*AMENDED* CITY COUNCIL AGENDA  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JUNE 4, 2013, 5:30 P.M.

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

Roll Call: Agency Members/Chairman

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.

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:  
1- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: County of Tulare v. All Persons Interested in the Matter of the Addition of the 2010 Amendment to Redevelopment Plan for the Redevelopment Project Area No. 1, as Adopted by Ordinance 1765 on June 15, 2010, by the City of Porterville, et al., Tulare County Superior Court Case No. 249877.

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

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:  
1 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
3- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Public Safety Support Unit; Porterville Police Officers Association; Management and Confidential Series; Porterville City Firefighters Association; Fire Officer Series; and all Unrepresented Management Employees.
4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Halopoff & Sons, Inc. v. Doug Ross dba Central Valley Asphalt, et al., Tulare County Superior Court Case No. 159053
5- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning the May 9, 2013 written request by Tulare County Council on behalf of the Tulare County Local Community Benefit Committee for the City to return the 2011 and 2012 grant funds awarded to it totaling $217,313.
6- Government Code Section 54956.9(d)(4) – 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 Vice Mayor Pete V. McCracken
Invocation

PROCLAMATIONS
LGBT Pride Month – June 2013

PRESENTATIONS
Chamber of Commerce Annual Report
Office Depot
Employee of the Month – Gale Labonte

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

1. Tulare County Economic Development Corporation – May 22, 2012 (No meeting due to lack of quorum) and May 23, 2013

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

I. City Commission and Committee Meetings:

II. Staff Informational Reports
   Re: Informational report regarding residential and commercial permits issued.
2. Indian Gaming Local Community Benefit Grant Awards
   Re: Informational report regarding the funding of the grant applications.
3. Report – Update Regarding Status of Medical Marijuana Law and the California Supreme Court Decision in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. et al.
Re: Update on new case law pertaining to local regulation of medical marijuana facilities including collectives, cooperatives and/or dispensaries.

**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. **Minutes of December 4, 2012**

2. **Request to Purchase Advanced Authentication Smart Cards**
Re: Considering approval of a purchase of Advanced Authentication Smart Cards, licenses, and service agreement from Dell Corporation in the amount of $7,692.82.

3. **Sale of Surplus Vehicles to the City of Lindsay**
Re: Considering approval of the sale of two surplus vehicles to the City of Lindsay for the sum of $1,500 each.

4. **Authorization to Advertise for Bids - Main Street Bus Turnout**
Re: Considering approval of Staff’s recommended Plans and Project Manual for the project consisting of the removal of existing concrete improvements and the installation of new concrete improvements, concrete pads and bus shelters north of College Avenue on Main Street.

5. **Authorization to Advertise for Bids - W North Grand Avenue Reconstruction Project (Prospect Street to State Route 65)**
Re: Considering approval of Staff’s recommended Plans and Project Manual for the project consisting of the reconstruction of W. North Grand Avenue to collector standards between State Route 65 and Prospect Street; and authorizing an appropriation of $126,500 of Capital Improvement Funds from the Local Transportation Fund account.

6. **This Item Has Been Removed.**

7. **This Item Has Been Removed.**

8. **Acceptance of Project - Jaye Street Bus Turnout**
Re: Considering acceptance of project from Halopoff & Sons; and authorizing the filing of the Notice of Completion for the project consisting of the removal of existing concrete improvements and the installation of new concrete improvements, concrete pads and bus shelters south of Putnam Avenue and north of Oak Avenue.
9. **City Well #1A – Emergency Repair**  
Re: Considering approval of emergency work to be completed by S. A. Camp Pump Company, on City Well #1A at a cost not to exceed $35,000.

10. **Pre-Selection of Sludge Dewatering Equipment and Electric Blowers**  
Re: Considering approval of the proposed pre-selection matrix; and authorizing the preparation of a “commitment” document that commits the pre-selected vendor to the purchase price and delivery dates presented in the vendor’s proposals.

11. **Updated Target Employment Area**  
Re: Considering approval of a resolution accepting the new boundaries for the Target Employment Area.

12. **Consider Resolution of Opposition to AB667 (Hernandez) Regarding Land Use: Development Project Review: Superstores**  
Re: Considering approval of a Resolution of Opposition to AB 667 which would regulate local land use decisions by requiring an enhanced economic impact report regarding the development of superstores in an economic assistance area.

13. **Rescission/Approval – Allocation of $35,000 to the Chamber of Commerce**  

14. **Rescission/Approval – Misc. Porterville Chamber of Commerce Items**  
Re: Consideration of Agenda Items approved via M.O. 08-060110; M.O. 05-111610; M.O. 12-031511; M.O. 09-060711; M.O. 05-101811; and M.O. 09-032012.

15. **Approval for Community Civic Event – Word of Victory Church – Church Community Outreach – June 29, 2013**  
Re: Considering approval of an event to take place on Saturday, June 29, 2013, from 3:00 p.m. to 8:00 p.m. in the church parking lot and in front of the church on ‘E’ Street.

16. **Response to Grand Jury Report – Medical Marijuana City Ordinances**  
Re: Considering approval of a draft “Response to Grand Jury” letter regarding the 2012-2013 Report on Medical Marijuana Cultivation within the county’s incorporated cities.

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

*A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible*
PUBLIC HEARINGS
18. Request for a Conditional Use Permit to Allow for an On-Sale Type 69 (Beer, Wine and Distilled Spirits) License for the Barn Theater Located at 42 South Plano Street
   Re: Consideration of a resolution approving the sale and consumption of beer, wine and distilled spirits on the premises of the Barn Theater.

SCHEDULED MATTERS
19. Consideration of Temporary Use at 952 West North Grand Avenue
   Re: Consideration of a resolution approving a temporary structure permit to allow for the storage and consignment of equipment.

20. Consideration of Fiscal Year 2013-2014 Proposed Budget and Setting Date of Public Hearing
   Re: Consideration of the proposed budget, and approving the scheduling of a Public Hearing on June 18, 2013.

21. Consideration of Support for Scholarships to Attend Porterville College “College 4 Kids Summer Camp”
   Re: Consideration of the use of Council Member Ward’s “Meeting Expenses” account to support scholarships for ten Los Robles Elementary School students.

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 June 18, 2013.

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

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
COUNCIL AGENDA: JUNE 4, 2013

SUBJECT: BUILDING PERMIT ACTIVITY -- JANUARY 1, 2013 TO APRIL 30, 2013

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the first Building Permit Activity Report (BPAR) presented to the City Council and therefore, it is a comprehensive report beginning January 2013 and concluding April 30, 2013. Thereafter, the BPAR will be presented monthly to the City Council. The complete reports are included in Council's packet for Council's review.

The two main categories include new residential permits issued and new commercial permits issued. New residential permits issued are up 71.4% from this time last year (12 vs. 7) and new commercial permits issued are up 100% from this time last year (1 vs. 0).

RECOMMENDATION: None. Informational Only.

ATTACHMENT: January, February, March & April Building Permit Activity Reports

P:\pub\works\General\Council\Building Permit Activity Report - 2013-06-04.doc

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[Signature: Rodriguez, Chief Building Official]
### CITY OF PORTERVILLE - BUILDING DIVISION

**REPORT FOR THE PERIODS OF 1/1/2012 - 2/28/2012 AND 1/1/2013 - 2/28/2013**

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CHIEF BUILDING OFFICIAL
## CITY OF PORTERVILLE - BUILDING DIVISION

### REPORT FOR THE PERIODS OF

1/1/2012 - 1/31/2012 AND
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CHIEF BUILDING OFFICIAL
SUBJECT:  INDIAN GAMING LOCAL COMMUNITY BENEFIT GRANT AWARDS

SOURCE: Administration

COMMENT: The Indian Gaming Local Community Benefit (IGLCB) Committee met on Wednesday, May 22, 2013, and considered the funding of grant applications received from the County of Tulare (Fire Department, Resource Management Agency, and Sheriff’s Department) and City of Porterville (Fire Department and Public Works-Transit Department). At the meeting, the Committee was informed that the Sheriff’s Department had withdrawn its application for grant-funding.

As the City Council is aware, the IGLCB Committee had requested and received an Opinion from the Office of Legislative Counsel, indicating that only the County of Tulare was eligible to receive “60% Nexus” grant funds, while the County and City were both eligible to receive “40% Discretionary” grant funds. With a total of $268,177.87 available for award, the Committee approved sixty percent (60%) of the funding available ($160,907) to be allocated to the County of Tulare for funding of the applications for the Fire Department and Resource Management Agency, with the remaining forty percent (40%) of the funding available ($107,271) to be allocated to the City of Porterville for funding of the applications for the Fire Department and Public Works (Transit) Department.

With the $107,271 allocated to the City of Porterville, the Fire Department has been appropriated $50,000 toward the replacement of its Mass Casualty Response vehicle, and the Public Works (Transit) Department has been appropriated the remaining $57,271 in support of Sunday Service route expansion. With $75,000 in the Fire Department’s Equipment Replacement Fund dedicated to the replacement of the Mass Casualty Response vehicle with an estimated replacement cost of $125,000, should the City receive favorable bids and less than $50,000 be necessary in the vehicle’s replacement, then the remaining funds would be applied to the Public Works (Transit) Department’s Sunday Service route expansion.

RECOMMENDATION: Information Only

ATTACHMENT: None

Report No. II-2
INFORMATIONAL REPORT

TITLE: REPORT – UPDATE REGARDING STATUS OF MEDICAL MARIJUANA LAW AND THE CALIFORNIA SUPREME COURT DECISION IN CITY OF RIVERSIDE V. INLAND EMPIRE PATIENTS HEALTH AND WELLNESS CENTER, INC. ET AL.

SOURCE: CITY ATTORNEY

In December 2012 at a regular City Council meeting, this office discussed with the City Council several cases pending before the California Supreme Court. On May 6, 2013, the Supreme Court issued its opinion in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. et al., California Supreme Court Case No. S198638. The Court found that California’s medical marijuana statutes do not preempt a local ban on facilities that collectively cultivate or distribute medical marijuana.

The City of Riverside specifically declared, by virtue of its zoning ordinances, that a “medical marijuana dispensary” is a prohibited use within the City and may be abated as a public nuisance. The City also bans and declares as nuisances any uses prohibited by federal or state law. In its regulations “medical marijuana dispensary” is defined broadly as “[a] facility where marijuana is made available for medical purposes in accordance with” the Compassionate Use Act. (Riverside Municipal Code Sec. 19.910.140). Riverside also has regulations that provide that any condition caused or permitted to exist in violation of these regulations is a public nuisance which may be abated by the City. (Riverside Municipal Code Sec. 1.01.110E, 6.15.020Q) In 2009 the City’s Community Development Department notified defendants that the City’s all-encompassing definition of “medical marijuana dispensary” referred to all facilities including dispensaries, cooperatives, and collectives and that therefore all three types of facilities are banned. Subsequently the City filed a complaint alleging a nuisance and requesting injunctive relief. The trial court judge granted the City’s request for a preliminary injunction against the operation of the facility, prohibiting defendants from using, or allowing use of the property to conduct any activities or operations related to the distribution of marijuana. The Court of Appeal affirmed the order, finding that the City’s provisions do not duplicate or contradict the state statutes, or invade a field expressly or impliedly occupied by those laws.

At the Supreme Court, defendants continued to urge that the City’s total ban on facilities that cultivated and distributed medical marijuana was in conflict with the Compassionate Use Act (CUA) and Medical Marijuana Program (MMP), and therefore preempted by law. In its Opinion the Supreme Court undertook a comprehensive review of the landmark cases addressing preemption and
medical marijuana, and found that, contrary to defendant's allegations, the CUA/MMP do not confer on qualified patients and their caregivers the unfettered right to cultivate or dispense marijuana anywhere they choose. No part of the CUA/MMP explicitly guarantees the availability of locations where such activities may occur, restricts localities otherwise broad authority to regulate zone and land use planning within its borders, or requires local zoning and licensing laws to accommodate cooperative or collective cultivation or distribution. Rather than relying on portions of the MMP (specifically Health and Safety Code Sec. 11362.768), which have been argued by cities to expressly allow regulations and bans on such facilities, the Court instead relied on preexisting local police powers recognized by the California Constitution (Cal. Const. Art. XI, Sec. 7).

The Court also found the CUA and MMP only took limited steps toward recognizing marijuana as a medicine by exempting particular activities from state laws that would otherwise prohibit them, but that this is a far cry from establishing a comprehensive scheme or system for authorizing, controlling, and regulating these activities. Additionally the presumption against preemption is supported by the existence of varying local interests depending on the particular jurisdiction. The Court noted that while some communities may be well-suited to accommodating the uses, others may come to a reasonable decision that such facilities, even if carefully sited, managed, and monitored would still present an unacceptable local risk and/or burden given the potential for increased crime, blight or drug abuse.

In sum the Supreme Court found the CUA/MMP do not mandate that local governments authorize, allow, or accommodate the existence of various medical marijuana facilities, including collectives, cooperatives, or dispensaries. The Supreme Court did not address whether the CUA/MMP is preempted by federal law, nor did the Supreme Court address whether cities could lawfully enact a permitting regulatory system (found to be improper in Pack v. Superior Court (City of Long Beach) (2011) 199 Cal.App.4th).

Given this new decision, this office, along with the Community Development and Public Safety Departments, intend to schedule an agenda item for a future meeting to request direction from the City Council concerning potential updates and amendments to the City's medical marijuana regulations.
Call to Order at 5:35 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:
   2- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Santoyo et al v. City of Porterville et al., Tulare County Superior Court Case No. 249462.
   3- 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.
   4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: City of Dinuba et al. v. County of Tulare et al., Tulare County Superior Court Case No. 11-243161.
   5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.
   6- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.
   7- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no reportable action took place.

Pledge of Allegiance Led by Mayor Gurrola
Invocation – one individual participated.

PRESENTATIONS
Miss Porterville and Court
Employee of the Month – Marshall Chairez

AB 1234 REPORTS
1. Consolidated Waste Management Authority (CWMA) – Vice Chair McCracken reported on a late objection received regarding the Sharps Program, the status of the draft ordinance, and changes to the construction and demolition subsidy paid by CWMA.

2. Tulare County Economic Development Corporation – Mayor Gurrola reported that she was unable to attend.

3. Joint City/School Committee – The Mayor reported on: discussion regarding the recent community forum and the subsequent dissemination of information to the public, the creation of a subcommittee to conduct future forums, and a future cyber-bullying workshop.

4. Council of Cities – Vice Chair McCracken reported on discussion relative to the Supreme Court ruling regarding Property Tax Administration Fees, and confusion amongst the cities regarding Sustainable Cities.

REPORTS
1. Staff Informational Reports
   1. Medical Marijuana Regulations and Local Regulation – City Attorney Lew provided a verbal report on the status of State Law and pending California Supreme Court review.

ORAL COMMUNICATIONS
- Brock Neeley, Porterville resident, requested that Item No. 5 be pulled to amend the agreement to comply with the California Government Code.
- Johnna Key, Bel Aire Circle, posed questions regarding Item Nos. 5, 10, and 15; and spoke in favor of the bifurcation of future items when a member of the Council has a conflict of interest with a particular area.
- Rhoda Hunter, Tule River Tribal Council, thanked the City for their collaborative effort with the Tribe to provide transit service to the Tule River Reservation, and spoke of the popularity of the route.

CONSENT CALENDAR
Items 3 and 7 were removed for further discussion.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council approve Item Nos. 1-2, 4-6, 8 and 9. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF OCTOBER 16, 2012

Recommendation: That the City Council approve the minutes of October 16, 2012.

Documentation: M.O. 01-120412
Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – SIX (6) COMPRESSED NATURAL GAS (CNG) VEHICLES
4. APPROVAL OF FUEL SOLUTIONS, INC. PROFESSIONAL SERVICE AGREEMENT – CNG FUELING FACILITY EXPANSION PROJECT

Recommendation: That the City Council:
1. Approve the proposed Professional Services Agreement with Fuel Solutions, Inc. for the CNG Fueling Facility Expansion Project;
2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts; and
3. Authorize the Mayor to execute the implementation of the agreement by her signature.

Documentation: M.O. 03-120412
Disposition: Approved.

5. AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT FOR THE REVISION OF THE JAYE STREET/MONTGOMERY AVENUE ROUNDABOUT PLANS AND SPECIFICATIONS

Recommendation: That the City Council:
1. Authorize the Mayor to execute the Consultant Service Agreement with Omni Means at an agreed fee of $29,417 for the services described herein; and
2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts.

Documentation: M.O. 04-120412
Disposition: Approved.

6. 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 TRACKS

Recommendation: That the City Council:
1. Set a Public Hearing for December 18, 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.

Documentation: M.O. 05-120412
Disposition: Approved.

8. AMENDING EMPLOYEE PAY & BENEFIT PLAN – PORTERVILLE CITY EMPLOYEES ASSOCIATION

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

Documentation: Resolution 113-2012
Disposition: Approved.

9. REVIEW OF LOCAL EMERGENCY STATUS

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.

Documentation: M.O. 06-120412
Disposition: Approved.

PUBLIC HEARINGS

10. WALGREENS PHARMACY AT HENDERSON AVENUE AND PROSPECT STREET (PRC 2012-010)

Documentation: That the City Council:
1. Adopt the draft resolution approving a Negative Declaration of environmental impact;
2. Adopt the draft resolution approving a General Plan Amendment to change APN 246-111-008 land use designation from High Density Residential Retail Center;
3. Approve the draft ordinance approving Zone Change for APN 246-111-008 from High Density Residential Zone to Retail Center Zone contingent upon General Plan Amendment;
4. Waive further reading of the draft ordinance, approving the Zone Change, and order it to print; and
5. Adopt the draft resolution containing findings and conditions in support of approval of Conditional use Permit for a Type 20 off-sale alcohol license within Census Tract 35.02 for the proposed Walgreens Pharmacy
at the northeast corner of Henderson Avenue and Prospect Street contingent upon Zone Change and General Plan Amendment.

Acting City Manager Patrice Hildreth introduced the item. Vice Mayor McCracken and Council Member Shelton inquired about potential conflicts of interests. Council Member Shelton abstained from the item. Associate Planner Jose Ortiz presented the staff report, during which he clarified that the applicant was requesting a Type 20 (beer and wine) license, not a Type 21 as stated in the staff report.

Following the report, staff addressed questions from Council Members Ward and Hamilton regarding the proximity of sensitive uses and concerns pertaining to traffic.

The public hearing was opened at 7:24 p.m.

- Johnna Key, Porterville, commented on the location and proximity to her residence.
- Brock Neeley, Porterville, requested clarification regarding Wal-Mart representation of the Alcohol License Map within the staff report.
- Doug Lyle, Project Architect, lauded staff for a smooth process and experience; spoke of Walgreen’s new business approach; addressed questions regarding traffic, construction dust, landscaping and noise associated with store shipments; and spoke of the location of alcohol.
- Bernie Mermelstein, 2 Street Ventures, spoke regarding the status of acquisition of the parcels for the proposed development.

The public hearing was closed at 7:40 p.m.

Vice Mayor McCracken made a motion to approve staff’s recommendations, which was seconded by Council Member Hamilton.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council amend the motion to require that the alcohol be enclosed and secured.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council amend the motion to require the incorporation of noise conditions.

AYES: None
NOES: Ward, Hamilton, McCracken, Gurrola
ABSTAIN: Shelton
ABSENT: None
Council Member Ward made a motion to require that the beer and wine be located behind the counter, which died for lack of a second.

Council Member Ward then expressed his concerns regarding traffic on Prospect Street and Henderson Avenue; and requested that a condition be included which would require a dedicated right turn lane to mitigate congestion. Staff indicated that the capacity of the street was adequate, and compared the level of service ranking with or without the project. They also addressed questions from the Council regarding the widening of the street and the driveway located on Prospect.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council amend the motion to require an alley approach and an additional 5 feet in width to the driveway.

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

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council adopt the draft resolution approving a Negative Declaration of environmental impact; adopt the draft resolution approving a General Plan Amendment to change APN 246-111-008 land use designation from High Density Residential Retail Center; approve the draft ordinance approving Zone Change for APN 246-111-008 from High Density Residential Zone to Retail Center Zone contingent upon General Plan Amendment; waive further reading of the draft ordinance, approving the Zone Change, and order it to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2012-010-Z) FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CR (RETAIL CENTERS) FOR THAT .56± ACRE SITE LOCATED GENERALLY AT THE NORTHEAST CORNER OF HENDERSON AVENUE AND PROSPECT STREET; and adopt the draft resolution containing findings and conditions in support of approval of Conditional use Permit for a Type 20 off-sale alcohol license within Census Tract 35.02 for the proposed Walgreens Pharmacy at the northeast corner of Henderson Avenue and Prospect Street contingent upon Zone Change and General Plan Amendment; as amended to change Type 21 to Type 20 alcohol license; inclusion of noise conditions, an alley approach, and additional 5 ft width for driveway on Prospect.

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: None
ABSTAIN: Shelton
ABSENT: None
The ordinance was read by title only.

Documentation: Resolution No. 114-2012; Resolution No. 115-2012; Ordinance No. 1794; and Resolution No. 116-112

Disposition: Approved, as amended.

The Council recessed for ten minutes at 8:17 p.m.

SECOND READINGS

11. ORDINANCE 1793, APPROVING ZONE CHANGE AT CHASE AVENUE AND PLANO STREET

Recommendation: That the City Council give Second Reading to Ordinance No. 1793, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council give Second Reading to Ordinance No. 1793, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2012-008-Z) FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) FOR THAT .44± ACRE SITE LOCATED GENERALLY AT THE SOUTHWEST CORNER OF CHASE AVENUE AND PLANO STREET. The motion carried unanimously.

The Acting City Manager read the Ordinance by title only.

Documentation: Ordinance No. 1793

Disposition: Approved.

SCHEDULED MATTERS

12. CONSIDERATION TO AMEND EXISTING CONTRACT WITH PENA’S DISPOSAL SERVICE

Recommendation: That the City Council:
1. Amend the existing contract with Pena’s Disposal Service; and
2. Authorize the Mayor to sign the necessary documents.

The Acting City Manager introduced the item, and the staff report was waived at the Council’s request. Staff addressed questions regarding the CPI, savings, and bid process.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the City Council amend the existing contract with Pena’s Disposal Service; and authorize the Mayor to sign the necessary documents. The motion carried unanimously.

Documentation: M.O. 07-120412
Disposition: Approved.

13. 2012 SHORT RANGE TRANSIT PLAN

Recommendation: That the City Council:
1. Review and adopt the 2012 Short Range Transit Plan; and
2. Authorize staff to set a public hearing to address any service level increase/reductions, or fare increases/reductions that may be a part of the 2012 Short Range Transit Plan.

Acting City Manager Hildreth presented the staff report, and the staff report was presented by Transit Manager Rich Tree. He then introduced Charles Clouse from TPG Consulting, who presented the Short Range Transit Plan and addressed questions from the Council.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council adopt the 2012 Short Range Transit Plan; and authorize staff to set a public hearing to address any service level increase/reductions, or fare increases/reductions that may be a part of the 2012 Short Range Transit Plan. The motion carried unanimously.

Documentation: M.O. 08-120412
Disposition: Approved.

14. ADOPTION OF DEVELOPMENT AGREEMENT FEES

Recommendation: That the City Council adopt the draft resolution setting forth the fee at $1,211.19 for a Development Agreement Application as required by Chapter 609 of the Porterville Development Ordinance.

The Acting City Manager presented the item, and the staff report was presented by Community Development Director Dunlap. Council Member Hamilton made a motion to approve staff’s recommendation, which was seconded by Vice Mayor McCracken. City Attorney Lew advised that a public hearing was required, and as such the recommendation would need to be modified. The motion to approve was rescinded. Council Member Ward spoke in favor of CPI for all fees.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council authorize the scheduling of a public hearing for consideration of proposed fees on December 18, 2012. The motion carried unanimously.
15. CONSIDERATION OF CREATING A CITY BANNER PROGRAM TO HONOR LOCAL MILITARY VETERANS

Recommendation: That the City Council consider creating a City Banner Program to honor and recognize local military veterans.

Acting City Manager Hildreth introduced the item and presented the staff report. Council Member Ward spoke in support of the proposed program, and the Council discussed the possible implementation. City Attorney Lew advised that an ad-hoc committee be established to allow members of the Council to work with outside organizations. The Council directed that local veteran organizations and Time Marches On be involved.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the City Council approve the creation of an Ad-Hoc Committee consisting of Council Members Ward and Hamilton, to provide options for Council consideration. The motion carried unanimously.

Documentation: M.O. 10-120412
Disposition: Approved.

16. CONSIDERATION OF ELIMINATING THE USE OF CITY FUNDS TO ATTEND LOCAL COMMUNITY EVENTS

Recommendation: That the City Council consider eliminating the use of City funds to attend local community events.

Acting City Manager Hildreth presented the item, and the staff report was waived at the Council’s request. The Council discussed micro-managing, use of council member budgets, and the purchase of tickets to community events. Council Member Shelton made a motion to prohibit the use of City funds for the purchase of tickets. Council Member Ward spoke in support of the Mayor and Vice Mayor attending events as representatives of the Council, and requested that the motion be amended as such.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council restrict the use of City funds for tickets to community events to only the Mayor and Vice Mayor. The motion carried unanimously.

Documentation: M.O. 11-120412
Disposition: Approved.
CONSENT CALENDAR (Pulled Items)

3. AUTHORIZATION TO REJECT ALL PROPOSALS AND RE-SOLICIT THE PORTERVILLE MUNICIPAL AIRPORT DRY FARM LEASE

Recommendation: That the City Council authorize the rejection of all proposals, and direct the re-solicitation of the Dry Farm Lease, utilizing responsible bidder requirements similar to those contained in the Reclamation Area Lease solicitation.

The Acting City Manager introduced the item, and the staff report was waived at the Council’s request. The Council discussed the issue of time and explored various options available.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council authorize the rejection of all proposals, and direct the re-solicitation of the Dry Farm Lease for award on December 18, 2012; and direct staff to contact Mr. Sheets if no bids are received to inquire about extension of agreement.

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

Documentation: M.O. 12-120412
Disposition: Approved.

7. REVISED CHRISTMAS EVE LIBRARY HOURS

Recommendation: That the City Council authorize the closing of the Library at 5:30 p.m. on Christmas Eve.

The Acting City Manager introduced the item, and the staff report was waived at the Council’s request. Council Member Ward voiced his opposition to non-safety personnel working on Christmas Eve, and requested that staff track and report on the number of individuals serviced on Christmas Eve.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council authorize the closing of the Library at 5:30 p.m. on Christmas Eve. The motion carried unanimously.

Documentation: M.O. 13-120412
Disposition: Approved.

The Council adjourned at 9:57 p.m. to a meeting of the Successor Agency to the Porterville Redevelopment Agency. Council Member Shelton exited the Council Chambers.
SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY

MINUTES

291 N. MAIN STREET, PORTERVILLE, CA 93257

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

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

SCHEDULED MATTERS

SA-01. INDEPENDENT ACCOUNTANT’S REPORT ON APPLYING AGREED-UPON PROCEDURES (ALL OTHER FUNDS OF THE FORMER REDEVELOPMENT AGENCY OTHER THAN THE LOW AND MODERATE INCOME HOUSING FUND)

Recommendation: That the Successor Agency receive the Independent Auditor’s Report on Applying Agreed-Upon Procedures (all other funds of the former Redevelopment Agency other than the low and Moderate Income Housing Fund) and authorize the City Manager and City Finance Director, on behalf of the Successor Agency, to transmit the Due Diligence Review and the Recognized Obligation Payment Schedule to the Oversight Board, the Tulare County Administrative Officer, the CAC, the SCO and the DOF, all in accordance with Health & Safety Code Sections 34179.5 and 34179.6.

Acting City Manager Hildreth introduced the item, and the staff report was presented by Finance Director Maria Bemis.

AGENCY ACTION:    MOVED by Agency Member Ward, SECONDED by Agency Member Hamilton that the Successor Agency receive the Independent Auditor’s Report on Applying Agreed-Upon Procedures (all other funds of the former Redevelopment Agency other than the low and Moderate Income Housing Fund) and authorize the City Manager and City Finance Director, on behalf of the Successor Agency, to transmit the Due Diligence Review and the Recognized Obligation Payment Schedule to the Oversight Board, the Tulare County Administrative Officer, the CAC, the SCO and the DOF, all in accordance with Health & Safety Code Sections 34179.5 and 34179.6. The

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

Page 11 of 12
The Successor Agency to the Porterville Redevelopment Agency adjourned at 10:01 p.m. to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
- Teri Irish, Porterville resident, commented on the Council’s use of the motion, second, and discussion during the meeting; and stated that the Council Handbook had been in existence for many years.

**OTHER MATTERS**
- Council Members Shelton and Hamilton, and Mayor Gurrola commented on the recent Christmas Parade.
- Council Member Shelton spoke of an upcoming Step Up meeting and the Senior Dinner.

**ADJOURNMENT**
The Council Meeting adjourned at 10:04 p.m. to the meeting of December 11, 2012, at 5:30 p.m. in the Community Room of the Porterville Library, 41 West Thurman Avenue.

_______________________________
Luisa M. Herrera, Deputy City Clerk

SEAL

_______________________________
Virginia R. Gurrola, Mayor
SUBJECT: REQUEST TO PURCHASE ADVANCED AUTHENTICATION SMART CARDS

SOURCE: Police Department

COMMENT: In October 2012, the Federal Bureau of Investigations issued the latest version of the Criminal Justice Information Services (CJIS) security policy which identified enhanced security requirements for accessing FBI databases from mobile or handheld devices. Further, the California Department of Justice (DOJ-CLETS) has adopted similar security policies regarding the transmission of mobile wireless data. Both the FBI and DOJ have established a deadline of September 30, 2013, for agencies to design, submit, and implement the required changes.

For the past several months, City IT staff has conducted research related to this project and have been successful in accomplishing the first two requirements to be implemented: Standard Authentication-Password and 128 Bit Encryption. After sending specifications to different vendors, the only vendor found to fulfill all requirements for the final part of the project, Advanced Authentication Smart Cards, was Dell Corporation. IT staff also contacted the FBI for assistance in locating a vendor capable of satisfying the requirements and they were directed to Dell. Attached is a quote from Dell which covers the cost of purchasing the Smart Cards necessary to equip the mobile computers (MDT’s) utilized by the Police Department, the associated licenses, and a three-year service agreement. The total cost for the items stated on the quotation is $7,692.82.

Funds for this project are currently available in the Police Department’s state asset forfeiture account.

