving wildland fires.
IX. HYDROLOGY AND WATER QUALITY

Would the project:

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

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<th>Potentially Significant Impact</th>
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j) Inundation by seiche, tsunami, or mudflow?

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<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
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Response:

a) Less Than Significant Impact. The Project is located approximately one-quarter mile away from the nearest water body- the Tule River to the north. The Project would not violate any water quality standards and would not impact waste discharge requirements. The impact would be less than significant.

b) Less Than Significant Impact. The Project site is located in the Tulare Lake Basin, an area significantly affected by overdraft. The Department of Water Resources (DWR) has estimated the groundwater by hydrologic region and for the Tulare Lake Basin; the total overdraft is estimated at 820,000 acre-feet per year, the greatest overdraft projected in the state, and 56 percent of the statewide total overdraft. The Project site is located within the Tule Subbasin portion of the regional area. Groundwater levels have declined an average of 0.75 feet/year on well hydrographs completed by DWR.

The Project proposes improvements to an intersection, and as there are no subsequent developments proposed, it would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. There would be a less than significant impact.

c) Less Than Significant Impact. Drainage patterns would not change as a result of the Project. No modifications to natural or created channels would occur, as there are none within the project area. As a part of construction, implementation of erosion control measures described by the Tulare County Development Standards and mandated in the Stormwater Pollution Prevention Program would minimize any potential impacts to less than significant.

d) Less Than Significant Impact. Any impacts regarding the alteration of drainage patterns to increase runoff water that would potentially induce flooding have been discussed in the impact analysis for Impact VIII-c.

e) Less Than Significant Impact. Any impacts regarding the creation or contribution to runoff water that would potentially exceed the capacity of existing stormwater drainage systems have been discussed in the impact analysis for Impact VIII-c.

f) Less Than Significant Impact. Any impacts to water quality have been discussed in the impact analysis for Impact VIII-a.

g) No Impact. According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Map Number 06107C1642E dated June 16, 2009, the entirety of the Project site is located within Zone X, areas determined to be outside the 2% annual chance floodplain. Further, the construction of housing is not a part of the proposed Project. There would be no impact with regard to flood related events.
X. LAND USE AND PLANNING

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<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact</th>
<th>Mitigation Incorporation</th>
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<tr>
<td>a) Physically divide an established community?</td>
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<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
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<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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Response:

a) **No Impact.** The Project area is surrounded by mostly developed land and fully integrated into the surrounding urban neighborhoods.

b) **No Impact.** All proposed pre-zoning conforms with the adopted Cry of Porterville General Plan and Development Ordinance.

c) **No Impact.** No habitat conservation plan or natural community conservation plan has been adopted for the project areas.
XII. NOISE

Would the project:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

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<th>Potentially Significant Impact</th>
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b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

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<th>Potentially Significant Impact</th>
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

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Response:

a), b), c) No Impact. Under the 2030 General Plan Noise Element, noise levels from 55 dB to 60 dB are considered "normally acceptable" for unshielded single-family residential development. Noise levels from 60 dB to 70 dB are considered within the "conditionally acceptable" range, while noise levels 70 dB to 75 dB are considered "normally unacceptable" for single-family residential use. For multi-family uses, noise levels from 55 dB to 65 dB are considered "normally acceptable". Noise levels from 65 dB to 70 dB are considered within the "conditionally acceptable" range, while noise levels from 70 to 75 dB are considered "normally unacceptable" for multi-family uses. Noise levels from 50 dB to 70 dB are considered acceptable for commercial retail and office uses along with public uses such as schools, churches, hospitals, and neighborhood parks. Noise levels above 80 dB are considered "clearly unacceptable" for most uses.
XIII. POPULATION AND HOUSING

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<table>
<thead>
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<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
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Response:

a) No Impact. The proposed Project would reconfigure an existing intersection to a roundabout and would not result in or accommodate substantial population growth in the area. There would be no impact.

b) No Impact. No housing or people would be displaced by the Project. There would be no impact.

