Call to Order
Roll Call

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

JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA
NOVEMBER 20, 2012

Roll Call: Agency Members/Chairperson

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

SUCCESSOR AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case concerning Successor Agency dispute with Tulare County regarding project area amendment.

Adjourn to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Operating Engineer Local Union No. 3 v. City of Porterville, Tulare County Superior Court Case No. 249441.
   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 – Significant Exposure to Litigation: One case concerning a potential dispute regarding a dry farm lease bid.
6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

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

Pledge of Allegiance Led by Council Member McCracken
Invocation

PROCLAMATIONS
National Caregivers Month

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)

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
   2. Arts Commission

II. Staff Informational Reports
   1. Update on Negotiations to Amend Existing Contract with Pena’s Disposal Service
      Re: Informational report regarding the status of negotiations to add transfer and disposal of additional solid waste streams to the existing transfer and processing contract with Pena’s Disposal Service.

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

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

1. City Council Minutes of October 2, 2012

2. Authorization to Advertise for Bids – Jaye Street Bus Turnout
   Re: Considering approval of staff’s Plans and Project Manual for the project consisting of the construction of a bus stop turnout on the west side of Jaye Street between Putnam Avenue and North of Oak Avenue.
3. **Intent to Set Public Hearing for Reimbursement Agreements for Concrete Improvement Construction by the City – W. North Grand Avenue Reconstruction Project – SR 65 to Railroad**  
Re: Considering approval of the scheduling of a Public Hearing for December 4, 2012, for the establishment of the concrete reimbursement fee; and authorizing notification of all affected property owners.

4. **Study Session for State Route 190 Corridor Improvements**  
Re: Considering approval of the scheduling of a study session on December 11, 2012, at 5:30 p.m., for the purpose of informing the Council and the public of planning efforts associated with a potential alignment plan and related improvements along SR 190.

5. **Resolution Providing for the Establishment of a Leisure Services Specialist Position Within the Parks and Leisure Services Department**  
Re: Considering establishment of a new position within the Parks and Leisure Services Department.

6. **Airport Lease Renewal – Lot 44B**  
Re: Considering approval of an extension to the lease agreement between the City of Porterville and Mr. Albert Quatacker of Porterville for Lot 44B at the Municipal Airport.

7. **Approval for Community Civic Event – Porterville Area Ministerial Association – Tree Lighting Ceremony – November 23, 2012**  
Re: Considering approval of an event to take place on Friday, November 23, 2012, at the Centennial Park from 4:00 p.m. to 8:00 p.m.,

8. **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.

9. **Council Member Requested Agenda Item – Request for the City Council to Consider Creating a City Banner Program to Recognize Local Military Veterans**  
Re: Considering a request to authorize the scheduling on the December 4, 2012, Agenda the consideration of creating a City banner program to recognize local military veterans.

10. **Council Member Requested Agenda Item – Request for the City Council to Consider Eliminating the Use of City Funds to Attend Local Community Events**  
Re: Considering a request to authorize the scheduling on the December 4, 2012 Agenda, the consideration of eliminating the use of City funds to attend local community events.

**SCHEDULED MATTERS**

11. **Approval of WildPlaces Mural on Library Facility**  
Re: Consideration of a mural project proposed by the WildPlaces organization to be located on the west side of the library facility.
12. **Federal Aviation Administration Release of Nonaeronautical Land**  
   Re: Consideration of a resolution obligating the City to expend the proceeds of the sale of excess land at the Porterville Municipal Airport upon the airport within a period of five years; and approval of a budget adjustment to allocate an additional $88,656 (for a total of $257,606) to the Airport Development Fund.

**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 December 4, 2012.

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.
SUBJECT: UPDATE ON NEGOTIATIONS TO AMEND EXISTING CONTRACT WITH PENA'S DISPOSAL SERVICE

SOURCE: Public Works Department – Field Services Division

COMMENT: As presented at the last Council meeting, the Tulare County Board of Supervisors authorized a reduction in the operating days at the Teapot Dome Landfill, closing the facility Sunday through Wednesday beginning November 1, 2012. In addition, the Board approved a $3 per ton tipping fee increase effective January 1, 2013. Staff estimates that the $3 per ton increase will increase our annual costs by approximately $100,000.

The reduction in operating days at the Teapot Dome Landfill facility will require the City to transport the solid waste collected on Monday through Wednesday to the Woodville Landfill facility. This facility is approximately 10 miles further than the Teapot Dome Landfill facility. The additional mileage is estimated to increase maintenance and operational costs of the refuse fleet by $104,000 annually.

The City transfer facility at the Corporation Yard for our recyclable material is under contract with Pena’s Disposal Service (Pena’s). Pena’s provides direct transfer trailers and the material is hauled to their facility in Cutler/Orosi for processing. The City applied for a Registration Permit with the County Local Enforcement Agency (LEA) to expand our facility to transfer additional tonnage including municipal solid waste and green waste. We anticipate a response from the County LEA by the end of November.

At the November 6, 2012, City Council meeting, Council authorized staff to negotiate with Pena’s to amend the current contract. Staff has been in negotiations with Pena’s and anticipates completing an analysis of their proposal for the December 4, 2012, City Council meeting. By that time we will have a response from the LEA and know if we can move ahead with the expansion of the transfer station.

RECOMMENDATION: Informational Item
Call to Order at 5:30 p.m.
Roll Call: Council Member Ward, Vice Mayor McCracken, Council Member Shelton, Council Member Hamilton, Mayor Gurrola

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   5- Government Code Section 54956.95 – Liability Claims: Claimants: Maria Dolores Santoyo, Jose Alfredo Santoyo, Francisco Santoyo, Jacqueline M. Garibay, Maria Isabel Felix, Rosaura Santoyo, Guadalupe Jackson, and Maria Magdalena Santoyo. Agency claimed against: City of Porterville.
   8- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

City Attorney Lew noted for the record that Closed Session Item A-8 was now existing litigation between the City of Porterville and the County of Tulare with regard to the General Plan.

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

City Attorney Lew reported that the following action had taken place:

A2: On a motion by Council Member Ward, seconded by Council Member Hamilton, the Council authorized staff to make payment to Jesus Ledesma, Guadalupe Ledesma, and Guillermo Ledesma in the amount of $500 for the acquisition of right of way at the property located at APN: 269-010-004; authorized the mayor to sign all necessary documents; and authorized the City to spend up to $500 to perfect the transaction. The motion carried unanimously.

Documentation: Resolution 97-2012
Disposition: Approved.

A3: On a motion by Council Member Hamilton, seconded by Council Member Ward, the Council authorized staff to make payment to Cesar Ledesma and Sara Ledesma in the amount of $1,500 for the acquisition of right of way at the property located at APN: 269-010-031; authorized the mayor to sign all necessary documents; and authorized staff to record all documents with the County Recorder. The motion carried unanimously.

Documentation: Resolution 98-2012
Disposition: Approved.

A5: On a motion by Council Member Hamilton, seconded by Council Member Ward, the Council rejected the claims filed by Maria Dolores Santoyo, Jose Alfredo Santoyo, Francisco Santoyo, Jacqueline M. Garibay, Maria Isabel Felix, Rosaura Santoyo, Guadalupe Jackson, and Maria Magdalena Santoyo; referred the matter to the City’s claims adjustor; and directed the City Clerk to give the Claimants proper notice. The motion carried unanimously.

Documentation: M.O. 01-100212
Disposition: Approved.

A6: On a motion by Vice Mayor McCracken, seconded by Council Member Ward, the Council rejected the claim filed by Guadalupe Garcia; referred the matter to the City’s claims adjustor; and directed the City Clerk to give the Claimant proper notice. The motion carried unanimously.

Documentation: M.O. 02-100212
Disposition: Approved.

A7: On a motion by Vice Mayor McCracken, seconded by Council Member Ward, the Council denied the Application to Present Late Claim filed by Central Valley Mortgage Service and its insurer Federal Insurance Company; referred the matter to the City’s claims adjustor; and directed the City Clerk to give the Claimants proper notice.
notice. The motion carried unanimously.

Documentation: M.O. 03-100212
Disposition: Approved.

Pledge of Allegiance Led by Council Member Greg Shelton
Invocation – one individual participated.

PROCLAMATIONS
Relay for Life Days – October 6-7, 2012
Teen Read Week – October 14-20, 2012

PRESENTATIONS
Employee of the Month – Robert Meier
Swearing In of New Police Officers

AB 1234 REPORTS
1. Council of Cities – September 19, 2012: Vice Mayor McCracken reported that no action had taken place at the last Council of Cities meeting.

2. P.D.C. Advisory Board – September 26, 2012: City Manager Lollis reported on continued discussion regarding a proposed increase in client visits to the city.

3. Tulare County Economic Development Corporation – September 26, 2012: Mayor Gurrola reported a lack of a quorum at the meeting; and shared information regarding a new database of properties and buildings available in Tulare County.

