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.


4- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 269-010-005, 269-010-002, 269-010-001, and 269-010-019. Agency Negotiators: John Lollis and Baldo Rodriguez. Negotiating Parties: City of Porterville and John and Susan Shry, Albert and Bertha Hearne, Isidro Ceballos, and Gary and Lovine Harris, respectively. Under Negotiation: Terms and Price.

8- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Operating Engineers Local 3 v. City of Porterville, Public Employment Relations Board Case No. SA-CE-805-M.
9- 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.
10- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case concerning facts not known to potential plaintiff.
11- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

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

Pledge of Allegiance Led by Council Member McCracken
Invocation

PROCLAMATIONS
   Teen Read Week, October 13 – 19, 2013
   Friends of the Library Week, October 21 – 27, 2013

PRESENTATIONS
   Badge Pinning – Officers Steven Garbett and Benny Padilla

AB 1234 REPORTS
   This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.
   1. Tulare County Local Agency Formation Committee (LAFCO) – October 9, 2013

REPORTS
   This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.
   I. City Commission and Committee Meetings:
      2. Library & Literacy Commission – October 8, 2013
      3. Arts Commission
      4. Youth Commission
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. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

1. Award of Contract – Main Street Repair Project
   Re: Considering awarding contract in the amount of $100,858.80 to Serna Construction of Fresno, CA, for the project consisting of: the repair of the subsidence of N. Main Street adjacent to the Porter Slough box culvert; repair of the upheaval on S. Main Street due to water main break; and complete pavement patching on S. Main Street for future micro-surfacing, new striping and appurtenances.

2. Program Supplement to the Local Agency-State Master Agreement - Putnam Avenue and D Street Traffic Signal Upgrade Project
   Re: Considering approval of Program Supplement Agreement N044, for the traffic signal upgrade, installation of protected left-turn phasing signals at Putnam Avenue and D Street.

3. Approval of Porterville Golf Course Twilight Rate
   Re: Considering approval of the proposed nine-hole twilight rates of $5 greens fee and $9 cart fee beginning at 2:00 p.m., Tuesday-Sunday, during the months of non-daylight savings time.

4. Annual Library Food for Fines Campaign
   Re: Considering approval of the seventh Annual Food for Fines Campaign to run October 21 through December 21, 2013.

5. Request for Approval to Enter Into an Agreement with Charter Communications for Fiber Internet Service and Approval to Purchase Dell SonicWALL Firewall Appliance
   Re: Considering authorization to enter into an agreement with Charter Communications for fiber internet service to the City’s datacenter for a fee of $1,280 per month for 5 years, and a one-time installation fee of $1,000; and approval to purchase a firewall appliance at a cost of $5,025, plus any applicable charges.

6. Approval for Community Civic Event – Boys and Girls Club of Porterville – Parents Against Bullying Rally – October 26, 2013
   Re: Considering approval of an event to take place at Centennial Park, on Saturday, October 26, 2013, from 12:00 p.m. to 3:00 p.m.

7. Approval for Community Civic Event – Imagine Community Arts Center – Family Art Festival – November 1, 2013
   Re: Considering approval of an event to take place at Centennial Park on Friday, November 1, 2013, from 6:00 p.m. to 8:00 p.m.
8. **Review of Local Emergency Status**  
   Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.

9. **Council Member Requested Agenda Item – Request for the City Council to Consider Modifying the Nomination Criteria for the Heritage Community Center “Wall of Fame” to Not Request Posthumous Consideration**  
   Re: Considering authorization to schedule on the next Council Agenda the consideration of modifying the nomination criteria for the Heritage Community Center “Wall of Fame.”

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

**PUBLIC HEARINGS**

10. **Sewer Utility District Area 455**  
    Re: Public hearing and acceptance of ballots pertaining to the formation of the Area 455 Sewer Utility District and the imposition of the assessment.

11. **Proposed Annexation No. 477, General Plan Amendment, and Zone Change for the Development of a Solar Utility Field (PRC 2013-014 A-G-Z) at West North Grand Avenue and North Main Street**  
    Re: Considering approval of the annexation; a General Plan Amendment from General and Service Commercial to Industrial; and a Zone Change from General and Service Commercial to General Industrial for 10.21± acres located at the northwest corner of West North Grand Avenue and North Main Street, for the development of an ImMODO Solar Project.

12. **Continuation of Public Hearing for Zone Change PRC 2013-035 From D-PO (Downtown Professional Office) to DR-D (Downtown Retail – D Street Corridor) at 73 West Cleveland Avenue**  
    Re: Continuation of a public hearing regarding a Zone Change for the parcel located southeast of the corner of Cleveland Avenue and ‘D’ Street.