c) No Impact. Any impacts regarding the displacement of people have been discussed in Impact XII-b. There would be no impact.
XV. RECREATION

Would the project:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Response:

a) No Impact. The Project would not increase the demand for recreational facilities nor put a strain on the existing recreational facilities. There would be no impact.

b) No Impact. No recreational facilities are currently planned within the Project area. There would be no impact.
d) No Impact. Roadway design features have been specifically coordinated with public safety agencies to include design features that would reduce hazards and there is no change in the existing land use which would result in an incompatible use. There would be no impact.

e) No Impact. Circulation would not be modified as a result of this Project; therefore, there would be no impact to any emergency access.

f) No Impact. There are no adopted alternative transportation policies, plans, or programs in the Project area. There would be no impact.
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

<table>
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<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>With Significant Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
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<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
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<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
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Response:

a) Less Than Significant Impact. The landscaping in the project area and adjacent ruderal habitats will continue to be used by many of the same wildlife species present in the project area today. Most of the terrestrial vertebrates area species common to the region and impacts related to the project will have no significant effect on them. Because the proposed project would have a less than significant effect on habitat for common native wildlife, mitigation measures are not considered warranted. No fish or wildlife populations are likely to drop below self-sustaining levels because of project related activities. The proposed project does not threaten to eliminate any animal community, so mitigation measures for animal communities are not warranted. Further, the small construction footprint and the previously disturbed nature of the project area means that the project is unlikely to eliminate important examples of a major period of California history or prehistory.

b) Less Than Significant Impact. The project is limited to intersection improvements, as does not facilitate other projects that may result in a cumulatively considerable impact.

c) Less Than Significant Impact. The Project would not result in substantial adverse effects on human beings, either directly or indirectly. Adverse effects on human beings resulting from implementation of the Project would be less than significant.
5 LIST OF PREPARERS

The following firms, individuals and agency staff contributed to the preparation of this document:

Bradley D. Dunlap, AICP, Community Development Director
Julie D. Phillips, AICP City Planner
Jenni Byers, Assistant Planner

291 North Main Street
Porterville, CA 93257
October 2, 2012

Jose Ortiz
City of Porterville
Community Development Department
291 N. Main Street
Porterville, CA 93257

Project: MND – Jaye Street/Montgomery Avenue roundabout project

District CEQA Reference No: 20120621

Dear Mr. Ortiz:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of construction of a roundabout at an existing intersection, located at Jaye Street and Montgomery Avenue, in Porterville, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

2. The District has reviewed the information provided and has determined this project is not a "Development Project" pursuant to District Rule 9510, Section 3.13. Subsequently, District Rule 9510 requirements and related fees do not apply to the project referenced above.

3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District’s Small

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95359-8718
Tel: (209) 557-8400 FAX: (209) 557-8475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6091

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-382-9800 FAX: 661-382-5591

www.valleyair.org www.healthyairliving.com

ITEM NO. 3
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A
MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
FOR THE JAYE STREET/MONTGOMERY AVENUE ROUNDABOUT PROJECT

WHEREAS: The project proposes to reconstruct the intersection of Jaye Street and Montgomery Avenue as a roundabout in order to allow more efficient movement and traffic flow in the project vicinity; and

WHEREAS: On September 12, 2012, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 16, 2012, conducted a public hearing to consider approval of the Mitigated Negative Declaration which evaluates the environmental impacts of the construction of a roundabout at the intersection of Jaye Street and Montgomery Avenues.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for twenty (20) days, from September 15, 2012, to October 5, 2012.

2. That the proposed project will not create adverse environmental impacts. The approved Mitigated Negative Declaration was evaluated in light of the prepared environmental initial study and comments from interested parties received during the review period.

3. That the mitigation measures contained in the Mitigated Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Exhibit A.

4. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project.

5. That the City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the Mitigated Negative Declaration for the Jaye Street/Montgomery Avenue Roundabout Project and the Mitigation Monitoring Program attached hereto as Exhibit A.