RECOMMENDATION: That the City Council:

1. Approve the purchase of the Advanced Authentication Smart Cards, licenses, and service agreement for the amount of $7,692.82; and
2. Authorize staff proceed with the project.

ATTACHMENT: Sales Quote
# QUOTATION

**QUOTE #:** 653125953  
**Customer #:** 4023319  
**Contract #:** WN99ABZ  
**Customer Agreement #:** WSCA B27160  
**Quote Date:** 5/17/13  
**Customer Name:** CITY OF PORTERVILLE  

**Date:** 5/17/13 1:04:21 PM

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## SOFTWARE & ACCESSORIES

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- **Number of S & A Items:** 4  
- **S&A Total Amount:** $7,692.83

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<th>800-695-8133</th>
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<td>Phone Ext:</td>
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Please review this quote carefully. You may order online by signing into Premier at [www.premier.dell.com](http://www.premier.dell.com). Click on the eQuotes link. To order without Premier, go to [www.dell.com/qto](http://www.dell.com/qto).

If you do not have a separate agreement with Dell that applies to your order, please refer to [www.dell.com/terms](http://www.dell.com/terms) as follows:

If purchasing for your internal use, your order will be subject to Dell's Terms and Conditions of Safe-Direct including Dell's U.S. Return Policy, at [www.dell.com/returnpolicy#total](http://www.dell.com/returnpolicy#total). If purchasing for resale, your order will be subject to Dell's Terms and Condition of Sale for Persons or Entities Purchasing to Resell, and other terms of Dell's PartnerDirect program at [www.dell.com/partner](http://www.dell.com/partner). If your order includes services, visit [www.dell.com/servicecontracts](http://www.dell.com/servicecontracts) for service descriptions and terms.

Quote information is valid for U.S. customers and U.S. addresses only, and is subject to change. Sales tax on products shipped is based on "Ship To" address, and for downloads is based on "Bill To" address. Please indicate any tax-exempt status on your PO, and fax your exemption certificate, with seller listed as Dell Marketing L.P, to Dell's Tax Department at 800-433-9023. Please include your Customer Number.
SUBJECT: Sale of Surplus Vehicles to the City of Lindsay

SOURCE: Police Department

COMMENT: The City of Lindsay has been in negotiations with the City of Porterville regarding the purchase of surplus vehicles. Lindsay needs the vehicles in order to serve as K-9 units for the Lindsay Police Department's newly formed Police K-9 program. Through the course of the negotiations, City staff has identified two (2) vehicles that would benefit the City of Lindsay. The negotiated price is $1,500.00 for each vehicle, which is the estimated value of these two vehicles in "as is" condition if sold to a law enforcement agency. Lindsay staff has inspected the vehicles at the City of Porterville Corporation Yard and found them acceptable for purchase. The following is a list of the surplus vehicles to be purchased by the City of Lindsay:

Unit 3235 2005 Ford Crown Victoria Sedan Lic# 1157665
VIN# 2FAFP71W25X124156 113,774 Miles

Unit 3237 2005 Ford Crown Victoria Sedan Lic# 1157662
VIN# 2FAFP71W75X124153 93,588 Miles

The total cost for the two surplus vehicles to be purchased by the City of Lindsay is $3,000.00.

The Purchasing Agent is authorized to dispose of surplus City property through public auction, trade-in, or negotiated sale. Staff has determined that it is in the best interests of the City to negotiate with other agencies or teaching institutions whenever possible because this allows vehicles to be transferred "as is" without having to strip the patrol vehicles of emergency equipment and perform costly safety inspections. We also save the costs of the auctioneer's commission.

RECOMMENDATION: That the City Council approve the sale of the two above-listed surplus vehicles to City of Lindsay for the sum of $1,500 each.
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – MAIN STREET BUS TURNOUT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Main Street Bus Turnout. The proposed project will improve transit accessibility along a portion of Route 4 to Porterville College along Main Street. This bus stop is north of College Avenue on Main Street. The bus turnout project includes removal of existing concrete improvements and installation of new concrete improvements allowing a bus to completely pull out of the travel way to access the bus stop location. Concrete pads with bus shelters, provided by the City and installed by the contractor, will be adjacent to the back of new sidewalk.

Installation of sidewalk between the eastbound Main Street/State Route 190 off ramp and the Porterville College is also a part of the project. There is approximately 80 lineal feet of missing sidewalk in the vicinity of the off-ramp that has been missing for years. The number of pedestrians in the area necessitates completion of the walking path from the downtown area to Porterville College.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review. The Engineer’s estimate of probable cost for construction is $34,848.00. An additional $3,484.80 is necessary for construction contingency (10%); an additional $3,484.80 for construction management, quality control and inspection services (10%). Total estimated cost associated with the project is $41,817.60.

The Federal Transportation Authority is the funding source for this project, inclusive of a twenty-five percent (25%) Local Transportation Fund match. The project and funding sources were approved by adoption of the 2012/2013 Annual Budget. City-owned curb, gutter and sidewalk account and State Transportation Program funds will fund the small segment of sidewalk described above. This funding source was approved in the 2012/2013 Annual Budget.

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

P:\pub\work\Genera\Council\Authorization To Advertise for Bids - Main Street Bus Turnout - 2013-06-04.doc

Dir Appropriated/Funded  CM  

Item No. 4
## Main Street Bus Turn Out
### City of Porterville, Engineer’s Estimate

5/21/13

### Estimate - Main Street Bus Turn Out

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<th>DESCRIPTION</th>
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<th>UNIT PRICE</th>
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<td>Cleaning and Grubbing (including but not limited to concrete, dirt, asphalt, tree removal, landscaping removal, irrigation line removal and replacement)</td>
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<td>Modified Curb and V-Gutter</td>
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<td>SF</td>
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<td>5</td>
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<td>Install City Provided Bus Shelters</td>
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<td>9</td>
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### City Portion Concrete

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<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>10</td>
<td>Construct Sidewalk</td>
<td>365</td>
<td>SF</td>
<td>$5.00</td>
<td>$1,815.00</td>
</tr>
</tbody>
</table>

**Subtotals:**

- **Bus Turnout Subtotal:** $32,885.00
- **10% Contingency:** $3,288.50
- **Total:** $36,151.50

- **City Portion Subtotal:** $1,815.00
- **10% Contingency:** $181.50
- **Total:** $1,996.50

**Total:** $34,860.00

10% Contingency: $3,486.00

**Total:** $38,148.00

---

Project Manager: 5/28/13
City Engineer: 5/28/2013
Public Works Director: 5/28/2013
City Manager: 6/2/13
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT (PROSPECT STREET TO STATE ROUTE 65)

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the W. North Grand Avenue Reconstruction Project. The proposed project reconstructs W. North Grand Avenue to collector standards between State Route 65 and Prospect Street. The project includes new paving, sewer and water services to parcels not already served, curb, gutter, sidewalks (developed parcels within City limits), drive approaches, storm drain and appurtenances.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review. The Engineer’s estimate of probable cost for construction is $647,328.00. Approximately seventeen percent (17%) of this project, or $110,000, are improvements specifically associated with Storm Drain Master Plan. An additional $64,732.80 is necessary for construction contingency (10%). It is anticipated that an additional $32,366.40 (5%) is required for construction management, quality control, and inspection services for a total estimated projected cost of $744,427.20.

Funding for all of the street infrastructure was approved in the 2012/2013 Annual Budget and Local Transportation Funds is the funding source. Staff is requesting that $126,500, which includes a proportional share of the construction contingency, construction management, quality control and inspection services, be appropriated from the Storm Drain Development Fund account to cover all construction costs related to the Storm Drain Master Plan. Approval of the additional funding will require an amendment to the approved 2012-2013 Capital Improvement Project Program.

RECOMMENDATION: That City Council:

1. Approve an appropriation of $126,500 of Capital Improvement Funds for the W. North Grand Avenue Reconstruction from the Storm Drain Developer Fund account;

2. Approve Staff’s recommended Plans and Project Manual; and

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

ATTACHMENTS: Locator Map & Engineer’s Estimate
North Grand Reconstruction  
between Highway 65 and Prospect Street

City of Porterville

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization and Clean Up</td>
<td>LS</td>
<td>1</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
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<tr>
<td>2</td>
<td>Sheetling and Shoring</td>
<td>LS</td>
<td>1</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
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<tr>
<td>3</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
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<td>4</td>
<td>Clearing and Grubbing</td>
<td>LS</td>
<td>1</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
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<tr>
<td>5</td>
<td>Roadway Excavation and Subgrade Preparation</td>
<td>CY</td>
<td>2500</td>
<td>$15.00</td>
<td>$37,500.00</td>
</tr>
<tr>
<td></td>
<td>including Sawcut, Pavement and Concrete Removal</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>10&quot; Class 2 Ag Base</td>
<td>CY</td>
<td>1330</td>
<td>$55.00</td>
<td>$73,150.00</td>
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<tr>
<td>7</td>
<td>5.5&quot; A.C.</td>
<td>TN</td>
<td>1480</td>
<td>$60.00</td>
<td>$88,800.00</td>
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<tr>
<td>8</td>
<td>Install Curb and Gutter</td>
<td>LF</td>
<td>1065</td>
<td>$20.00</td>
<td>$21,300.00</td>
</tr>
<tr>
<td>9</td>
<td>Install Driveway</td>
<td>SF</td>
<td>1596</td>
<td>$20.00</td>
<td>$31,920.00</td>
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<tr>
<td>10</td>
<td>Install Sidewalk</td>
<td>SF</td>
<td>3500</td>
<td>$15.00</td>
<td>$52,500.00</td>
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<tr>
<td>11</td>
<td>Install Rolled Curb</td>
<td>LF</td>
<td>185</td>
<td>$30.00</td>
<td>$5,550.00</td>
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<tr>
<td>12</td>
<td>Install Alley Approach Per City Standard</td>
<td>EA</td>
<td>2</td>
<td>$5,000.00</td>
<td>$10,000.00</td>
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<tr>
<td></td>
<td>Install 1&quot; Water Service</td>
<td>EA</td>
<td>4</td>
<td>$750.00</td>
<td>$3,000.00</td>
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<tr>
<td></td>
<td>Install 2&quot; Water Service</td>
<td>EA</td>
<td>2</td>
<td>$1,000.00</td>
<td>$2,000.00</td>
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<tr>
<td></td>
<td>Install 4&quot; Sewer Lateral</td>
<td>EA</td>
<td>9</td>
<td>$1,005.00</td>
<td>$9,045.00</td>
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<td></td>
<td>Install 6&quot; Sewer Lateral</td>
<td>EA</td>
<td>2</td>
<td>$1,500.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>13</td>
<td>Install Survey Monument</td>
<td>EA</td>
<td>3</td>
<td>$1,000.00</td>
<td>$3,000.00</td>
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<tr>
<td>14</td>
<td>Install 2&quot; Street Light Conduit</td>
<td>LF</td>
<td>1500</td>
<td>$15.00</td>
<td>$22,500.00</td>
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<tr>
<td>15</td>
<td>Install Edison Handhole</td>
<td>EA</td>
<td>7</td>
<td>$500.00</td>
<td>$3,500.00</td>
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<tr>
<td>16</td>
<td>Install Street Lights</td>
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<td>6</td>
<td>$1,500.00</td>
<td>$7,500.00</td>
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<td>17</td>
<td>Install Storm Drain Catch Basin</td>
<td>EA</td>
<td>2</td>
<td>$2,000.00</td>
<td>$4,000.00</td>
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<tr>
<td>18</td>
<td>Install 18&quot; Storm Drain Pipe</td>
<td>LF</td>
<td>675</td>
<td>$60.00</td>
<td>$40,500.00</td>
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<td>19</td>
<td>Install 30&quot; Storm Drain Pipe</td>
<td>EA</td>
<td>447</td>
<td>$80.00</td>
<td>$35,760.00</td>
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<td>Install 48&quot; Storm Drain Manhole</td>
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<td>4</td>
<td>$4,000.00</td>
<td>$16,000.00</td>
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<tr>
<td>21</td>
<td>Connect to Existing Manhole</td>
<td>EA</td>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
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<tr>
<td>22</td>
<td>Install Storm Drain Plug</td>
<td>EA</td>
<td>2</td>
<td>$1,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>23</td>
<td>Remove and Relocate Signs</td>
<td>EA</td>
<td>3</td>
<td>$400.00</td>
<td>$1,200.00</td>
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<td>24</td>
<td>Remove and Relocate Mail Box</td>
<td>EA</td>
<td>18</td>
<td>$200.00</td>
<td>$3,600.00</td>
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<tr>
<td>25</td>
<td>Adjust Water Meter to Grade</td>
<td>EA</td>
<td>1</td>
<td>$300.00</td>
<td>$300.00</td>
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<tr>
<td>26</td>
<td>Relocate and Replace Existing Water Meter to City</td>
<td>EA</td>
<td>1</td>
<td>$500.00</td>
<td>$500.00</td>
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<tr>
<td></td>
<td>Standard location and box</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Adjust Sewer Manhole Rim to grade</td>
<td>EA</td>
<td>3</td>
<td>$1,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>28</td>
<td>Adjust Water Valve Cover to grade</td>
<td>EA</td>
<td>2</td>
<td>$500.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>29</td>
<td>Signing and Stripping</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

Sub Total $583,480.00

10% Contingency $58,348.00

Total $647,328.00

Project Manager 5-23-13

City Engineer 5-23-13

Public Works Director 5-23-13

City Manager 5-23-13
THIS ITEM HAS BEEN REMOVED
THIS ITEM HAS BEEN REMOVED
SUBJECT: ACCEPTANCE OF PROJECT – JAYE STREET BUS TURNOUT

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff & Sons has completed the Jaye Street Bus Turnout Project per plans and specifications. The project improves transit accessibility along a portion of Route 6 to Sierra View District Hospital. The bus stop is south of Putnam Avenue and north of Oak Avenue. The bus turnout project included removal of existing concrete and landscape improvements and installation of new concrete and landscape improvements allowing the bus to completely pull out of the travel way to access the bus stop location. Concrete pads with bus shelter provided by the City and installed by the contractor is adjacent to the back of the new sidewalk.

Staff carefully tracks construction costs of all Capital Improvement Projects and reports project construction expenditures when the project is accepted by the City Council. On February 9, 2013, City Council authorized expenditure of $87,197.11 for construction, construction management and quality control services for the Jaye Street Bus Turnout Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $78,217.30.

2) Construction management and quality control costs are $9,822.14.

Total project construction costs equal $88,039.44, which is $842.33 more than the $87,197.11 overall budget approved by Council at the time of award. Additional coordination with Sierra View Hospital maintenance staff was needed to verify existing landscaping control wiring and properly tie the new system to the existing system. Additional effort was needed to verify the location of existing on site electrical conduits to avoid conflicts with new construction. The presence of an unknown abandoned concrete pipeline in conflict with construction was demolished and removed by the contractor requiring additional coordination and inspection.

Funding for this project is from a Federal Transportation Administration Grant with a twenty percent (20%) local match. Local Transportation Funds are the revenue source for the local share, all of which was approved in the 2012/2013 Annual Budget.
Halopoff & Sons requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;

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

3. Authorize the immediate release of final payment, provided no stop notices have been filed.

ATTACHMENT: Locator Map
COUNCIL AGENDA: JUNE 4, 2013

SUBJECT: CITY WELL #1A - EMERGENCY REPAIR

SOURCE: Public Works Department - Water Utilities Division

COMMENT: The City of Porterville Water Utilities Division maintains operation of City Well #1A located on Putnam Avenue east of Fourth Street.

The motor has failed and needs to be replaced. S.A. Camp Pump Company has indicated they can work us into their schedule immediately and recommends we lower the pump by 40 feet to avoid potential air problems.

It is critical that normal operation be restored and repairs be performed immediately to satisfy water system demands. The cost of replacement or repairs should not exceed $35,000. Funding is available from the Water Replacement Fund.

RECOMMENDATION: That City Council approve emergency work to be completed by S.A. Camp Pump Company on City Well #1A at a cost not to exceed $35,000.
SUBJECT: PRE-SELECTION OF SLUDGE DEWATERING EQUIPMENT AND ELECTRIC BLOWERS

SOURCE: Public Works Department - Engineering Division

COMMENT: On March 19, 2013, Council directed Public Works to advertise for the pre-selection of a sludge de-watering machine and for the pre-selection of three electric blowers. Both pieces of equipment are essential in the day to day operation of the wastewater treatment plant.

The City’s consultant, AECom, prepared technical specifications on both pieces of equipment and formatted the documents so that the City received a 20 year life cycle cost analysis from the individual vendors. Proposals were accepted by the City on April 30, 2013 and each proposal was reviewed by staff and AECom. Staff’s summary of the 20 year cost analysis is shown below. The full evaluation by AECom on each piece of equipment is included in Council’s packet.

THREE ELECTRIC BLOWERS

<table>
<thead>
<tr>
<th>Manufacturer</th>
<th>Initial Cost to Purchase</th>
<th>Annual Power Cost</th>
<th>20 Year Life Cycle Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neuros</td>
<td>$671,100</td>
<td>$207,977</td>
<td>$5,531,257</td>
</tr>
<tr>
<td>His</td>
<td>$446,699</td>
<td>$227,899</td>
<td>$5,646,634</td>
</tr>
<tr>
<td>Piller</td>
<td>$772,599</td>
<td>$196,881</td>
<td>$5,455,945</td>
</tr>
</tbody>
</table>

SCREW PRESS SLUDGE DE-WATERING EQUIPMENT

<table>
<thead>
<tr>
<th>Manufacturer</th>
<th>Initial Cost to Purchase</th>
<th>Annual Polymer Cost</th>
<th>20 Year Life Cycle Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>FKC</td>
<td>$341,830</td>
<td>$122,486</td>
<td>$3,793,876</td>
</tr>
<tr>
<td>Huber</td>
<td>$390,000</td>
<td>$81,657</td>
<td>$3,303,369</td>
</tr>
<tr>
<td>PW Tech*</td>
<td>$298,000</td>
<td>$40,829**</td>
<td>$2,478,210</td>
</tr>
</tbody>
</table>

Staff recommends that the City pre-select the Piller Electric Blower because it satisfies the technical specifications and has the lowest 20 year life cycle cost.

The PW Tech Sludge dewatering machine did not meet or satisfy the technical specifications. Further, there is reason to believe that the amount of polymer (lbs.) suggested by the vendor to achieve the desired sludge
"dryness" has been underrepresented. Staff recommends that the City pre-select the Huber Screw Press De-Watering Machine. Once the de-watering machine and electric blowers have been pre-selected, a pre-selection document will be prepared and presented to the successful vendor. The vendor's signature on the document affirms the cost is as presented in their proposal and commits the vendor to a specific delivery schedule.

RECOMMENDATION: That the City Council:

1. Approve the pre-selection matrix as presented in the staff report; and

2. Direct the Public Works Director to prepare or have prepared a "Commitment" document that commits the pre-selected vendor to the purchase price as presented in the vendor's proposal and to a specific equipment delivery.

ATTACHMENT: AECom Evaluations

P:\pubworks\General\Council\Pre-Selection of Electric blowers.doc
<table>
<thead>
<tr>
<th>Manufacturer</th>
<th>Neuros</th>
<th>HSI</th>
<th>Pillar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operation (day/yr)</td>
<td>365</td>
<td>365</td>
<td>365</td>
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<tr>
<td><strong>Equipment</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blower No. 1 $</td>
<td>223,700 $</td>
<td>148,900 $</td>
<td>257,533 $</td>
</tr>
<tr>
<td>Blower No. 2 $</td>
<td>223,700 $</td>
<td>148,900 $</td>
<td>257,533 $</td>
</tr>
<tr>
<td>Standby $</td>
<td>223,700 $</td>
<td>148,900 $</td>
<td>257,533 $</td>
</tr>
<tr>
<td><strong>Total</strong> $</td>
<td>671,100 $</td>
<td>446,699 $</td>
<td>772,599 $</td>
</tr>
<tr>
<td><strong>Operations Requirements</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of Operators per Day (no/day)</td>
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<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Hours/Day</td>
<td>4</td>
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<td>4</td>
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<tr>
<td>Hours/Year</td>
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<tr>
<td>Labor Rate</td>
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<td>83,054 $</td>
<td>83,054 $</td>
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<td><strong>Power/Requirements</strong></td>
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<tr>
<td>Electricity Cost ($/kWh)</td>
<td>0.11 $</td>
<td>0.11 $</td>
<td>0.11 $</td>
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<tr>
<td>Electrical Demand (kWh/year)</td>
<td>1,890,700</td>
<td>2,071,813</td>
<td>1,789,829</td>
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<tr>
<td><strong>Total Electrical</strong> $</td>
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<td>227,899 $</td>
<td>196,861 $</td>
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<td>Hours/Year</td>
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<td>Maintenance Rate ($/hr) $</td>
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<td>160 $</td>
<td>80 $</td>
<td>539</td>
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<td><strong>Electrician Requirements</strong></td>
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</tr>
<tr>
<td>Hours/Year</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>Electrician Rate ($/hr) $</td>
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<td>79.08 $</td>
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<td>0</td>
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<td><strong>Replacement Parts</strong></td>
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<tr>
<td>Annual Replacement Cost ($/yr)</td>
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<td>900 $</td>
<td>450</td>
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<td><strong>Total Annual O&amp;M Costs</strong> $</td>
<td>291,551 $</td>
<td>311,934 $</td>
<td>280,945 $</td>
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<tr>
<td><strong>Total PV Factor</strong></td>
<td>16.67</td>
<td>16.67</td>
<td>16.67</td>
</tr>
<tr>
<td><strong>Total</strong> $</td>
<td>5,531,257 $</td>
<td>5,646,634 $</td>
<td>5,455,845 $</td>
</tr>
<tr>
<td>Manufacturer</td>
<td>FKIC</td>
<td>Huber</td>
<td>PW Tech</td>
</tr>
<tr>
<td>--------------</td>
<td>------</td>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>Solids Loading (lb/hr)</td>
<td>673</td>
<td>673</td>
<td>673</td>
</tr>
<tr>
<td>Operation (hr/yr)</td>
<td>3640</td>
<td>3640</td>
<td>3640</td>
</tr>
</tbody>
</table>

**Equipment**

| Equipment Cost | $341,830 | $390,000 | $298,000 |

**Polymer Requirements**

| Active (lb/dry ton) | 30 | 20 | 10 |
| Total (lbs/dry ton) | 66.7 | 44.4 | 22.2 |
| Cost Factor ($/lb) | $1.50 | $1.50 | $1.50 |
| Polymer Cost | $122,486 | $81,657 | $40,829 |

**Operations Requirements**

| No. of Operators per Day (no/day) | 1 | 1 | 1 |
| Hours/Day | 4 | 4 | 4 |
| Hours/Year | 1040 | 1040 | 1040 |
| Labor Rate | 79.86 | 79.86 | 79.86 |
| Labor Cost | $83,054 | $83,054 | $83,054 |

**Power Requirements**

| Electricity Cost ($/KWh) | $0.11 | $0.11 | $0.11 |
| Electrical Demand (KWh/day) | 40 | 52.5 | 19.6 |
| Total Electrical | $667 | $876 | $327 |

**Maintenance Requirements**

| Hours/Year | 10 | 80 | 26 |
| Maintenance Rate ($/hr) | 79.86 | 79.86 | 79.86 |
| Maintenance Cost | $799 | $6,389 | $2,076 |

**Electrician Requirements**

| Hours/Year | 0 | 10 | 0 |
| Electrician Rate ($/hr) | $79 | $79 | $79 |
| Electrician Cost | - | $791 | - |

**Replacement Parts**

| Annual Replacement Cost ($/yr) | $75 | $2,000 | $4,500 |
| Total Annual O&M Costs | $207,081 | $174,767 | $130,786 |
| 20-Year PV Factor | 16.67 | 16.67 | 16.67 |
| 20-Year O&M PV | $3,452,046 | $2,913,369 | $2,180,210 |
| Total | $3,793,876 | $3,303,369 | $2,478,210 |

**Analysis w/o Polymer**

| Total Annual O&M Costs | $84,595 | $93,110 | $89,958 |
| 20-Year PV Factor | 16.67 | 16.67 | 16.67 |
| 20-Year O&M PV | $1,410,204 | $1,552,142 | $1,499,596 |
| Total | $1,752,034 | $1,942,142 | $1,797,596 |
SCHEDULED MATTER

SUBJECT: UPDATED TARGET EMPLOYMENT AREA

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - ECONOMIC DEVELOPMENT DIVISION

COMMENT: Section 7072(i) of the Government Code defines a Target Employment Area (TEA) as “an area within a city, county, or city and county that is composed solely of those census tracts designated by the US Department of Housing and Urban Development that have at least 51 percent of its residents of low or moderate income levels”. The purpose of a TEA is to encourage businesses in an enterprise zone to hire eligible residents from census tracts with low or moderate income levels. Porterville’s portion of the Sequoia Valley Enterprise Zone is limited to lands zoned for commercial, office, and industrial uses within the City limits.

The Enterprise Zone Program offers a hiring credit to an eligible employer that hires an eligible employee. Employers are deemed eligible by operating their business within the boundaries of the enterprise zone. Employees are deemed eligible by meeting one of thirteen different criteria at the time of hire. The criteria includes, but is not limited to, being economically disadvantaged, a Native American, a veteran recently separated from service, someone who is receiving public assistance, an ex-offender or someone who lives in a TEA.

The statutes governing the Enterprise Zone Program require that each zone update its TEA within 180 days of new census data becoming available. In the past, the TEA had been updated every ten years, but the California Housing and Community Development Department (HCD) has determined that the census data is now available every year by utilizing the United States Census Bureau’s American Community Survey Five Year Averages. As a result, HCD now requires that the TEA be updated on an annual basis. The current TEA boundary was based on information from the 2000 census. In the process of reviewing the TEA boundary, census tracts 35.01, 35.02, 36.01, and 40 no longer meet the income criteria.

The boundaries of Porterville’s TEA must be amended to remove the four census tracts that no longer meet the criteria. This will continue to allow local businesses to take advantage of the enterprise zone by retaining the option of qualifying an employee as eligible by their residency in the TEA. If the resolution is not adopted, businesses would no longer have the option of qualifying an employee under their residency in the TEA for the enterprise zone tax credit.

RECOMMENDATION: Staff recommends that council adopt the resolution accepting the new boundaries for the Target Employment Area.

DD APPROPRIATED/FUNDED N/A CM

ITEM NO. 11
ATTACHMENT: Resolution to adopt the amended boundaries of the Target Employment Area
RESOLUTION # _______


WHEREAS, the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, and the county of Tulare have each separately and jointly taken significant steps to coordinate their economic development efforts through the Economic Development Corporation (EDC) and to concentrate their respective resources in ways that would generate additional long-term employment in the private sector; and

WHEREAS, on January 9, 2012, the Economic Development Corporation, acting on behalf of the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, and the County of Tulare received final designation for the Sequoia Valley Enterprise Zone from the State of California Department of Housing and Community Development, with a 15 year zone designation period made retroactive to October 6, 2010; and

WHEREAS, Government Code Section 7073(a) requires any city, county, or city and county who applies for and receives designation as an enterprise zone, to also establish definitive boundaries for a targeted employment area; and

WHEREAS, Government Code Section 7072 (i)(4) requires any city, county, or city and county with jurisdiction of an enterprise zone to update its targeted employment area within 180 days of United States census data becoming available; and

WHEREAS, in December of 2012, new United States census data became available using the census bureau’s American Community Survey Five Year Averages.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville, that the Targeted Employment Area is amended as follows:

1. The following census tracts within the territorial jurisdictions of the County of Tulare and/or the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake, as shown on Exhibit A, attached hereto and incorporated herein, having been determined to have at least 51 percent of its residents at or below low-or moderate-income levels, are hereby identified as those census tracts which are in the most need of employment targeting pursuant to Government Code Section 7072 (i): Census Tract Numbers are shown on Exhibit A.

2. A Targeted Employment Area composed of the above-specified census tracts and having the boundaries as shown on Exhibit B-1 and B-2, attached hereto and incorporated herein, is hereby approved.

ATTACHMENT
ITEM NO. 1
PASSED, APPROVED AND ADOPTED this 4th day of June, 2013.

By: ____________________________

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: ____________________________

Patrice Hildreth, Chief Deputy City Clerk
Sequoia Valley Enterprise Zone
Qualifying TEA Tracts

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Data Published December 2012

Exhibit A
COUNCIL AGENDA: June 4, 2013

SUBJECT: CONSIDER RESOLUTION OF OPPOSITION TO AB 667 (HERNANDEZ) REGARDING LAND USE: DEVELOPMENT PROJECT REVIEW: SUPERSTORES

SOURCE: City Manager

COMMENT: At its meeting on May 21, 2013, the City Council approved Council Member Ward's request that the Council consider the adoption of a Resolution of Opposition to AB 667 (Hernandez), which would regulate local land use decisions by requiring an enhanced economic impact report be prepared prior to permitting construction or altering of any buildings that would create a superstore in an economic assistance area, and that the report must find that the superstore will not materially adversely affect the economic welfare of the impact area which consists of a five-mile radius around the proposed superstore.

AB 667 was passed by the Assembly Local Government Committee on May 2nd, the Assembly Appropriations Committee on May 24th, and the Assembly on May 28th, and ordered to the Senate for consideration.

The California League of Cities has taken a position of strong opposition to AB 667 based on its fundamental undermining of local land use discretion and authority, as well as anti-development bias.

RECOMMENDATION: That the City Council consider the adoption of a Resolution of Opposition to AB 667 (Hernandez).

ATTACHMENT: 1. Draft Resolution of Opposition
               2. AB 667 Bill Text
RESOLUTION NO._______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
COUNTY OF TULARE, STATE OF CALIFORNIA,
OPPOSING AB 667 (HERNANDEZ) REGARDING
LAND USE: DEVELOPMENT PROJECT REVIEW: SUPERSTORES

WHEREAS, AB 667 would regulate certain local land use decisions by requiring
an exhaustive economic impact report to be prepared for a narrow set of projects;

WHEREAS, AB 667 betrays a clear anti-development bias and singles out
"superstores" in "economic assistance areas";

WHEREAS, prior to permitting construction or alteration of any building that
would create a "superstore" in an "economic assistance area," a city must find that the
"superstore" will not materially adversely affect the economic welfare of the "impact
area" which consists of a five-mile radius around the proposed "superstore";

WHEREAS, a city must cause to be prepared, at applicant expense, a lengthy
and prescriptive economic impact report that must assess at least fifteen (15) detailed
conditions, as well as provide estimates of public revenues and public costs, including
costs to public services, facilities and public assistance for potential employees;

WHEREAS, the report must discuss effects on the goals of the city's general plan
and on the average total vehicle miles traveled by retail customers, as well as address
whether mitigation measures are available for any adverse economic impacts;

NOW, THEREFORE, it is hereby DECLARED and ORDERED, as follows:

The City Council of the City of Porterville opposes AB 667 (Hernandez), finding it
problematic that the state is regulating specified types of development, that community
impacts of new development should and always be considered by locally-elected
officials, and that this proposed legislation would fundamentally undermine local land
use discretion and authority.