13. **Fireworks Ordinance: An Amendment to the Municipal Code Related to the Application Process, Regulations, and Penalties**  

**SCHEDULED MATTERS**

14. **Request for Direction Related to Provision of Water to Akin Water Company**  
    Re: Consideration of a request for provision of water to Akin Water Company for service to 22 parcels, generally located south of Lincoln Avenue between Fourth Street and Plano Street, approximately 810 feet from the nearest City boundary.

15. **Joint Participation – Southern California Edison (SCE) Street Light Purchase Feasibility Analysis**  
    Re: Consideration of participation in the Street Light Purchase Feasibility Analysis for the purpose of making an informed decision regarding the opportunity to purchase street lights from SCE; and of a $10,000 appraisal fee to SCE for the initial street light inventory appraisal.
Re: Consideration of a request for more specific direction as to the Charter Review Committee’s review of the Charter pension provision.

17. **Consideration of Creating a Citizen Advisory Committee for the Oversight of Animal Control Facilities and Operations**
Re: Consideration of the formation of a Citizen Advisory Committee to advise the Council on present and future needs of the community’s animal control services.

Adjourn to a meeting of the Porterville Public Improvement Corporation.

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION AGENDA
192 NORTH MAIN STREET, PORTERVILLE, CA
OCTOBER 15, 2013

Roll Call: Directors/President

WRITTEN COMMUNICATION

ORAL COMMUNICATIONS

SCHEDULED MATTER

PIC-01. **Annual Meeting of the Porterville Public Improvement Corporation**
Re: Consideration of the election of officers; and approval of the 2013 Status Report for Certificates of Participation Projects.

Adjourn to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

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

ADJOURNMENT - to the meeting of November 5, 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: OCTOBER 15, 2013

SUBJECT:   AWARD OF CONTRACT – MAIN STREET REPAIR PROJECT

SOURCE:   Public Works Department - Engineering Division

COMMENT: On October 2, 2013, staff received four (4) bids for the Main Street Repair Project. The proposed project will repair the subsidence on N. Main Street adjacent to the Porter Slough box culvert; repair the upheaval on S. Main Street due to the water main break and complete pavement patching on S. Main Street for future micro-surfacing, new striping and appurtenances.

The Estimate of Probable Cost for construction is $117,179.00. The low bid is 13.9% under the estimate. An additional $10,085.88 is necessary for construction contingency (10%). It is anticipated that an additional $10,085.88 (10%) is required for construction management, quality control, and inspection services for a total estimated project cost of $121,030.56.

Funding for Main Street repairs was approved in the 2013/2014 Annual Budget in the amount of $98,000 and Local Transportation Funds is the funding source. The broadband contractor work for Central Valley Independent Network paid permit fee fines in the amount of $29,000, which will be used for street repairs due to the water main break on S. Main Street as approved by Council on September 3, 2013.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1. Serna Construction</td>
<td>$100,858.80</td>
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<tr>
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<tr>
<td>2. Kern Asphalt</td>
<td>$112,311.67</td>
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<tr>
<td>Bakersfield, CA</td>
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<tr>
<td>3. Seal Rite Paving &amp; Grading</td>
<td>$114,311.00</td>
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<tr>
<td>Fresno, CA</td>
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<tr>
<td>4. Pierce Construction</td>
<td>$120,561.35</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has reviewed the low bid and found it acceptable.

[Signatures]

Item No. 1
RECOMMENDATION: That City Council:

1. Award the Main Street Repair Project to Serna Construction in the amount of $100,858.80;

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

3. Authorize a 10% contingency to cover unforeseen construction costs; and

4. Authorize 10% for construction management, quality control and inspection.

ATTACHMENT: Locator Map

P:\pubwork\General\Council\Award of Contract - Main Street Repair Project - 2013-10-15.doc
SUBJECT: PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – PUTNAM AVENUE AND D STREET TRAFFIC SIGNAL UPGRADE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Department of Transportation has submitted Program Supplement Agreement Number N044, and requests that the City execute said agreement. The executed agreement becomes a part of the Agency-State Agreement for Federal-Aid Projects No. 06-5122R.

The attached Program Supplement is for the traffic signal upgrade, installation of protected left-turn phasing signals, at Putnam Avenue and D Street.

RECOMMENDATION: That the City Council:

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

2. Direct the City Clerk to return the signed program supplement to CalTrans.

ATTACHMENTS: Locator Map
Program Supplement Agreement No. N044
Resolution

P:\PUBWORKS\RECR\COUNCIL\PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - PUTNAM & D TRAFFIC SIGNAL UPGRADE - 2013-10-15.DOCX

Dir Appropriated/Funded ___ MB CM ___

Item No. 2
This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/20/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the Administering Agency on (See copy attached).