4. League of California Cities – September 6, 2012: Council Member Ward reported on sessions he attended regarding pension reform, bullying, and solar power.

REPORTS
City Commission and Committee Meetings:


2. Youth Commission – September 24, 2012: Youth Commissioners Oscar Arroyo and Seth Steen reported that the commission was currently exploring fundraising ideas which would encourage unification amongst the high schools; and spoke of difficulties with regard to school participation.

   Council Member Ward inquired about efforts of the previous Youth Commission with regard to high school drop out rates and requested that the information be provided to the Council if possible.

   City Manager Lollis reported the presence of airborne asbestos in the Informational
Technology Server Room, which required immediate abatement. He requested that the Council consider its addition to the Agenda.

**COUNCIL ACTION:** On a motion by Vice Mayor McCracken, and seconded by Council Member Ward, the Council unanimously approved the addition of Emergency Item: Presence of Asbestos Materials in Information Technology (IT) Server Room to the Agenda as Item No. 18.

Disposition: Emergency Item added.

**ORAL COMMUNICATIONS**

- Brock Neeley, Porterville resident, commented on the improved appearance of City Hall; spoke in opposition of the reconsideration of items due to Council Member absence; spoke of his recent lobbying trip to Sacramento; and spoke in favor of a City Council resolution supporting Proposition 30.

**CONSENT CALENDAR**

Items 5, 11, 12 and 14 were removed for further discussion after the last scheduled matter.

1. CITY COUNCIL MINUTES OF JUNE 5, 2012

Recommendation: That the City Council approve the Minutes of June 5, 2012.

Documentation: M.O. 05-100212
Disposition: Approved.

2. AUTHORIZE STAFF TO APPROVE THE PURCHASE OF GFI GENFARE EQUIPMENT

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.

Documentation: M.O. 06-100212
Disposition: Approved.

3. AWARD OF SERVICE AGREEMENT CONTRACT FOR THE DESIGN AND FABRICATION OF TRANSIT SYSTEM SIGNAGE

Recommendation: That the City Council:
1. Authorize the Mayor to execute the Service Agreement with CHK America for a period of three years for the services described herein; and
2. Authorize progress payments up to 100% of the fee amount.
4.  ACCEPTANCE OF PROJECT - 2011/2012 MICRO-SURFACING (OLIVE AVENUE & HENDERSON AVENUE)

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

6.  RATIFICATION OF EXPENDITURE – SCE POWER FOR THE CHASE AVENUE NEIGHBORHOOD PARK PROJECT

Recommendation: That the City Council:
1. Approve the costs associated with providing electrical services to the Chase Avenue Neighborhood Park; and
2. Authorize the City Engineer to process the SCE invoice for $20,142.57.

7.  STATE DEPARTMENT OF FINANCE – POPULATION ESTIMATES

Recommendation: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville, January 1, 2012, population of 55,107.

8.  AUTHORIZE PARKS AND LEISURE SERVICES ACTING DIRECTOR TO APPLY FOR MRC STIMULUS PLAY MATCHING FUNDS GRANT AND PURCHASE EQUIPMENT

Recommendation: That the City Council:
1. Authorize the Parks and Leisure Services Acting Director to proceed with the grant process; and
2. Authorize the purchase of the playground equipment utilizing the US Communities contract.
9. LIBRARY AND LITERACY COMMISSION VACANCIES

Recommendation: That the City Council direct staff to solicit applications to fill the seat vacated by Ms. Stephanie Cortez on the Library and Literacy Commission, and the four seats with terms to expired at the end of October 2012; and bring the item back to the Council for appointment.

Documentation: M.O. 12-100212
Disposition: Approved.

10. POLICY CONCERNING ACCEPTANCE OF TICKETS BY COUNCIL MEMBERS TO CITY OR CITY-SPONSORED EVENTS

Recommendation: That the City Council consider and approve the Resolution establishing a policy concerning the acceptance of tickets by Council Members to City or City-sponsored events.

Documentation: Resolution 99-2012
Disposition: Approved.

13. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER IMPLEMENTING THE USE OF ONLINE REGISTRATION FOR CITY SPORTS AND ACTIVITIES

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the consideration of implementing the use of online registration for City sports and activities.

Documentation: M.O. 13-100212
Disposition: Approved.

15. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST TO THE CITY COUNCIL TO CONSIDER THE APPOINTMENT OF BOTH A COUNCIL REPRESENTATIVE AND AN ALTERNATE TO ATTEND CALIFORNIA LEAGUE OF CITIES – SOUTH SAN JOAQUIN VALLEY DIVISION MEETINGS

Recommendation: Vice Mayor McCracken makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the consideration of appointing both a Council Representative and an Alternate to attend California League of Cities-South San Joaquin Valley Division meetings.

Documentation: M.O. 14-100212
Disposition: Approved.
16. REVIEW OF LOCAL EMERGENCY STATUS

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

Documentation: M.O. 15-100212
Disposition: Approved.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve Item Nos. 1-4, 6-10, 13, 15 and 16. The motion carried unanimously.

SCHEDULED MATTERS

17. CONSIDERATION OF ORDINANCE TO AMEND CHAPTER 2, ARTICLE I, SECTION 2-1 OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO THE ADJOURNMENT TIME OF CITY COUNCIL MEETINGS

Recommendation: That the City Council approve the draft ordinance amending Chapter 2, Article I, Section 2-1 of the Porterville Municipal Code to remove the requirement that Council Meetings adjourn no later than 9:45 p.m.; give first reading of the ordinance; and order it to print.

The City Manager introduced the item, and the Administrative Services Manager presented the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council approve the draft ordinance, being 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; give first reading of the ordinance; and order it to print. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved.

18. PRESENCE OF ASBESTOS MATERIALS IN INFORMATION TECHNOLOGY (IT) SERVER ROOM
Recommendation: That the City Council take immediate emergency action to:

1. Authorize the Public Works Director to negotiate a contract with a certified, licensed asbestos abatement contractor to remove the acoustical ceiling material (775SF) and floor tiles from the Computer Server Room (505SF); and
2. Authorize the Mayor to execute the Asbestos Abatement Contract.

City Manager Lollis introduced the item and presented the staff report. Council Member Shelton inquired about the initial discovery of the condition, and spoke in favor of a comprehensive search of City facilities.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council authorize the Public Works Director to negotiate a contract with a certified, licensed asbestos abatement contractor to remove the acoustical ceiling material (775SF) and floor tiles from the Computer Server Room (505SF); and authorize the Mayor to execute the Asbestos Abatement Contract. The motion carried unanimously.

Disposition: Approved.

5. AUTHORIZATION TO TEMPORARILY INCREASE DIVISION STAFFING LEVELS

Recommendation: That the City Council temporarily approve the increase of the Engineering and Building Division staff levels.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Following inquiries made by Council Member Shelton, staff elaborated on the project focus of the temporary position should it be approved by the Council.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council temporarily approve the increase of the Engineering and Building Division staffing levels. The motion carried unanimously.

Disposition: Approved.

11. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO RECONSIDER ITS ADOPTION OF THE CITY COUNCIL HANDBOOK

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the reconsideration of its adoption of the City Council Handbook.
City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

Council Members Ward and Shelton spoke in favor of reconsideration, specifically the requirement of a motion and a second prior to discussion. A lengthy discussion ensued during which the benefit of a motion and a second prior to discussion was debated. Council Members Ward and Shelton asserted that it was a cause of contention amongst members and stifled free speech, while Council Member Hamilton, Vice Mayor McCracken and Mayor Gurrola maintained that it was a means of keeping order and encouraging focused discussion.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council deny the request to reconsider its adoption of the City Council Handbook.

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

**COUNCIL ACTION:** MOVED by Mayor Gurrola, SECONDED by Council Member Ward that the City Council authorize the scheduling on the October 16th Council M.O. 18-100212 Agenda the reconsideration of its adoption of the City Council Handbook.

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

Disposition: Approved.

12. **COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST THAT THE CITY COUNCIL RECONSIDER ITS DECISION TO UTILIZE WIRELESS HEADSET MICROPHONES**

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the reconsideration of its decision to utilize wireless headset microphones.

City Manager Lollis introduced the item. Vice Mayor McCracken noted that the wireless headset microphones had already been ordered and the contract with the vendor could not be cancelled. Council Members Ward and Shelton voiced opposition to the purchase and the use of the wireless headset microphones.

Disposition: No action taken.
14. COUNCIL MEMBER REQUESTED AGENCY ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER ESTABLISHING A LOCAL COMMUNITY EVENT SUPPORT BUDGET FOR EACH MEMBER OF COUNCIL

Recommendation: Council Member Shelton makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the establishment of a Local Community Event Support Budget for each Member of Council.

City Manager Lollis introduced the item. The staff report was waived at the Council’s request. Vice Mayor McCracken expressed concern with the intent of the item and the lack of information provided. Council Member Shelton spoke about various types of Council Member expenses and the importance of attending local events. Council Member Hamilton expressed his opinion that the item was not presented properly and should be drafted as a policy for future consideration. Council Member Ward spoke in support of a Council Member’s right to add items to the agenda.