This Resolution shall take effect from and after the date of its passage and
adoption by this Council.

APPROVED AND ADOPTED this 4th day of June, 2013.

Virginia R. Gurrola, Mayor

ATTEST:
John Lollis, City Clerk

By:__________________________
Patrice Hildreth, Chief Deputy City Clerk
AB 667 Land use: development project review: superstores. (2013-2014)

AMENDED IN ASSEMBLY MAY 20, 2013
AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013-2014 REGULAR SESSION

ASSEMBLY BILL No. 667

Introduced by Assembly Member Roger Hernández

February 21, 2013

An act to add Sections 65928.3, 65928.4, 65928.7, 65935, and 65957.3 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 667, as amended, Roger Hernández. Land use: development project review: superstores.

The Permit Streamlining Act within the Planning and Zoning Law requires the lead agency that has the principal responsibility for approving a development project, as defined, to approve or disapprove the project within a specified number of days from the date of certification of an environmental impact report, the date of the adoption of a negative declaration, or the determination by the lead agency that the project is exempt from the California Environmental Quality Act.

This bill, would, in addition, would require a city, county, or city and county, including a charter city, prior to approving or disapproving a proposed development project that would permit the construction of a superstore retailer, as defined, or where a superstore would be the recipient of over $100,000 in financial assistance, to cause an economic impact report to be prepared, as specified, to be paid for by the project applicant, and that includes specified assessments and projections, including, among other things, an assessment of the effect that the proposed superstore will have on—specified designated economic assistance areas, as defined, and an assessment of the effect that the proposed superstore will have on retail operations and employment in the same market area. The bill would also require the governing body to provide an opportunity for public comment on the economic impact report. The bill would define certain terms for these purposes. By increasing the duties of local public officials, the bill would impose a state-mandated local program. The bill would additionally find and declare that these provisions are an issue of statewide concern and not a municipal affair.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes
THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS follows:

SECTION 1. It is the intent of the Legislature to promote economic development in all communities of the state and in particular in identified Economic Assistance Areas, economic assistance areas, with the goal of creating good jobs, economically self-sustaining communities, and promoting a vibrant small business sector. It is the intent of the Legislature to ensure that the superstore retail model meets these goals and does not undermine efforts toward those ends. Therefore, the Legislature finds and declares all of the following:

(a) The state has identified geographically targeted economic development areas. Each of these areas has related tax incentive benefits as well as a variety of locally provided incentives and benefits. The purpose of these benefits is to stimulate business investment and job creation for qualified disadvantaged individuals in state-designated economically distressed areas. Similarly, other redevelopment plan areas have been developed by former redevelopment agencies and their successor agencies pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33300) of Division 24 of the Health and Safety Code), with the purpose of revitalizing the economy of local jurisdictions.

(b) The state and local governments have provided financial assistance to certain businesses to stimulate business development and job creation.

(c) It is in the interest of local governments to promote economic development in their jurisdictions.

(d) Land use decisions are frequently linked to fiscal policy because local governments receive a share of sales tax revenues generated within their borders. California cities thus often seek large sales tax revenue sources, such as superstores, without taking into account all of the external economic effects that superstores bring to communities.

(e) Transformations in the big box retail industry have altered retail business nationwide. The engine of this change is the retail format known as the superstore, a big box retail store that also contains the equivalent of a full-service grocery store, with the total floor space often three to four times as large as that of a conventional supermarket.

(f) As a result of the restructuring of retail business, particularly the grocery sector in California, the following effects may be seen: local grocers, who yield a greater community return on investment, are driven out of business; anchor stores to other local businesses are closed down impacting many small businesses, and resulting in less community access to viable superstore alternatives; lower wages and benefits paid to grocery workers by superstore retailers; and a host of complex land use, traffic, and fiscal impacts.

(g) Superstores typically combine a large variety of discount general merchandise with full-service grocery sales to the general public under one roof, thereby generating more intense land use and environmental impacts than other large-scale retailers and wholesale membership clubs.

(h) Industry and academic studies indicate superstores rarely add any retail services not currently provided within a community, and the majority of sales growth at a superstore comes from a direct shift of dollars from existing retailers within a community, primarily from grocery stores.

(i) Land use decisions regarding superstores fall to city and county governments, even if the impacts will be regional as well as local and may impact the efforts by the state and regions in economic development areas.

(j) Currently, local governments that desire to perform due diligence for their constituents by performing an economic analysis are placed at a disadvantage because a neighboring city or county may not perform an economic analysis. This situation may result in the shifting of sales tax and destruction of the business community in a city or county that simply wants to study the impacts of the development project before making a final approval that the permitting of the superstore does not have a material adverse impact on the impact area.

SEC. 2. Section 65928.3 is added to the Government Code, to read:

65928.3. "Economic assistance areas" means existing economic development areas, that may be amended from time to time by the Legislature, including an enterprise zone established pursuant to Chapter 12.8 (commencing with Section 7070) of Division 7 of Title 1, a local agency military base recovery area established pursuant to Chapter 12.97 (commencing with Section 7105) of Division 7 of Title 1, a manufacturing incentive area designated pursuant to Section 7073.8, a targeted tax area designated pursuant to Section 7097, or any redevelopment area identified by any successor agency to a former redevelopment agency, or recipients of over one hundred thousand dollars ($100,000) of financial assistance as defined in this chapter. agency.
SEC. 3. Section 65928.4 is added to the Government Code, to read:

65928.4. "Financial assistance" includes, but is not limited to, any of the following in the amount of one hundred thousand dollars ($100,000) or greater:

(a) Any appropriation of public funds, including, but not limited to, loans, grants, or subsidies or the payment for or construction of parking improvements.

(b) Any tax incentive, including, but not limited to, tax exemptions, rebates, reductions, or moratoria of a tax, including any rebate or payment based upon the amount of sales tax generated from the superstore.

(c) The sale or lease of real property at a cost that is less than fair market value.

(d) Payment for, forgiveness of, or reduction of fees.

SEC. 4. Section 65928.7 is added to the Government Code, to read:

65928.7. "Impact area" means a five-mile radius surrounding the proposed location of a superstore.

SEC. 5. Section 65935 is added to the Government Code, to read:

65935. "Superstore" means a business establishment that exceeds 90,000 square feet of gross floor area, sells a wide range of consumer goods, and devotes 10,000 square feet or more of the sales floor area to the sale of items that are exempted from the Sales and Use Tax Law (Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code), pursuant to Section 6359 of the Revenue and Taxation Code. "Superstore" shall include a retail establishment with multiple tenants, and the cumulative sum of related or successive permits that may be part of a larger project, including piecemeal additions to a building, where consumer goods and nontaxable items are sold under the same roof with shared checkout stands, entrances, and exits. "Superstore" does not include a discount warehouse or retail store where more than one-half of the items carried by the discount warehouse or retail store are sold in large quantities or in bulk, and the discount warehouse or retail store requires shoppers to pay a membership or assessment fee.

SEC. 6. Section 65957.3 is added to the Government Code, to read:

65957.3. (a) Prior to the permitting of the construction of the addition to, or the alteration of, any buildings or structures—which that would create a superstore in an economic assistance area, or where a superstore would be the recipient of over one hundred thousand dollars ($100,000) in financial assistance, in addition to the findings otherwise required by any ordinance or regulation of the city, county, or city and county, the legislative body of the city, county, or city and county shall make a finding that, based on consideration of all economic benefits and costs, the superstore will not materially adversely affect the economic welfare of the impact area. This finding shall be based upon information contained in an economic impact report, any other information received or obtained by the designated agency of the city, county, or city and county, and any other information received before or at a public hearing conducted as required by this section.

(b) The city, county, or city and county may prepare the economic impact report or contract with a private entity, other than the permit applicant, or with another public agency for the preparation of the report. Any private entity or other public agency contracted to prepare the economic impact report shall be qualified by education, training, and experience to conduct economic and fiscal impact analyses.

(c) The applicant for the proposed superstore shall pay the city, county, or city and county for the costs of preparing the economic impact report.

(d) The economic impact report shall include, but is not limited to, all of the following:

(1) An assessment of whether the proposed superstore will meet the purposes of any designated economic assistance areas, including an enterprise zone, a local agency military base recovery area, a manufacturing enhancement area, a targeted tax area, or any plan area administered by a successor agency to a former redevelopment agency, a in which the superstore is proposed to be located.

(2) An assessment of whether the proposed superstore will negatively impact any retailer that is the beneficiary of any benefits from any program adopted in connection with any designated economic development area, including an enterprise zone, a local agency military base recovery area, a manufacturing enhancement area, a
targeted tax area, or any program adopted by a successor agency to a former redevelopment agency, economic assistance area in which the superstore is proposed to be located.

(3) An assessment of the extent to which the proposed superstore will capture a share of retail sales in the impact area;

(4) An assessment of the extent to which the construction and operation of the proposed superstore will affect the supply and demand for retail space in the impact area;

(5) An assessment of the extent to which the construction and operation of the proposed superstore will affect employment in the impact area, including all of the following:

(A) The number of persons employed in existing retail stores in the impact area.

(B) An estimate of the number of people who will likely be employed by the proposed superstore.

(C) An analysis of whether the proposed superstore will result in a net increase or decrease in employment in the impact area.

(D) The effect on wages and benefits of employees of other retail businesses, and community income levels in the impact area.

(6) A projection of the costs of public services and public facilities resulting from the construction and operation of the proposed superstore and the incidence of those costs, including the cost to the state, city, or county of any public assistance that employees of the proposed superstore will be eligible for based on the wages and benefits to be paid by the proposed superstore.

(7) A projection of the public revenues resulting from the construction and operation of the proposed superstore retailer and the incidence of those revenues.

(8) An assessment of the effect that the construction and operation of the proposed superstore will have on retail operations, including grocery stores or retail shopping centers, in the impact area, including the potential for blight resulting from retail business closures and the nature of any businesses displaced.

(9) An assessment of the effect that the construction and operation of the proposed superstore will have on the ability of the city, county, or city and county to implement the goals contained in its general plan, including, but not limited to, local policies and standards that apply to land use patterns, traffic circulation, affordable housing, and natural resources, including water supplies, open space lands, noise problems, and safety risks.

(10) An assessment of the effect that the construction and operation of the proposed superstore will have on average total vehicle-miles traveled by retail customers in the same impact area.

(11) An assessment of the potential for long-term vacancy of the property on which the superstore is proposed in the event that if the business vacates the premises, including any restrictions that exist on the subsequent use of the property on which the superstore is proposed to be located, including the provisions of any lease that, in the event the owner or operator of the proposed superstore vacates the premises, would require the premises to remain vacant for a significant amount of time. premises.

(12) An assessment of whether the superstore would require the demolition of housing or any other action or change that would result in a decrease or negative impact on the creation of extremely low, very low, low-, or moderate-income housing.

(13) An assessment of whether the superstore would result in the destruction or demolition of park or other green space, playgrounds, child care facilities, or community centers.

(14)
(9) An assessment of whether the superstore would result in any other adverse or positive economic impacts or blight in the impact area.

(10) An assessment of whether any measures identified by the superstore are available that may mitigate any materially adverse economic impacts of the superstore.

(e) At any regularly scheduled meeting or meetings of the legislative body of a city, county, or city and county, following the completion and approval of the economic impact report required by this section, and 30 days prior to the issuance of any entitlement, including, but not limited to, a building permit, a city, county, or city and county shall provide the opportunity for public comment on the economic impact report and its findings.

(f) This section shall not preclude a city, county, or city and county from conducting additional studies of the effects of the construction and operation of a proposed superstore.

(g) (1) The Legislature finds that the construction and operation of a superstore has land use, environmental, economic, fiscal, and social equity effects that extend beyond the boundaries of the city, county, or city and county in which it is located and may impact the goals and objectives of economic development areas, including enterprise zones, local agency military base recovery areas, manufacturing enhancement areas, targeted tax areas, and any plan area administered by a successor agency to a former redevelopment agency, and beyond the borders of the city, county, or city and county, where financial assistance is provided to a superstore.

(2) The Legislature finds that it is essential for the statewide public health, safety, and welfare to require cities, counties, and cities and counties to understand the potential spillover effects of approving the construction and operation of superstores.

(3) The Legislature further finds and declares that the review and regulation of superstores is a matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section shall apply to charter cities and to charter cities and counties.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII-B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.
SUBJECT: RESCISSION/APPROVAL - ALLOCATION OF $35,000 TO THE CHAMBER OF COMMERCE

SOURCE: CITY ATTORNEY'S OFFICE

COMMENT: On June 21, 2011, the City Council approved the allocation of $35,000 to the Chamber of Commerce per its agreement with the City of Porterville, with a 3-2 vote. The City has recently been informed that the FPPC issued a letter finding that Mayor Irish's participation in this approval violated the Political Reform Act. The FPPC only issued a warning in the matter due to the specific circumstances, but the finding of a violation can create a disqualifiable interest and call the split vote on this item into question. Given the 2011 vote, the City Attorney recommends that the City Council rescind its prior action and re-approve the allocation for the 2011-2012 fiscal year.

RECOMMENDATION: That the City Council rescind the action taken on June 21, 2011, and reapprove the 2011-2012 fiscal year allocation of $35,000 for the Porterville Chamber of Commerce.

ATTACHMENTS: 1. Excerpt of City Council Minutes of Item 13, June 21, 2011 City Council Agenda
2. Item 13 – Adoption of Fiscal Year 2011/2012 Budget, June 21, 2011 City Council Agenda

ITEM NO. 13
EXEMPLARY OF CITY COUNCIL MEETING MINUTES OF JUNE 21, 2011
ITEM 13 – ADOPTION OF FY 2011/2012 BUDGET

PUBLIC HEARINGS

13. ADOPTION OF FY 2011/2012 BUDGET

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

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

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

- Brock Neeley, suggested that the $50,000 for the Council Chambers be deferred, as well as expenditures relative to the Alignment Plan.
- Nikki Edwards, voiced support for prioritizing the building of a local shelter.

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

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

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

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

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

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

AYES: McCracken, Hamilton, Irish
NOES: Ward, Shelton
ABSTAIN: None
ABSENT: None
Council Member Shelton requested that an item be added to the Agenda regarding a full audit of the Chamber of Commerce.

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

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

Disposition: Approved.
COUNCIL AGENDA: June 21, 2011

PUBLIC HEARING

SUBJECT: ADOPTION OF FISCAL YEAR 2011-2012 BUDGET

SOURCE: City Manager

COMMENT: Consistent with the City Charter, the City Manager has submitted for Council consideration a draft Budget for the 2011-2012 Fiscal Year. Section 51 of the City Charter provides that the City Manager shall provide not later than thirty (30) days before the end of the City’s fiscal year, an estimate of expenditures and revenues of the City departments for the ensuing year.

The budget message presented with the draft document is attached, which emphasizes the significant projects and factors involved with the Budget’s development, and recommends periodic review of budget targets and the revision of expenditures to meet those targets (if necessary).

Generally, the overall reduction in Fund balances proposed will result from using monies accumulated for capital expenditure being used to implement projects.

The City Charter provides that “after duly considering the estimate and making such corrections or modifications thereto as shall seem advisable to it, the Council shall by resolution adopt a general budget and such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budget so adopted.” All spending authority from the current 2010-2011 Fiscal Year budget expires after June 30, 2011. Therefore, a new budget must be adopted which allows payroll to be paid and routine expenditures to be incurred effective July 1, 2011. The Charter is not specific as to the duration of the adoption, thus accordingly, consistent with past Council discussion, the Council may authorize a budget adoption period less than the full fiscal year.

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

ATTACHMENTS: Budget Message
Draft Resolution for General Fund Budget
Draft Resolution for Special Revenue, Enterprise, Internal Service, and Capital Projects Fund Budgets

Item No. 13

ATTACHMENT 2
Honorable Mayor, Vice Mayor and Members of Council:

With the beginning of the “Great Recession” in 2008, the City has weathered extraordinary budgetary challenges over the past three years, with the approaching fiscal year expected to present a continued challenge. Although it would appear that the national, state, and local economies have stabilized, no significant improvement is anticipated for at least another year. As evidence at our local level, due to the State’s inability to sell bonds for capital projects, the beginning of construction for the new South County Justice Center will likely slip from this Fall to Summer 2012. Also, although meetings at the recent ICSC conference hold great promise for our community in the near future, it is not expected that new significant retailer location will occur until 2012. Similarly, a recent increase in the interest of large industrial employers to potentially locate in the Central Valley has been experienced, which the city has submitted for consideration, although any determinations on such new development would not be determined until 2012 or 2013. Permits issued for new construction are anticipated to remain sluggish, with approximately a quarter of the permits anticipated to be issued (25) that were issued in 2008 (110).

Perhaps no better indicator of the economic downturn and recent stabilization has been the City’s General Fund. With Property, Sales & Use, and Utility Users Taxes historically combining to constitute over sixty-five percent (65%) of General Fund revenues, the City has experienced a $2.1 million decrease since 2008, with General Fund revenues dropping from approximately $23.4 million in the 2007-08 fiscal year to $21.3 million estimated in the current 2010-2011 fiscal year. As tax revenues have recently been relatively stagnant, and considering an approximate $100,000 decrease in Utility Users Tax due to AT&T discontinuing its collection on “bundled” services, it is recommended to conservatively budget no increase in General Fund revenues next year.

Conversely to General Fund revenues, expenditures have increased almost $1.5 million since 2008, increasing from approximately $19.5 million in the 2007-08 fiscal year to approximately $21 million in the current 2010-2011 fiscal year. Expenditures for the coming 2011-12 fiscal year are currently budgeted at $23.0 million, resulting in an estimated $1.6 million budget shortfall. A budget-balancing solution employed for the past couple of difficult years has been to curtail Departmental spending to either 94% or 95% of budgeted expenditures, which this next year would “save” between $1.15 million (95%) to $1.38 million (94%), with a remaining deficit of between $230,000 (94%) and $450,000 (95%).

The single largest increase in the budgeted expenditures for the coming fiscal year can be attributed to an approximate $400,000 increase in Public Employees Retirement System (PERS) pension costs, due to Public Safety PERS rates increasing five percent (4.5%) and Non-Public Safety PERS rates increasing three percent (3%) over the prior year. With the
PERS rate increases, the City will be experiencing an effective employer contribution rate of 30.382% for Public Safety employees, and 22.569% for Non-Public Safety employees, for every $1.00 of payroll paid. The Council is aware of at least one employee Association that is considering the sharing of increased PERS pension costs to the City.

Also, affecting not only its ability to sell bonds, due to the State’s unresolved budget issues and the approaching expiration of the Vehicle License Fund (VLF) tax extension on July 1, 2011, an approximate $100,000 in expense has been added to the General Fund budget for the continued funding of two (2) Community Services Officer (CSO) positions in the Police Department, which are currently funded through the Community-Oriented Policing Services (COPS) program, and whose funding will cease with the VLF tax expiration in July unless other State funding for the COPS program is secured. In maintaining the CSO positions, it is proposed to account for a majority of the replacement funding with $70,000 in additional revenue from the Burton Elementary and Porterville Unified School Districts in support of the School Resource Officer (SRO) program and the five (5) assigned Police Officers.

Another additional potential and significant challenge to the General Fund budget in the coming fiscal year with the anticipated VLF tax expiration is the State’s “Booking Fee” program. Through the “Booking Fee” program currently funded through VLF, the City does not incur an expense in the “booking” of an arrestee into County jail. However, without VLF or other dedicated State funding, the County is authorized and will begin charging a “booking fee” of $125.00 for each arrestee to be “booked” into jail, resulting in an estimated expense to the City of between $125,000 and $175,000.

With regard to capital projects funded by the General Fund and/or dedicated grant funds, it is anticipated that the lighting of the Veteran’s Skate Park ($62,000) and the playing fields at the southern end of the Sports Complex ($86,000) will be completed in the coming fiscal year, with approximately $377,000 in remaining funds dedicated to the lighting of sports playing fields to be further appropriated by Council. The Council has indicated interest in furthering the lighting of additional playing fields at the Sports Complex, including the possibility of creating and lighting two additional softball fields.

With cost-savings achieved in the construction of the Fire Training Facility parking lot, it is proposed to construct a parking lot on the undeveloped area on Hockett Street between the Stout Building and the Spencer House ($85,000). Utilizing a combination of funds from the General Fund and Risk Management, improvements are proposed to City Hall, including repairing and repainting the facility’s façade ($20,000), and upgrading the Council Chambers ($50,000), including replacing the audience seating and carpet, and upgrading the Chamber’s electronic systems. Finally, the construction of a shade structure covering the playground at Veteran’s Park ($30,000) is proposed, seeking to partner with the local Rotary Clubs in the project, installing a fence around the playground and adding additional play equipment to the playground area.

In combination with funds from the Indian Gaming Community Benefit grant ($80,000) and the General Fund ($200,000), it is proposed to continue the development of the Fire
Training Facility training props. Also in combination with funds from the Indian Gaming Community Benefit grant ($50,000) and the General Fund ($135,000), the new law enforcement shooting range should be completed and operational in the coming fiscal year.

With Proposition 84 grant funds ($2.1 million), the property for the new park development on Chase Avenue has been acquired, with design of the park anticipated to be accomplished in the coming fiscal year, and construction in the 2012-2013 fiscal year.

A significant project without final appropriation to begin construction is the planned new Animal Shelter on Grand Avenue, across from the City’s Corporation Yard. With $500,000 currently budgeted for construction of the facility, up to $500,000 in additional funds would need to be appropriated to complete construction of Phase I of the facility, which includes up to one hundred (100) kennels and none of the planned support staff office space. For the Council’s information and reference, the five (5) -year lease ($1/year) with the City of Lindsay for the use of their Animal Shelter expires on January 1, 2014.

MEASURE H
Having begun with the 2006-07 fiscal year, the initial five (5)-year expenditure plan for Measure H will conclude at the end of the current fiscal year. All components to the original expenditure plan have been implemented, as well as the addition of a Sergeant and two (2) Dispatcher positions in the Police Department, with the exception of constructing a new Fire/Public Safety station. Although the Measure H Fund has an estimated $3.2 million Reserve, the current annual Fund revenues and expenditures are both budgeted and balanced at approximately $2.6 million, making the ability to further modify the expenditure plan and add additional positions with sustainable funding a challenge. To support a new station under the current Fire Department staffing plan, there is a need to hire at least six (6) new Fire personnel at an estimated annual expense of $500,000. However, with the support of the Porterville City Firefighters Association in limiting the number of shift personnel on vacation at the same time, the existing staffing plan could be modified, allowing for the staffing of a new Fire Station without the hiring of additional personnel. Additionally, at an estimated expense of $4 million, the construction of the new Station could move forward with an advance of funds from other City Funds, which would initially begin to be repaid utilizing part of the Measure H Fund reserve. For example, assuming a three percent (3%) simple interest rate and a ten (10)-year term for repayment, the annual fund transfer would be approximately $500,000. With property already acquired for the new station, expense of facility design is estimated at $400,000.

In combination with $150,000 in General Fund monies, $100,000 in Measure H funds continue to be budgeted in support of the planned development of a Literacy Center in the second floor of the Public Library

STREET CONSTRUCTION AND MAINTENANCE FUNDS
In regard to capital projects involving city streets and roadways, it is projected for the coming fiscal year that the City will have roughly $2,820,000 in street construction and maintenance funds available for appropriation, which is approximately $1,000,000 more
than has historically been available, due in large part to the Public Works Department successful application for CMAQ grant funds to construct the Jayne Street/Montgomery Avenue roundabout. With the funds available, reconstruction/rehabilitation projects are being planned for Henderson Avenue (between Indiana and Jaye Streets; $1,210,000), Olive Avenue (between Cobb and “H” Streets; $1,075,000), West North Grand Avenue (east of Highway 65; $363,000), as well as micro-surfacing projects for Henderson Avenue (between Newcomb and Prospect Streets; $272,000). Also, as directed by Council, cost estimates are being compiled in support of the City owning and operating its own micro-surfacing equipment. Significant previously-appropriated street projects that are anticipated to progress in the coming fiscal year include: 1) Plano Street Bridge Widening ($7.6 million); 2) Jaye Street Extension and Roundabout ($2.1 million); 3) Scranton Avenue/Indiana Street Widening ($2.0 million); and 4) Newcomb and Beverly Streets Shoulder Stabilizations ($1 million).

WATER FUND
In consideration of capital projects involving the City’s water system, it is anticipated that the 3 million-gallon Martin Hill reservoir ($3.8 million), 500 thousand-gallon Rocky Hill reservoir ($1.5 million), Morton Avenue and Mathew Street trunklines ($1.67 million), and Veteran’s Park booster pump ($460,000) water projects funded by a $8.26 million CIEDB loan will be completed in the coming fiscal year. Due to cost-savings in project construction, approximately $1.4 million of the original $8.26 million loan amount will be unexpended, with the City having the decision to either expend the remaining loan funds on additional water development projects (i.e. new well development, recharge basin development, etc) or attempt to return the unspent funds to the State and renegotiate the CIEDB loan in an effort to reduce the City’s annual debt service commitment ($31,600; $190,202 vs. $158,602). Throughout the process of securing the CIEDB loan, the potential of increasing the City’s water usage and/or meter rates has been mentioned, given the loan’s annual debt service payments essentially exhausting the funds typically used for water system replacement projects and recharge efforts. It is recommended that a separate Study Session on this subject be scheduled in July, to specifically review the Water Fund and the challenges ahead involving the needed continuous replacement of the distribution system, as well as increasing groundwater recharge efforts.

SEWER FUND
Regarding capital projects involving the City's sewer system; it is anticipated that the first of the island annexation sewer extension projects will begin construction in the coming fiscal year. As the design of these projects begin, it is anticipated that more than $7 million in sewer extension projects will be constructed during the 2011-2012 and 2012-2013 fiscal years, with the objective of connecting the approximate 5,000 former County residents that were annexed into the City in 2006.

STORM DRAIN FUND
Considering capital projects involving the City’s storm drain system, with regard to effects from this past winter’s storm event, staff proposes to upgrade the storm drain system at Zalud Park, providing a permanent drainage connection from the Park to the Henderson Avenue and “G” Street drainage system ($260,000). Also, using Off-Road Highway
Vehicle (OHV) grant funds ($1.2 million), it is anticipated that property acquisition will be completed and design begun on the development of the storm drain reservoir on the west side of West Street, relocating the drainage from the City’s OHV Park and increasing drainage capacity to better serve the developing area nearby, with construction to begin in the 2012-2013 fiscal year.

In summary, the Preliminary Budget proposed for the upcoming 2011-2012 fiscal year represents the significant activities planned to improvement our community, even during a continued challenging economy. Toward ensuring that the City’s planned revenues and spending remain in balance, it is recommended that the Council’s regular quarterly budget review continue, especially given the State’s unresolved budget situation and residual effects to the City's finances (COPS funding, Booking Fees, etc).

Sincerely,

John D. Lollis
City Manager
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING THE GENERAL FUND BUDGET FOR FISCAL YEAR 2011-2012

WHEREAS, the City Manager, under provisions of the City Charter of the City of Porterville, has presented to the City Council for its consideration, a proposed General Fund Operating and Capital Improvement Budget for the period beginning July 1, 2011, and ending June 30, 2012; and

WHEREAS, the City Council after thorough review, has determined said budget, as modified and corrected, is in all respects suitable and adequate for the purposes of said budgets and cover the necessary expenses of the General Fund of the City of Porterville for the 2011-2012 Fiscal Year based on the cash reserves balance;

NOW, THEREFORE, BE IT RESOLVED

1. The City of Porterville General Fund Budget for the 2011-2012 fiscal year is adopted in the following amounts:

<table>
<thead>
<tr>
<th>Budget Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Budget</td>
<td>$22,993,118</td>
</tr>
<tr>
<td>Capital Projects</td>
<td>4,938,374</td>
</tr>
<tr>
<td>Debt Service</td>
<td>1,830,754</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$29,762,246</strong></td>
</tr>
</tbody>
</table>

2. Staff will update Council on the condition of the budget and ongoing validity of assumptions utilized to create it during the months of November, January and April of the fiscal year, or at any time information becomes available that would alter the viability of this budget.
3. The City Manager is authorized to transfer General Fund operating budget appropriations between functions as required.

4. Increased service levels that require additional appropriations shall not be implemented without prior City Council approval.

________________________________________
Ronald L. Irish, Mayor

ATTEST:

________________________________________
John Lollis, City Manager / City Clerk
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE ADOPTING THE SPECIAL REVENUE,
ENTERPRISE, INTERNAL SERVICE, AND CAPITAL PROJECTS FUNDS
BUDGETS FOR FISCAL YEAR 2011-2012

WHEREAS, the City Manager, under provisions of the City Charter of the City of Porterville, has presented to the City Council for its consideration, a proposed Operating and Capital Improvement Budget for the Special Revenue, Enterprise, Internal Service, Debt Service, and Capital Projects Fund for the period beginning July 1, 2011, and ending June 30, 2012; and

WHEREAS, the City Council after thorough review, has determined said budgets, as modified and corrected, are in all respects suitable and adequate for the purposes of said budgets and cover the necessary expenses of the Special Revenue, Enterprise, Internal Service, Debt Service, and Capital Projects Funds of the City of Porterville for the 2011-2012 Fiscal Year:

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Porterville Special Revenue, Enterprise, Internal Service, Debt Service, and Capital Projects Funds budgets for the 2011-2012 fiscal year, are adopted in the following amounts:

   Operating Budget          $29,404,505
   Capital Projects          30,467,752
   Debt Service              5,719,987

   Total                   $65,592,244

2. Pursuant to Ordinance No. 1684, the Porterville Police, Fire and Emergency Response 9-1-1 Measure Expenditure Plan, is hereby recertified for the 2011-2012 fiscal year and the document, attached as Exhibit “A”, reflects the financial consequences of the receipt, expenditure and allocation of Measure H Sales Tax Revenues for the 2011-2012 fiscal year.

3. Increased service levels that require additional appropriations shall not be implemented without prior City Council approval.