ATTACHMENT
ITEM NO. 4
PASSED, APPROVED AND ADOPTED this _____ day of October 2012.

By: __________________________
    Virgina R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: __________________________
    Patrice Hildreth, Chief Deputy City Clerk
MITIGATION MONITORING PLAN

State and local agencies are required by Section 21081.6 of the California Public Resources Code to establish a monitoring and reporting program for all projects which are approved and which require CEQA processing.

Local agencies are given broad latitude in developing programs to meet the requirements of Public Resources Code Section 21081.6. The mitigation monitoring program outlined in this document is based upon guidance issued by the Governor's Office of Planning and Research.

The Mitigation Monitoring and Reporting Program for the proposed project corresponds to mitigation measures outlined in the project Mitigated Negative Declaration (MND). The Program summarizes the environmental issues identified in the MND, the mitigation measures required to reduce each potentially significant impact and the agency or agencies responsible for monitoring and reporting on the implementation of the mitigation measures.
### Mitigation Monitoring Plan

<table>
<thead>
<tr>
<th>Impact Number</th>
<th>Mitigation Measure</th>
<th>Implementing Agency</th>
<th>Monitoring Agency</th>
<th>Level of Significance After Mitigation</th>
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<tbody>
<tr>
<td>Section IV</td>
<td>Biological Resources</td>
<td>City of Porterville</td>
<td>USFWS/CDFG</td>
<td>Less than Significant</td>
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<td>a), d)</td>
<td>The project area includes a fallow field edge and ruderal roadside habitats. The specific impacts would be related to the areas disturbed by construction activities alone and would not impact any undisturbed areas. As such, the affected biological resources would be limited. The biological evaluation conducted focused on the status of 31 special status species and two biological communities. Information on Special Status Species known or expected to occur within the project area was derived from the scientific literature, field notes, and the CNDDB file. No special status species were observed on the project site, however, seven special status animal species (Swainson’s hawk, western burrowing owl, hoary bat, pallid bat, pale Western big-eared bat, Western mastiff bat, and San Joaquin kit fox) could make short stopovers at or near the project area during migration or while foraging on the site from time to time. While no San Joaquin kit fox or suitable habitat was found during the survey, the Department of Fish &amp; Game recommends that kit fox avoidance be performed prior to and during construction as a standard practice to help avoid or minimize impacts to this wide-ranging species. The City will conduct kit fox avoidance prior to and during construction.</td>
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Notes: USFWS = U.S. Fish and Wildlife Service, CDFG = California Department of Fish and Game, ACOE = U.S. Army Corps of Engineers, RWQCB = California Regional Water Quality Control Board, CNDDB = California Natural Diversity Database
AUTHORIZATION TO ESTABLISH THE PORTERVILLE TRANSIT ADVISORY COMMITTEE

Since the inception of the City's public transit system in 1981, the transit system has evolved from a door-to-door service to a multi-faceted program which transports over 1,000 passengers per day. Over the past 25 years the program has quickly matured to a modern transportation system providing all residents of the City of Porterville a reliable transportation alternative, either through paratransit, transit, shuttle, and ridesharing and vanpools in the near future.

As the City's public transit system matures, the need for public involvement is a critical goal in meeting the Transit Mission, short and long-term planning efforts, and matters concerning elderly, persons with disabilities, and the general public.

To meet this goal, it is staff's recommendation to establish a Transit Advisory Committee; comprised of seven (7) citizen members to advise the transit division, transit manager and the City Council on matters concerning the transit system for the City of Porterville. This committee shall be limited in scope and powers with the purpose to provide input in reference to community transit needs; provide advice/ideas on how to deliver services that best meet those needs; provide a community prospective and opinion on operations and marketing; and provide the City with a valuable resource for planning purposes.