City Attorney Lew recommended that there be a dollar amount included in a future report should the Council authorize its consideration.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council deny the request to authorize the scheduling on the October 16th Council Agenda the establishment of a Local Community Event Support Budget for each Member of Council.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the request to authorize the scheduling on the October 16th Council Agenda the establishment of a Local Community Event Support Budget for each Member of Council.

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

Disposition: Approved.

The Council recessed for five minutes.
The Council adjourned at 8:15 p.m. to a meeting of the Successor Agency to the Porterville Redevelopment Agency.

SUCCESSOR AGENCY MINUTES  
291 N. MAIN STREET, PORTERVILLE, CA  

Roll Call: Agency Member Ward, Vice Chair McCracken, Agency Member Shelton, Agency Member Hamilton, Chair Gurrola  

WRITTEN COMMUNICATIONS  
ORAL COMMUNICATIONS  
None  

SCHEDULED MATTER  

SA-01. CONFLICTS OF INTEREST (HEALTH & SAFETY CODE SECTIONS 33130 AND 33130.5) IN REGARD TO THE FORMER REDEVELOPMENT AGENCY AND CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY  

Recommendation: For City Council/Successor Agency information only.  

City Manager Lollis introduced the item. Community Development Director Dunlap introduced Successor Agency Special Counsel Vanessa Locklin who gave a presentation regarding the provisions of Health & Safety Code Sections 33130 and 33130.5, and an analysis of the applicability of the provisions following the dissolution of the former Porterville Redevelopment Agency.  

Agency Member Shelton inquired about his ownership of properties, the acquisition of additional property, and his participation in the Successor Agency. Counsel Locklin advised that there were three exceptions for acquiring property, one of which was for personal residential use. Member Shelton inquired as to whether the purchase of a vacant lot which he intended to live on in the future was permitted, to which Ms. Locklin replied that she would not advise it. Counsel Locklin deduced that the intent of the provision was to prevent speculation in real property by Council Members and employees, which differed from the intent of the Political Reform Act.  

Special Counsel Locklin also addressed a question posed by Member Shelton regarding the existence of the Redevelopment Agency. She advised that the legislature had dissolved the Redevelopment Agencies, and provided for the winding down of its affairs; but it had not repealed Community Redevelopment Law, nullified the Redevelopment Plan or eliminated the Project Area. Member Shelton stated that he was not satisfied with the responses received, and communicated his desire to seek the opinion of the Attorney General with regard to his inquiries.  

City Attorney Lew stated that the Attorney General would not assess risk, but instead would answer direct questions. A discussion then ensued regarding the questions that should be posed to the Attorney General, the dissemination of Form 700’s, and notice of disclosure in the minutes.
AGENCY ACTION: MOVED by Vice Chair McCracken, SECONDED by Member Hamilton that the City Council authorize Counsel to seek the opinion of the Attorney General regarding questions pertaining to: whether Redevelopment Agency laws, specifically Health & Safety Code §§ 33130 and 33130.5, are still in effect; disclosure requirements; if vacant properties purchased with the intent to use for personal residential use qualify as an exception; and if resignation from Successor Agency is permitted. The motion carried unanimously.

The Successor Agency Meeting adjourned at 8:52 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member Shelton – reported his attendance at the Fil-Amer event and the Youth Center 15-Year Anniversary; requested a policy change regarding Council questioning of department head subordinates; and suggested that the Charter Review Committee consider an amendment regarding Council Member abstention.
- City Attorney Lew – advised that the suggestions made by Council Member Shelton could be added to the list of items considered by the Charter Review Committee.
- Mayor Gurrola – reported her attendance at the Smog “Tune In & Tune Up” emissions testing event at the Porterville Fairgrounds.
- Council Member Ward – wished Council Member Hamilton good luck with his upcoming surgical procedure.
- City Manager Lollis – spoke of the upcoming 20th Anniversary of the local Wal-Mart store on Friday, October 5th.

ADJOURNMENT
The Council adjourned at 9:00 p.m. to the meeting of October 16, 2012.

Luisa M. Herrera, Deputy City Clerk

SEAL

Virginia R. Gurrola, Mayor
COUNCIL AGENDA: NOVEMBER 20, 2012

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – JAYE STREET BUS TURNOUT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Jaye Street Bus Turnout. The proposed project will improve transit accessibility along Route 6 to Sierra View District Hospital along Jaye Street. The bus stop turnout is located on the west side of Jaye Street between Putnam Avenue and North of Oak Avenue.

Planning for the proposed bus turnout has been a cooperative effort between the City of Porterville and the Sierra View District Hospital (SVDH). Staff provided preliminary construction plans and right of way documents for the bus turnout in front of the cancer treatment facility at the southeast corner of Putnam Avenue and Jaye Street. The SVDH Board requested that the bus turnout be shifted 250 feet south to better serve staff, patients and visitors.

Staff was fine with the change and the Board was fully aware that the location would remove several parking spaces within the original parking lot. Staff completed the final construction and right of way documents, and the SVDH Board approved the construction plans and authorized the donation of land necessary to construct the facility. The Grant Deed donating the land was executed by the SVDH CEO, Joe Stewart on November 2, 2012, and the document is attached for Council’s reference.

The bus turnout project includes removal of existing concrete improvements and installation of new concrete improvements allowing for a bus to completely pull out of the travel way to access the bus stop. Concrete pads with bus shelters, provided by the City and installed by the contractor, will be adjacent to the back of new sidewalk. The project also includes the installation of landscaping and irrigation system in the remnant parking space area lost by the construction of this transit facility.

The project will also include new lane geometry (pavement markings) and signage along Jaye Street between Putman Avenue and Oak Avenue. At the request of the SVDH Board, "No Parking" signs will be placed on each side of Jaye Street and a center dual left turn pocket will be marked to allow for safe vehicular turning movements in and out of SVDH parking lots.

Dir Appropriated/Funded MD CM Item No.
The Plans and Project Manual are available in the La Barca Conference Room for Council's review. The Engineer's estimate of probable cost for construction is $95,913.40. An additional $9,591.34 is requested for the construction contingency (10%) and $5,000.00 for construction management, quality control and inspection. Total project cost is estimated at $110,504.74. A Federal Transport Administration Grant is the project funding source and was approved in the 2012/2013 Annual Budget for bus turnouts.

RECOMMENDATION: That City Council:

1. Approve Staff's recommended Plans and Project Manual; and

2. Authorize staff to advertise for bids on the project.

ATTACHMENTS: Locator Map
 Engineer's Estimate
 SVDH Grant Deed

P:\pubworks\General\Council\Authorization To Advertise for Bids - Jaye Street Bus Turnout - 2012-11-20.doc
# Jaye Street Bus Turn Out

**City of Porterville, Engineer’s Estimate**

**11/8/12**

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<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QUANTITY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization and Demobilization</td>
<td>1</td>
<td>LS</td>
<td>$ 8,000.00</td>
<td>$ 8,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Traffic Control</td>
<td>1</td>
<td>LS</td>
<td>$ 6,000.00</td>
<td>$ 6,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Clearing and Grubbing (including but not limited to concrete, dirt, asphalt, tree removal, landscaping removal, irrigation line removal)</td>
<td>1</td>
<td>LS</td>
<td>$ 10,000.00</td>
<td>$ 10,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Modified Curb and V-Gutter</td>
<td>1057</td>
<td>SF</td>
<td>$ 7.00</td>
<td>$ 7,399.00</td>
</tr>
<tr>
<td>5</td>
<td>Construct Barrier Curb</td>
<td>135</td>
<td>LF</td>
<td>$ 10.00</td>
<td>$ 1,350.00</td>
</tr>
<tr>
<td>6</td>
<td>Tie into existing concrete Curb</td>
<td>2</td>
<td>EA</td>
<td>$ 500.00</td>
<td>$ 1,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Construct Bus Shelter Concrete Pad</td>
<td>108</td>
<td>SF</td>
<td>$ 10.00</td>
<td>$ 1,080.00</td>
</tr>
<tr>
<td>8</td>
<td>Construct Sidewalk</td>
<td>625</td>
<td>SF</td>
<td>$ 5.00</td>
<td>$ 3,125.00</td>
</tr>
<tr>
<td>9</td>
<td>Install Portion of Driveway</td>
<td>64</td>
<td>SF</td>
<td>$ 10.00</td>
<td>$ 640.00</td>
</tr>
<tr>
<td>10</td>
<td>Install City Provided Bus Shelters</td>
<td>1</td>
<td>EA</td>
<td>$ 1,000.00</td>
<td>$ 1,000.00</td>
</tr>
<tr>
<td>11</td>
<td>Install Curb Ramp Detail A</td>
<td>1</td>
<td>EA</td>
<td>$ 3,500.00</td>
<td>$ 3,500.00</td>
</tr>
<tr>
<td>12</td>
<td>Install Curb Ramp Detail B</td>
<td>1</td>
<td>EA</td>
<td>$ 2,500.00</td>
<td>$ 2,500.00</td>
</tr>
<tr>
<td>13</td>
<td>Install Path Ramp Per Detail B</td>
<td>1</td>
<td>EA</td>
<td>$ 2,000.00</td>
<td>$ 2,000.00</td>
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<tr>
<td>14</td>
<td>Install Curb Ramp Detail C</td>
<td>1</td>
<td>EA</td>
<td>$ 3,000.00</td>
<td>$ 3,000.00</td>
</tr>
<tr>
<td>15</td>
<td>Raise Existing Electrical boxes to Grade</td>
<td>2</td>
<td>EA</td>
<td>$ 1,000.00</td>
<td>$ 2,000.00</td>
</tr>
<tr>
<td>16</td>
<td>Site Landscaping including Trees, Plants, and Shrubs</td>
<td>1</td>
<td>LS</td>
<td>$ 10,000.00</td>
<td>$ 10,000.00</td>
</tr>
<tr>
<td>17</td>
<td>Irrigation System</td>
<td>1</td>
<td>LS</td>
<td>$ 5,000.00</td>
<td>$ 5,000.00</td>
</tr>
<tr>
<td>18</td>
<td>Install 4&quot; Asphalt Concrete Pavement Patch, including 6&quot; Class 2 Aggregate Base and sub-grade preparation.</td>
<td>580</td>
<td>SF</td>
<td>$ 20.00</td>
<td>$ 11,600.00</td>
</tr>
<tr>
<td>19</td>
<td>Install Signing and Striping</td>
<td>1</td>
<td>LS</td>
<td>$ 8,000.00</td>
<td>$ 8,000.00</td>
</tr>
</tbody>
</table>