ATARTEST:

Ronald L. Irish, Mayor

John Lollis, City Manager / City Clerk
**RECERTIFICATION FOR 2011-12 FISCAL YEAR**

**MEASURE H EXPENDITURE PLAN**

Proposed Expenditure Plan for the City of Porterville Public Safety Sales Tax Measure Based on 1/2 Cent Sales Tax availability:

The City Council has evaluated Porterville's safety needs with input from the public in developing the attached Public Safety Expenditure Plan, which shall be amended from time to time, at the projected/estimated costs shown:

<table>
<thead>
<tr>
<th>Fiscal Year 2011-12 Sales Tax Revenues</th>
<th>$2,600,000**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest</td>
<td>65,000**</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>$2,665,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fiscal Year 2011-12 Expenditures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain expanded patrol operations and gang suppression and narcotics operation with 10 sworn and 2 non-sworn Police personnel</td>
<td>$1,337,357**</td>
</tr>
<tr>
<td>Maintain 8 additional sworn Fire personnel</td>
<td>902,082**</td>
</tr>
<tr>
<td>Maintain public library hours and continue expansion of literacy programs as outlined in the library business plan with 3 full-time library assistants and part-time staffing</td>
<td>375,000**</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>$2,614,439</td>
</tr>
<tr>
<td>Design and construction of Public Safety Station</td>
<td>$1,300,000**</td>
</tr>
<tr>
<td>Development of Library Literacy Center</td>
<td>100,000**</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>$1,400,000</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>$4,014,439</td>
</tr>
</tbody>
</table>

* Assumptions consistent with original Ordinance 1684.
** Certification of new amount and revision of Measure H Expenditure Plan.

John Lollis, City Manager / City Clerk
COUNCIL AGENDA: JUNE 4, 2013

SUBJECT: RESCISSION/APPROVAL – MISC. PORTERVILLE CHAMBER OF COMMERCE ITEMS

SOURCE: CITY ATTORNEY’S OFFICE

COMMENT: The City has recently been informed that the FPPC issued a letter finding that Mayor Irish’s participation in a City Council vote taken on June 21, 2011 concerning an allocation of funding to the Porterville Chamber of Commerce violated the Political Reform Act and issued a warning to the official. The City Council has directed that any Council action on items involving the Chamber, notwithstanding the vote tally, be considered for rescission/re-approval by the City Council. Therefore, the following matters are set forth for such consideration:

- Item 14, June 1, 2010 Agenda – Annual Review of City of Porterville/Chamber of Commerce Agreement
- Item 12, November 16, 2010 Agenda – Approval for Community Civic Event – Porterville Chamber of Commerce and Rotary Club of Porterville Annual Children’s Christmas Parade – December 2, 2010
- Item 17, March 15, 2011 Agenda – Approval for Community Civic Event – Porterville Chamber of Commerce Iris Festival, April 16, 2011
- Item 7, June 7, 2011 Agenda – Approval for Community Civic Event – Porterville Chamber of Commerce Sesquicentennial Committee and Fraternal Order of Eagles, #1352 – Porterville’s Pioneer Days Celebration
- Item 23, July 5, 2011 Agenda – Council Member Requested Agenda Item – Request for the City Council to Authorize an Independent Financial Audit of the Porterville Chamber of Commerce
- Item 8, October 18, 2011 Agenda – Approval for Community Civic Event – Porterville Chamber of Commerce and Rotary Club of Porterville – Annual Children’s Christmas Parade – December 1, 2011
- Item 10, March 20, 2012 Agenda – Approval for Community Civic Event – Porterville Chamber of Commerce – Iris Festival, April 28, 2012

The City Attorney has advised that since either the result of the vote would not have changed due to Mayor Irish’s participation, and/or the decisions are now moot (approvals of prior civic events having Chamber of Commerce participation), further action on these items is not required but at the Council’s discretion.

Item No. 14
RECOMMENDATION: That the City Council rescind the listed actions and re-approve said actions.

ATTACHMENTS: 1. Summary of Items Involving the Chamber of Commerce (April 20, 2010 through July 5, 2012)
2. Staff Reports for Items for Reconsideration
SUMMARY OF ITEMS INVOLVING THE CHAMBER OF COMMERCE
(APRIL 20, 2010 THROUGH JULY 5, 2012)

June 1, 2010 Agenda

14. ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

Recommendation: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City Budget.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the City Council approve Item Nos. 1, 2 and 5 - 15.

AYES: Ward, Hamilton, Shelton, McCracken, Irish

NOES: None

ABSTAIN: None

ABSENT: None

Documentation: M.O. 08-060110

Disposition: Approved

November 16, 2010 Agenda

12. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE AND ROTARY CLUB OF PORTERVILLE ANNUAL CHILDREN'S CHRISTMAS PARADE – DECEMBER 2, 2010

Recommendation: That the City Council:
1. Approve the Community Civic Event Application from the Porterville Chamber of Commerce and Rotary Club of Porterville subject to the restrictions and requirements contained in the Application, Agreement, and Exhibit A of the Community Civic Event Application;
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on December 2, 2010; and
3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m., to those at the north end of City Hall along Main Street.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the Council approve Item Nos. 3 through 7, 11, 12, 12a and 12b.

AYES: McCracken, Hamilton, Shelton, Irish

NOES: None

ABSTAIN: None

ABSENT: Ward

Documentation: M.O. 05-111610

Disposition: Approved.
March 15, 2011 Agenda

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

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

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

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

Documentation: M.O. 12-031511
Disposition: Approved.

June 7, 2011 Agenda

7. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE SESQUICENTENNIAL COMMITTEE AND FRATERNAL ORDER OF EAGLES, #1352 – PORTERVILLE’S PIONEER DAYS CELEBRATION

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Chamber of Commerce Sesquicentennial Committee and the Fraternal Order of Eagles, #1351, subject to the restrictions and requirements set forth in the Application, Agreement, and Exhibit ‘A’ of the Community Civic Event Application.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve Item Nos. 1, 5, 7, 7a, and 8.

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

Documentation: M.O. 09-060711
Disposition: Approved.
July 5, 2011 Agenda

23. COUNCIL MEMBER REQUESTED ITEM – REQUEST FOR THE CITY COUNCIL TO AUTHORIZE AN INDEPENDENT FINANCIAL AUDIT OF THE PORTERVILLE CHAMBER OF COMMERCE

Recommendation: Council Member Shelton makes the motion that the City Council authorize an independent financial audit of the Porterville Chamber of Commerce.

City Manager Lollis introduced the item and presented the staff report. Council Member Shelton spoke in favor of an audit of the $35,000 paid to the Chamber, and inquired about additional support given to the Chamber by the City. Staff addressed the questions and elaborated on the support provided by the City for various community organizations.

Council Member Hamilton spoke about the success of Freedom Fest and the City’s support of the event above the $15,000. He stated that he was satisfied with the information presented by the Chamber in their annual report, and added that Council Member Shelton could review the Chamber’s tax documents on his own.

Council Member Shelton made a MOTION to audit the Porterville Chamber of Commerce. The motion died for lack of a second.

Disposition: Denied.

October 18, 2011 Agenda

8. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE AND ROTARY CLUB OF PORTERVILLE – ANNUAL CHILDREN’S CHRISTMAS PARADE – DECEMBER 1, 2011

Recommendation: That the City Council:

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

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

3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m., to those at the north end of City Hall along Main Street.
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council approve Items 1, 4, and 6 through 10.

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

Documentation: M.O. 05-101811
Disposition: Approved.

March 20, 2012 Agenda

10. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE – IRIS FESTIVAL, APRIL 28, 2012

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit ‘B’ of the Community Civic Event forms.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve Item Nos. 1, 2a, 2b, 3 through 5, and 7 through 11.

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

Documentation: M.O. 09-032012
Disposition: Approved.
SUBJECT: ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

SOURCE: ADMINISTRATION

COMMENT: On August 21, 1990, the City of Porterville entered into an Agreement with the Porterville Chamber of Commerce for the purpose of having the Chamber provide contributing support in conducting and maintaining certain Chamber programs and activities which best achieve the community promoting objectives of the City. Under the terms of the Agreement, the Chamber is compensated by the City for actively promoting civic, social, and cultural events and activities; disseminating information relative to promoting the advantages of Porterville; and, for asserting positive community values.

Section V of the Agreement requires the Agreement to be reviewed annually to determine whether it should be amended to increase or decrease the scope of services contracted for and the base amount allotted and payable to the Chamber under the terms thereof. This provision was intended to prevent an automatic and obligatory annual commitment of municipal funds in times of limited revenues, and to validate charges for services actually provided or expected. Information required to be provided the City by the Chamber prior to the Council’s annual review of the Agreement includes (1) Annual Chamber Activity Report; and (2) Current Financial Statements. The required Activity Report and Financial Statements were received from the Chamber on May 27, 2010, and are attached hereto for the Council’s annual review.

In accordance with the Agreement, the Chamber has officially requested the annual performance allotment of $35,000 for FY 2009/2010. Unless the Agreement is amended following an annual review, payments of $35,000 can be made annually to the Chamber by the City on or before September 1st of each year (in this instance, 09/01/10), but in no event earlier than City Council receipt, and acceptance, of the requisite Chamber Reports.
Subsequent to Council review and acceptance of the Chamber's Activity Report and current Financial Statements, no action is required to maintain the level of services rendered, or the base compensation to be received, as set forth in the Agreement. However, should the Council decide to modify services or compensation for FY 2010/2011, such a modification requires an affirmative Council action, and a written amendment to the Agreement which must be executed by a representative of both the City and the Chamber. Included in the Community Promotions Budget for FY 2009/2010 was $35,000 for the City/Chamber Agreement.

RECOMMENDATION: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City Budget.

ATTACHMENTS: 1. City/Chamber Agreement
                2. Chamber Annual Activity Report
                3. Chamber Annual Financial Statements
AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND
THE PORTERVILLE CHAMBER OF COMMERCE

This agreement is made and entered into on the 4th day of September 2006, by and between the CITY OF PORTERVILLE, hereinafter referred to as “City”, and the PORTERVILLE CHAMBER OF COMMERCE, hereinafter referred to as “Chamber,” both of whom understand and agree as follows:

WHEREAS, the City is desirous of maintaining and asserting positive community values, of disseminating information relative to promoting the advantages of Porterville, and of supporting public interest activities; and

WHEREAS, Section 37110 of the Government Code of the State of California authorizes the expenditure of not more than five percent (5%) of monies accruing to the General Fund in any one fiscal year for music and promotional activities, including promotion of sister city and town affiliation programs; and

WHEREAS, the Chamber is actively engaged in promoting civic, social, and cultural events and activities, and is therefore believed to be organized, equipped, and capable of conducting promotional activities on behalf of the City; and

WHEREAS, it is not the intent of the City to fully underwrite, subsidize, or sponsor any particular program or activity, but to provide contributing support towards the maintenance and continuance of certain existing programs and activities of the Chamber, which best achieve the promotional objectives of the City.
NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

I. Chamber Responsibilities. The Chamber shall:

A. Continue to carry on programs and promotional activities that include:

1. Mail solicitations, information pool, referral services, and the visitor information bureau.

2. Holiday advertising campaigns, and the design and construction of the Porterville booth for the Tulare County Fair.

3. Printing and distribution of informational pamphlets and brochures.

B. Assume all duties and responsibilities relating to the following:

1. Locating, scheduling, coordinating, and programming for Centennial Park's Friday night activities for September, October, April, May, and June except for the two Fridays coinciding with the Porterville Fair and local high school graduations. Events will include music venues at the Centennial Gazebo, and special themes (i.e. Farmer's Market, Art in the Park, Arts & Crafts Booths, and Community Focus). The City will provide logistical support.

2. Providing any other assistance as may be mutually agreed upon from time to time during the period of this Agreement.

C. By May 15 of each year, furnish an annual activity report to the City covering the prior year's promotional programs and activities for the reporting period from May 1 through April 30, with specific emphasis on sufficient relevant information to satisfy the terms and intent of this Agreement as heretofore enumerated. The Chamber shall also furnish the City with copies of its annual financial reports within thirty (30) days after they are prepared.

II. Payment By City. As consideration for the above-mentioned responsibilities, the City shall, during the term of this agreement, pay the Chamber the sum of Thirty-Five Thousand Dollars ($35,000.00) per year. Such annual payments shall be made on or
before September 1 of each year, commencing in 2006. However, such annual payments shall not be made until the City receives and reviews the annual activity report referred to in paragraph I(C) for the proceeding reporting period (May 1 through April 30).

III. Term. This agreement shall be in effect commencing date of execution of this Agreement and shall continue in effect until June 31, 2007, and thereafter on a year-to-year basis, beginning on July 1 of each year, until terminated according to paragraph IV of this Agreement.

IV. Unilateral Termination. This Agreement may be terminated by either party, and for any reason, providing thirty (30) days written notice to the other. This Agreement shall terminate forthwith thirty (30) days following the date such notice is received by the non-terminating party.

V. Annual Review. This Agreement shall be reviewed annually to determine whether it should be amended to increase or decrease the amount of consideration required of either party, including the amount payable to the Chamber. Subject to City budgetary limitations, any increases or decreases shall be based on services provided and expected to be provided during the then current and next fiscal years by the Chamber, and the expected tax revenues to the City from business activities during the then current and next fiscal years.

VI. Amendment. This Agreement may be amended or modified only by a writing signed by both parties. Failure on the part of either party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provisions.

VII. Assignment. This Agreement shall not be assigned by the Chamber without the written consent of the City, and such consent may be withheld for any reason.

VIII. Notices. All notices required by the Agreement shall be in writing and delivered in person or sent by registered mail, postage prepaid.

///
///
///
IX. Relationship of Parties. It is understood that the contractual relationship of the Chamber to the City is that of an independent contractor.

CITY:

Cameron Hamilton, Mayor

ATTEST

John Longley

By:
John Longley, City Clerk

CHAMBER:

Donnette Silva Carter
President/CEO

Greg Woodard, Chair
Chamber Board of Directors

APPROVED AS TO FORM:

Julia Lew, City Attorney
May 13, 2010

The Honorable Pete McCracken
Mayor, City of Porterville
291 N. Main Street
Porterville, CA 93257

Dear Mayor McCracken and Members of the Council:

The Porterville Chamber of Commerce enjoyed a successful 2009 Fiscal Year (November 1, 2008 - October 31, 2009) during which we celebrated our organization’s 102nd year of operation. The fiscal year included the introduction of new projects and enhancement of existing programs, while effectively serving Porterville businesses and the community. Significant was the concentration on business assistance programs during this time of economic challenge. Additionally, the Chamber’s coordination of the Community Branding Initiative, a project of community collaboration, brought forth the announcement of the much anticipated Porterville tagline and logo. “Porterville... Where Roads to Success Begin” is a brand currently being promoted by the Chamber, City and others. The Chamber also continued with the presentation of events utilizing Centennial Park for resident and visitor enjoyment. Programs realized an increased usage of Centennial Park, greater showcasing of local talent, and an improved promotion of our community’s good works programs.

During its past fiscal year, the Chamber engaged in numerous efforts for community and business promotion contributing to the achievement of the promotional objectives of the City. Promoting civic, social, and cultural events and activities is keeping within our mission and core competencies, and is vital to the continued development of the quality of living our residents and business owners insist upon.

The Chamber was proud to coordinate yet another successful Iris Festival event to celebrate our city’s flower and provide an opportunity for tourism traffic and local family involvement. The 11th anniversary event welcomed an estimated over 25,000 attendees and record 196 booths. Local lodging facilities reported they were at capacity, and numerous downtown and other businesses indicated an increase in activity. We were pleased to continue to offer this venue which brings visitors and their dollars to our community, while providing a unique collaborative effort for community engagement and promotion.
Spearheading the NxLevel Entrepreneurship training series was a successful effort graduating its first class in August. Collaborating with the City to launch the Shop Porterville First campaign was an effort positively received by members, other local businesses, and residents. First Friday Coffees, Networking Mixers, and the Business Showcase & Taste of Porterville maintained their popularity as venues to network to grow business. Jointly presented employer workshops with the City and other partners kept our businesses aware of critical issues, and assisted with business retention and expansion. Additionally, the Chamber served as an advocate for business, communicating a pro-business message to state and federal elected officials in an effort to combat job killer bills and create an environment for business growth and prosperity.

Enclosed for your review, and in accordance with our City agreement for services, please find our 2009 Fiscal Year activity report and year-end financial summary. City Agreement services are included as well as highlights of other activities in order to provide a more comprehensive view of the breadth of the Chamber’s program of work and impact. As the Chamber has met, and exceeded, its agreed upon services, this letter serves as our official request for disbursement of the City’s budgeted 2009/2010 agreement for services funds to the Porterville Chamber of Commerce of $35,000.

The Chamber continues to enjoy the opportunity to provide contracted (and non-contracted) services in partnership with the City Council and City staff as we all work collaboratively for the betterment of our local economy and quality of life. Upon review of the performance level, we are certain you will agree it is evident the Chamber has not only sustained, but expanded its ability to leverage resources to the benefit of the businesses and community served. At the pleasure of Council, the Chamber’s intent is to continue with the agreement services in the next fiscal year.

Sincerely,

Kay McGuire, Board Chair

Donnette Silva Carter, President/CEO
Annual Report
to the Porterville City Council
City of Porterville

2009 Fiscal Year

Porterville Chamber
of Commerce
In compliance with the agreement between the City of Porterville and the Porterville Chamber of Commerce, the Chamber has met and exceeded its obligation to provide tourism promotion, relocation and visitor assistance, community promotion, coordination of the Centennial Park Friday night activities, and support of town affiliation programs. These agreement services, and a highlight of other accomplishments for the Chamber’s Fiscal Year 2009, are outlined below:

Served as the community’s active visitor information center by providing community information on attractions, recreational activities, entertainment, special events, lodging, restaurants, and shopping opportunities to an average of over 450 phone, internet and walk-in contacts per month.

Coordinated the expanded Centennial Park Music on Main Street Fall and Spring Concert Series programs which provide a venue to showcase local talent, and the occasion for residents and visitors to gather in the downtown area. Community Showcase night was provided to non-profits along with the opportunity for other entities to have booths during concerts.

The Chamber presented the 11th Annual Iris Festival to offer a spring event for family entertainment, tourism, and the celebration of our city’s official flower, the purple iris. This event was widely advertised locally, regionally and statewide and included in national publications. The 2009 Iris Festival welcomed the collaboration of other groups to offer coordinating activities i.e Porterville Celebrates Reading, the Porterville Gleaning Seniors’ Pancake Breakfast, and the Porterville Art Association Spring Art Walk.

Maintained significant roles in the planning and presentation of the Eagle Mountain Airshow & Fly-in. The Chamber coordinated the vendor recruitment and management; arranged for the Kid’s Zone activities; and, leveraged resources to enhance the value of promotional efforts resulting in a comprehensive and cost effective marketing plan.

Provided information and referral (and other requested) support for established and new community projects/events such as; the Porterville Fair, Rollin Relics Car Show, Art Show, ACS Relay Car Show, Fabulous Music Jam, Porterville Celebrates Reading, Jackass Mail Run, Veteran’s Day Parade, Sierra Winter Classic, Kid’s Day in the Park, Tule River Tribal Council Pow Wow, City of Hope Spectacular, Cinco de Mayo Celebration, Flag Day Ceremony, Lion’s Brewfest, Orange Blossom Classic, local health fairs, and more.

Participated with City staff in business retention and attraction efforts at the International Council of Shopping Centers Conference, in addition to maintaining our support of City economic development efforts with the Chamber’s Economic Development Committee. The Chamber fulfills the requests from interested parties for information about community demographics, real estate availability, the retail industry, workforce development resources, community attractions, workforce availability, housing, etc. Further supported economic development efforts through the Chamber’s staff and director’s representation on the Tulare County Economic Development Corporation.
Collaborated with the City for the launch of the Shop Porterville First Campaign, taking on various responsibilities including recruiting business participation.

Brought the NxLevel Entrepreneurship, Business Sustainability 13-week educational series to Porterville to assist existing entrepreneurs in developing refreshed strategies for business growth and sustainability.

Promoted Porterville through the distribution of brochures and the Chamber produced Business & Community Resource Directory. Distribution included local businesses, visitors, relocating individuals, business prospects, and others. Products include information on City and Chamber services, the schools, recreation opportunities, business resources, events, existing businesses and good works organizations.

Represented Porterville in the Sequoia Adventures Expo to promote Porterville amenities and local 'stay-cations'.

Promoted visitor attractions of Porterville and the surrounding area, to gain the economic impact tourism traffic provides to our community. Maintained our presence in various publications and participated in a county-wide marketing effort in the California Travel & Tourism Guide produced by Sunset Magazine.

Maintained our partnership, and leadership role, in the Sequoia Valley Visitors Council (SVVC), and effectively participated in the successful effort to locate a California Welcome Center in Tulare County. The Center includes Porterville promotional materials as well as locally manufactured product offerings. The SVVC is a committee of the Tulare County EDC and charged with the responsibility of promoting tourism in the Sequoia Valley.

Spearheaded the development of the Tulare-Kings County Branch of SCORE in order to advance the business counseling services for our local businesses. Continued providing partnership support for other business counseling and workforce services to start-up and existing businesses. Partners included the City of Porterville, Tulare County Workforce Investment Board, and Small Business Development Center.

Assisted employers with employee recruitment efforts in various ways including providing specially designed relocation packets. The Chamber also fulfilled requests from individuals researching or planning relocation to Porterville.

Hosted a Porterville Fair booth with the purpose of highlighting the offerings of our businesses and community.

Promoted community attractions through various media outlets — ie television, radio, internet, internet radio, and print.
Continued the Highway 65 and Highway 190 advocacy efforts with state and federal legislators and entities in an effort to expand and upgrade these roadways which serve as major connectors for commerce in Porterville.

Over 1500 community visitor packets were distributed at special events, professional conferences, leisure gatherings, and club activities. The materials in these packets provide information about our community and promote our local businesses.

Facilitated the networking of business representatives through the hosting of twelve monthly mixers. These events provide for the strengthening of existing business relationships and the development of new contacts to grow business.

Participated in meetings of the California Partnership for the San Joaquin Valley.

Participated in the International Ag Expo Visitor Center to provide information and referral to visitors from around the world. Materials on Porterville hotels, restaurants, and other businesses were distributed.

Introduced and managed the registration for and promotion of the Supervisor Training Series six-month training program which was co-sponsored by the Porterville Employer Advisory Council, City of Porterville, Employment Connection, and Porterville College. In addition, other valuable and low cost employer seminars were presented to keep local businesses up-to-date on important issues which impact their operation. The Chamber provided marketing and administrative support on these offerings as well.

Worked with the Tulare Kings Hispanic Chamber and the Tulare, Lindsay, Dinuba, Visalia and Exeter Chambers of Commerce to leverage resources to increase business connectivity within Tulare County.

Maintained our partnership and participation in the Tulare County Workforce Investment Board Employment Connection for the promotion of workforce resources for our residents and for the providing of services to businesses.

Continued the presentation of First Friday Coffee monthly events providing the opportunity for local business/organization highlighting, legislative updates, and the presentation of community activities and other items of interest to the business public.

Introduced a new and enhanced website to more effectively maintain our website presence through which we receive daily requests for information about the community from individuals and businesses. Requests are received from throughout the United States and many foreign countries as well.

Supported the efforts of many community organizations by serving as an information center for local social, cultural, business and miscellaneous events.
Celebrated new and expanded businesses by hosting local ground breaking ceremonies and ribbon cutting events in the community.

Coordinated the "Business Partner for a Day" project whereby local educators and administrators were placed into business sites. This project strengthens the relationship between business and education in our community; creates a greater awareness of the educational process in Porterville; and, increases the knowledge of our educators as to the training and education necessary to secure employment in our local workforce. The insights gained by both educators and business leaders can be invaluable as schools work to meet the challenges of preparing the future workforce.

Maintained an active Government Affairs presence with the goal of advocating on behalf of business in our community. Representatives participated in the California Business Legislative Summit and also provided testimony before hearings in order to advocate for positive business legislation for our local businesses. The Chamber continued its membership with the U.S. Chamber of Commerce and the CalChamber to advocate for business.

Initiated the continued development of civic leaders through the re-structuring of the Leadership Porterville program, which is designed to education and train emerging community leaders.

Co-sponsored, with the Tulare County Office of Education and Porterville Unified School District, Porterville's sixth COOL Night South Middle School College & Career Expo. This exciting program provides a local venue for middle school students and their parents to learn about career/vocation options, colleges and financial support, and local high schools and their campus activities. The goal is to provide students with education about and motivation to attend high school as the first step toward workforce preparedness, while also introducing them to careers and college.

Participated as the employment/business sector stakeholder representative on committees of Porterville Unified School District for the development of the Pathways Education Initiative and formation of various academy programs.

Presented the Business Showcase & Taste of Porterville Expo to promote business to business marketing in Porterville.

Coordinated the annual Children's Christmas Parade in cooperation with the Rotary Club of Porterville, and the City of Porterville.

Continued financial sponsorship and promotion of the Anti-Auto Theft Reward Program and the Anti-Graffiti Reward Program.

As a good steward of our community, the Chamber promoted and participated in the Fill the Trolley Food Drives, the Fill the School Bus supply drive, and the local Toys for Tots Campaign.
<table>
<thead>
<tr>
<th>Ordinary Income/Expense</th>
<th>Nov '08 - Oct '09</th>
<th>Budget</th>
<th>$ Over Budget</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Advertising</td>
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<tr>
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<tr>
<td>Total Awards Banquet</td>
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<tr>
<td>Total Business Showcase Income</td>
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<td>Business &amp; Education</td>
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<td>Business Travel Missions</td>
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<tr>
<td>City of Porterville Income</td>
<td>35,009.00</td>
<td>35,000.00</td>
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<td>Conference Room Rental</td>
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<td>Total Contributions-Building Fund</td>
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<td>Total Fireworks Booth</td>
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<td>Total Iris Festival</td>
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<tr>
<td>Leadership Porterville</td>
<td>640.00</td>
<td>1,125.00</td>
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<td>Total Membership Dues</td>
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<td>Total Membership Event</td>
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<tr>
<td>Total Music on Main</td>
<td>5.00</td>
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<td></td>
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<tr>
<td>Misc. Income</td>
<td>2,145.75</td>
<td>1,000.00</td>
<td>1,145.75</td>
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<td>Total Product Sales</td>
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<td>Total Reimbursed Expense</td>
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<td>Total Rental Income</td>
<td>26,842.83</td>
<td>27,650.00</td>
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<td>Retiree Inc</td>
<td>830.00</td>
<td>750.00</td>
<td>80.00</td>
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<td>Total Sierra Business Conference</td>
<td>0.00</td>
<td>17,000.00</td>
<td>-17,000.00</td>
<td>0.0%</td>
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<tr>
<td>Total Income</td>
<td>363,270.50</td>
<td>372,075.00</td>
<td>-8,804.50</td>
<td>97.63%</td>
</tr>
</tbody>
</table>
### Chamber of Commerce of Porterville

**Revenues & Expenses**

November 2008 through October 2009

<table>
<thead>
<tr>
<th></th>
<th>Nov '08 - Oct '09</th>
<th>Budget</th>
<th>$ Over Budget</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Expense</strong></td>
<td>350,842.59</td>
<td>351,125.00</td>
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<td><strong>Net Income</strong></td>
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<td>20,960.00</td>
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<td>Expense</td>
<td>Nov '08 - Oct '09</td>
<td>Budget</td>
<td>$ Over Budget</td>
<td>% of Budget</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------------</td>
<td>--------</td>
<td>---------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Total Advertising Exp</td>
<td>8,050.74</td>
<td>6,750.00</td>
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<td>Total Ambassador Expenses</td>
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<td>1,000.00</td>
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<td>Total Auction Expenses</td>
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<td>Total Awards Banquet Expenses</td>
<td>9,027.69</td>
<td>8,500.00</td>
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<td>Total Bad Debts</td>
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<td>20,089.90</td>
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<td>Total Bank &amp; Other Finance Charges</td>
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<td>Branding Initiative</td>
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<td>Total Building Expenses</td>
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<td>Business Sustainability</td>
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<td>Total Business Showcase</td>
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<td>Computer, Programming, Training</td>
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<td>Total Continuing Ed &amp; Conferences</td>
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<td>Dues</td>
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<td>Employee Recognition</td>
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<td>Total Fireworks Expense</td>
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<tr>
<td>Total Fly-In &amp; Air Show</td>
<td>108.66</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Insurance - Directors</td>
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<td>-30.00</td>
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<td>Insurance - Fire &amp; Liability</td>
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<td>-100.00</td>
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<td>Member Goodwill</td>
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<td>-272.34</td>
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<td>Total Membership</td>
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<td>21,400.00</td>
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<td>93.56%</td>
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<td>Mural Project</td>
<td>0.00</td>
<td>1,000.00</td>
<td>-1,000.00</td>
<td>0.0%</td>
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<tr>
<td>Total Music on Main</td>
<td>1,700.00</td>
<td>2,200.00</td>
<td>-500.00</td>
<td>77.27%</td>
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<tr>
<td>Misc. Expense</td>
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<td>9,336.59</td>
<td>12,900.00</td>
<td>-3,563.41</td>
<td>72.81%</td>
</tr>
<tr>
<td>Photography/Film/Developer</td>
<td>69.93</td>
<td>200.00</td>
<td>-130.07</td>
<td>34.47%</td>
</tr>
<tr>
<td>Porterville Fair Booth</td>
<td>1,102.49</td>
<td>1,000.00</td>
<td>102.49</td>
<td>102.25%</td>
</tr>
<tr>
<td>Total Postage Expense</td>
<td>8,645.25</td>
<td>7,800.00</td>
<td>845.25</td>
<td>110.84%</td>
</tr>
<tr>
<td>Total/Printing</td>
<td>4,140.64</td>
<td>8,200.00</td>
<td>-4,059.36</td>
<td>50.56%</td>
</tr>
<tr>
<td>Total Product Purchases</td>
<td>1,942.74</td>
<td>2,250.00</td>
<td>-307.26</td>
<td>85.01%</td>
</tr>
<tr>
<td>Rent/Temp Storage</td>
<td>1,028.00</td>
<td>750.00</td>
<td>278.00</td>
<td>137.07%</td>
</tr>
<tr>
<td>Total Retreat</td>
<td>252.74</td>
<td>2,505.00</td>
<td>-2,252.26</td>
<td>10.11%</td>
</tr>
<tr>
<td>Total Salaries &amp; Wages</td>
<td>115,458.27</td>
<td>121,900.00</td>
<td>-6,441.73</td>
<td>94.72%</td>
</tr>
<tr>
<td>Services &amp; Repairs</td>
<td>40.00</td>
<td>500.00</td>
<td>-460.00</td>
<td>8.0%</td>
</tr>
<tr>
<td>Total Sierra Business Conference Expe</td>
<td>0.00</td>
<td>8,850.00</td>
<td>-8,850.00</td>
<td>0.0%</td>
</tr>
<tr>
<td>Subscriptions</td>
<td>345.97</td>
<td>750.00</td>
<td>-404.03</td>
<td>46.13%</td>
</tr>
<tr>
<td>Total Supplies</td>
<td>8,585.38</td>
<td>7,800.00</td>
<td>785.38</td>
<td>109.44%</td>
</tr>
<tr>
<td>Taxes - Property</td>
<td>7,546.26</td>
<td>7,500.00</td>
<td>46.26</td>
<td>100.62%</td>
</tr>
<tr>
<td>Total Telephone</td>
<td>4,790.95</td>
<td>5,300.00</td>
<td>-509.05</td>
<td>90.4%</td>
</tr>
<tr>
<td>Total Travel</td>
<td>3,814.58</td>
<td>4,100.00</td>
<td>-285.42</td>
<td>93.45%</td>
</tr>
<tr>
<td>Total Utilities</td>
<td>8,108.52</td>
<td>9,600.00</td>
<td>-1,491.48</td>
<td>81.3%</td>
</tr>
<tr>
<td>Volunteer - Recognition</td>
<td>1,812.13</td>
<td>1,100.00</td>
<td>712.13</td>
<td>164.74%</td>
</tr>
<tr>
<td>Walk of Fame expenses</td>
<td>107.74</td>
<td>300.00</td>
<td>-192.26</td>
<td>35.81%</td>
</tr>
</tbody>
</table>
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE AND ROTARY CLUB OF
PORTERVILLE ANNUAL CHILDREN'S CHRISTMAS PARADE –
DECEMBER 2, 2010

SOURCE: Finance Department

COMMENT: The Porterville Chamber of Commerce and Rotary Club of Porterville are requesting approval to hold the annual Children's Christmas Parade along Main Street on Thursday, December 2, 2010 from 5:00 p.m. to 9:00 p.m. This application is being submitted under the Community Civic Event Ordinance No. 1326, as amended. The following closures are requested:

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

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

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

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

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

DD Appropriated/Funded **CM** Item No. 12
The closure of Main Street at 5:00 p.m. will require the early closure of the Fixed Route Transit System at 4:30 p.m., instead of the usual 7:00 p.m., on December 2, 2010. Staff is requesting that Council authorize the change in schedule for the Fixed Route system only.