The composition of the committee would be represented by the following interests groups: two (2) members representing persons with disabilities; two (2) members representing senior interests; and three (3) members representing the general population. Staff would advertise vacant positions in local media outlets, at the transit center, and on transit vehicles. If the committee was created and established, the Council will appoint members to the committee based on recommendations from staff.
RECOMMENDATION: That the City Council:

1. Approve the attached Resolution creating and establishing the Transit Advisory Committee; and

2. Authorize the Mayor to execute the Resolution.

ATTACHMENT: Resolution

p:\pub\work\general\council\transit - establishment of the porterville transit advisory committee - 2012-10-16.doc
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CREATING AND ESTABLISHING THE TRANSIT ADVISORY COMMITTEE FOR THE
PURPOSE OF ADVISING THE CITY, THROUGH ITS TRANSIT MANAGER,
REGARDING ISSUES OF DEVELOPMENT, IMPLEMENTATION AND ON-GOING
TRANSIT SERVICES FOR THE CITY OF PORTERVILLE

WHEREAS, the City Council is of the opinion that it is in the public interest to
provide the citizens of Porterville with its own transit service; and

WHEREAS, the City Council has selected and appointed a Transit Manager to
oversee the development, implementation and on-going transit service; and

WHEREAS, the City Council believes that an advisory committee made up of
local citizens, that would provide advice and recommendations to the Transit Manager,
would be of overall benefit to the Manager and City Council.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City
of Porterville, as follows:

Section 1. A Transit Advisory Committee is established in and for the City of
Porterville. The Transit Advisory Committee shall serve in an
advisory capacity to the transit division, the Transit Manager and
the City Council.

Section 2. Duties and Responsibilities of the Committee. The committee shall
be specifically responsible for, but not limited to, the following:

A. Developing and assessing on an on-going basis, the
transportation needs of the citizens of Porterville.
B. Acting in an advisory capacity to the Transit Manager in the
coordination of transit services.
C. Promoting and educating the public regarding acceptance and
usage of the transit system.
D. Promoting and educating the public regarding special problems
associated with the use of the transit system by youth, elderly
and disabled citizens.
E. Provide an outside influence and opinion on operations and
marketing.
F. Provide a valuable resource for planning purposes.
Section 3. Composition of Committee.

A. The Transit Advisory Committee shall consist of the Transit Manager and seven (7) citizen community members. The membership shall be comprised representing the following interests groups:
   a. Persons with disabilities – 2 Members
   b. Senior Interests – 2 Members
   c. General Population – 3 Members

B. Membership applications will be advertised through the local media outlets, at the Transit Center, and on transit vehicles.

C. Four of the seven members shall be appointed to two year terms and all subsequent appointments shall be one year. Members may continue for additional terms if their reappointment is approved by City Council.

D. All members shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time and for any reason.

E. Vacancies, occurring by other than expiration of the terms, shall be filled by appointment as in the first instance (by either direct appointment by the City Council or appointment by the Council via transit division) as soon as possible; such appointee to serve for the unexpired term of the vacant office.

F. Members of the Transit Advisory Committee shall serve without compensation.

Section 4. The Transit Advisory Committee shall hold regular quarterly meetings at a place and time determined by the Transit Advisory Committee. Any meeting date falling on a holiday, or any meeting cancelled because a quorum could not be assembled, shall be rescheduled by the Transit Manager on behalf of the Committee. A special meeting of the Transit Advisory Committee can be scheduled by the Transit Manager at the request of the Committee or City Council. In scheduling special meetings, the Transit Manager shall make every effort to provide at least seven (7) days notice to committee members. The meetings shall be held in compliance with the Brown Act and all applicable laws, and the meetings and records shall be public. The Committee shall keep record of its proceedings. A record of attendance shall be kept regularly and reported to the City Council at least one time per year. Members are expected to have seventy-five percent (75%) attendance based on the Committee's regular meeting schedule (e.g. 3 out of 4). Members who fail to meet the attendance requirements automatically vacate their seat and the vacancies shall be filled per Section 3.
Section 5. A presence of a majority of the members of the established number of members, as set via Resolution of the City Council, shall constitute a quorum for the transaction of business (i.e. at least 5).