**Jaye Street Subtotal** $ 87,194.00

10% Contingency $ 8,719.40

**Total** $ 95,913.40

**Project Manager**

**City Engineer**

**Public Works Director**

**City Manager**
RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
DEED AND TAX STATEMENTS TO:

City of Porterville
291 N. Main St.
Porterville, CA 93257

NO FEE PURSUANT TO GOVERNMENT
SECTION 27383

GRANT DEED
(CORPORATION)

<table>
<thead>
<tr>
<th>Atlas Sheet</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
<th>Street/Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>F 7</td>
<td>26</td>
<td>T 21 S</td>
<td>R 27 E</td>
<td>Jaye St.</td>
</tr>
</tbody>
</table>

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SIERRA VIEW LOCAL HOSPITAL DISTRICT, a corporation organized and existing under and by virtue of the laws of the State of California, does hereby DONATE to the CITY OF PORTERVILLE, a Municipal Corporation all that real property for public street and underground utilities in the City of Porterville, County of Tulare, State of California, described as:

See Exhibit "A" and shown on Exhibit "B" attached hereto and made a part hereof by reference, consisting of two pages.
The grantor further understands that the present intention of the grantee is to construct and maintain a public street and underground utilities on the lands hereby donated and the grantor, for the grantor and the grantor's successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said street. (As used above, the term "grantor" shall include the plural as well as the singular number.)

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this 2nd day of November, 2012.

Sierra View Local Hospital District

Joseph Stewart, CEO

[CORPORATE SEAL]

STATE OF CALIFORNIA
County of Tulare

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

On this the 2nd day of November, 2012, before me, Kathy Begalla, Notary Public, personally appeared Joseph A. Stewart who proved to me on the basis of satisfactory evidence to be the person whose name is here subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity (ies), and that by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kathy Begalla
(Notary Public's signature is valid for said County and State)

THIS IS TO CERTIFY, That pursuant to the authority conferred by City of Porterville, Ordinance No. 1590, adopted February 20, 2001, the undersigned, on behalf of the public and City Council of the City of Porterville consents to the acceptance for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of November, 2012

Michael K. Reed, PLS #7514, City Engineer
STATE OF CALIFORNIA
County of Tulare

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

On this the 6th day of November 2012, before me, Vickie Ratta, Notary Public
Name, Title of Officer—E.G., "Jane Doe, Notary Public"

personally appeared Michael K. Read
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Vickie Ratta
(Notary Public's signature in and for said County and State)

(for notary seal or stamp)
LEGAL DESCRIPTION

Exhibit "A"

That portion of the Southeast quarter of the Southwest quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the Official Plat thereof, more particularly described as follows:

COMMENCING AT the Southwest corner of the North 30 feet of the East 30 feet of said Southeast quarter of the Southwest quarter of Section 26;

THENCE, South 00º49'59" West, along the west line of the East 30 feet of said Southeast quarter of the Southwest quarter, a distance of 280.48 feet, to the POINT OF BEGINNING;

THENCE, North 89º10'01" West, a distance of 10.00 feet;

THENCE, South 00º49'59" West, a distance of 20.35 feet;

THENCE, South 26º37'43" West, a distance of 11.49 feet;

THENCE, South 00º49'59" West, a distance of 25.31 feet;

THENCE, North 89º10'01" West, a distance of 4.50 feet;

THENCE, South 00º49'59" West, a distance of 34.00 feet;

THENCE, South 24º57'47" East, a distance of 33.32 feet;

THENCE, South 89º10'01" East, 5.00 feet, to a point in the west line of the East 30 feet of said Southeast quarter of the Southwest quarter;

THENCE, North 00º49'59" East, along the west line of said East 30 feet, 120.00 feet, to the POINT OF BEGINNING.

CONTAINING: 1,743 square feet, 0.04 acres more or less.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature:  
Michael K. Reed, Licensed Land Surveyor, PLS 7514

Date: 9/27/2012
That portion of the Southeast quarter of the Southwest quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California.
Parcel name: Jaye Bus

North: 1908405.9165  East: 6553957.1809
Line Course: S 00-49-58.5 W Length: 280.4829
North: 1908125.4633  East: 6553953.1036
Line Course: N 89-10-01.5 W Length: 10.0000
North: 1908125.6086  East: 6553943.1047
Line Course: S 00-49-58.5 W Length: 20.3473
North: 1908105.2635  East: 6553942.8089
Line Course: S 26-37-43.4 W Length: 11.4899
North: 1908094.9923  East: 6553937.6590
Line Course: S 00-49-58.5 W Length: 23.3104
North: 1908069.6846  East: 6553937.2911
Line Course: N 89-10-01.5 W Length: 4.5000
North: 1908069.7500  East: 6553932.7916
Line Course: S 00-49-58.5 W Length: 34.0000
North: 1908035.7536  East: 6553932.2973
Line Course: S 24-57-47.2 E Length: 33.3204
North: 1908005.5460  East: 6553946.3597
Line Course: S 89-10-01.5 E Length: 5.0000
North: 1908005.4733  East: 6553951.3592
Line Course: N 00-49-58.5 E Length: 120.0027
North: 1908125.4633  East: 6553953.1036
Line Course: N 00-49-58.5 E Length: 280.4829
North: 1908405.9166  East: 6553957.1809

Perimeter: 824.9366  Area: 1,742.942 sq. ft. 0.040 acres

Mapcheck Closure - (Uses listed courses, radii, and deltax)
Error Closure: 0.0001  Course: N 06-49-14.5 W
Error North: 0.00007  East: -0.00001
Precision 1: 8,249,365.0000
SUBJECT: INTENT TO SET A PUBLIC HEARING FOR REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT – SR 65 TO RAILROAD

SOURCE: Public Works Department - Engineering Division

COMMENT: The concrete improvements for the W. North Grand Avenue Reconstruction Project, SR 65 to Railroad, are complete. City Council accepted the W. North Grand Avenue Reconstruction Project during the November 6, 2012, Council meeting. Section 20-40.1 of the Municipal Code stipulates that these improvements, once constructed, shall be reimbursed to the City of Porterville upon the issuance of a new building permit. Section 20-40.2 of the Municipal Code also stipulates that remodeling permits exceeding an $18,421 valuation within a two (2) year period will also trigger the reimbursement.

The City has complied with Section 20-40.8 of the Municipal Code on the W. North Grand Avenue Reconstruction Project by notifying affected property owners and holding Public Hearings addressing the City’s intentions to seek reimbursement for the concrete improvements constructed as a part of this project. Section 20-40.8 requires that City Council hold at least one additional Public Hearing prior to the establishment of a fee. Once the fee is established, the City will record a general notice of “reimbursement fee” with the office of the Tulare County Recorder. The recorded document will officially notify the current owner and potential buyers that the property is subject to a concrete reimbursement fee.

Staff has calculated the cost of the concrete improvements constructed along the frontages of undeveloped properties and/or developed properties that lacked these public improvements for the W. North Grand Avenue Reconstruction Project. The calculations are based on actual costs incurred by the City. A map of the affected property owners and the associated concrete reimbursement fee are attached for Council’s reference.