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

RECOMMENDATION: That Council:

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

2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on December 2, 2010;

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

ATTACHMENTS: Community Civic Event Application and Agreement, Exhibit 'A', Exhibit 'B', Outside Amplifier Permit, Street Map and Certificate of Liability Insurance.
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: October 7, 2010 Event date: December 2, 2010
Event time: 8:00 am street + sidewalk
Name of Event: Children's Christmas Parade
on parking spaces in front of
Sponsoring organization: City of Porterville
Address: 93 N. Main St. Porterville, CA 93257
Authorized representative: Darrell Carter Phone # 784-7502
Address: 93 N. Main St. Porterville, CA 93257
Event chairperson: 
Phone#

Location of event (location map must be attached): Main St. from Danner
to Clive, side streets for assembly and disbursement
Type of event: Children's Christmas Parade

Non-profit status determination: on file

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

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

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

Appr. Deny

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

1 of 4
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

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

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

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

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

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

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

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

[Signature]
(Name of Organization)

[Signature]
(Signature)

[Date]
(Date)
CITY OF PORTERVILLE

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

Name of event: **Children's Christmas Parade**

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

Location: **Main St.**

Event date: **Dec 2, 2010**

Event time: **5pm - 9pm**

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></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 stockholder.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Children's Christmas Parade

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

Event date: Dec 2, 2010

Hours: 5-9pm streets & sidewalks

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main St.</td>
<td>Danner Ave</td>
<td>Olive Ave</td>
<td>Parade Route &amp; Assembly</td>
</tr>
<tr>
<td>Olive Ave</td>
<td>Hackett St</td>
<td>Second St</td>
<td>Parade Route</td>
</tr>
<tr>
<td>Mapleton Harrison</td>
<td>Hackett St</td>
<td>Second St</td>
<td>Adjacent to Parade</td>
</tr>
<tr>
<td>Shawnee Circle</td>
<td>Main St.</td>
<td>Second St.</td>
<td>Adjacent to Parade</td>
</tr>
<tr>
<td>North Main St.</td>
<td>Main St.</td>
<td>Second St.</td>
<td>Parade Assembly</td>
</tr>
<tr>
<td>Second St.</td>
<td>Olive Ave</td>
<td>Oak Ave</td>
<td>Parade Disbursement</td>
</tr>
</tbody>
</table>

Sidewalks

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

Parking lots and spaces

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mound (1 space)</td>
<td>Judges Stand</td>
</tr>
<tr>
<td>Main St (5 spaces)</td>
<td>Announcer's Stand</td>
</tr>
<tr>
<td>City Hall</td>
<td></td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE
AND
ROTARY CLUB OF PORTERVILLE
ANNUAL CHILDREN’S CHRISTMAS PARADE
DECEMBER 2, 2010

Business License Supervisor:  
S. Hartman  
Vendor list required prior to event.

Public Works Director:  
B. Rodriguez

City Planner:  
Bill Nebeker

Field Services Manager:  
B. Styles  
City will provide street closures and cleanup.

Fire Chief:  
M.G. Garcia

Parks and Leisure Services Director:  
M. Stowe  
Keep spectators of planters and consider portable toilets in parade route.

Police Sergeant:  
R. Standridge  
See list of Conditions/Requirements for Children’s Christmas Parade in Exhibit ‘B’.

Administrative Services Manager:  
P. Hildreth  
See Exhibit ‘A’, page 2. Redevelopment Agency should be named additional insured.

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

Sponsors: Porterville Chamber of Commerce, Rotary Club of Porterville
Event: Annual Children's Christmas Parade
Event Chairman: Donnette Carter
Location: Main Street
Date of Event: December 2, 2010
Time of Event: 5:00 p.m. to 9:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

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

ANNUAL CHILDREN’S CHRISTMAS PARADE- Dec. 2, 2010

Conditions/Requirements for Children’s Christmas Parade

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

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

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

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

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

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

Rich Standridge, Sergeant
Police Department
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

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

1 Name and home address of the applicant: Rotary Club of Porterville
   Porterville Chamber of Commerce 93 W Main St 784250

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

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

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

5 Dates and hours of operation of amplification equipment: 8 am-9 pm Dec 2, 2010

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

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

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

Ord. Code § 8311

Section 18-14 It shall be unlawful for any person to maintain, operate, control, or suffer or permit to be maintained, operated, or controlled, 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 this 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 therefor, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 8312)

Penal Code Section 419 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

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

Signature of Applicant

Date

10/12/10

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

City of Porterville, Chief of Police/Designee

Date

10-15-10
no blocking street for fire access - tape off at corner of Hockett

Children's Christmas Parade
CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 10/12/2010

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

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

PRODUCER
Walter Mortensen Insurance
CA License No 0044424
89 East Mill Ave.
Porterville CA 93257

INSURED
Porterville Chamber of Commerce
93 N. Main St.
Porterville CA 93257-3711

CONTACT NAME
Jacqueline Mendoza
PHONE (559) 781-5200
FAX (559) 781-3253
EMAIL
ADDRESS
PRODUCER ID 00110327

INSURER AFFORDING COVERAGE
NAIC #

Porterville City of Commerce
General Liability

COVERAGES
CERTIFICATE NUMBER: GL10101243665

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.

INHERITANCE OF 50% TYPE OF INSURANCE ADDRESSES INSURED LTD. POLICY NUMBER POLICY WP WP LIMITS
GENERAL LIABILITY

A

COMMERCIAL GENERAL LIABILITY

CLAIMS-MADE OCCUR

6607588A00410

EXCESS LIABILITY OCCUR CLAIMS-MADE

0

WORKERS COMPENSATION AND EMPLOYERS LIABILITY

Y/N N/A

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES: (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Certificate issued as evidence of General Liability Insurance Coverage maintained by the Named Insured. Coverage is subject to policy terms, conditions, limitations and exclusions. City of Porterville is added as Additional Insured.

CERTIFICATE HOLDER
City of Porterville
291 N Main Street
Porterville, CA 93257

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Ronald Burman

ACORD 25 (2003/09)
INS25 (2003/09)

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SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE
IRIS FESTIVAL, APRIL 16, 2011

SOURCE: Finance Department

COMMENT: The Porterville Chamber of Commerce is requesting approval to hold its 12th Annual Iris Festival on Saturday, April 16, 2011, from 9:00 a.m. to 5:00 p.m. The following street/sidewalk/parking lot/park closures/uses are requested from 3:30 a.m. to 7:30 p.m.:

STREETS:
Main Street from Morton Avenue to Olive Avenue;
Garden Avenue from Main Street to the alley east of Main Street;
Oak Avenue from Division Street to Second Street;
Mill Avenue from Division Street to the alley east of Main Street;
Putnam Avenue from Division Street to the alley east of Main Street;
Cleveland Avenue from Division Street to the alley east of Main Street;
Thurman Avenue from Hockett Street to the alley east of Main Street; and
Harrison Avenue from Division Street to the alley east of Main Street.

SIDEWALKS:
Main Street from Olive Avenue to Cleveland Avenue;
Oak Avenue from Main Street to Second Street;
Mill Avenue from Hockett Street to Main Street; and
Putnam Avenue from Hockett Street to Main Street.

PARKING LOT:
Former J.C. Penney parking lot.

PARK:
Centennial Park on Main Street.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached application, agreement and exhibit 'A.' The application, agreement, exhibit 'A,' request for street closures, and a map showing the desired street closures are attached.

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

ATTACHMENT: Community civic event application and agreement, vendor list, request for street, sidewalk and parking lot closure/usage, exhibit 'A,' map, outside amplifier permit, certificates of liability insurance and exhibit 'B.'
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE
IRIS FESTIVAL, APRIL 16, 2011

SOURCE: Finance Department

COMMENT: The Porterville Chamber of Commerce is requesting approval to hold its 12th Annual Iris Festival on Saturday, April 16, 2011, from 9:00 a.m. to 5:00 p.m. The following street/sidewalk/parking lot/park closures/uses are requested from 3:30 a.m. to 7:30 p.m.:

STREETS:
Main Street from Morton Avenue to Olive Avenue;
Garden Avenue from Main Street to the alley east of Main Street;
Oak Avenue from Division Street to Second Street;
Mill Avenue from Division Street to the alley east of Main Street;
Putnam Avenue from Division Street to the alley east of Main Street;
Cleveland Avenue from Division Street to the alley east of Main Street;
Thurman Avenue from Hockett Street to the alley east of Main Street; and
Harrison Avenue from Division Street to the alley east of Main Street.

SIDEWALKS:
Main Street from Olive Avenue to Cleveland Avenue;
Oak Avenue from Main Street to Second Street;
Mill Avenue from Hockett Street to Main Street; and
Putnam Avenue from Hockett Street to Main Street.

PARKING LOT:
Former J.C. Penney parking lot.

PARK:
Centennial Park on Main Street.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached application, agreement and exhibit ‘A.’ The application, agreement, exhibit ‘A,’ request for street closures, and a map showing the desired street closures are attached.

RECOMMENDATION: That City Council approves the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in application, agreement and exhibit ‘A’ of the Community Civic Event forms.

ATTACHMENT: Community civic event application and agreement, vendor list, request for street, sidewalk and parking lot closure/usage, exhibit ‘A,’ map, outside amplifier permit, certificates of liability insurance and exhibit ‘B.’

D.D. Appropriated/Funded MB C.M. Item No. 17
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? 
Event Flyer? 
E-mail address? 
Website?
Application date: 2/15/11  
Event date: 4/16/2011  
Event time: 9 a.m. - 5 p.m.

Name of Event: Iris Festival

Sponsoring organization: Porterville Chamber  
Phone # 784-7502
Address: 93 North Main Street
Authorized representative: Donnette Silva Carter  
Phone # 784-7502
Address: 93 North Main Street
Event chairperson: Eugie Gonzalez  
Phone # 920-5765

Location of event (location map must be attached): Main Street, Olive to Morton, Division to East Alley, Thurman - Hockett to East Alley
Type of event: Festival, Food & Craft Booths, Stage Entertainment
Rides Amusements, Non-Profit Info Booths, Chili Cook-off, Car Show
Porterville Celebrates Reading
Non-profit status determination: 501 c (6)

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): 60  
Street sweeping Yes ____ No X
Police protection Yes ____ No X  
Refuse pickup Yes X No ____
Other: ___________________________________________________________________

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

CENTENNIAL PARK

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

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

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

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

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

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

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

Porterville Chamber

(Name of Organization)

McCar

(Signature)

2/15/11

(Date)
CITY OF PORTERVILLE

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

Name of event: Iris Festival
Sponsoring organization: Porterville Chamber
Location: Main Street Event date: 4/16/2011 Event time: 9 am - 5 pm

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
</table>
| Vendors will be submitted, prior to event once finalized.

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: Iris Festival
Sponsoring organization: Porterville Chamber
Event date: 4/11/2011

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Street</td>
<td>Olive</td>
<td>Market</td>
<td>Booths, Kids</td>
</tr>
<tr>
<td>Garden</td>
<td>Main</td>
<td>East Alley</td>
<td>Area, Stage</td>
</tr>
<tr>
<td>Oak</td>
<td>Division</td>
<td>Second</td>
<td>Entertainment</td>
</tr>
<tr>
<td>Mill</td>
<td>Division</td>
<td>East Alley</td>
<td>Pedestrian Traffic</td>
</tr>
<tr>
<td>Putnam</td>
<td>Division</td>
<td>East Alley</td>
<td>Car Show</td>
</tr>
<tr>
<td>Cleveland</td>
<td>Division</td>
<td>Hockett</td>
<td>Chili Cook-Off</td>
</tr>
<tr>
<td>Thurman</td>
<td>Division</td>
<td>Hockett</td>
<td>Porterville Celebrates</td>
</tr>
<tr>
<td>Harrison</td>
<td>Division</td>
<td>East Alley</td>
<td>Activity Reading</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main</td>
<td>Olive</td>
<td>Cleveland</td>
<td>Sidewalk</td>
</tr>
<tr>
<td>Oak</td>
<td>Main</td>
<td>Second</td>
<td>Sales</td>
</tr>
<tr>
<td>Mill</td>
<td>Hockett</td>
<td>Main</td>
<td></td>
</tr>
<tr>
<td>Putnam</td>
<td>Hockett</td>
<td>Main</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Lot</td>
<td>Between Allen's + Previous JCPenney Site</td>
<td>Booths &amp; Cars Shuttle Stop</td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE

IRIS FESTIVAL
APRIL 16, 2011

Business License Supervisor:
   S. Hartman

Business License Department requires vendor list prior to event.

Public Works Director:
   B. Rodriguez

Community Development Director:
   B. Dunlap

Additional Insured needs to include Porterville Redevelopment Agency.

Field Services Manager:
   B. Styles

barricades may be picked up at and returned to 555 N. Prospect.

Fire Chief:
   M. G. Garcia

Parks and Leisure Services Director:
   M. Stowe

Police Captain:
   S. Rodriguez

Please see EXHIBIT ‘B.’

Administrative Services Manager:
   P. Hildreth

Please see EXHIBIT ‘A,’ page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Chamber of Commerce
Event: Iris Festival
Event Chairman: Augie Gonzalez
Location: Main Street
Date of Event: April 16, 2011
Time of Event: 9:00 a.m. to 5:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an ‘admitted’ insurer in the State of California.
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: Porterville Chamber
   93 North Main Street, Suite A.

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

3. Names and addresses of all persons who will use or operate the amplification equipment: Pete McCracken,
   Julie Ream, Monte Reyes

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

5. Dates and hours of operation of amplification equipment: 4/11/2011 9 a.m. - 5 p.m.

6. A general description of the sound amplifying equipment to be used: 300 watts

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

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

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

 Penal Code Section 415(2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine: (a) Any person who maliciously and wilfully 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 URGEO YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

Signature

City of Porterville, Chief of Police/Deputy

Date

Feb. 28, 2011
**ACORD CERTIFICATE OF LIABILITY INSURANCE**

PRODUCER
Walter Mortansen Insurance
P.O. Box 1960
Porterville, CA 93258
559-731-5200

Daren Griswold

INSURERS AFFORDING COVERAGE
Western Heritage Insurance Company 37150

COVERAGES

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

<table>
<thead>
<tr>
<th>INSURER</th>
<th>NAIC #</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>37150</td>
</tr>
</tbody>
</table>

**GENERAL LIABILITY**

<table>
<thead>
<tr>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE</th>
<th>POLICY EXPIRATION DATE</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Host Liquor Liability</td>
<td>SCP0572605</td>
<td>4/16/2011</td>
<td>4/17/2011</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

**AUTOMOBILE LIABILITY**

- ANY AUTO
- ALL OWNED AUTOS
- SCHEDULED AUTOS
- HIRED AUTOS
- NON-OWNED AUTOS

**GARAGE LIABILITY**

- ANY AUTO

**EXCESS/UMBRELLA LIABILITY**

- EACH OCCURRENCE
- AGGREGATE
- RETENTION

**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY**

- WC STATUTORY LIMITS
- OTHER
- EL, EACH ACCIDENT
- EL, DISEASE - EA EMPLOYEE
- EL, DISEASE - POLICY LIMIT

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

Additional Insured: City of Porterville

**CERTIFICATE HOLDER**

City of Porterville
Main Street
Porterville, CA 93257

**CANCELLATION**

Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to do so shall impose no obligation or liability upon the insurer, its agents or representatives.

Authorized Representative: Robert V. Nuccio

© ACORD CORPORATION 1988
IMPORTANT

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

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

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:
COMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You):
   City of Porterville

2. Name of Person or Organization (Additional Insured):
   City of Porterville
   Additional Insured:

3. Additional Premium:

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

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

This insurance does not apply to:
1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.
**Certificate of Liability Insurance**

**Producer:** Walter Mortensen Insurance  
P.O. Box 1960  
Porterville, CA  93258  
559-781-5200  
Daren Griswold

**Insurers Affording Coverage:**  
Western Heritage Insurance Company  
NAIC # 37150  
INSURER A:  
INSURER B:  
INSURER C:  
INSURER D:  
INSURER E:

**Coverages**

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

<table>
<thead>
<tr>
<th>INSURER</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE (MM/DD/YYYY)</th>
<th>POLICY EXPIRATION DATE (MM/DD/YYYY)</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
<td>4/16/2011</td>
<td>4/17/2011</td>
<td>EACH OCCURRENCE $1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>DAMAGE TO RENTED PREMISES (Ex occurrence) $50,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MED EXP (Any one person) $5,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PERSONAL &amp; ADL INJURY $1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>GENERAL AGRGATE $2,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PRODUCTS-COMPP AGG $1,000,000</td>
</tr>
</tbody>
</table>

**Automobile Liability**

- ANY AUTO
- ALL OWNED AUTOS
- SCHEDULED AUTOS
- HIRED AUTOS
- NON-OWNED AUTOS

**Garage Liability**

- ANY AUTO

**Excess Umbrella Liability**

- OCCUR CLAIMS MADE
- DEDUCTIBLE
- RETENTION $0

**Workers Compensation and Employers' Liability**

- ANY PROPRIETOR, PARTNER, EXECUTIVE OFFICER EXCLUDED
- If yes, describe under SPECIAL PROVISIONS below

**Description of Operations/Locations/Vehicles/Exclusions Added by Endorsement/Special Provisions**

Additional Insured: Porterville Redevelopment Agency

**Certificate Holder**

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, the issuing insurer will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.

Authorized Representative  
Robert V. Nuccio

© ACORD Corporation 1988
IMPORTANT

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

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

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You):
   City of Porterville

2. Name of Person or Organization (Additional Insured):
   Porterville Redevelopment Agency
   Additional Insured:

3. Additional Premium:

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

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

   This insurance does not apply to:
   1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
   2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.
CITY OF PORTERVILLE
Community Civic Event Application

PORTERVILLE IRIS FESTIVAL – April 16, 2011

Proposed Conditions/Requirements for Porterville Iris Festival – Downtown Porterville

➢ City Council approval is required for all street closures.

➢ On all streets approved for closure, ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.

➢ Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.

➢ Consumption of alcohol by participants, attendees, organizers at the event is strictly prohibited.

➢ At conclusion of event, event organizers shall ensure streets are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling through this area.

Silver Rodriguez, Captain
Police Department
February 28, 2011

EXHIBIT 'B'
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE SESQUICENTENNIAL
COMMITTEE AND FRATERNAL ORDER OF EAGLES, #1351
PORTERVILLE'S PIONEER DAYS CELEBRATION

SOURCE: Finance Department

COMMENT: The Porterville Chamber of Commerce Sesquicentennial Committee and the Fraternal Order of Eagles, #1351 is requesting approval to hold a community event, Pioneer Days Celebration, at Centennial Plaza on Saturday, June 25, 2011, from 4:00 p.m. to 10:00 p.m. This event is a kick off to several other events in celebration of Porterville's Sesquicentennial and will include live music, information, craft and food booths, a beer garden, hay-wagon rides, and demonstrations. Street closures requested are noted below. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

STREET CLOSURES:

Main Street, from Thurman Avenue to Cleveland Avenue;
Division Street, from Thurman Avenue to Cleveland Avenue;
Cleveland Avenue, from Second Street to Division Street;
Thurman Avenue, from Second Street to Division Street.

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

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Porterville Chamber of Commerce Sesquicentennial Committee and the Fraternal Order of Eagles, #1351, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit 'A' of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit 'A,' Outside Amplifier Permit, Map, Certificates of Liability Insurance and Exhibit 'B.'

D.D. Appropriated/Funded No C.M. Item No. 7
CITY OF PORTERVILLE
291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569

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

DO YOU HAVE? Event Flyer? Yes E-mail address? No Website? City of Porterville Events

Application date: 5/15/2011 Event date: June 25, 2011 Event time: 4-10 pm

Name of Event: Porterville's Pioneer Days Celebration

Sponsoring organization: Fraternal Order of Eagles #135 Phone: #559 784-6123
Address: 99 E. Henderson Porterville CA 93257
Authorized representative: Wayne Johnson Phone: #784-9480 or 784-1676
Address: 408 Ruma Rancho Porterville CA 93257
Event chairperson: John McCollum Phone: #559-310-7270
Co-Chair Monte Reyes Phone: #559-920-2944

Location of event (location map must be attached):

Type of event: Community Celebration, live music, information booths, hay-wagon rides, food-sales, vendors
Non-profit status determination: Tax ID 39-0920-675 501(c)

Beer Garden, demonstrations

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

Barricades (quantity): 6 intersections Street sweeping Yes (x) No
Police protection Yes (x) No Refuse pickup Yes (x) No
Other: providing 2 Porta Potties, hand washing station

Security provided by Tulare River Tribe

Parks facility application required: Yes (x) No Attached
Assembly permit required: Yes (x) No Attached

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

Appr. Deny


______ ______ Pub. Works Dir.

______ ______ Comm. Dev. Dir.

______ ______ Field Svcs. Mgr.

______ ______ Fire Chief

______ ______ Parks Dir.

______ ______ Police Chief

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

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

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

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

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

Authorized Representative Initials

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

Authorized Representative Initials

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

Authorized Representative Initials

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

Authorized Representative Initials

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

Fraternal Order of Eagles 1351
Wayne Johnson
5/15/2011

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

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

Name of event: Porterville's Pioneer Days Celebration

Sponsoring organization: Fraternal Order of Eagles #1351

Location: Centennial Plaza Park 296 E. Main St Event date: June 25, 2011 Event time: 4-10 pm

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sequicentennial Committee</td>
<td>97 E. Henderson</td>
<td></td>
<td>Memorabilia Sales</td>
</tr>
<tr>
<td>Fraternal Order of Eagles</td>
<td>2036 S. Locust St</td>
<td></td>
<td>Beer Garden</td>
</tr>
<tr>
<td>E. Campus Vitus Chapter 1885</td>
<td>Visalia, CA 93277</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jackass Mail Run</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tulare River Tribe Security</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Final list provided two weeks before event

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, 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, valet 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: Porterville's Pioneer Days Celebration

Sponsoring organization: Fraternal Order of Eagles #1351

Event date: June 25th

Hours: 11-10 p.m.

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>Thurman</td>
<td>Second St.</td>
<td>Division</td>
<td>Vendors, Haywagon Rides</td>
</tr>
<tr>
<td>Cleveland</td>
<td>Second St.</td>
<td>Division</td>
<td>Vendors, Haywagon Rides</td>
</tr>
<tr>
<td>Division</td>
<td>Cleveland</td>
<td>Thurman</td>
<td>Fire Fighter exhibition, Rides</td>
</tr>
<tr>
<td>Main</td>
<td>Thurman</td>
<td>Cleveland</td>
<td>Vendors, Haywagon Rides</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>No sidewalks Closed</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Only street parking should be affected (within perimeter)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE SESQUICENTENNIAL
FRATERNAL ORDER OF EAGLES, #1351

PORTERVILLE'S PIONEER DAYS CELEBRATION
JUNE 25, 2011

Business License Supervisor: S. Hartman
Business License requires full vendor list prior to event.

Public Works Director: B. Rodriguez
No comments.

Community Development Director: B. Dunlap

Field Services Manager: B. Styles

Chief of Fire Operations: M. G. Garcia
Keep area in front of the fire station clear and unobstructed.

Parks and Leisure Services Director: M. Stowe
Please keep the public out of the planters.

Police Captain: S. Rodriguez
Please see attached Exhibit 'B.'

Administrative Services Manager: P. Hildreth
See attached Exhibit 'A', page 2

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

Sponsor: Porterville Chamber of Commerce Sesquicentennial Committee
Fraternal Order of Eagles, #1351
Event: Porterville's Pioneer Days Celebration
Event Chairman: John McWilliams
Location: Centennial Plaza
Date of Event: June 25, 2011
Time of Event: 4:00 p.m. to 10:00 p.m

RISK MANAGEMENT: Conditions of Approval

That the Porterville Chamber of Commerce Sesquicentennial Committee and the Fraternal Order of Eagles, #1351, provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville and Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

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

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an 'admitted' insurer in the State of California.
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #13-9 & 13-14)

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: Monte Reyes, 44 S. Park, Porterville, CA 93257

2. Address where amplification equipment is to be used: Centennial Park, 291 N. Main St., Porterville, CA 93257

3. Names and addresses of all persons who will use or operate the amplification equipment: Monte Reyes, 44 S. Park St., Porterville, CA 93257

4. Type of event for which amplification equipment will be used: Porterville Pioneer Days Celebration, Music

5. Dates and hours of operation of amplification equipment: Monday, June 25th, 2011, 3pm sound check, Event 4pm - 10pm

6. A general description of the sound amplifying equipment to be used: Two powered speakers, small to medium sized instrument amplifiers

Section 18-3:
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

Section 18-14:
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any audible 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 convenience of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefor, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be 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 § 5311)

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

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

Signature of Applicant

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

Silver Rodriguez, Captain
City of Porterville, Chief of Police Designee

Date: May 17, 2011
**CERTIFICATE OF LIABILITY INSURANCE**

**PRODUCER**
Stratus Insurance Services, Inc.
947 South 500 East
American Fork, UT 84003
www.TheEventHelper.com

**INSURED**
Porterville Chamber of Commerce
Sesquicentennial Committee
93 N Main Street
Porterville, CA 93257

**COVERAGE**

The policies of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies, aggregate limits shown may have been reduced by paid claims.

| INSURER A: | Colony Insurance Company |
| INSURER B: | |
| INSURER C: | |
| INSURER D: | |
| INSURER E: | |

**INSURERS AFFORDING COVERAGE**

<table>
<thead>
<tr>
<th>LIMITS</th>
<th>05/25/2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>EACH OCCURRENCE</td>
<td>1,000,000</td>
</tr>
<tr>
<td>DAMAGE TO RENTED PROPERTIES (Ex. occurrence)</td>
<td>120,000</td>
</tr>
<tr>
<td>MED EXP (Any one person)</td>
<td>5,000</td>
</tr>
<tr>
<td>PERSONAL &amp; ADJ INJURY</td>
<td>1,000,000</td>
</tr>
<tr>
<td>GENERAL AGGREGATE</td>
<td>2,000,000</td>
</tr>
<tr>
<td>PRODUCTS - COMB EXP AGG</td>
<td>2,000,000</td>
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**COMMERCIAL GENERAL LIABILITY**

<table>
<thead>
<tr>
<th>TYPE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE</th>
<th>POLICY EXPIRATION</th>
<th>LIMITS</th>
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</thead>
<tbody>
<tr>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>OS800000A-2-500418</td>
<td>10/01/2010</td>
<td>10/01/2012</td>
<td>See specific dates of coverage below.</td>
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<tr>
<td>COMBINED SINGLE LIMIT (Ex. accident)</td>
<td>$</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>BODILY INJURY (Per person)</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BODILY INJURY (Per accident)</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>PROPERTY DAMAGE (Per accident)</td>
<td>$</td>
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**GARAGE LIABILITY**

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<th>TYPE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE</th>
<th>POLICY EXPIRATION</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANY AUTO</td>
<td>OS800000A-2-500418</td>
<td>10/01/2010</td>
<td>10/01/2012</td>
<td>Included in occurrence limit above</td>
</tr>
<tr>
<td>AUTO ONLY - EA ACCIDENT</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OTHER THAN AUTO ONLY - ASBD</td>
<td>$</td>
<td></td>
<td></td>
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**COMMERCIAL INUMBRA LIABILITY**

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<tr>
<th>TYPE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE</th>
<th>POLICY EXPIRATION</th>
<th>LIMITS</th>
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</thead>
<tbody>
<tr>
<td>OCCUR</td>
<td>OS800000A-2-500418</td>
<td>10/01/2010</td>
<td>10/01/2012</td>
<td>Included in occurrence limit above</td>
</tr>
<tr>
<td>CLAIMS MADE</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CANCELLATION**

Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.

Authorized Representative
Bret Christopherson

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

Certificate holder listed below is named as additional insured per attached OS 20 29 07 04 for the following dates: 06/25/11, 08/05/11, 10/22/11, 11/05/11.

RE: Wagon & Hay Rides per scheduled event dates above.