PASSED, APPROVED AND ADOPTED, this 16th day of October, 2012.

ATTEST:
John D. Lolli, City Clerk

By: _________________________________________
Patrice Hildreth, Chief Deputy City Clerk

Virginia R. Gurrola, Mayor
SUBJECT: RECONSIDERATION OF ADOPTION OF THE CITY COUNCIL PROCEDURAL HANDBOOK

SOURCE: City Manager

COMMENT: City Council Member Ward requested, and Mayor Gurrola approved as a member of the previous prevailing action, that the Council reconsider its adoption of the City Council Handbook.

RECOMMENDATION: That the City Council reconsider its adoption of the City Council Procedural Handbook.

ATTACHMENT: City Council Procedural Handbook (Adopted September 18, 2012)
COUNCIL AGENDA: OCTOBER 16, 2012

SUBJECT: CONSIDER IMPLEMENTING THE USE OF ONLINE REGISTRATION FOR CITY SPORTS AND ACTIVITIES

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: At its meeting on October 2, 2012, the City Council approved a request made by Council Member Ward to consider the use of online registration for City sports and activities.

Parks and Leisure Services provided online registration from January 2006 – February 2009. At the time, the software provider, Active Network, was paid $6,000 for the initial cost of the module. Active Network also had a quarterly minimum usage charge of $750. Due to extremely low usage (less than 10 online registrations each year out of over 5,000 total registrations) the quarterly minimum was never met resulting in an average additional cost of $2,840 per year. As a cost savings measure to the department, the online module was discontinued in February 2009.

Active Network continues to be the provider for Parks and Leisure Services recreation software. The upfront cost to reinstate the online module including documentation, implementation and project planning is $8,000. The quarterly transaction minimum no longer exists, nor is there an annual fee. Fees are only assessed when a transaction takes place. The fee for each transaction will be based on a percentage of the receipt total and will be paid by the user. For example, if the receipt total to register for basketball was $45 and the cost per transaction up to $150 was 6.5% of the total, the customer would pay a $2.93 service charge for a total transaction fee of $47.93.

RECOMMENDATION: That the City Council:

1. Provide direction regarding implementing online registration; and
2. If approved, identify a funding source to provide the service.

ITEM NO.: 20
SUBJECT: CONSIDERATION OF ESTABLISHING A LOCAL COMMUNITY EVENT SUPPORT BUDGET FOR EACH MEMBER OF CITY COUNCIL

SOURCE: City Manager

COMMENT: City Council Member Shelton requested, and the City Council approved, the consideration of establishing a Local Community Event Support Budget for each Member of Council. Though a total budgetary amount has not been identified, Councilman Shelton indicated that an amount not to exceed $420 to any one entity or organization should be considered, consistent with the current Gift Limit established by the Fair Political Practices Commission.

RECOMMENDATION: That the City Council consider the establishment of a Local Community Event Support Budget for each Member of Council.

ATTACHMENT: None
SUBJECT: CONSIDERATION OF APPOINTMENT OF BOTH A CITY COUNCIL REPRESENTATIVE AND AN ALTERNATE TO ATTEND CALIFORNIA LEAGUE OF CITIES-SOUTH SAN JOAQUIN VALLEY DIVISION MEETINGS

SOURCE: City Manager

COMMENT: Vice Mayor McCracken requested, and the City Council approved, the consideration of appointment of a Council Representative and an Alternate to attend California League of Cities-South San Joaquin Valley Division meetings. General membership Division meetings are conducted approximately every other month in cities throughout the southern San Joaquin Valley between Bakersfield and Fresno, with the next meeting tentatively scheduled for December in a city yet to be identified. The Council may wish to appoint both a Representative and an Alternate, as votes of the membership are occasionally required. As a member of the California League of Cities, any member of the City Council and/or City staff is welcome to attend the regular general membership Division meetings.

RECOMMENDATION: That the City Council consider the appointment of both a Council Representative and Alternate to attend California League of Cities-South San Joaquin Valley Division meetings.

ATTACHMENT: None