RECOMMENDATION: That the City Council:

1. Set a Public Hearing for December 4, 2012, according to the Mitigation Fee Act, for the establishment of the concrete reimbursement fee; and

2. Authorize staff to notify all affected property owners of the Public Hearing, via certified mail, including the concrete reimbursement amount.

ATTACHMENTS: Locator Map  Fee Spreadsheet

Authorized/Approved Funded CM Item No. 3
W North Grand Reconstruction Project - Hwy 65 to RR
Reimbursement for City Installed Improvements

<table>
<thead>
<tr>
<th>APN</th>
<th>OWNER-Property Address</th>
<th>Owner Address</th>
<th>Curb\Gutter</th>
<th>Sidewalk</th>
<th>Driveway</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>243-199-012</td>
<td>John Law Inc. - 952 W North Grand Ave</td>
<td>720 E Worth Ave, SP166, Porterville, CA 93257</td>
<td>$7,676.25</td>
<td>$0.00</td>
<td>$2,922.40</td>
<td>$10,607.05</td>
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<tr>
<td>243-190-020</td>
<td>Union Pacific RR - No address listed</td>
<td>1416 Dodge St., Omaha, NE 68179</td>
<td>$2,035.50</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$2,035.50</td>
</tr>
<tr>
<td>243-219-014</td>
<td>Randall Carroll - 917 W North Grand Ave</td>
<td>981 W. North Grand Avenue, Porterville, CA 93257</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$9,330.00</td>
<td>$9,330.00</td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$21,664.15</td>
</tr>
</tbody>
</table>
SUBJECT: STUDY SESSION FOR STATE ROUTE 190 CORRIDOR IMPROVEMENTS

SOURCE: Community Development Department – Planning Division

COMMENT: Staff has been coordinating with TCAG and Caltrans to evaluate a potential alignment plan and related improvements along State Route 190 between Westwood Street and Blue Heron Parkway. Staff is requesting to set a study session to inform the Council and the public of the items discussed thus far and to receive input on the next steps to be taken. Staff is proposing a public outreach effort to inform the public of this important planning effort. In response to the public outreach, staff is requesting the study session be held in the Library Community Room to accommodate a larger crowd than the Council Chambers can hold.

RECOMMENDATION: That City Council set December 11, 2012, 5:30 p.m. as the date and time for a study session. The proposed location for the study session is the Library Community Room.
CITY COUNCIL AGENDA: NOVEMBER 20, 2012

SUBJECT: RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF A LEISURE SERVICES SPECIALIST POSITION WITHIN THE PARKS AND LEISURE SERVICES DEPARTMENT

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: At its meeting of November 6, 2012, the City Council approved the establishment of a Leisure Services Specialist position at the salary range of 182. As discussed, this position is designed to oversee many of the duties previously undertaken by the Leisure Services Superintendent, as well as other management-related functions including, but not limited to, program supervision, grant writing, and marketing development. The draft resolution presented herein formalizes City Council direction.

RECOMMENDATION: That the City Council:
1. Adopt the draft resolution providing for the establishment of a Leisure Services Specialist Position; and
2. Amend the Department's Table of Organization, Position Allocation Schedule, and Position Pay Schedule of the City's Pay and Benefit Plan.

ATTACHMENTS: 1. Leisure Services Specialist Job Description
2. Draft Resolution

Item No. 5
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.
RESOLUTION NO. ______-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
PROVIDING FOR THE ESTABLISHMENT OF A LEISURE SERVICES SPECIALIST
POSITION 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 & Leisure Services Department, and in consultation with the Department’s Director, has determined that in conjunction with the recently approved reorganization, the establishment of the classification of Leisure Services Specialist would enhance departmental effectiveness while achieving budgetary savings.

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 to:

1. Establish the classification of Parks and Leisure Services Specialist at 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.

2. 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.

PASSED, APPROVED AND ADOPTED this ______ day of November, 2012.

______________________________
Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT NO 2
SUBJECT: AIRPORT LEASE RENEWAL – LOT 44B

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Mr. Albert Quatacker is the current leaseholder of Lot 44B at the Porterville Municipal Airport. The lease will expire on January 31, 2013; however, the lease terms allow for options to extend the lease in five-year periods, provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) further states the City’s granting of the option is discretionary, but will not be unreasonably withheld. We have received a request from Mr. Quatacker dated October 25, 2012, asking to continue his lease on Lot 44B. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to 2018.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Albert Quatacker of Porterville for Lot 44B at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Quatacker requesting renewal
Paragraph 2 of original Lease Agreement

D.D. Appropriated/Funded C.M. Item No. 6
10-29-12

Dear Susan Hartman

I, Albert E. Quoteknow, would like to extend my lease on hot tub 422B at Porterville Mini Airpark for 5 years.

Thank you

Albert E. Quoteknow
18976 Ave 168
Porterville Ca. 93257

Letter dated Oct - 25 - 12
LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California this 1st day of February, 1993, by and between the CITY OF PORTERVILLE, a political subdivision of the State of California, hereinafter referred to as "City" and AL QUATAKER hereinafter referred to as "Lessee".

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

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

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises:

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

2. Term: The term of this lease shall commence when both parties have executed the same and shall terminate on January 31, 2002. Provided Lessee is not in default with respect
to any of the conditions or covenants of this lease. Lessee shall have an option to request an extension of the terms hereof for additional periods of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five year extension. Lessor is not obligated to grant any extension but such shall not be unreasonably withheld.

3. **Rental and Business Privilege Consideration:** Lessee agrees to pay to City in lawful money of the United States without deduction or offset, to the Finance Director, City of Porterville, P O Box 432, Porterville, California, 93258, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of $1.1662 per square foot per year. Inasmuch as the lease site contains approximately 4,200 square feet of land area, said rental rate will be $698.04 per year payable in advance on February 1st of each year of this lease. See Exhibit "A" attached.

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

4.a **Purpose:** This Lease is made for the purpose of constructing and operating an aircraft hangar to be used for the parking and storage of aircraft and other activities incidental thereto. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE AREA MINISTERIAL ASSOCIATION - TREE LIGHTING CEREMONY - NOVEMBER 23, 2012

SOURCE: Finance Department

COMMENT: The Porterville Area Ministerial Association is requesting approval to hold the annual Tree Lighting Ceremony at the Centennial Park, on Friday, November 23, 2012. The annual event consists of lighting the Deodar tree and caroling from 4:00 p.m. to 8:00 p.m. The Association is also requesting the use of the City’s trolley to be parked on the east side of Main Street in front of Centennial Park for the food and toy collection.

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 Porterville Area Ministerial Association, subject to the stated requirements contained in the Application, Agreement and Exhibit A.


DD  Appropriated/Funded  C.M.  Item No. 7
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: Oct 22, 2012  Event date: 11/23/12
10/29/12  Event time: 4pm - 8pm

Name of Event: Annual Christmas Tree Lighting Ceremony

Sponsoring organization: P.A.M.A.  PHONE # 783-0760
Address: 108 W. Wisconsin, Porterville, CA 93257

Authorized representative: Tom Olson  PHONE # 783-0760
Address: 108 W. Wisconsin, Porterville, CA 93257

Event chairperson: Tom Olson  PHONE # 783-0760

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

Type of event: Tree lighting ceremony and caroling

Nonprofit status determination: beeff 192

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

Barricades (quantity): _______  Street sweeping  Yes _____ No ______
Police protection  Yes _____ No ______  Refuse pickup  Yes _____ No ______
Other: ____________________________________________

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

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

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

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

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Porterville Area Ministries Assn.</th>
<th>(Signature)</th>
<th>10/19/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Name of Organization)</td>
<td></td>
<td>(Date)</td>
</tr>
</tbody>
</table>
CITY OF PORTERVILLE
VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND
AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY
TO BE HELD ON PUBLIC PROPERTY

Name of event: Annual Christmas Tree Lighting Ceremony

Sponsoring organization: P.A.M.A.

Location: Centennial Park Event date: 11/28/12 Event time: 6 p.m.

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>None</td>
<td></td>
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</tr>
</tbody>
</table>

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

Name of event: Annual Christmas Tree Lighting

Sponsoring organization: R.A.M.A.

Event date: 11/23/12 Hours: 4pm - 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></td>
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</table>

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

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking spaces</td>
<td>Main Street in front of Centennial Park</td>
<td>Trolley to collect food and toys</td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE AREA MINISTERIAL ASSOCIATION
TREE LIGHTING CEREMONY

NOVEMBER 23, 2012

Business License Supervisor:  S. Hartman

Public Works Director:  B. Rodriguez

Community Development Director:  B. Dunlap

Field Services Manager:  B. Styles

Fire Chief:  G. Irish, interim

Parks and Leisure Services Director:  D. Moore, interim

Police Captain:  D. Haynes

Administrative Services Director:  P. Hildreth

Business License has no requirements.