**CITY OF PORTERVILLE**
Redevelopment Agency
291 N Main Street
Porterville, CA 93257

**PERIOD OF INSURANCE**

ACORD 25 (2001/05)

© ACORD CORPORATION 1988
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED ~ DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

<table>
<thead>
<tr>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name Of Additional Insured Person(s) Or Organization(s)</td>
</tr>
</tbody>
</table>
| City of Porterville  
Redevelopment Agency  
291 N Main Street  
Porterville, CA 93257 |

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

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

A. In the performance of your ongoing operations; or  
B. In connection with your premises owned by or rented to you.
# Certificate of Liability Insurance

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

## Important:
If the certificate holder is an additional insured, the policy(ies) must be endorsed. If subrogation is waived, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

### Producer
Armstrong Fairway Insurance Center  
17072 Silica Dr #103  
Victorville, CA 92395  
License #: OC40062

### Insured
Fraternal Order Of Eagles Portervi#1351  
PO Box 599  
Porterville, CA 93257

### Coverages
<table>
<thead>
<tr>
<th>Coverage</th>
<th>Type of Insurance</th>
<th>Policy #</th>
<th>Policy Expiration Date</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>General Liability</td>
<td>CCP0023804</td>
<td>12/01/2011</td>
</tr>
<tr>
<td>X</td>
<td>Commercial General Liability</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>12/01/2011</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>12/01/2011</td>
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</table>

### Limits
<table>
<thead>
<tr>
<th>Each Occurrence</th>
<th>Limits</th>
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</thead>
<tbody>
<tr>
<td>Damage to-owned</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Personal Injury</td>
<td>$100,000</td>
</tr>
<tr>
<td>Property Damage</td>
<td>$5,000</td>
</tr>
<tr>
<td>General Aggregate</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Products-Completed Operations</td>
<td>$2,000,000</td>
</tr>
<tr>
<td></td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>

### Additional Information
- **Described Operations LOC**: [Details not visible in image]

### Certificate Holder
City of Porterville  
Porterville Fair  
PO Box 369  
Porterville, CA 93258

### 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:**

Cindy Lane

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**ADDITIONAL REMARKS SCHEDULE**

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>POLICY NUMBER</th>
<th>NAME INSURED</th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armstrong Fairway Insurance Center</td>
<td>COP023804</td>
<td>Fraternal Order Of Eagles Portervil #1381</td>
<td>1/1/2010</td>
</tr>
<tr>
<td>NAC CODE:</td>
<td></td>
<td>TA 0013428</td>
<td></td>
</tr>
<tr>
<td>DRIVER:</td>
<td></td>
<td>Mercury Insurance</td>
<td></td>
</tr>
</tbody>
</table>

**ADDITIONAL REMARKS**

*This Additional Remarks Form is a Schedule to ACORD Form.*

*Form Number: 25  Form Title: Certificate of Liability Insurance*

Certificate holder is listed as additional insured as per the attached declaration page from company.
CITY OF PORTERVILLE
Community Civic Event Application
Porterville Pioneer Days Celebration – June 25, 2011

Proposed Conditions/Requirements for Pioneer Days Event

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

➢ A Beer Garden shall be established and alcohol may only be sold and consumed within the designated beer garden. A minimum of two (2) security guards shall be assigned to control the Beer Garden while it is in operation. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden. The consumption of alcohol at any other event site shall be strictly prohibited.

➢ Event organizers shall have applied and been granted a temporary license to sell alcohol, from the CA Dept. of Alcoholic Beverage Control.

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

➢ Amplified music shall not continue after 10:00 p.m.

Silver Rodriguez, Captain
Police Department- Services Division

EXHIBIT 'B'
COUNCIL AGENDA: July 5, 2011

SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM — Request for the City Council to Authorize an Independent Financial Audit of the Porterville Chamber of Commerce

SOURCE: City Manager

COMMENT: City Council Member Shelton has requested that the City Council authorize an independent financial audit of the Porterville Chamber of Commerce.

RECOMMENDATION: Councilman Shelton makes the motion that the City Council authorize an independent financial audit of the Porterville Chamber of Commerce.

ATTACHMENT: None
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE
CHAMBER OF COMMERCE AND ROTARY CLUB OF PORTERVILLE -
ANNUAL CHILDREN'S CHRISTMAS PARADE - DECEMBER 1, 2011

SOURCE: Finance Department

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

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

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

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

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

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

DD MO Appropriated/Funded JF CM Item No. 8
The closure of Main Street at 5:00 p.m. will require the early closure of the Fixed Route Transit System at 4:30 p.m., instead of the usual 7:00 p.m., on December 1, 2011. Staff is requesting that Council authorize the change in schedule for the Fixed Route system only.

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

RECOMMENDATION: That Council:

1. Approve the Community Civic Event application from the Porterville Chamber of Commerce and Rotary Club of Porterville subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application;
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on December 1, 2011;
3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m., to those at the north end of City Hall along Main Street.

ATTACHMENTS: Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Outside Amplifier Permit, Street Maps and Certificate of Liability Insurance.
CITY OF PORTERVILLE
291 N. Main Street, Porterville, CA 93257
559-752-7451 Fax: 784-4569

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

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: September 27, 2011 Event date: December 1, 2011

Name of Event: Children's Christmas Parade

Sponsoring organization: Porterville Club of Commerce Phone # 784-7502
Address: 97 N. Main St. Porterville CA 93257

Authorized representative: Dorene Carter Phone # 784-7822
Address: 97 N. Main St. Porterville CA 93257

Event chairperson: Frank Brow batter Phone # 784-6259

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

Type of event: Children's Christmas Parade

Non-profit status determination: eBridge BL# 0248 / BL# 00462

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

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

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

Appr. Deny


Pub. Works Dir

Comm. Dev. Dir.

Field Svcs. Mgr.

Fire Chief

Parks Dir.

Police Chief

Admin. Svcs. Dir.

1 of 4
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

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

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

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

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

Health permit:
Organization/Applicant will obtain or ensure that all participants obtain a "Temporary Food Facilities" permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-658-6441, 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 whomsoever 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.

[Signatures and initials]
CITY OF PORTERVILLE

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

Name of event: **Children's Christmas Parade**

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

Location: **Main St., City of Porterville**

Event date: **Dec 24, 2011** Event time: **5pm-9pm**

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

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

Name of event:  

Sponsoring organization:  

Event date:  Dec. 1, 2011  

Hours:  6am parking spaces in front of Chamber  

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main St.</td>
<td>Denno Ave</td>
<td>Olive Ave</td>
<td>Parked Osaka Assembly</td>
</tr>
<tr>
<td>Olive Ave</td>
<td>Hackett St</td>
<td>Second St</td>
<td>Parade Route</td>
</tr>
<tr>
<td>Market Street</td>
<td>Hackett St</td>
<td>Second St</td>
<td>Adjacent to</td>
</tr>
<tr>
<td>Yuma Ave</td>
<td>Main St.</td>
<td>Second St</td>
<td>Parked Osaka</td>
</tr>
<tr>
<td>Garden Ave</td>
<td>Main St.</td>
<td>Second St</td>
<td>Adjacent to Parade</td>
</tr>
<tr>
<td>School Bellows Pk</td>
<td>Main St.</td>
<td>Second St</td>
<td>Parade Assembly</td>
</tr>
<tr>
<td>Second St.</td>
<td>Olive Ave</td>
<td>Oak Ave.</td>
<td>Parked Disamountment</td>
</tr>
<tr>
<td>Sidewalks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main St.</td>
<td>Denno Ave</td>
<td>Olive Ave</td>
<td>View Parade, and</td>
</tr>
<tr>
<td>Olive Ave</td>
<td>Main St.</td>
<td>Second St</td>
<td>Assembly Area</td>
</tr>
</tbody>
</table>

Parking lots and spaces

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main St. (7 spots)</td>
<td>Chamber of Commerce, 93 N. Main</td>
</tr>
<tr>
<td>Main St. (5 spots)</td>
<td>City Hall, 291 N. Main</td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

PORTERVILLE CHAMBER OF COMMERCE
ROTARY CLUB OF PORTERVILLE

ANNUAL CHILDREN’S CHRISTMAS PARADE.

DECEMBER 1, 2011

Business License Supervisor:
   S. Hartman

Business License Division requires vendor list prior to event.

Public Works Director:
   B. Rodriguez

Community Development Director:
   B. Dunlap

No comment.

Field Services Manager:
   B. Styles

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

Fire Chief:
   M.G. Garcia

Parks and Leisure Services Director:
   M. Stowe

Keep spectators of planters; provide portable toilets.

Police Captain:
   S. Rodriguez

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

Administrative Services Manager:
   P. Hildreth

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

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

RISK MANAGEMENT: Conditions of Approval

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

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

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

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

Conditions/Requirements for Children’s Christmas Parade

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

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

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

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

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

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

Silver Rodriguez, Captain
Police Department

EXHIBIT 3
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

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

1 Name and home address of the applicant: Rotary Club of Porterville
Porterville Chamber of Commerce 93 W. Main St 781-7752

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

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

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

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

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

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

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

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

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

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

Signature of Applicant

Date

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

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

Date

SEPT. 28, 2011
CERTIFICATE OF LIABILITY INSURANCE

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

PRODUCER: LOCKTON COMPANIES, LLC - CHICAGO
525 W. Monroe, Suite 600
CHICAGO IL 60661
(312) 699-6900

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

COVERAGE:

<table>
<thead>
<tr>
<th>POLICY NUMBER</th>
<th>DATES</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMI G23861355 003</td>
<td>7/1/2011 - 7/1/2012</td>
<td>EACH OCCURRENCE: $2,000,000</td>
</tr>
</tbody>
</table>

| INSURER: ACR American Insurance Company |
| 22667 |

| INSURER: ACR Property & Casualty Insurance Co |
| 20699 |

CERTIFICATE NUMBER: 22667

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES:

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

CERTIFICATE HOLDER:

City of Porterville, Porterville, California

AUTHORIZED REPRESENTATIVE: [Signature]

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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.

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Producer
Walter Mortensen Insurance
CA License #0044424
89 East Mill Ave.
Porterville CA 93257

Contact Name
Jacqueline Madrigal

Phone
(559) 781-5200

Fax
(559) 781-3229

E-mail

Producer Customer ID

Coverages
Porterville Chamber of Commerce
93 N. Main St.
Porterville CA 93257-3711

COVERAGES

CIVIL LIABILITY

GENERAL LIABILITY

COMMERCIAL GENERAL LIABILITY

CLAIMS MADE OCCUR

POLICY NUMBER
6607568A00411

INCEPTION DATE
5/28/2011

EXPIRATION DATE
5/28/2012

LIMITS

EACH OCCURRENCE
$1,000,000

DAMAGE TO RENTED PROPERTY (Excluded)

$100,000

MED EXP (Any one person)

$5,000

PERSONAL & ADJURY

$1,000,000

GENERAL AGGREGATE

$3,000,000

PRODUCTS - COMMER AGG

$3,000,000

$0

ACCOUNT NUMBER

REVISION NUMBER

This is to certify that the policies of insurance listed below have been issued to the named insured for the policy period indicated. Notwithstanding any requirement, term or condition of any contract of other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described hereon is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

Auto Liability

Any Auto

All Owned Autos

Scheduled Autos

Hired Autos

Non-Owned Autos

Umbrella Liability

Occur

Excess Liability

Claim-Made

Deductible

$0

Worker's Compensation

AND Employers' Liability

Any Proprietor/Partner/Exec. Off. Excluded

(Executive in None)

Description of operations


date

Description of Operations

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

Regarding: Christmas Parade Event Dated 12/1/2011

Certificate Holder

City of Porterville
291 N Main Street
Porterville, CA 93257

Cancellation

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

Authorized Representative

Ronald Burcham / JMODRI

ACORD 25 (2009/09)

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SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE - IRIS FESTIVAL, APRIL 28, 2012

SOURCE: Finance Department

COMMENT: The Porterville Chamber of Commerce is requesting approval to hold its 13th Annual Iris Festival on Saturday, April 28, 2012, from 9:00 a.m. to 5:00 p.m. This year’s festival will include a Chili-Cook-Off, Beer Booth and Car Show along with the usual entertainment and food and craft booths. The following street/sidewalk/parking lot/park closures/uses are requested from 3:30 a.m. to 7:30 p.m.:

STREETS:
Main Street from Morton Avenue to Olive Avenue;
Garden Avenue from Main Street to the alley east of Main Street;
Oak Avenue from Division Street to Second Street;
Mill Avenue from Division Street to the alley east of Main Street;
Putnam Avenue from Division Street to the alley east of Main Street;
Cleveland Avenue from Division Street to the alley east of Main Street;
Thurman Avenue from Hockett Street to the alley east of Main Street; and
Harrison Avenue from Division Street to the alley east of Main Street.

SIDEWALKS:
Main Street from Olive Avenue to Cleveland Avenue;
Oak Avenue from Main Street to Second Street;
Mill Avenue from Hockett Street to Main Street; and
Putnam Avenue from Hockett Street to Main Street.

PARKING LOT:
Former J.C. Penney parking lot.

PARK:
Centennial Park on Main Street.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached application, agreement and exhibit ‘A.’ The application, agreement, exhibit ‘A,’ request for street closures, and a map showing the desired street closures are attached.

RECOMMENDATION: That City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit ‘A’ and Exhibit ‘B’ of the Community Civic Event forms.

ATTACHMENT: Community Civic Event Application and Agreement, Vendor List, Request for Street Closure, Exhibit ‘A,’ Map, Outside Amplifier Permit, Certificates of Liability Insurance and Exhibit ‘B.’

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: 3/27/2012  
Event date: 4/28/2012  
Event time: 9am - 5 pm

Name of Event: Iris Festival

Sponsoring organization: Porterville Chamber  
PHONE # 784-7502
Address: 93 North Main Street, Porterville

Authorized representative: Donna Silva Carter  
PHONE # 784-7502
Address: 93 North Main Street, Porterville

Event chairperson: Augie Gonzalez  
PHONE # 920-5765

Location of event (location map must be attached): Main Street, Olive to Morton,
Division to East Alley

Type of event: Festival, Food & Craft Booths, Stage Entertainment, Chili Cook Off, Kid Zone, Car Show, Beer Booth, Nonprofit interference

Nonprofit status determination: 501c3

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

Barricades (quantity): 60
Police protection: Yes  
Other: ______________________  
Street sweeping: Yes  
Refuse pickup: Yes  

Parks facility application required: Yes X  
Assembly permit required: Yes  

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.

Porterville Chamber
(Name of Organization)

(Signature)

3/27/2012
(Date)
CITY OF PORTERVILLE

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

Name of event: Iris Festival
Sponsoring organization: Porterville Chamber
Location: Main Street
Event date: 4/28/2012
Event time: 9am-5pm, Street closure 3am-7:30pm

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>Vendor list will be submitted prior to event, once finalized</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Municipal Code 15.1: ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
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: Fris Festival

Sponsoring organization: Porterville Chamber

Event date: 4/28/2012

Hours: 9 am - 5 pm
Street Closure 3 am - 7:30 pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Street</td>
<td>Olive</td>
<td>Morton</td>
<td>Booths, Kids Zone</td>
</tr>
<tr>
<td>Garden</td>
<td>main</td>
<td></td>
<td>Entertainment, Car</td>
</tr>
<tr>
<td>Oak</td>
<td>Division</td>
<td>Second</td>
<td>Show, Chili Cook-off, Vendor Booths, Pedestrian</td>
</tr>
<tr>
<td>Mill</td>
<td>Division</td>
<td>East Alley</td>
<td>Traffic, Beer Booth</td>
</tr>
<tr>
<td>Putnam</td>
<td>Division</td>
<td>East Alley</td>
<td>Traffic, Beer Booth</td>
</tr>
<tr>
<td>Cleveland</td>
<td></td>
<td></td>
<td>Traffic, Beer Booth</td>
</tr>
<tr>
<td>Harrison</td>
<td></td>
<td></td>
<td>Traffic, Beer Booth</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalks</td>
<td>Olive</td>
<td>Cleveland</td>
<td>Sidewalk Sales</td>
</tr>
<tr>
<td>Main</td>
<td>Oak</td>
<td>Second</td>
<td>Sales</td>
</tr>
<tr>
<td>Oak</td>
<td>Mill</td>
<td>Hackett</td>
<td></td>
</tr>
<tr>
<td>Mill</td>
<td>Putnam</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Lot</td>
<td>Between Allen's &amp; Previous JCPenny site</td>
<td>Booths &amp; Car, Shuttle Stop</td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE

IRIS FESTIVAL

APRIL 28, 2012

Business License Supervisor:  
S. Hartman

Business License Department requires vendor list prior to event.

Public Works Director:  
B. Rodriguez

Community Development Director:  
B. Dunlap

No comment.

Field Services Manager:  
B. Styles

Call Field Services at 782-7513 to arrange for temporary refuse bins. The event committee sets up and removes the barricades, which may be obtained at 555 N. Prospect.

Fire Chief:  
M. G. Garcia

Parks and Leisure Services Director:  
M. Stowe

Try to keep patrons out of planters.

Police Lieutenant:  
D. Haynes

Please see Exhibit 'B.'

Administrative Services Manager:  
P. Hildreth

Please see Exhibit 'A,' page 2.

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

Sponsor: Porterville Chamber of Commerce
Event: Iris Festival
Event Chairman: Augie Gonzalez
Location: Main Street
Date of Event: April 28, 2012
Time of Event: 9:00 a.m. to 5:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

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

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

1 Name and home address of the applicant: Porterville Chamber
   93 North Main Street

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

3 Names and addresses of all persons who will use or operate the amplification equipment: Joe McCauley, David Espino

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

5 Dates and hours of operation of amplification equipment: 4/28/2018 9am-5pm

6 A general description of the sound amplifying equipment to be used: 300 watts

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

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

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

Penal Code Section 415(2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine: (2) Any person who maliciously and wilfully 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] 7/2/12

This outside amplifier permit has been approved. However, we urge you to remain considerate of the general peace and order of the neighbors in the area. Failure to abide by these regulations can result in revocation of the permit.

[Signature of City of Porterville, Chief of Police] 3/1/12

Conditions Attached
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 endorsements.

PRODUCER
Walter Mortensen Insurance
CA License #0544424
89 East Mill Ave.
Porterville CA 93257

CONTACT NAME: Jacqueline Madrigal
PHONE: (559) 781-5200
FAX: (559) 781-3229
EMAIL: 
PRODUCER ADDRESS: 00110327
INSURER(S) AFFORDING COVERAGE NA 2

PORTERVILLE CHAMBER OF COMMERCE
93 N. Main St.
Porterville CA 93257-3711

INSURED

COVERAGES
CERTIFICATE NUMBER: CL1161452670
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>TYPE OF INSURANCE</th>
<th>ADDEDON</th>
<th>LIMITS</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL LIABILITY</td>
<td></td>
<td>EACH OCCURRENCE $1,000,000</td>
<td>MED EXP (Any one person) $5,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DAMAGE TO PERISHED PROPERTIES (Loss of use) $100,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PERSONAL &amp; ADV INJURY $1,000,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>GENERAL AGGREGATE $3,000,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PRODUCTS - COUPON LOSS $3,000,000</td>
<td></td>
</tr>
</tbody>
</table>

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Ronald Burman/JMADRI

CERTIFICATE HOLDER

City of Porterville
291 N Main Street
Porterville, CA 93257

2/27/2012
WHO IS AN INSURED (Section II) is amended to include as an insured:

A. Your members and volunteers but only with respect to their liability for your activities or activities they perform on your behalf;

B. Your trustees or members of the board of governors while acting within the scope of their duties as such on your behalf; and

C. Person(s) or organization(s), whether or not shown in the Schedule above, but only with respect to their liability arising out of:

1. Their financial control over you;

2. Their requirements for certain performance placed upon you, as a non-profit organization, in consideration for funding or financial contributions you receive from them;

3. The ownership, maintenance or use of that part of a premises leased to you; or

4. "Your work" for that insured by or for you.

As respects Part C.3. above, this insurance does not apply to:

(a) Structural alterations, new construction or demolition operations performed by or on behalf of the person(s) or organization(s); or

(b) Any "occurrence" which takes place after you cease to be a tenant in that premises.
CERTIFICATE OF LIABILITY INSURANCE

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

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

PRODUCER
Walter Mortensen Insurance
CA License #0D44424
410 North Main Street
Porterville CA 93257

CONTACT
NAME: Jacqueline Maddalena
PHONE: (559) 731-5200
FAX: (559) 731-3229

INSURERS AFFORDING COVERAGE
INSURER A: Mount Vernon Fire Ins. Co.
INSURER B:
INSURER C:
INSURER D:
INSURER E:
INSURER F:

DATE: 3/14/2012

CERTIFICATE NUMBER: CL1231462683

COVERAGES

COVERAGE A

GENERAL LIABILITY

COMMERCIAL GENERAL LIABILITY
CLAIMS-MADE
X OCCUR

POLICY NUMBER: NS3012x0320

LIMITS

EACH OCCURRENCE $1,000,000
DAMAGE TO PROPERTY (EXCEPT AUTOMOBILE) $100,000
PERSONAL & ADJUDICATOR $1,000,000
GENERAL AGGREGATE $2,000,000
PRODUCTS-COMPANY AGGREGATE $2,000,000
LIQUOR LIABILITY AGGREGATE $2,000,000

AUTOMOBILE LIABILITY

ANY AUTO
X ALL OWNED AUTOS
X ALL HIRE AUTOS

Umbrella Liability

CLAIMS-MADE

EXCESS LIABILITY

WORKER’S COMPENSATION AND EMPLOYER’S LIABILITY

N/A

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (Attach ACORD (61) Addition 6 Remarks Schedule, if more space is required)

City of Porterville is added as an Additional Insured to the General Liability Policy per the attached form #CG 20 11 (01.96) Coverage is subject to "ALL" the terms, conditions, limitations and/or exclusions of the policy.

Regarding: Iris Festival, April 2012

CERTIFICATE HOLDER

City of Porterville
291 N Main Street
Porterville, CA 93257

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Ronald Burchard

ACORD 25 (2010/05)

The ACORD name and logo are registered marks of ACORD

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You):
   CITY OF PORTERVILLE
   PORTERVILLE CA 93257

2. Name of Person or Organization (Additional insured):
   CITY OF PORTERVILLE
   291 N MAIN STREET
   PORTERVILLE CA 93257

3. Additional Premium:
   50.00

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

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

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.
CITY OF PORTERVILLE/POLICE DEPARTMENT
Community Civic Event Application

PORTERVILLE IRIS FESTIVAL – April 28, 2012

Proposed Conditions/Requirements for Porterville Iris Festival – Downtown Porterville

➢ City Council approval is required for all street closures.

➢ On all streets approved for closure, ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.

➢ If event organizers anticipate the need for removal of parked vehicles from public roadways related to the event, the affected public roadways must be posted with appropriate signage no less than 24 hours in advance of the event. Said signs and associated posting must meet minimum requirements as established by the California Vehicle Code. (Recommend event organizers contact Officer Carl Jordan of the Porterville Police Department/Traffic Unit in order to ensure that signs meet the requirements as established by law).

➢ Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.

➢ A Beer Garden shall be established and alcohol may only be sold and consumed within the designated beer garden. A minimum of two (2) security guards shall be assigned to control the Beer Garden while it is in operation. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden. The consumption of alcohol at any other event site shall be strictly prohibited.

➢ Event organizers shall have applied and been granted a temporary license to sell alcohol, from the CA Dept. of Alcoholic Beverage Control.

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

➢ At conclusion of event, event organizers shall ensure streets are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling through this area.

Dan Haynes, Lieutenant
Police Department
March 1, 2012

EXHIBIT B
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - WORD OF VICTORY CHURCH – CHURCH COMMUNITY OUTREACH - JUNE 29, 2013

SOURCE: Finance Department

COMMENT: The Word of Victory Church is requesting approval to hold their annual Church Community Outreach event. This event, with carnival games and live music, will be held in the church parking lot and in front of the church on ‘E’ Street, Saturday, June 29, 2013, from 3:00 p.m. to 8:00 p.m. They have requested closure of ‘E’ Street from Orange Street to the end of their church building.

This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended and has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit A and Exhibit B.

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Word of Victory Church, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.


D.D. Appropriated/Funded C.M. Item No. 15
CITY OF PORTERVILLE
291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us

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

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: 5/15/13 Event date: 6-29-13
Name of Event: Community Outreach Event time: 3:04 - 8:34

Sponsoring organization: Palabra De Victoria Church Phone # 782-1573
Address: 163 W. Orange St.
Authorized representative: Jose Angel Secura Phone # 5360
Address: 1184 W. Brown Ave
Event chairperson: Jose Angel Secura Phone # 782-1573

Location of event: 163 W. Orange St. Porterville Ca.
(Location map must be attached)
Type of event: Community Outreach

Non-profit organization status: #0018865

(IRIS Determination)

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): 12 Street sweeping Yes No
Police protection Yes No Refuse pickup Yes No
Other:

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

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

<table>
<thead>
<tr>
<th>Appr.</th>
<th>Deny</th>
</tr>
</thead>
<tbody>
<tr>
<td>______</td>
<td>_______</td>
</tr>
<tr>
<td>______</td>
<td>Pub. Works Dir.</td>
</tr>
<tr>
<td>______</td>
<td>Comm. Dev. Dir.</td>
</tr>
<tr>
<td>______</td>
<td>Field Svcs. Mgr.</td>
</tr>
<tr>
<td>______</td>
<td>Fire Chief</td>
</tr>
<tr>
<td>______</td>
<td>Parks Dir.</td>
</tr>
<tr>
<td>______</td>
<td>Police Chief</td>
</tr>
<tr>
<td>______</td>
<td>Admin. Svcs. Dir.</td>
</tr>
</tbody>
</table>
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. This application must be submitted NO LESS THAN 30 DAYS PRIOR to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred ($100) for the first violation.

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 and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured. A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval. The council shall condition the granting of a CCE permit upon the sponsoring entity’s filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars ($1,000,000.00) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 15-20(e) 18)

Authorized Representative Initials

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

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

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

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

(Name of Organization) Joa Angel (Signature) 5-14-13 (Date)
CITY OF PORTERVILLE

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

Name of event: Alabla De Victoria Church Community Outreach

Sponsoring organization: Alabla De Victoria Church

Location: 163 W. Orange St. Valley Co Event date: 6-29-13 Event time: 3PM - 8PM

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 per *City of Porterville Municipal Code 15-20(E) Community Civic Events (16). This form should be completed at the time of application, but must be submitted NO LESS THAN ONE WEEK PRIOR TO THE EVENT.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
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*Municipal Code 15-20(E) Community Civic Events (16): Business License Fees: Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar ($1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm, concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E.6. The non-profit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.
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: Palabra De Victoria Church Community Outreach

Sponsoring organization: Palabra De Victoria Church

Event date: 6-29-13 Hours: 3 PM - 8 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>E. ST</td>
<td>church building</td>
<td>End of Church Building</td>
<td>CARNIVAL type: Games for children that require no mech. Equipment (Ball Toss/Fring Toss/Baby No Rides @) Carnival</td>
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</table>

Sidewalks From To Activity
- NO Dunking Machine
- Live Christian Band
- No D.J.
- No Vendors
- No others participants

Parking lots and spaces Location Activity
- EXCEPT for church members, band, persons of community
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

WORD OF VICTORY CHURCH

CHURCH COMMUNITY OUTREACH

JUNE 29, 2013

Finance Director:
M. Bemis

Public Works Director:
B. Rodriguez

Community Development Director:
B. Dunlap

Field Services Manager:
B. Styles
Barricades may be obtained and returned at 555 N. Prospect Street.

Fire Chief:
G. Irish

Parks and Leisure Services Director:
D. Moore
No comments.

Police Captain:
D. Haynes
Please see proposed conditions and requirements in Exhibit B.

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

Sponsor: Word of Victory Church  
Event: Church Community Outreach  
Event Chairman: Angel Segura  
Location: Word of Victory Church parking lot/front of church  
Date of Event: June 29, 2013  
Time of Event: 3:00 p.m. to 8:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

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

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

1 Name and home address of the applicant: Jose Angel Segura
   1184 W. Brown Ave Porterville, CA

2 Address where amplification equipment is to be used: 163 W. Orange Porterville, CA

3 Names and addresses of all persons who will use or operate the amplification equipment: Angel, Rick, Gabriel
   1184 W. Brown Ave 2005 Calfberry Porterville 890 W. Menard Fort Wayne

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

5 Dates and hours of operation of amplification equipment: 6-29-13 3 P.M. - 8 P.M.

6 A general description of the sound amplifying equipment to be used: Electric Guitar, Bass Guitar, Amplifiers, Speakers

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

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

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

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

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

Jose Angel Segura
Signature of Applicant

5-14-13
Date

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

City of Porterville, Chief of Police/Designee

5-17-13
Date
CITY OF PORTERVILLE/POLICE DEPARTMENT
Community Civic Event Application

Church/Community Outreach, June 29, 2013

Proposed Conditions/Requirements for Community Outreach Event:

➢ City Council approval is required for all street closures.

➢ On all streets approved for closure, ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.

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

➢ At conclusion of event, event organizers shall ensure streets are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling through this area.

Dan Haynes, Captain
Police Department
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

INSURED
PALABRA DE VICTORIA CHURCH DBA WORD OF VICTORY
163 W ORANGE AVE
PORTERVILLE CA 93257-4650

CONTACT
NAME: Rachel Stewart
PHONE: (800) 995-7525
FAX: (800) 995-7522
EMAIL: rachel@churchandcasualty.com

INSURER AFFORDING COVERAGE
NAIC #: 18767

COVERAGES
CERTIFICATE NUMBER: CI21221780777

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE 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>
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<tr>
<th>INSURED LIMIT</th>
<th>TYPE OF INSURANCE</th>
<th>INSTRUMENT</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECT</th>
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<td>AUTOMOBILE LIABILITY</td>
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<td>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</td>
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<td>DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (Attach ACORD 19. Additional Remarks Schedule, if more space is required)</td>
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Evidence of insurance for a street closure (community outreach) at the corner of Orange & E Street (163 W Orange Ave), Porterville, CA on June 29, 2013. 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. *refer to attached A2014

CERTIFICATE HOLDER
Attn: Anita Gustuson
City of Porterville & The City of 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 Taheri Kenari/JANIC

The ACORD name and logo are registered marks of ACORD

ACORD 25 (2010/05)
INS025 (2010/05).01
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The following is added to the General Liability Additional Provisions Form.

<table>
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<tr>
<th>Additional Insured Person(s) or Organization(s):</th>
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<tbody>
<tr>
<td>Name: City of Porterville &amp; The City of Porterville Redevelopment Agency</td>
</tr>
<tr>
<td>Address: 291 N Main Street</td>
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<tr>
<td>Porterville</td>
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<tr>
<td>City</td>
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<tr>
<td>Activity: street closure (community outreach) at the corner of Orange &amp; E Street (163 W Orange Ave), Porterville, CA</td>
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<td>policy#: 0255275-02-248364</td>
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<td>Date(s): June 29, 2013</td>
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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.
COUNCIL AGENDA: June 4, 2013

SUBJECT: RESPONSE TO GRAND JURY REPORT – MEDICAL MARIJUANA CITY ORDINANCES

SOURCE: Administration

COMMENT: Due to controversies between Federal Regulations and California Health and Safety Codes, the 2012-2013 Tulare County Grand Jury decided to investigate and report on Medical Marijuana Cultivation (farming) within the county’s incorporated cities. The Grand Jury recently issued their report of findings, conclusion, and recommendations (attached). The report was delivered to the City on March 7, 2013. Pursuant to California Penal Code §933(c), a written response to the report is required to be filed by the City Council by no later than June 7, 2013.

The response of the City Council is attached for consideration and approval.

RECOMMENDATION: That the Council:
1. Consider the draft “Response to the Grand Jury” letter regarding the 2012-2013 Report on Medical Marijuana City Ordinances; and
2. Authorize the Mayor to sign the Response letter.

ATTACHMENT: 1. Draft Response Letter
2. Grand Jury Report

Item No. 16
June 4, 2013

Tulare County
Grand Jury
5963 South Mooney Blvd.
Visalia, CA 93277

The Honorable Gary Paden
County Civic Center, Room 303
221 South Mooney Blvd.
Visalia, CA 93291

Tulare County
Board of Supervisors
2404 W. Burrel Ave.
Visalia, CA 93291

Re: City of Porterville Medical Marijuana City Ordinances

To the Honorable Gary Paden, Grand Jury Members and Board of Supervisors:

The following are submitted on behalf of the Porterville City Council in response to inquiries received from the Tulare County Grand Jury relating to Medical Marijuana City Ordinances:

FINDINGS

Respondents agree in part with the findings as stated, as the City does not specifically address medical marijuana cultivation in its local regulations. It should be noted, however that pursuant to Porterville Municipal Code Sections 100.04.C.1, 614.03.A and 614.03.C, land uses that are not consistent with local, state, and federal laws are not permitted. Additionally, land uses are prohibited unless specifically permitted under the City’s Development Code. Finally, in 2007 the City adopted an ordinance addressing regulation medical marijuana dispensaries (Municipal Code Chapter 15, Article VII), which would go into effect only upon a change in federal law that would expressly permit the legal operation of such facilities. These regulations address cultivation as part of the facilities’ activities.

RECOMMENDATIONS

1. All of the incorporated cities within the county need a permit requirement and an ordinance covering medical marijuana cultivation.

As noted above the City does have a regulation that indirectly affects certain activities related to the cultivation, processing and distribution of medical marijuana. That stated, over the past several years the City Council has from time to time revisited whether to revise its current regulations to more specifically address the proliferation of marijuana cultivation activities occurring within its boundaries. The numerous and varied appellate court opinions in this area have made the legal navigation of this area difficult, however. For example, the Court of Appeals for the 2nd District, in Pack v. Superior Court (2011) 199 Cal.App.4th 1070, found that Long Beach’s medical marijuana ordinance, which authorized (via a permit system) collective cultivation/processing and distribution, was preempted by federal law. Although this case seemed to be helpful for cities that wished
to ban collectives altogether, it muddied the waters as to whether cities could legally implement a permitting system for various types of medical marijuana activities, including cultivation. There are other cases on file with inconsistent rulings, and there are at least three California State Supreme Court cases pending with decisions due soon that will affect the extent to which cities may regulate various medical marijuana uses. An opinion has just been filed in one of those cases, City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) S198638.

In the Riverside case, the Court, in a unanimous opinion filed May 6, has just held that cities may regulate or even completely ban collective/cooperative cultivation and/or distribution activities. The Court found that cities have broad authority under the local police powers provisions of Article XI, Sec. 7 of the California Constitution to determine the appropriate uses of land within its jurisdictional borders, and that this power to restrict, or even prohibit, these activities is not preempted by the Compassionate Use Act or the Medical Marijuana Program act. The opinion is so broad that it could be interpreted to allow restrictions or prohibitions on individual cultivation of medical marijuana as well, though individual cultivation was not at issue in the case.

This decision provides greater clarity and guidance to an appropriate regulatory scheme. The City Council had already directed that the City’s Community Development and Public Safety Departments, along with the City Attorney bring forward options, in light of the decisions in these pending actions, concerning a comprehensive regulatory process addressing medical marijuana activities within the City limits.

2. **All of the cities need to establish a uniform medical marijuana ordinance.**

This recommendation has not been implemented but can be considered. However, individual cities may have concerns specific to the characteristics of their respective communities. This is expressly underscored in the Riverside decision. The Court noted (at page 27), “The presumption against preemption is additionally supported by the existence of significant local interests that may vary from jurisdiction to jurisdiction.” That noted the City welcomes collaboration between the other cities in the region. It may be possible to develop certain standard regulations or criteria, if the cities were to determine that those regulations/criteria serve the common interests of their communities.

Please do not hesitate to contact the City of Porterville should you have any further questions regarding these matters.

Sincerely,

Virginia R. Gurrola, Mayor
ATTENTION: Mayor Virginia Gurrola
AGENCY: Porterville City Council
ADDRESS: 291 N Main, Porterville, CA 93257

California Penal Code §933.05 (f) mandates that the Tulare County Grand Jury provide a copy of the portion of the final Report that affects that agency or person of that agency two working days prior to its public release. Advance release or disclosure of a Grand Jury Report is prohibited prior to its public release.

Attached is a copy of your portion of the 2012-2013 Tulare County Grand Jury Final Report.

California Penal Code §933(c) requires a response to said document. Depending on the type of respondent you are, a written is required as follows:

- PUBLIC AGENCY: The governing body of any public agency that is required to respond must do so within NINETY (90) DAYS.

- ELECTIVE OFFICER OR AGENCY HEAD: All elected officers or heads of agencies that are required to respond must do so within SIXTY (60) DAYS.

YOU MUST SEND YOUR RESPONSE TO EACH OF THE FOLLOWING:

The Honorable Judge Gary Paden
County Civic Center, Room 303
221 S Mooney Blvd
Visalia, CA 93291

Tulare County Grand Jury
5963 S Mooney Blvd
Visalia, CA 93277

Tulare County Board of Supervisors
2800 W Burrel Ave
Visalia, CA 93291

Received by: [Signature]
Report Name: Medical Marijuana City Ordinances
Delivered by: [Signature]
Release Date: 03/13/2013

Date: 3-7-13
Response Due by: 05/07/2013
Date and Time: 2 PM

DAVID SERPA, Foreman 2012-2013 Tulare County Grand Jury

PREPARE A SEPARATE RESPONSE FOR EACH REPORT

California Penal Code §933.05 mandates the manner of how responses are to be answered.

See reverse for Penal Code §933.05 information.
§933.05. Response to Grand Jury Recommendations--Content Requirements; Personal Appearance by Responding Party; Grand Jury Report to Affected Agency

(a) For purposes of subdivision (b) of §933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of §933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore:

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the finding of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.
MEDICAL MARIJUANA
CITY ORDINANCES

BACKGROUND

In Nov. 1996, voters passed Prop 215, and it was codified as California Health and Safety Code §11362.5.

Proposition 215 (Prop 215), the California Compassionate Use Act, allows a patient suffering from certain conditions, as well as his primary caregiver, the right to lawfully possess and grow marijuana if approved by a California physician. Approved conditions include cancer, glaucoma, migraines, chronic pain, arthritis, and AIDS.

Included in Prop 215 is a provision that protects physicians from punishment relating to the recommendation of marijuana use to patients for medical purposes. Also included is protection from prosecution for a patient or the patient’s primary caregiver for possession and/or cultivation of medical marijuana.

To clear up certain implementation issues surrounding Prop 215 and formulate a voluntary system to protect patients from arrest, Senate Bill (SB) #420 was signed into law on October 13, 2003, became effective on January 1, 2004 and was codified.

California Health and Safety Code §11362.83 allows cities or other local governing boards to adopt and enforce ordinances that are consistent with Prop 215 and SB 420.

On October 2, 2011, a second SB #420 was signed into law and codified as Health and Safety Code §11357.5. Prior laws made possession of marijuana for sale a felony. This new law now states a person who sells, dispenses, distributes or offers to sell, dispense, or distribute marijuana is guilty of a misdemeanor punishable by county jail imprisonment up to six (6) months, or a fine not to exceed one thousand dollars ($1,000), or both fine and imprisonment.

REASON FOR INVESTIGATION

Due to controversies between Federal Regulations and California Health and Safety Codes, the 2012-2013 Tulare County Grand Jury decided to investigate and report on Medical Marijuana Cultivation (farming) within the county’s incorporated cities that are as follows:

<table>
<thead>
<tr>
<th>Dinuba</th>
<th>Porterville</th>
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<tbody>
<tr>
<td>Exeter</td>
<td>Tulare</td>
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<tr>
<td>Farmersville</td>
<td>Visalia</td>
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<tr>
<td>Lindsay</td>
<td>Woodlake</td>
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1 Codified: to reduce (laws) to a code
PROCEDURES FOLLOWED

1. Reviewed relevant documentation
2. Interviewed relevant witnesses

FACTS

1. The following information has been provided by the cities listed.

2. DINUBA:
   a. Does have an ordinance for Medical Marijuana (MM)
   b. Does not have a permit process
   c. Allows persons with a medical card to cultivate MM
   d. Persons in any residential zone may cultivate six (6) mature plants or twelve (12) immature plants or, if recommended by a physician, up to twenty-four (24) plants, whether mature or immature for MM.
   e. The number of persons cultivating MM within the city is unknown.

3. EXETER:
   f. Does not have an ordinance allowing MM cultivation
   g. Does not have a permit process
   h. Does not know of any MM cultivation within its city
   i. Refers all MM related issues that are in violation of local, state, or federal regulation to its Zoning Department.

4. FARMERSVILLE:
   a. Has an ordinance allowing MM cultivation
   b. Has a permit application process
   c. Does not permit more than eighteen (18) plants

5. LINDSAY:
   a. Has an ordinance for MM cultivation
   b. Does not have a permit process
   c. Is aware of one MM cultivation within its city limits and found it to be in compliance with the recommended issue
   d. Prohibits the use of any land within city limits from being used in any manner that is a violation of state, federal or local regulations per Municipal Code §18.01.090.

6. PORTERVILLE:
   a. Does not have an ordinance for MM cultivation
   b. Does not have a permit process
   c. Reports approximately seventy-five (75) residences cultivating or farming MM within its city limits
   d. Most of these residences have between ten (10) and twenty (20) plants. However there are some with as many as ninety-nine (99) plants.
7. TULARE:
   a. Does not have an ordinance for MM cultivation
   b. Does not have a permit process
   c. Is not aware of any such cultivation or farms within its city limits
   d. Zoning ordinances would need to be amended to allow the growing of such crops and would be restricted to agriculture-industrial zoning districts.

8. VISALIA:
   a. Has an ordinance for MM cultivation
   b. Does not have a permit process
   c. Has identified locations where marijuana is being cultivated under the auspice of MM cultivation.
   d. Approximately one hundred (100) locations were identified as being in violation of the city ordinance. These violations included cultivation outside an enclosed structure, exceeding the one hundred (100) square footage allowance or both structure and footage allowances.
   e. Notices of violation were sent to those out of compliance with the city ordinance and approximately eighty (80) have corrected the violations.

9. WOODLAKE:
   a. Has an ordinance for MM cultivation;
   b. Has a permit process
   c. Allows the cultivation of up to twelve (12) plants
   d. There are sixteen (16) identified MM cultivations; seven (7) have been issued notices of violations.

FINDINGS/CONCLUSIONS

1. Farmersville and Woodlake are the only cities to have both an ordinance for MM cultivation and a permit requirement.

2. Dinuba and Visalia are the only cities to have an ordinance only for MM cultivation.

3. The cities of Exeter, Lindsay and Porterville do not have a MM ordinance.

4. The cities of Dinuba, Exeter, Porterville, and Visalia do not have a MM permit requirement.

5. Dinuba is unaware of the number of MM cultivations within its city. Without this knowledge, it is impossible to track those who are cultivating marijuana legally from those who are not.
6. Regardless of whether a city has an ordinance for MM cultivations, California Health and Safety Code §11362.5, allows patients and their caregivers to possess and grow Medical Marijuana.

7. Without a MM permit requirement and an MM cultivation ordinance, it is impossible for the cities to keep track of legal MM cultivations.

RECOMMENDATIONS

1. All of the incorporated cities within the county need a permit requirement and an ordinance covering MM cultivation.

2. All of the cities need to establish a uniform MM cultivation ordinance.

RESPONSES REQUIRED

- Dinuba City Council
- Exeter City Council
- Farmerville City Council
- Lindsay City Council
- Porterville City Council
- Tulare City Council
- Visalia City Council
- Woodlake City Council
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 May 21, 2013, 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 received a one (1)-year extension to July 2013.

At its meeting on October 16, 2012, the 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). At its meeting on December 18, 2012, the Council accepted the completion of these identified CEMA repairs, including $90,295.53 in final construction costs.

At its meeting on March 5, 2013, the Council awarded a contract in the amount of $29,997.25, also to Greg Bartlett Construction (Porterville), for CEMA repairs of West Street and related storm drain improvements between Scranton and Tea Pct Dome Avenues. At its meeting on May 7, 2013, the Council accepted the completion of these identified CEMA repairs, including $19,392.25 in final construction costs.

At its meeting on April 2, 2013, the Council awarded a contract in the amount of $138,350 to Intermountain Slurry Seal, Inc. (Reno, Nevada), for the CEMA repair of Henderson Avenue between Patsy and Balmoral Streets.
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
CITY COUNCIL AGENDA: JUNE 4, 2013

PUBLIC HEARING

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR AN ON-SALE TYPE 69 (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE BARN THEATER LOCATED AT 42 SOUTH PLANO STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit (PRC 2013-009C) to allow for an on-sale Type 69 alcohol license from the Department of Alcoholic Beverage Control. This Type 69 alcohol license is specific to non-profit theater companies, and would allow sale and consumption of beer, wine and distilled spirits on the premises of the Barn Theater located at 42 South Plano Street.

BACKGROUND: On March 06, 2013, the applicant (Barn Theater Board of Directors) submitted an application to the Project Review Committee (PRC) to consider a proposal for an on-sale Type 51 (beer, wine and distilled spirits) license to serve to members and guests only, for consumption on the premises located at 42 South Plano Street (Barn Theater). During the PRC meeting, the applicant was informed that a conditional use permit would be required based on the provisions of the City’s Development Ordinance, and, because the subject site is on City property, the applicants were directed by the Project Review Committee to discuss the proposal and get recommendation or direction from the Parks & Leisure Services Commission. On April 4, 2013, the Parks & Leisure Services Commission discussed the Barn Theater’s request regarding the sale and consumption of beer, wine and distilled spirits, for consumption on the premises during special events and shows (indoors and outdoors). The Parks & Leisure Services Commission approved the proposal, and after a confirming vote of the Barn Theater Board of Directors, the applicant selected to continue the process of obtaining a conditional use permit for an alcoholic beverage license.

It is important to note that during the processing of the Conditional Use Permit application, staff and the applicant clarified that the proper alcoholic beverage license is a Type 69, not a Type 51. The type of license provides specific conditions from the Department of Alcoholic Beverage Control, and while Type 51 is intended for use of a Club, Type 69 is intended for use by a non-profit Theater.

The Barn Theater is a nonprofit organization that has its roots in the inventive minds of a small group of people who love the theater. Since 1952, the Barn Theater Corporation has owned the buildings on the southernmost portion of Murry Park, while the City owns the land. The organization has a long-standing commitment to theater education, establishing training programs for both children
and adults and hosts special events, shows and festivals. For a number of years, the Barn Theater has sponsored the Porterville Bluegrass Buzzard Festival. This event celebrates the arrival of the turkey vultures coming through Porterville and is celebrated by serving food, desserts, beer and wine. In the past, in order to serve beer and wine, the Barn Theater applied for a one day permit from the Department of Alcoholic Beverage Control Board (ABC), and has obtained permission from the Porterville Police and Parks & Leisure Departments. The total fees for a one day permit is a little less than a yearly fee for the Type 69 (beer, wine and distilled spirits for a non-profit theater) license. With a yearly permit, the Barn Theater would be able to schedule several events without the need of applying for the daily permit, which would be less cost to the organization.

The serving of beer, wine and distilled spirits would occur in association with events only, consistent with requirements of the Business and Professions Code (§24045.7). The alcohol will be stored in the kitchen and will only be allowed to be served and consumed in the lobby and eating areas of the theater. However, during outdoor events, the consumption of alcohol will be allowed, but only in the rear of the theater as specified in Attachment 3. A condition of approval is included, which limits the hours of operation during which alcoholic beverages may be sold under the on-sale license. The Theater would be limited to sell and serve alcoholic beverages to ticketholders only during, and two hours prior to and one hour after, a bona fide theatre performance. The hours are further restricted to not earlier than 10:00 a.m. and not later than midnight Monday through Saturday and Sunday from 10:00 a.m. to 10:00 p.m.

The Barn Theater, at 42 South Plano Street, is located in Census Tract 39.01. Under the regulations of the Business and Professions Code, Census Tract 39.91 could accommodate six (6) on-sale licenses without being deemed over-concentrated. There are currently two (2) existing on-sale licenses, and, if approved, this will be the third on-sale license to exist in Census Tract 39.01, well under the number allowed. The ABC allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. According to the ABC, eleven (11) licenses currently exist in this tract, nine (9) of which are off-sale and two (2) are on-sale. Because this application will not deem on-sale licenses to be over-concentrated, a Letter of Public Convenience or Necessity is not required.

The Police Department has indicated that the Barn Theater site currently has sufficient exterior lighting to illuminate the parking lot during operating hours. In addition to the parking lot, Barn Theater patrons may congregate in an area outside of, and at the eastern side of the Theater building set aside for outdoor events. This area is represented on the Site Plan-Attachment 3, and would be fenced to enclose an area not larger than forty (40) feet by 100 feet for outdoor events. The resolution contains a condition to maintain the existing lighting in the
parking lot and the outdoor event area to allow reasonable surveillance of the site to the satisfaction of the Police Department.

ANALYSIS: Allowing beer, wine and distilled spirits sales at the Barn Theater as conditioned will not be detrimental to the public health, safety, or welfare. It is not anticipated that this use would have a negative impact on the Barn Theater or surrounding properties. The facility is surrounded by vacant single family lots to the north, south and east with commercial retail to the west of the site with no immediately sensitive uses. Therefore, staff is proposing that there be no visible advertising of alcohol from the exterior of the facility. Conditions of approval are in place to protect the public safety and interest.

RECOMMENDATION: That the City Council:
1. Adopt the draft resolution approving Conditional Use Permit (PRC 2013-009C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Application for Conditional Use Permit.

ATTACHMENTS:
1. 300' Radius/Locator Map
2. Zoning Map
3. Floor Plan
4. Letter from the Barn Theater
5. Existing licenses in Census Tract 39.01
6. Resolution 163
7. Draft Resolution
8. Application for Conditional Use Permit
TO THE CITY OF PORTERVILLE

The Porterville Barn Theater, a nonprofit organization, is applying for a Beer and Wine License.

For a number of years the Barn Theater has sponsored the Porterville Bluegrass Buzzard Festival. This event serves food and desserts and also beer and wine and celebrates the arrival of the turkey vultures coming through Porterville. We guide the vultures home by playing Bluegrass music and singing buzzard songs. This family event takes place outside in the back of the Barn Theater unless it rains. To serve beer and wine we apply for a one day permit. To do so, we must get permission of the Porterville police, and the parks department. We also must file papers with the ABC.

The total of fees for a one day permit is a little less than a yearly fee for a beer and wine license from ABC. With a yearly permit, we could schedule several events, including an outdoor summer Melodrama and regular theater events, without the need to apply for a daily permit and at less cost to us.

All our events are family oriented and are monitored. We have discussed the issue with ABC and, with the permission of the City of Porterville, they have no quarrel with issuing a permit.

Thank you for considering our permit.

Barn Theater Board of Directors:
RESOLUTION NO. 163

BEFORE THE PORTERVILLE PLANNING COMMISSION

In the Matter of
Conditional Use Permit No. 2-65
Barn Theatre, Incorporated

MOVED by Commissioner Hastings, seconded by Commissioner Purcelli, that
the following resolution be adopted:

WHEREAS: An application has been filed by Barn Theatre, Incorporated,
42 South Grevilla Street, Porterville, California, for a conditional use
permit in order to add dressing rooms and indoor assembly area to the
existing building which is in an R-1 zone.

WHEREAS: The Porterville Planning Commission acting as the Board of
Zoning Adjustment held a public hearing on the proposal at City Hall,
291 North Main Street, Porterville, California on August 11, 1965 at
7:30 P.M. at which time no testimony was received against the matter.

WHEREAS: The Board finds as follows:

1. The land belongs to the city; the buildings belong to
   the Barn Theatre Corporation.

2. The city has provided for curb and gutter improvements
   adjacent to the Barn Theatre in their 1965-66 budget.

THEREFORE BE IT RESOLVED: That the Planning Commission adopt Resolution
No. 163 granting a Conditional Use Permit to the Barn Theatre Corporation.

MOTION CARRIED.

DATE: August 11, 1965

ATTEST:

Roy Burger, CHAIRMAN
PORTERVILLE PLANNING COMMISSION

Almeta Wells, Secretary
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT (PRC 2013-009C) TO ALLOW FOR AN ON-SALE TYPE 69 (BEER, WINE AND DISTILLED SPIRITS AT A NON-PROFIT THEATER COMPANY) LICENSE FOR THE BARN THEATER LOCATED AT 42 SOUTH PLANO STREET

WHEREAS: The Porterville Planning Commission at their regularly scheduled meeting of August 11, 1965, approved Conditional Use Permit 2-65 with Resolution No.163; and

WHEREAS: The Porterville Planning Commission findings for Resolution No. 163 shall remain in effect; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of June 4, 2013, conducted a public hearing to consider Conditional Use Permit (PRC 2013-009C), to allow for an on-sale type 69 (beer, wine and distilled spirits at a non-profit theater company) license for the Barn Theater located at 42 South Plano Street; and

WHEREAS: A Conditional Use Permit is required pursuant to the City of Porterville Development Ordinance Section 301.03; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to the requested alcohol license; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.

   The proposed on-sale Type 69 (beer, wine and distilled spirits at a non-profit theater company) license would suit the purpose of the Barn Theater by providing an extra venue of entertainment that will not be detrimental to the public health, safety, or welfare.

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

   Conditions of approval are included herein to ensure adequate development standards are met. Further, all land owners within the City of Porterville are held to performance standards identified in Chapter 307 of the Development Ordinance. Specifically, Section 307.03 of the Ordinance states “Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive, or other hazard; noise, vibration, smoke, dust, odor, or form of air pollution; heat, cold, dampness, electrical or other
disturbance; glare, refuse, or wastes; or other substances, conditions, or elements which would substantially adversely affect the surrounding area.”

3. Pursuant to “General Rule” Exemption Code 15061 (b) (3) of CEQA guidelines the project as proposed is categorically exempt.

The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This activity can be seen with certainty that there is no possibility to have a significant effect on the environment.

4. The subject site is located in Census Tract 39.01 which allows a maximum of six (6) on-sale licenses. Currently, there are two (2) on-sale licenses issued. Under the regulations of the Business and Professions Code, whenever the ratio of off-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. According to the ABC, eleven (11) licenses currently exist in tract 39.01, nine (9) of which are off-sale and two (2) are on-sale. Because this application will not deem the on-sale licenses to be over-concentrated, a Letter of Public Convenience or Necessity is not required.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2013-009C) subject to the following conditions:

1. The uses shall be consistent with Exhibit A- Site Plan, attached hereto.

2. At all times, the facility shall be operated and maintained to comply with applicable Local, State, and Federal laws and regulations.

3. The developer/applicant shall keep the beer, wine and distilled spirits in a secure place with access only available to the Board of Directors and staff, and in all other ways shall comply with Exhibit “A”. Any future changes in operation which substantially alters the condition or nature of the subject site will require approval by the City Council if such modification involves expansion, relocation, or change in accessibility to the conditioned uses.

4. Outdoor events shall continue to require approval of a Community Civic Event permit per Municipal Code standards.

5. Lighting in the outdoor seating area shall be provided to the satisfaction of the Police Chief and Zoning Administrator.

6. The outdoor consumption area as represented on the plan shall not exceed forty (40) feet in width by 100 feet in length, and shall be enclosed with temporary fencing to the satisfaction of the Police Chief and Zoning Administrator.
7. The applicant shall maintain the security lighting on the parking lot in a manner to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.

8. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.

9. The elements of the conditional use permit approving on-site alcohol sales will be subject to modification or revocation if the on-sale license is sanctioned by the State of California.

10. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.

11. There will be no visible advertising of alcohol from the exterior of the facility.

12. The hours of operation during which alcoholic beverages may be sold and served under the on-sale license shall be limited to only during, and two hours prior to and one hour after, a bona fide theatre performance. The hours are further restricted to not earlier than 10:00 a.m. and not later than midnight Monday through Saturday and Sunday from 10:00 a.m. to 10:00 p.m.

13. Alcoholic beverages may be sold and served to ticketholders only.

14. The conditional use permit shall become null and void if not undertaken actively and continuously pursued within two (2) years.

PASSED, APPROVED AND ADOPTED this 4th day of June, 2013.

By: ____________________________
Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By ____________________________
Patrice Hildreth, Chief Deputy City Clerk
CITY OF PORTERVILLE

APPLICATION FOR CONDITIONAL USE PERMIT

NOTE: The basic purpose of the Conditional Use Permit Chapter 605 of The Porterville Development Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

PROJECT NAME: Porterville Barn Theater
Beer, wine, and distilled spirits (Type 5) License

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):
City of Porterville

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:
Ralph Bourne 78 N. Corona Dr.
Porterville, CA 93257 559-781-2229

PROJECT ADDRESS AND NEAREST CROSS STREETS:
42 So. Plaza

The applicant requests a Conditional Use Permit to use the above described property for the following purposes:

Beer, wine, and distilled spirits sales during special events

Date of most recent sale of property: N/A

If applicant is the lessee, give date property was leased: 5 year lease City of Porterville 2011

List below the original deed restrictions pertaining to the type of improvements permitted.

Date said restrictions expire: ____________________________

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted).
A Plot Plan and 300’ radius property owners map, and corresponding mailing list are attached and made a part of this application. (See detailed instructions on Page 4 of this form).

1. State how the proposed use will not be materially detrimental to the public welfare or pose injury to property or improvements in such vicinity and zone in which the use is proposed. 

   *Use is consistent with present use*

2. Principal requirements of intended use (Please answer the following statements as completely as possible).

   (a) Total number of people that the building can accommodate at one time, or grounds if the use is not conducted in the building at one time (Occupancy Capacity).

   *275*

   (b) Total number of employees that will work on the property.

   *Volunteers*

   (c) Total number of off-street parking spaces provided or planned.

   *80*

   (d) Maximum height of buildings or structures.

   (e) If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the fact stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not required).

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**OWNER’S DECLARATION**

**STATE OF CALIFORNIA**

) ss

**COUNTY OF TULARE**

) ss

I, __________________________________________, being duly sworn, declare and say that I am the owner of part (or all) of the property involved and that this application has been prepared in compliance with the requirements of the Porterville City Council as printed herein and that the foregoing information thoroughly and completely, to the best of my ability, presents the argument in behalf of the application except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at

________________________________________ this ___________ day of ____________, 20____.

Telephone (____)_________________________ Signed_____________________________

Mailing Address______________________________

________________________________________

This is to certify that the foregoing application has been inspected by me and found to be complete and acceptable for filing with the Porterville City Council.

Received______________

Date

Receipt No.__________

By _____________________________

3
SCHEDULED MATTER

SUBJECT: CONSIDERATION OF TEMPORARY USE AT 952 WEST NORTH GRAND AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting use of a 2.46± acre lot for storage and consignment of vehicles and equipment. The site is located at the northeast corner of State Route 65 and West North Grand Avenue. The site address is 952 West North Grand Avenue.

HISTORY: In August of 2009, the City Council approved a temporary structure permit facilitating the establishment of a storage and consignment sales of equipment business. The staff report indicated that, due to the location's long term use for storage of construction materials and equipment, the site could be considered a legal, non-conforming use from the time of annexation in 1978. At that time, the applicant was conditionally granted a temporary structure permit for a one-year period as authorized by Municipal Code Section 7-3.3 and City Council Resolution 80-2009. The applicant returned in August 2010 to request a one-year extension, which was also granted. In 2011, staff asked the business owner if they intended to return to Council to request another one-year extension, but at that time, the applicant told staff that his intent was to let the permit lapse, citing the economy as the reason. The site was soon thereafter cleared of materials and was vacant and no longer retains its non-conforming use status.

At the meeting of May 7, 2013, the City Council discussed the potential methods to consider the temporary use of the subject site. In January 2013, City staff had contacted the applicant after noticing that the site was again showing signs of business activity. Equipment and vehicles were being brought to the site. Through a phone call and a follow-up letter, staff notified the applicant that the previously issued permit had expired and that the business was no longer permitted. In response, the applicant submitted an application to the Project Review Committee requesting consideration of reinstating the previous temporary use.

ANALYSIS: The 2009 approval relied upon Section 7-3.3 of the Municipal Code – Temporary Structures. At the meeting of May 7, 2013, due to the unique nature of the subject business, significant roadway dedications and improvements, and the pre-existing buildings, the Council directed staff to process the proposal in the form of a temporary structure permit.
The proposed resolution includes conditions requested by the Council at the May 7, 2013, Council meeting, including the provision of landscaping and limiting vehicular access from West North Grand Avenue so as not to damage recently installed new improvements in the right-of-way, including new road pavement, curbs, and gutters. Following the May 7, 2013 meeting, the applicant installed landscaping around a portion of the perimeter of the site in preparation of Council’s consideration. Consistent with the original temporary structure permit approved in 2009, the original term of the proposed permit is one year, with options to extend upon annual review by the City Council.

RECOMMENDATION: Adopt the draft resolution approving a temporary structure permit to allow for the storage and consignment of equipment at 952 West North Grand Avenue.

ATTACHMENTS:

1. Project location map
2. Staff Report from May 7, 2013
3. Draft Resolution with Site Plan
PRC 2013-007
Temporary Structure Permit
Project Vicinity Map
1" = 300 ft.