No comment.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Area Ministerial Association
Event: Tree Lighting Ceremony
Event Chairman: Tom Olson
Location: Centennial Park
Date of Event: November 23, 2012

RISK MANAGEMENT: Conditions of Approval

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

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

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an admitted insurer in the State of California.
CITY OF PORTERVILLE
Community Civic Event Application
Annual Christmas Tree Lighting, Nov. 23, 2012

Proposed Conditions/Requirements of Police Department

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

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

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

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

Dan Haynes, Captain
Police Department- Services Division
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

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

1 Name and home address of the applicant:

PAMA
108 N. Wisconsin Porterville, CA 93257

2 Address where amplification equipment is to be used:

Centennial Park on Main St.

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

Dick Estoff - Springer - 599-15X

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

Lighting Ceremony

5 Dates and hours of operation of amplification equipment:

Friday, Nov 23, 2012 4-8pm

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

and singes, cd's also used

microphone for 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 § 6311)

Section 18-14
It shall be unlawful for any person to maintain, operate, control, or suffer or permit to be maintained, operated, controlled, 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 (a) 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 URG E YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

City of Porterville, Chief of Police/Designee

Date
CERTIFICATE OF LIABILITY INSURANCE

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

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

PRODUCER

Church & Casualty
3440 Irvine Ave
Newport Beach CA 92660

CONTACT NAME: Rachel Stewart
PHONE: (800) 995-7525
FAX: (800) 995-7521
E-MAIL: Rachel@churchandcasualty.com

INSURED

PORTERVILLE AREA MINISTERIAL ASSOCIATION
776 W GRAND AVE
PORTERVILLE CA 93258-2031

INSURER A: Church Mutual Insurance Co 18767
INSURER B:
INSURER C:
INSURER D:
INSURER E:
INSURER F:

COVERAGES CERTIFICATE NUMBER: CL12101777592 REVISION NUMBER:

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

<table>
<thead>
<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>ADD'L SUBJ LIMN</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>CLAIMS-MADE OCCUR</td>
<td>EACH OCCURRENCE $1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PREMISES (5 occurs) $300,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>MED EXP (Any one person) $10,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PERSONAL &amp; ADV INJURY $1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>GENERAL AGGREGATE $3,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PRODUCTS - COM/POL ADD $1,000,000</td>
</tr>
</tbody>
</table>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 191, Additional Remarks Schedule, if more space is required)

Evidence of insurance for participation in a Christmas Tree Lighting Ceremony located at Centennial Plaza Park, Porterville, CA on Nov 23, 2012. Certificate holder is named additional insured but only with respect to the activities of the Named Insured on the above described premises. All activities/operations not specifically ran/or conducted by the Named Insured are excluded.

CERTIFICATE HOLDER

(559) 781-6437

City of Porterville
Porterville Redevelopment Agency
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

J Taheeri Kenari/JANIC /Jassem Taheder

ACORD 25 (2010/05)
INS025 (201005) 01

© 1988-2010 ACORD CORPORATION. All rights reserved.
The ACORD name and logo are registered marks of ACORD.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED DESIGNATED PERSON OR ORGANIZATION
FOR SPECIFIC ACTIVITY

This endorsement modifies insurance provided under the General Liability Coverage Part.

The following is added to the General Liability Additional Provisions Form.

<table>
<thead>
<tr>
<th>Additional Insured Person(s) or Organization(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: City of Porterville</td>
</tr>
<tr>
<td>Porterville Redevelopment Agency</td>
</tr>
<tr>
<td>Address: 291 N Main Street</td>
</tr>
<tr>
<td>Porterville</td>
</tr>
<tr>
<td>CA</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>93257</td>
</tr>
<tr>
<td>Zip</td>
</tr>
<tr>
<td>Activity: participation in a Christmas Tree Lighting Ceremony located at Centennial Plaza Park, Porterville, CA</td>
</tr>
<tr>
<td>Policy#: 0152503-02-331885</td>
</tr>
<tr>
<td>Date(s): Nov 23, 2012</td>
</tr>
</tbody>
</table>

A. ADDITIONAL INSURED DESIGNATED PERSON OR ORGANIZATION FOR SPECIFIC ACTIVITY

1. Paragraph C., Who is An Insured, is amended to include the person(s) or organization(s) shown above, but only with respect to "bodily injury," "property damage," "personal injury," and "advertising injury" liability, and only with respect to operations of the Named Insured that are directly related to the activity shown above during the dates shown above.
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 November 6, 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.

At its meeting on October 16, 2012, the City Council awarded a contract in the amount of $95,391.71 to Greg Bartlett Construction (Porterville), beginning CEMA repairs to Plano Street (south of Thurman Avenue), El Granito Street (near Zalud Park), E. Grand Avenue (at Henrahan Street), and W. Grand Avenue (at Hawaii Street).

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. 8
SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM — Request for the City Council to Consider Creating a City Banner Program to Recognize Local Military Veterans

SOURCE: City Manager

COMMENT: City Council Member Ward has requested that the Council consider creating a City banner program to recognize local military veterans.

RECOMMENDATION: Council Member Ward makes the motion that the City Council authorize the scheduling on the December 4th Council Agenda the consideration of creating a City banner program to recognize local military veterans.

ATTACHMENT: None
SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Consider Eliminating the Use of City Funds to Attend Local Community Events

SOURCE: City Manager

COMMENT: City Council Member Shelton has requested that the Council consider eliminating the use of City funds to attend local community events.

RECOMMENDATION: Council Member Shelton makes the motion that the City Council authorize the scheduling on the December 4th Council Agenda the consideration of eliminating the use of City funds to attend local community events.

ATTACHMENT: None
COUNCIL AGENDA: NOVEMBER 20, 2012

SUBJECT: APPROVAL OF WILDPLACES MURAL ON LIBRARY FACILITY

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Library and Literacy Commission and Arts Commission took action at their joint meeting on November 7, 2012, to accept the final mural design submitted by the WildPlaces organization and to move forward with a joint recommendation for City Council’s consideration.

WildPlaces was awarded a $10,000 Tulare County Step Up Grant at the beginning of 2012. The Step Up program is designed to fund projects that target the involvement of youth who are gang-affiliated or are gang-exposed. The grant mandates that WildPlaces work with at-risk students living in Tulare County District Five, which Burton School District Pathways students are the proposed artists of the mural.

Representatives first presented the mural proposal to the Library and Literacy Commission and Arts Commission at a special joint meeting on October 29, 2012. The proposal consisted of why the Library is an ideal location and institution to implement such a project and highlighted that there would be no cost to the City for this project. The maximum size of the mural is expected to be 10 feet high by 16 feet long, along the west side of the facility. All costs for surface prep, materials, and equipment have been accounted for in the grant, as well as on-going mural maintenance. This item is time sensitive in that the Step Up grant requires the project to be completed by December 31, 2012. The mural concept designed by Fernando Medina for the exterior of the library in 2011 has been abandoned.

The mural is a depiction of the watershed, a vibrant backdrop of the Sierra Nevadas, buoyant currents of the Tule River from which emerge closed and open hands that hold a paint brush, a globe, a carrot, and a book. Also, depicted within the buoyant currents are several smaller images that represent growth, nature, agriculture, and healthy transportation. A quotation by W.H. Auden, “Thousands have lived without love, not one without water,” and organizational logos from WildPlaces and Step Up will also be attached to the mural. According to the Planning Division, logos are technically considered signs when applied to a building.

\[ signature \] Director \[ signature \] Appropriated/Funded \[ signature \] City Manager

ITEM NO.: 11
The other murals downtown are signed by the artist, but don't have organizational or corporate logos on them as proposed. An organizational or corporate logo would constitute a sign on a public building. Section 305.05(a) of the sign code provides for civic signs that are exempt from other provisions of the code. These signs are typically made of bronze and mounted to the building or at the base of the building. The Council could consider this type of sign to include logos. Outside of this provision, staff recommends allowing a signature on the mural. If the mural is approved, staff will develop quality control measures for the development of the mural project. Staff, along with the Library and Literacy Commission, plan to develop and adopt a maintenance agreement.

**RECOMMENDATION:** That the City Council:

1. Approve the mural design;
2. Direct staff to commence the mural project with the WildPlaces organization; and
3. Consider approval of the organizational logos on the mural.

**ATTACHMENT:** Design of submitted mural.
"Thousands have lived without love, not one without water."

W. H. Auden
SCHEDULED MATTER

SUBJECT: FEDERAL AVIATION ADMINISTRATION RELEASE OF NONAERONAUTICAL LAND

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

HISTORY: On April 5, 2011, the City Council approved Resolution 18-2011 approving the purchase of 25.74± acres of excess airport land for $515,000 and obligating the City to expend the proceeds of the sale of excess land at the Porterville Municipal Airport upon the airport within a five-year period in accordance with the requirements of the Federal Aviation Administration (FAA). A portion of the purchase price was intended to consist of forgiveness of Airport debt owed to the City as well as a cash payment to the airport to undertake Airport projects. As time has elapsed between the adoption of Resolution 18-2011, and the time that the release was noticed in the Federal Register, some of the Airport’s debt to the City has been paid. The debt payment, coupled with the disqualification of the $13,500 Fair License Agreement payment made by the City to the Airport, results in a need for an additional $87,866. This is in addition to the previously allocated $169,740 approved by the City Council on April 5, 2011. The total cash payment would be $257,606 to be allocated to the Airport Development fund. The funding sources available for the additional amount are identified in the following report.