Subject Site
243-190-012

North Grand Avenue

SR 65

Baker Avenue
Douglas Street
Main Street

Geographic Information Systems

A Division of the Community Development Department

ATTACHMENT ITEM NO.
SCHEDULED MATTER

SUBJECT: CONSIDERATION OF TEMPORARY/INTERIM USE AT 952 WEST NORTH GRAND AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting use of a 2.46± acre lot for storage and consignment of vehicles and equipment. The site is located at the northeast corner of State Route 65 and North Grand Avenue. The site address is 952 West North Grand Avenue.

HISTORY: In August of 2009, the City Council approved a Temporary Structure Permit facilitating the establishment of a storage and consignment of equipment business. The staff report indicated that due to the location’s long term use for storage of construction materials and equipment, the site could be considered a legal, non-conforming use from the time of annexation in 1978. The issue brought to Council at that time was the consignment of vehicles as a temporary use. At that time, the applicant was conditionally granted a temporary structure permit for a one-year period as authorized by Municipal Code Section 7-3.3 and City Council Resolution 80-2009. The applicant returned in August 2010 to request a one-year extension, which was also granted. In 2011, staff asked the business owner if they intended to return to Council to request another one-year extension, but at that time, the applicant told staff that his intent was to let the permit lapse, citing the economy as the reason. The site was soon thereafter cleared of materials and was vacant and no longer retains its non-conforming use status.

In January 2013, City staff contacted the applicant after noticing that the site was again showing signs of business activity. Equipment and vehicles were being brought to the site. Through a phone call and a follow-up letter, staff notified the applicant that the previously issued permit had expired and that the business was no longer permitted. In response, the applicant submitted an application to the Project Review Committee requesting consideration of reinstating the previous temporary uses. Because the applicant abandoned the nonconforming uses previously onsite for a period longer than six months, it cannot be automatically resumed pursuant to Section 308.10 of the Porterville Development Ordinance.

ANALYSIS: The rationale behind approval of the prior temporary structure permit is contained in the attached staff report dated August 18, 2009. However, since the time of the original consideration of the project, a number of circumstances have changed that affect Council’s consideration of the applicant’s proposal. Since 2009, the City Council has adopted a new Development Ordinance, which includes new
standards for Temporary Uses. It should be noted that the prior approval relied upon Section 7-3.3 of the Municipal Code – Temporary Structures - that was not amended. However, the Temporary Use provisions of the Development Ordinance does not consider this type of use, but uses ancillary to a primary use. The City has installed new improvements in the right-of-way along the North Grand Avenue frontage of the subject site, including new road pavement, curbs, and gutters. The City Council approved a reimbursement agreement for the frontage improvements requiring payback at the time of development of the site. Further, one of the primary reasons the use was originally considered was that the construction of a new interchange at North Grand and State Route 65 seemed imminent. At this time, that timeline appears more distant and the use of transportation funds are being considered for other highway interchange projects; that project, which could result in significant right-of-way acquisition at the subject site, is not likely to move forward within the current planning horizon.

Because of these factors, staff requests that the City Council provide direction on how to process the application. The applicant has been maintaining a storage and consignment equipment sales lot on the site since January 2013 without a business license. Issues such as obsolete dilapidated buildings, lack of improved parking and proper site access for vehicles need to be addressed, but without knowing which mechanism to use, no defined comments have yet been presented to the applicant.

Aside from any temporary or interim consideration, the establishment of the proposed use on the site would require construction of the full scope of improvements and payback for concrete improvements. The subject site is zoned General & Service Commercial (CG), and as such, the proposed uses could be accommodated permanently with a Conditional Use Permit and would require significant improvements. However, the Development Ordinance would not accommodate use of the existing, non-conforming structures currently on site. Equipment sales could be accommodated with a Conditional Use Permit, subject to special provisions of Section 301.05. Similarly, outdoor retail sales, as the other primary proposed use of the site, could be authorized as Permanent Outdoor Retail Sales subject to the provisions of Section 301.12(b) of the Development Ordinance.

Although the initial consideration of a similar use on this site relied on Section 7-3.3 of the Municipal Code (Temporary Structures), the new Development Ordinance now provides a mechanism to more properly approve the use in consideration through a Conditional Use Permit, defined in Sections 203.02 and 604 of the Development Ordinance.
RECOMMENDATION: Provide direction to staff on whether to move forward considering the application as an interim use, or require that the applicant develop permanent improvements and request a Conditional Use Permit to accommodate the use.

ATTACHMENTS:

1. Project location map
2. Staff Report from August 18, 2009 and Resolution 80-2009-Original approval of temporary structure permit
3. January 29, 2013 letter to applicant requesting compliance
4. Applicant's site plan of proposed uses
CITY COUNCIL AGENDA: AUGUST 18, 2009

SCHEDULED MATTER

SUBJECT: REQUEST FOR A TEMPORARY STRUCTURE PERMIT FOR THE STORAGE AND CONSIGNMENT OF EQUIPMENT (952 West North Grand Avenue)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting a temporary structure permit to allow for the storage and consignment of vehicles and equipment. The site is located on the northeast corner of Highway 65 and North Grand Avenue (952 W. North Grand Avenue).

HISTORY: Annexed in 1978 (Annexation No. 261), the site located at 952 W. North Grand has been used as a storage lot for decades. Since being brought into the City limits, the site has been through a number of Project Review Committee (PRC) meetings for various proposals including a proposed veterinary clinic in September 1997, a proposed auto sales lot with temporary office in November 2001, and an indoor gun range, restaurant, gas island and carwash in April 2004. Due to challenges with the site and the extent of the proposals, none of the projects have been constructed. Two main constraints on the site have included the non-conforming status of the storage of material, and the future construction of a freeway interchange that will eliminate the majority of the project site when constructed in the next 10 or so years.

Since the property has existed as a legal non-conforming use for storage of construction materials and equipment, the effect of the proposed change focuses on whether the consignment of vehicles for sale should be permitted as a temporary use.

Staff has processed this request based on a past action of the Council to consider a temporary remote control vehicle track on a site on Henderson Avenue just east of the abandoned San Joaquin Valley Railroad right-of-way. On October 19, 2004, the City Council adopted Ordinance 1659, allowing for a temporary remote control vehicle track in a manner similar to this proposed use and in the same manner as temporary structures. Section 7-3.3 of the Porterville Municipal Code empowers the City Council to conditionally approve temporary structures and provides the City Council the discretion to determine the type and location of the structure, period of time the structure will be allowed, and other conditions deemed pertinent by the City Council.

PROJECT DESCRIPTION:

The applicant is requesting a temporary structure permit to continue the legal nonconforming use for the storage of equipment with the addition of allowing consignment of equipment for sale on the property. Unlike some of the earlier submittals that proposed using a portion of the site, the applicant has made significant efforts in cleaning up the entire blighted site and is proposing to reduce the level of nonconformity by doing minor improvements to the site. The applicant proposes to store and consign

DD Appropriated/Funded N/A CM F ITEM NO 19

ATTACHMENT ITEM NO. 2
items such as farming supplies, tractors, and vehicles and has already paved the area with decomposed granite (DG). Although decomposed granite is more effective in mitigating dust and providing all weather access to the site, the applicant is proposing to utilize his water truck to dampen the DG as needed to control dust. Staff and the applicant have discussed a 5-year timeframe for allowing the temporary use before making it permanent and installing full on-site and off-site improvements. Staff indicated this would be communicated to the City Council for consideration although the Council can, if approved, change the term of the temporary use. While the applicant has made a specific proposal, there are a number of options available to the City Council which are as follows:

OPTIONS:

1. Approve the request as proposed per the submitted plan and conditions contained in the attached resolution.

2. Deny the applicant’s request and require the full extent of improvements be made prior to allowing any degree of use other than storage.

3. Approve the request with conditions to apply oil or other dust retardant to the customer parking and vehicular travel areas.

4. Approve the request and require the applicant to pave the travel ways per Sections 2206 and 2211 of the Zoning Ordinance.

While there are certainly implications with respect to precedence, staff has identified some benefits of this proposal. The proposal cleans up a blighted gateway into the City along Highway 65. Due to the economic distress our community and country face the desire to operate the site in a safe and efficient manner is a positive. As stated, earlier proposals mostly proposed scraping the materials off of one portion of the site to another and did not really address the underlying blight problem. The Caltrans Project Study Report calls for most of the property to be impacted by the proposed interchange improvements which is a component of the Measure R improvement program. Staff is seeking direction from Council on whether the City would like to facilitate the temporary use. In the event the Council wishes to approve the proposed temporary use, Staff has provided a draft resolution.

RECOMMENDATIONS: Provide direction to Staff

ATTACHMENTS: Draft Resolution with Site Plan
RESOLUTION NO. 80-2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING A TEMPORARY STRUCTURE PERMIT TO ALLOW FOR THE STORAGE AND CONSIGNMENT OF EQUIPMENT LOCATED AT 952 WEST NORTH GRAND AVENUE.

WHEREAS: The applicant has filed a request for a Temporary Structure Permit to operate a storage and consignment business at 952 West North Grand Avenue; and

WHEREAS: Section 7-3.3 of the Porterville Municipal Code authorizes the City Council to, upon written application to the city council, issue a permit enabling an applicant in time of stress or emergency or in conjunction with development of residential, commercial, or industrial projects, to erect, construct, maintain and utilize a temporary structure within the city of Porterville; and

WHEREAS: Ordinance 1659 allows the Council to apply Section 7-3.3 of the Municipal Code to temporary uses as well as structures; and

WHEREAS: The applicant has worked with City Staff to address potential safety and other pertinent issues.

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of August 19, 2009 conducted a public meeting to consider approving a temporary structure permit to allow for the storage and consignment of equipment located at 952 West North Grand Avenue; and

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby grant a Temporary Use Permit to allow for the storage and consignment of equipment located at the Northeast corner of Highway 55 and North Grand Avenue (952 W. North Grand) with the following conditions:

1. The applicant shall pave the outdoor storage area with decomposed granite or similar material to the satisfaction of the Zoning Administrator.

2. That the merchandise displayed in any outdoor display area on the site be limited to farm or construction equipment.

3. The hours of operation shall be limited to between the hours of dawn to dusk Monday through Saturday.

4. That any or all outdoor storage area and travel ways in use shall be watered daily to mitigate dust.

5. That oil pans or like devices shall be installed underneath all stored vehicles, and maintained in a manner so as to prevent vehicle engine oil/fluids from contacting the ground.
6. That a record of consignment sales be submitted to the Community Development Department at least one month prior to the one year review for inclusion into the annual Council review.

7. In the event the applicant fails to satisfy all conditions set forth by the city council in the permit, the right to construct, maintain and utilize the temporary structure may be terminated immediately by action of the City Council; and, in addition thereto, a violation of the conditions of said permit is hereby declared to be unlawful.

8. Nothing herein shall permit the applicant to make use of any structure or area in violation of any zoning law, ordinance or regulation of the city.

9. That this Temporary Structure Permit be valid for a period of one year, to expire on August 18, 2010, unless renewed by applicant and approved by the City Council prior to that date.

10. Install a vehicle barrier such as railroad ties acceptable to the City Engineer between the public parking area and the storage/display area.

11. Comply with the plans included herein as Exhibit A.

Pete V. McCracken, Mayor

ATTEST:

John D. Lollis, City Clerk

Patrice Hildreth, Chief Deputy City Clerk
CENTRAL UALY CONSIGNMENT + STORAGE

Steve Penn
(559) 284-5940

DESIGNATED AREAS OF OPERATION

☐ Equipment

☐ ☐ Parking

☐ Fence

☐ Gates

X Storage

Dust Control

Area completely covered with Granit

Any and all areas in use will be watered daily as needed

Hours of operation: Monday - Friday 8:00 to 4:00 Sat 8:00 to 12:00

EXHIBIT #
STATE OF CALIFORNIA    )
CITY OF PORTERVILLE    )  SS
COUNTY OF TULARE      )

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 18th day of August, 2009.

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

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<th>McCracken</th>
<th>P. Martinez</th>
<th>F. Martinez</th>
<th>Ward</th>
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JOHN D. LOLLIS, City Clerk.

[Signature]

Patrice Hildreth, Chief Deputy City Clerk
January 29, 2013

Steve Penn
952 W. North Grand Ave
Porterville, CA 93257

Subject: Temporary Use Permit for outdoor sales of farm and related equipment at 952 North West Grand Ave.

Dear Mr. Penn,

On Monday, January 28, 2013, we spoke over the phone about your expired temporary use permit for outdoor sales at the above stated address. We discussed the last call we had just before the use permit was set to expire in 2011. Your response at that time was that “the state of the economy was just too poor” and that you were “just going to remove everything and close things up.” Our understanding was you were not going to renew your temporary use permit and that if things got better you would be coming in with a brand new request for another permit.

We also discussed the farm equipment and the large construction vehicle on the property that are for sale. I informed you that as your permit was expired, that equipment was not permitted. You stated that you understood and that you would be removing all the items and taking them to public auction. We agreed that everything would be removed within 30-days of our conversation.

Please have the equipment and vehicle, including the sign with contact information removed by February 28, 2013. If you have any questions please feel free to contact Julie Phillips, Community Development Manager, at 559-782-7460.

Sincerely,

Jose E. Ortiz
Associate Planner
CENTRAL DAILY CONSIGNMENT + STORAGE

Steve Penn
(559) 284-5440

DESIGNATED AREAS OF OPERATION

☐   EQUIPMENT

PARKING
FENCE
GATES

☒   STORAGE

DUST CONTROL

AREA COMPLETELY COVERED WITH GRANIT
ANY AND ALL AREAS IN USE WILL BE WATERED DAILY AS NEEDED.

HOURS OF OPERATION: MONDAY - FRIDAY 9:00 TO 4:00 SAT 8:00 TO 12

ATTACHMENT ITEM NO. 4
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING A TEMPORARY STRUCTURE PERMIT TO ALLOW FOR THE STORAGE
AND CONSIGNMENT SALES OF EQUIPMENT LOCATED AT 952 WEST NORTH
GRAND AVENUE

WHEREAS: The applicant has filed a request for a temporary structure permit to operate
a storage and consignment sales business at 952 West North Grand Avenue; and

WHEREAS: Section 7-3.3 of the Porterville Municipal Code authorizes the City Council
to, upon written application to the City Council, issue a permit enabling an applicant in time of
stress or emergency or in conjunction with development of residential, commercial, or industrial
projects, to erect, construct, maintain and utilize a temporary structure within the city of
Porterville; and

WHEREAS: Ordinance 1659 allows the Council to apply Section 7-3.3 of the Municipal
Code to temporary uses as well as structures; and

WHEREAS: The applicant has worked with City Staff to address potential safety and
other pertinent issues; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting
of June 4, 2013 considered approving a temporary structure permit to allow for the storage and
consignment of equipment located at 952 West North Grand Avenue.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of
Porterville does hereby grant a temporary use permit to allow for the storage and consignment
sales of equipment located at the northeast corner of State Route 65 and West North Grand
Avenue (952 West North Grand) with the following conditions:

1. The uses shall be consistent with the site plan represented in Exhibit A attached

2. At all times, the facility shall be operated and maintained to comply with
applicable Local, State, and Federal laws and regulations.

3. The applicant shall pave the outdoor storage area with decomposed granite or
similar material to the satisfaction of the Zoning Administrator.

4. The hours of operation shall be Monday- Saturday between dawn and dusk.

5. Any and all outdoor storage areas in use, and all drive aisles shall be watered
daily to eliminate dust, or a dust palliative treatment shall be applied as needed to
eliminate dust.

ATTACHMENT
ITEM NO. 3
6. The developer/applicant shall install and maintain vehicle barriers such as railroad ties acceptable to the City Engineer between the public parking area and the storage and display areas.

7. Oil pans or like devices shall be installed underneath all stored vehicles, and maintained in a manner so as to prevent vehicle engine oil and/or fluids from contacting the ground.

8. The merchandise displayed in any outdoor display area on the site shall be limited to farm or construction equipment.

9. Landscaping shall be installed around the perimeter adjacent to public rights of way in order to provide screening of the outdoor storage.

10. Vehicular access onto the subject site shall be limited on West North Grand Avenue to one entrance within the existing curb cut near the eastern boundary of the parcel.

11. Parking for employees and patrons of the business shall be provided on site.

12. A record of consignment sales shall be submitted to the Community Development Department at least one month prior to the one year review for inclusion into the annual Council review.

13. Any other conditions set forth by Council shall be in compliance.

14. In the event the applicant fails to satisfy all conditions set forth by the City Council in the permit, the right to construct, maintain and utilize the temporary structure may be terminated immediately by action of the City Council, and, in addition thereto, a violation of the conditions of said permit is hereby declared to be unlawful.

15. Nothing herein shall permit an applicant to make use of any structure or area in violation of any zoning law, ordinance or regulation of the City.

16. This temporary structure permit shall be valid for a period of one year, to expire on June 4, 2014, unless renewed by the applicant and approved by the City Council prior to that date.

PASSED, APPROVED AND ADOPTED this 4th day of June, 2013.

BY

Virginia R. Gurrola, Mayor
ATTEST:

John D. Lollis, City Manager

BY __________________________

Patrice Hildreth, Chief Deputy City Clerk
Central Valley Consignment & Storage

Steve Penn
(559) 284-5940

Designated Areas of Operation

☐ Equipment

|| Parking

••• Fencing

\ Gates

/ Storage

Dust Control

Area completely covered with decomposed granite. Any and all areas in use will be watered daily as needed. Hours of operation: Monday through Friday 8:00 am to 4:00 pm, Saturday 8:00 am to noon.
SUBJECT: CONSIDERATION OF FISCAL YEAR 2013-2014 PROPOSED BUDGET AND SETTING DATE OF PUBLIC HEARING

SOURCE: City Manager

COMMENT: Consistent with the City Charter, the City Manager has submitted for Council's consideration a proposed Budget for the 2013-2014 Fiscal Year. Section 51 of the City Charter provides that the City Manager shall provide not later than thirty (30) days before the end of the City’s fiscal year, an estimate of expenditures and revenues of the City departments for the ensuing year.

The budget message presented with the draft document is attached, which emphasizes the significant projects and factors involved with the Budget's development, and recommends periodic review of budget targets and the revision of expenditures to meet those targets (if necessary).

Generally, the overall reduction in Fund balances proposed will result from using monies accumulated for capital expenditure being used to implement projects.

RECOMMENDATION: The City Manager recommends that the City Council consider the proposed 2013-2014 Fiscal Year Budget, include any modifications so directed by the Council, and schedule a Public Hearing on the proposed Budget for Tuesday, June 18, 2013.

ATTACHMENTS: 1. Budget Message
               2. Preliminary Budget (provided under separate cover)
Honorable Mayor, Vice Mayor and Members of Council:

Since the beginning of the “Great Recession” in 2008, the City has weathered extraordinary budgetary challenges. However, the approaching fiscal year is anticipated to be the least challenging of the past five years. Given improving economic conditions, and especially the successful passage of Proposition 30 this past November, the State’s budgetary condition appears to have stabilized, and thus no negative impacts by the State are expected upon the City budget as we have experienced in recent years (elimination of Redevelopment, redirection of Vehicle License Fee funds, redirection of Off-Highway Vehicle funds, etc).

Although it would appear that the national, state, and local economies have stabilized, only moderate improvement is anticipated for the next couple of years. Locally, the construction of the new South County Justice Center is nearing completion, with its opening scheduled for this coming Fall 2013. With the assistance of a $60 million State grant, the County is conducting its required environmental review toward the development of a new South County detention facility, with construction anticipated to begin in 2014 and become operational in 2016. The opening of Kohl’s in the Porterville Marketplace precipitated the expected companion retail development (PetSmart, Marshall’s, Famous Footwear, Rue21, etc), with additional national-brand retailers also seeking to locate in Porterville, either on the Henderson Avenue or Highway 190 commercial corridors. The Superior Court recently ruled in favor of the City and the Council’s approval of the Riverwalk Phase II (Super Walmart) EIR, though it is anticipated that the opponents will file an Appeal to the decision - the best case scenarios provide Walmart to begin construction in late Fall 2013 absent an appeal, or late Fall 2014 with a favorable Appellate Court ruling. As evidenced by the recent development activity (ampm, El Pollo Loco, and Les Schwab Tire Center), meetings at the recent iCSC conference hold great promise for both the Riverwalk and Jaye Street Crossings commercial centers (and the Henderson Avenue commercial corridor), although further development of the centers will likely be concurrent with Walmart’s development. In addition, there are a number of other development projects throughout the community that are anticipated to begin construction during the coming fiscal year, including new residential. Permits issued for new construction are anticipated to improve yet remain comparatively sluggish, with approximately a quarter of the permits anticipated to be issued (30) that were issued in 2008 (110).

Perhaps no better indicator of the economic downturn and recent stabilization has been the City’s General Fund. With Property, Sales & Use, and Utility Users Taxes historically combining to constitute over sixty-five percent (65%) of General Fund revenues, the City has experienced a $2.4 million decrease since 2008, with General Fund revenues dropping from approximately $24.1 million in the 2007-08 fiscal year to $21.7 million estimated in the current 2012-13 fiscal year. As tax revenues have been
moderately improving, staff has conservatively estimated General Fund revenues for the coming fiscal year at approximately $22.1 million.

Conversely to General Fund revenues, expenditures have increased almost $1.7 million since 2008, increasing from approximately $19.5 million in the 2007-08 fiscal year to approximately $20.7 million in the current 2012-13 fiscal year. Expenditures for the coming 2013-14 fiscal year are currently budgeted at $23.2 million, resulting in an estimated $1.1 million budget shortfall. A budget-balancing solution employed for the past couple of difficult years has been to curtail Departmental spending to either 94% or 95% of budgeted expenditures, which this next year would “save” approximately $1.16 million (95%). The recent refinancing of the 2005 Certificates of Participation (COP) reduced the General Fund’s annual debt service obligations by almost $500,000, providing future financial flexibility and potentially presenting possibilities for the General Fund to further fund capital projects.

As the Council is aware, with the State’s budgetary situation stabilized, the greatest budgetary threat now looming for the City is the expected double-digit CalPERS employer contribution rate increases recently adopted by the CalPERS Board of Directors, scheduled to take effect July 1, 2015. Based on current payroll, and absent subsequent modifying action by the Cal/PERS Board, such an increase would likely exceed $1 million in increased expense to the General Fund. The City currently experiences an effective employer contribution rate of 31.234% for Public Safety employees, and 22.285% for Non-Public Safety employees, for every $1.00 of payroll paid, and current Agreements with each of the City’s six employee Associations (Fire, Fire Management, General Series, Management/Confidential, Police, and Public Safety Support) have all come to Agreement to share equally in the slight increased PERS pension costs through the coming fiscal year.

With regard to capital projects funded by the General Fund and/or dedicated grant funds, utilizing CEQA-mitigation funds received in the location of the new South County Justice Center, the lighting of the softball fields and central playing fields at the Sports Complex ($450,000) are under design and should be installed by this coming Fall 2013.

Utilizing Proposition 84 grant funds ($2.1 million), the design for the development of the new park on Chase Avenue is complete, with construction expected to begin this Fall and anticipated to open in Spring 2014.

A significant capital project yet without full-appropriation to begin construction is the planned new Animal Shelter on Grand Avenue, north of the City’s Corporation Yard. With $825,000 currently budgeted for construction of the facility, approximately $600,000 in additional funds would need to be appropriated to complete construction of Phase I of the facility, which would include either one hundred (100) kennels and none of the planned support staff office space, or forty (40) kennels and portion of the planned support office space. For the Council’s information and reference, the five (5) - year lease ($1/year) with the City of Lindsay for the use of their Animal Shelter expires on January 1, 2014. The City of Lindsay has indicated their interest in the City of Porterville purchasing the existing facility, either by purchase price or by the
corresponding offset of annual consolidated dispatch charges. The Council may consider Phase I construction of the new Animal Shelter to include fewer kennels and portion of the planned support office space, and enter negotiations with Lindsay in the acquisition of the existing Animal Shelter. As a point of consideration and reference, the City is also anticipating a one-time distribution of more than $600,000 in property tax funds by June 30, 2013, as settlement of the PTAF lawsuit against the County of Tulare.

MEASURE H
The beginning of construction of the new Public Safety Station is the primary project of emphasis this coming fiscal year, with the design of the facility nearly complete. Given an estimated construction cost of between $4 and $5 million, and approximately $3.5 million in Reserve with expected annual Measure H Fund revenues projected in excess of expenditures of at least $150,000 the next several years, it is anticipated that the new Public Safety station will be ready to begin construction in the coming fiscal year and be nearly fully-funded. With the approaching 2014 California Building Code Update (effective July 1, 2014), the City must pull permits to begin construction prior to July 1st, otherwise the facility design will need to be updated to address the new Building Code Update.

STREET PROJECTS
The Plano Street Bridge Widening Project remains the primary project of emphasis this coming fiscal year. The Engineer’s total estimated project cost was approximately $9,187,465, of which the City’s match is 11.47% ($1,053,800), which is funded through Certificates of Participation. Having recently advertised for bids, the lowest bid for the project was approximately $13.3 million, which Caltrans has agreed to increase their appropriation consummate with their 88.53% share ($2,655,900) and the City’s 11.47% match ($300,000) funded through Local Transportation Funds (LTF). Though originally planned to be completed in two construction phases due to the seasonal flow requirements of the Tule River, the project may be completed in a single phase due to the lack of precipitation this past year.

Significant previously-appropriated street projects that are anticipated to progress next fiscal year include: 1) Jaye Street Bridge Replacement/Widening ($9.2 million); 2) Jaye Street Roundabout & Montgomery Street Reconstruction ($1.65 million); 3) Westwood Street Shoulder Stabilization/Widening - Henderson Avenue to Westfield Avenue ($1.3 million); 4) Downtown Pedestrian Walkways - Garden Avenue and Oak Avenue ($900,000); 5) Newcomb Street Shoulder Stabilization/Widening, Phase 2 - Olive Avenue ($800,000); 6) W. North Grand Avenue Reconstruction, Phase 2 - Highway 65 to Prospect Street ($625,000); 7) Olive Avenue Reconstruction - Main Street to Plano Street ($525,000); 8) Lime Street Reconstruction - Henderson Avenue to Mulberry Avenue ($425,000); 9) Morton Avenue Shoulder Stabilization - Westwood Street to Highway 65 ($325,000); and Mathew Street Shoulder Stabilization - Olive Avenue ($140,000).
In regard to capital projects involving city streets and roadways, it is projected for the coming fiscal year that the City will have approximately $6 million in street construction and maintenance funds programmed for appropriation, consisting of approximately $1,500,000 in Congestion Mitigation and Air Quality (CMAQ), $1,320,000 in Gas Tax, $1,150,000 in Local Transportation Funds (LTF), $1,030,000 in "Regional" Measure R, $900,000 in "Local" Measure R, and $713,800 in Prop 1b funds. Consistent with the City’s Pavement Condition Index (PCI), staff will present project recommendations to the Council for consideration of appropriation. Significant projects that are anticipated to progress next fiscal year include: 1) Jaye Street Bridge Replacement ($9.1 million); 2) Plano Street Bridge Widening ($8.6 million); 3) Westwood Street Shoulder Stabilization ($1.3 million); 4) Jaye Street Roundabout ($1.25 million); 5) Newcomb and Beverly Streets Shoulder Stabilizations ($1 million); 6) W. North Grand Avenue Reconstruction ($350,000); and 7) Morton Avenue Shoulder Stabilization ($330,000).

It is projected for the coming fiscal year that the City will receive approximately $800,000 in Measure R “Local” funds for micro-surfacing projects, of which the City has received an advance from TCAG to fund the micro-surfacing. Consistent with the City’s Pavement Management Index (PMI), Council approved the micro-surfacing of Henderson Avenue (Patsy Street to Westwood Street), Indiana Street (Henderson Avenue to Westfield Avenue), Leggett Street (Putnam Avenue to the Porter Slough), and Gibbons Avenue (Jaye Street to Indiana Street). Given the favorable bids received, it is estimated that approximately $150,000 will be available for additional micro-surfacing project(s) for Council’s determination.

Significant staff time will be spent in continued facilitation with Caltrans on the ongoing Highway 190 corridor study, with the Measure R Expenditure Plan Amendment currently being considered by TCAG having great influence on anticipated interchange and widening improvements.

WATER PROJECTS
With the completion of the 3 million-gallon Martin Hill reservoir, 500 thousand-gallon Rocky Hill reservoir, Morton Avenue trunkline, and Veteran’s Park booster pump water projects funded by a CIEEB loan and resulting cost-savings in project construction, approximately $1.4 million of the original $8.0 million loan has been appropriated for the development of Well #32, located southwest of the Airport near the Porterville Fairgrounds. Also, in conjunction with the ongoing Island Annexation Sewer Extension Projects, water mains are expected to be installed in the areas not currently served by City water.

SEWER PROJECTS
With the first of the Island Annexation Sewer Extension Projects having begun construction, it is anticipated that more than $7 million in sewer extension projects will be constructed during the current 2012-2013, 2013-2014, and possibly 2014-2015 fiscal years, with the objective of connecting to City sewer the approximate 5,000 former County residents that were subject to annexation in 2006.
STORM DRAIN PROJECTS
Considering capital projects involving the City’s storm drain system, with regard to effects from the 2010 winter storm event, the storm drain system at Zalud Park will be improved to provide a permanent drainage connection from the Park to the Henderson Avenue and “G” Street drainage system ($260,000).

In summary, the Preliminary Budget proposed for the upcoming 2013-14 fiscal year represents the significant activities planned to improve our community, even during a continued improving yet challenged economic environment. Toward ensuring that the City’s planned revenues and spending remain in balance, it is recommended that the Council’s regular quarterly budget review continue.

Sincerely,

[Signature]

John D. Lollis
City Manager
SUBJECT: CONSIDERATION OF SUPPORT FOR SCHOLARSHIPS TO ATTEND PORTERVILLE COLLEGE "COLLEGE 4 KIDS SUMMER CAMP"

SOURCE: City Manager

COMMENT: Council Member Ward has requested that the City Council consider approval of the use of his Council Member "Meeting Expenses" account to support the scholarships for ten (10) Los Robles Elementary School students to attend Porterville College's upcoming "College 4 Kids Summer Camp", scheduled for June 3-7, 2013, to be conducted at Porterville College. The college has provided a scholarship rate of $50 per student, for a total of $500 in support of the ten scholarships. County of Tulare Fifth District Supervisor Ennis has committed $500 from his County "Good Works" fund to support the scholarships for ten (10) John J. Doyle Elementary School students to attend the same week-long camp.

RECOMMENDATION: That the City Council consider approval of Council Member Ward's use of his Council Member "Meeting Expenses" account to support the scholarships of ten (10) Los Robles Elementary School students to attend Porterville College's upcoming "College 4 Kids Summer Camp".

ATTACHMENT: None