Prior to developing the financing plan for acquisition of the land, the fair market value was derived from an appraisal, and consistent with FAA regulations, an independent third party evaluation of the appraisal was conducted resulting in concurrence on a value of $515,000 for the 25.74± acres. The financing plan included a portion of payment of funds for airport development and debt forgiveness for the replacement of fuel tanks and removal of the San Joaquin Kit Fox Preserve.

COMMENT: The changes in the financing plan are noted in the following tables:

<table>
<thead>
<tr>
<th>April 2011</th>
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</thead>
<tbody>
<tr>
<td>Value of Land</td>
</tr>
<tr>
<td>Fuel Tank Replacement Debt</td>
</tr>
<tr>
<td>Kit Fox Preserve Debt</td>
</tr>
<tr>
<td>Fair License Agreement Payment</td>
</tr>
<tr>
<td>Purchase price</td>
</tr>
</tbody>
</table>

*FAA subsequently determined this could not be used as repayment
Value of Land $515,000
Fuel Tank Replacement Debt <195,968>**
Kit Fox Preserve Debt < 61,426>***
Purchase price $257,606

** difference paid down since April of 2011 $39,002
*** difference paid down since April of 2011 $35,364

On April 5, 2011, the balance of the purchase price to be paid to the airport was derived from the sale of the remaining .36± acre parcels of land to the State for the new courthouse project and totaled $169,740; however, the sale of the parcels only netted $168,950, leaving a difference of $790. The sale proceeds would be considered general fund revenue paid to the Airport to be used over a five-year period allowing the Airport to programs in revenues to support operations and capital projects.

As a result of the changes described above, the current debt forgiveness amount is $259,295, and the release purchase price is $257,606 (an increase of $87,866 over the prior figure). In basic terms, the Airport reduced its outstanding debt to the City. Now, through acquisition of the property from the Airport, the City is writing off less debt and paying back the equivalent amount paid to the City for debt retirement.

Staff recommends two funding sources for the remaining balance which includes:

- Trust account: $32,021 (balance of deposits allocated for environmental projects)
- SCE lease: $56,635 (a portion of the annual lease payment)
- Total: $88,656

REINVESTMENT: The FAA has specific requirements for the Airport’s use of any funds acquired through the release of property. These requirements include, but are not limited to: 1) the funds shall be used for airport improvement projects that are listed in the Porterville Municipal Airport Capital Improvement Program, and 2) the sale proceeds shall not be used as the Airport’s matching share for any federal aviation grant.

RECOMMENDATION: That the City Council:
1. Adopt the Draft Resolution obligating the City to expend the proceeds of the sale of excess land at the Porterville Municipal Airport upon the airport within a five-year period;
2. Authorize the City Manager and/or the Mayor to execute all necessary documents; and
3. Approve a budget adjustment to allocate an additional $88,656 (for a total of $257,606) to the Airport Development fund.

ATTACHMENTS:
1. April 5, 2011 Staff Report
2. Resolution 18-2011
3. Draft Resolution
SCHEDULED MATTER

SUBJECT: FEDERAL AVIATION ADMINISTRATION RELEASE OF NONAERONAUTICAL LAND

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The City of Porterville planning staff has been preparing the documents for the Release of Airport Land From Airport-Use Obligations in accordance with Federal Aviation Administration (FAA) Regional Policy 06-601. The Policy requires a Resolution prepared and executed by the governing body of the airport sponsor obligating itself to use the sale or lease proceeds from the released land exclusively for development, improvement, operation and maintenance of the airport or airport system.

The subject site is a 25 acre portion (15 acres exclusively for fair use and 10 acres for a potential training facility) of 40 acres located west of the Airport fence and Westwood Street. The remaining 12± acres could be used for future aviation/nonaviation uses oriented towards the airport, further separating the 25 acres from Airport proper.

HISTORY: In mid-2007, the Superior Court system identified Porterville as a location for a new court facility. The City, working in unison with individuals and groups from throughout the community, identified the Porterville Fairgrounds in Downtown Porterville as the preferred site for the new facility.

City staff entered discussions with the FAA beginning in June of 2009, regarding the release of land for the relocation of the Porterville Fairgrounds and for an undefined City facility.

On December 01, 2009, the City Council at its regularly scheduled meeting adopted Resolution 105-2009 for an Initial Study/Mitigated Negative Declaration for the Porterville Fairground Relocation Project.

The City Council authorized a License and Development Agreement on December 10, 2009. Part of the property negotiations included that the City would continue the process of the Release of Airport Land From Airport-Use Obligations.

In order to determine Fair Market Value of the 25.74± acre site, an appraisal and a review appraisal were performed and concurred with a value of $20,000 per acre for a total of $515,000.

FUNDING PLAN: On March 1, 2010, City staff met with the FAA to propose a financing plan for the fair market value of the land that would include a portion of debt forgiveness and funds for airport development. The following information was provided to FAA and has been updated to reflect current pricing:
The Porterville Municipal Airport has an outstanding loan amount of $234,970 that was used to fund the replacement of fuel tanks. A surcharge of $0.10 per gallon is placed on fuel to fund the debt service on the loan. By eliminating the debt, the Airport can program revenues in a variety of airport operations.

In 2008, the City utilized $130,000 of General Fund monies to mitigate a 20-acre San Joaquin Kit Fox Preserve and a discontinuous 64-acre movement corridor. The prorated share to the Airport for the purchase of mitigation credits was 77% of the total cost, or $100,000 with no interest accruing on this debt. The remaining balance after payment from a farming lease is $96,790. This debt would be eliminated as well.

The License Agreement between the Porterville Junior Livestock Fair for the exclusive use of 15 acres established an agreement that the Airport would receive $13,500 annually until the land is released, then it would revert to $1 per year.

The $169,740 balance of the purchase price would be funded by the City’s General Fund to be used by the Airport over a five-year period which would allow the Airport to program in revenues to support operations and capital projects.

The site of the old fairgrounds which was sold to the State had a remaining .36 acres, located generally at the southwesterly corner of Murry Street and Garden Avenue. Staff has recommended that Council approve the sale of the .36 acres to the State for a purchase price of $180,000.00 and that the proceeds from the transaction be utilized to offset costs for the release of the twenty-five (25) acres of airport land from the FAA.

REINVESTMENT: The FAA has specific requirements for the Airport’s use of any funds acquired through the release of property. These include, but are not limited to, the funds shall be used for airport improvement projects that are listed in the Porterville Municipal Airport Capital Improvement Program and the sale proceeds will not be used as the Airport’s matching share for any federal airport grant. The Airport proposes to utilize the $169,740 for the Security Fencing and Access Control project.

RECOMMENDATION: That the City Council:
1. Adopt a Draft Resolution obligating the City to expend the proceeds of the sale of excess land at the Porterville Municipal Airport upon the airport within a five-year period;
2. Authorize the City Manager and/or the Mayor to execute all necessary documents; and
3. Approve a budget adjustment to allocate the $169,740 to the Airport Security Fencing and Access Control Project.

ATTACHMENTS:
1. Locator Map
2. Draft Resolution
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF PORTERVILLE CALIFORNIA, OBLIGATING THE CITY TO EXPEND THE PROCEEDS OF THE SALE OF EXCESS LAND AT THE PORTERVILLE MUNICIPAL AIRPORT UPON THE AIRPORT WITHIN A FIVE-YEAR PERIOD

WHEREAS, the Federal Aviation Administration (FAA) has advised the City of Porterville that Federal law requires, as part of a land release, that any airport land be disposed at fair market value and that all sale proceeds be expended for the capital improvements of Porterville Municipal Airport in accordance with applicable Federal law; and

WHEREAS, the City Council of the City of Porterville approved the sale of City owned Airport real property described as a portion of Assessor's Parcel No. (APN): 302-110-075, consisting of 25.74± acres M/L in POR SE ¼ OF SEC 8 T22S R27E, Mount Diablo Base and Meridian, according to the Official Plat thereof, and commonly known as that parcel of land located on the west side of the Porterville Municipal Airport runway, immediately north of Tea Pot Dome Avenue and 1340± feet east of West Street in the City of Porterville, California (“Property”); and

WHEREAS, the City of Porterville is now seeking FAA concurrence for the proposed action to comply with all applicable Federal laws and FAA policies and for the continued provision of adequate public airport facilities to be provided for the citizens of the City of Porterville, California.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Porterville does hereby resolve the following:

1. In consideration of the FAA’s approval and release for sale of the Property and recognizing that the Property shall be sold for a sum of no less than $515,000, the City Council hereby adopts the following plan for the reinvestment of funds from the sale of the Property and directs that all proceeds from the sale be utilized exclusively for developing and improving the Porterville Municipal Airport as more specifically described as follows:

   a. The Porterville Municipal Airport has an outstanding loan amount of $234,970 that was used to fund the replacement of fuel tanks. A surcharge of $0.10 per gallon is placed on fuel to fund the debt service on the loan. By eliminating the debt, the Airport can program revenues in a variety of airport operations.

   b. In 2008, the City utilized $130,000 of General Fund monies to mitigate a 20-acre San Joaquin Kit Fox Preserve and a discontinuous 6± acre movement corridor. The prorated cost share to the Airport for the purchase of mitigation credits was 77% of the total cost, or $100,000 with no interest accruing on this debt. The remaining balance after payment from a farming lease is $96,790. This debt would be eliminated as well.

ATTACHMENT
ITEM NO. 2
c. The License Agreement between the Porterville Junior Livestock Fair for the exclusive use of 15 acres established an agreement that the Airport would receive $13,500 annually.

d. After accounting for the above considerations the remaining balance of the purchase price is proposed to be $169,740 and will be deposited into airport development fund # 090. The total amount of the proceeds will be used only to fund airport projects of airport development otherwise eligible for Federal aid under the Airport Improvement Program, until such time as the full amount of the proceeds is utilized. The proceeds will be expended on the Security Fencing and Access Control Project that is listed in the Porterville Municipal Airport Capital Improvement Program.

2. In addition, none of the sale proceeds will be used as the City’s matching share for any federal airport grant. The City Council recognizes that use of the sale proceeds as a matching share is not authorized or permitted. The sale proceeds will be used to pay for eligible project costs in full and, if used to fund part of a project, to offset the amount of the federal investment needed to fund the project.

PASSED, APPROVED AND ADOPTED this 5th day of April, 2011

________________________________________
Ronald L. Irish, Mayor

ATTEST:

________________________________________
John Lollis, City Clerk
RESOLUTION NO. 18-2011

A RESOLUTION OF THE CITY COUNCIL OF PORTERVILLE CALIFORNIA, OBLIGATING THE CITY TO EXPEND THE PROCEEDS OF THE SALE OF EXCESS LAND AT THE PORTERVILLE MUNICIPAL AIRPORT UPON THE AIRPORT WITHIN A FIVE-YEAR PERIOD

WHEREAS, the Federal Aviation Administration (FAA) has advised the City of Porterville that Federal law requires, as part of a land release, that any airport land be disposed at fair market value and that all sale proceeds be expended for the capital improvements of Porterville Municipal Airport in accordance with applicable Federal law; and

WHEREAS, the City Council of the City of Porterville approved the sale of City owned Airport real property described as a portion of Assessor’s Parcel No. (APN): 302-110-075, consisting of 25.74± acres M/L in POR SE ¼ OF SEC 8 T22S R27E, Mount Diablo Base and Meridian, according to the Official Plat thereof, and commonly known as that parcel of land located on the west side of the Porterville Municipal Airport runway, immediately north of Tea Pot Dome Avenue and 1340± feet east of West Street in the City of Porterville, California (“Property”); and

WHEREAS, the City of Porterville is now seeking FAA concurrence for the proposed action to comply with all applicable Federal laws and FAA policies and for the continued provision of adequate public airport facilities to be provided for the citizens of the City of Porterville, California.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Porterville does hereby resolve the following:

1. In consideration of the FAA’s approval and release for sale of the Property and recognizing that the Property shall be sold for a sum of no less than $515,000, the City Council hereby adopts the following plan for the reinvestment of funds from the sale of the Property and directs that all proceeds from the sale be utilized exclusively for developing and improving the Porterville Municipal Airport as more specifically described as follows:

a. The Porterville Municipal Airport has an outstanding loan amount of $234,970 that was used to fund the replacement of fuel tanks. A surcharge of $0.10 per gallon is placed on fuel to fund the debt service on the loan. By eliminating the debt, the Airport can program revenues in a variety of airport operations.

b. In 2008, the City utilized $130,000 of General Fund monies to mitigate a 20-acre San Joaquin Kit Fox Preserve and a discontinuous 6± acre movement corridor. The prorated cost share to the Airport for the purchase of mitigation credits was 77% of the total cost, or $100,000 with no interest accruing on this debt. The remaining balance after payment from a farming lease is $96,790. This debt would be eliminated as well.
c. The License Agreement between the Porterville Junior Livestock Fair for the exclusive use of 15 acres established an agreement that the Airport would receive $13,500 annually.

d. After accounting for the above considerations the remaining balance of the purchase price is proposed to be $169,740 and will be deposited into airport development fund # 090. The total amount of the proceeds will be used only to fund airport projects of airport development otherwise eligible for Federal aid under the Airport Improvement Program, until such time as the full amount of the proceeds is utilized. The proceeds will be expended on the General Aviation Hangars Project that is listed in the Porterville Municipal Airport Capital Improvement Program.

2. In addition, none of the sale proceeds will be used as the City's matching share for any federal airport grant. The City Council recognizes that use of the sale proceeds as a matching share is not authorized or permitted. The sale proceeds will be used to pay for eligible project costs in full and, if used to fund part of a project, to offset the amount of the federal investment needed to fund the project.

PASSED, APPROVED AND ADOPTED this 5th day of April, 2011

[Signature]
Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

[Signature]
By: Patrice Hildreth, Chief Deputy City Clerk
I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 5th day of April, 2011.

THAT said resolution was duly passed, approved, and adopted by the following vote:

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JOHN D. LOLLIS, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
OBLIGATING THE CITY TO EXPEND THE PROCEEDS OF THE
SALE OF EXCESS LAND AT THE PORTERVILLE MUNICIPAL AIRPORT
UPON THE AIRPORT WITHIN A FIVE-YEAR PERIOD

WHEREAS, on April 5, 2011, the City Council authorized the purchase of 25.74± acres of excess Airport land for a purchase price of $515,000 subject to a Federal Aviation Administration (FAA) approved financing plan; and

WHEREAS, on April 5, 2011, the City Council adopted Resolution No. 18-2011, obligating the City to expend the proceeds of the sale of excess land at the Porterville Municipal Airport upon the Airport; and

WHEREAS, Resolution No. 18-2011, included a financing plan for the fair market value of the land, which received an appraisal and review appraisal concurring with a value of $515,000 for the 25.74± acres. The financing plan included a portion of payment of funds for airport development and debt forgiveness for the replacement of fuel tanks and removal of the San Joaquin Kit Fox Preserve; and

WHEREAS, due to the time involved in the lengthy process, the details of the financing plan have changed so that the monetary payment portion of the purchase price is $257,606 (an increase of $87,866) over the amount of $169,740 previously allocated by the City Council on April 5, 2011; and

WHEREAS, the total consideration has not changed, but the balance between payment of funds and debt forgiveness has changed; and

WHEREAS, the FAA has advised the City of Porterville that Federal law requires, as part of a land release, that any airport land be disposed of at fair market value and that all sale proceeds be expended for the capital improvements of Porterville Municipal Airport in accordance with applicable Federal law; and

WHEREAS, the City Council of the City of Porterville approved the sale of City owned Airport real property described as a portion of Assessor’s Parcel No. (APN): 302-110-075, consisting of 25.74± acres M/L in POR SE ¼ OF SEC 8 T22S R27E, Mount Diablo Base and Meridian, according to the Official Plat thereof, and commonly known as that parcel of land located on the west side of the Porterville Municipal Airport runway, immediately north of Tea Pot Dome Avenue and 1340± feet east of West Street in the City of Porterville, California (“Property”); and

WHEREAS, the City of Porterville is now seeking FAA concurrence for the proposed action to comply with all applicable Federal laws and FAA policies and for the continued provision of adequate public airport facilities to be provided for the citizens of the City of Porterville, California.

ATTACHMENT
ITEM NO. 3
NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Porterville does hereby resolve the following:

1. In consideration of the FAA’s approval and release for sale of the Property and recognizing that the Property shall be sold for a sum of no less than $515,000, the City Council hereby amends the previously approved financing plan as follows:

   a. After accounting for the down payment of debt by the airport, the current debt forgiveness amount is $257,394, and the release purchase price is $257,606, an increase of $87,866 over the previously allocated $169,740. The proceeds will be expended on the General Aviation Hangars Project that is listed in the Porterville Municipal Airport Capital Improvement Program.

   b. The provisions of the financing plan contained in City Council Resolution 18-2011, remain in effect except as otherwise modified herein.

2. In addition, none of the sale proceeds will be used as the City’s matching share for any federal airport grant. The City Council recognizes that use of the sale proceeds as a matching share is not authorized or permitted. The sale proceeds will be used to pay for eligible project costs in full and, if used to fund part of a project, to offset the amount of the federal investment needed to fund the project.

PASSED, APPROVED AND ADOPTED this 6th day of November 2012.

By: ____________________________
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: ____________________________
Patrice Hildreth, Chief Deputy City Clerk