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

PROJECT LOCATION:
Intersection of Putnam Street and D Street

TYPE OF WORK: Upgrade Signal to install protected left-turn phasing. LENGTH: 0.0(MILES)

<table>
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<tr>
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<th>Matching Funds</th>
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<tr>
<td>$45,000.00 LS30 $40,500.00</td>
<td>LOCAL $4,500.00</td>
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CITY OF PORTERVILLE

STATE OF CALIFORNIA
Department of Transportation

By ____________________________
Title ____________________________
Date ____________________________
Attest ____________________________

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

Accounting Officer ____________________________ Date 9/20/13 $40,500.00

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<th>Chapter</th>
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<th>Item</th>
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**STATE OF CALIFORNIA. DEPARTMENT OF TRANSPORTATION**

**PROGRAM SUPPLEMENT AND CERTIFICATION FORM**

**PSCF (REV. 01/2010)**

---

**TO:** STATE CONTROLLER'S OFFICE  
Claims Audits  
3301 "C" Street, Rm 404  
Sacramento, CA 95816  

**DATE PREPARED:** 9/19/2013  
**PROJECT NUMBER:** 0614000002

**FROM:** DEPARTMENT OF TRANSPORTATION

**SUBJECT:** ENCUMBRANCE DOCUMENTS

**VENDOR / CONTRACTOR:** CITY OF PORTERVILLE

**CONTRACT AMOUNT:** $40,500.00

**PROCUREMENT TYPE:** LOCAL ASSISTANCE

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

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<tr>
<th>CHAPTER</th>
<th>STATUTES</th>
<th>ITEM</th>
<th>YEAR</th>
<th>PEC / PECT</th>
<th>TASK / SUBTASK</th>
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<td>2620/0420</td>
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**ADA Notice** For individuals with sensory disabilities, this document is available in alternate formats. For information, call (915) 654-6410 of TDD (916)-3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.
SPECIAL COVENANTS OR REMARKS

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

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

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

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

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

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

5. As a condition for receiving federal-aid highway funds for the PROJECT, the
SPECIAL COVENANTS OR REMARKS

Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

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

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

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

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN PROGRAM SUPPLEMENT NO. N044 TO ADMINISTER THE AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 06-5122R

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. N044 to the Local Agency-State Master Agreement No. 06-5122R, for the traffic signal upgrade, installation of protected left-turn phasing signals, at Putnam Avenue and D Street.

PASSED, APPROVED AND ADOPTED this 15th day of October, 2013.

__________________________
Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

__________________________
By Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: OCTOBER 15, 2013

SUBJECT: APPROVAL OF PORTERVILLE GOLF COURSE TWILIGHT RATE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: On March 19, 2013, the City Council approved a nine hole twilight rate of $5 green fees and $9 cart fee beginning at 3:00 p.m. Tuesday-Sunday during the months of daylight savings. Twilight play has increased 68% since the inception of the new fees prompting Porterville Golf Course Professional, Casey Butler, to request a twilight rate be implemented year around.

Mr. Butler is proposing that the nine hole twilight rate of $5 green fees and $9 cart fee go into effect after 2:00 p.m. during the months of non-daylight savings time. Current fees are $12 for nine holes and $5 for each additional nine. The cart fee is $11 for nine holes and $20 for eighteen holes. The golf course is open Tuesday-Sunday.

The Parks and Leisure Services Commission and staff recommend the implementation of the twilight rate during non-daylight savings time.

RECOMMENDATION: That the City Council approve the proposed nine hole twilight rates of $5 greens fee and $9 cart fee beginning at 2:00 p.m. Tuesday-Sunday during the months of non-daylight savings time.
COUNCIL AGENDA: OCTOBER 15, 2013

SUBJECT: ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Library and Literacy Commission and staff propose to conduct the seventh Annual Food for Fines Campaign from October 21 to December 21 over a nine-week period. The library benefits from this program by recovering lost library materials and from the clearing of fines on patron accounts.

During the implementation of this campaign last year, the library collected 695 items of food and waived $657.65 in fines. Staff will once again coordinate with the local Kiwanis Club who annually distribute food through their Family Food Basket program.

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

RECOMMENDATION: That the Council authorize the seventh Annual Food for Fines Campaign to run October 21 through December 21, 2013.
SUBJECT: REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH CHARTER COMMUNICATIONS FOR FIBER INTERNET SERVICE AND APPROVAL TO PURCHASE DELL SONICWALL FIREWALL APPLIANCE

SOURCE: Finance Department – Information Technology (IT) Division

COMMENT: The Finance Department – IT Division requests approval to enter into an agreement with Charter Communications for fiber internet service to our datacenter. We currently utilize OCSNET for internet access at a cost of $25,021 annually with a current bandwidth of 6mbps (megabits per second) over a wireless link. The Charter service will provide 100mbps on a dedicated fiber link with guaranteed network availability of 99.95%.

Upgrading our internet bandwidth will allow us to meet the growing demand for faster communication speeds to service employees’ needs. It will also allow the City to take advantage of future technology implementation such as video conferencing to reduce travel time, costs, and emissions pollution.

Staff received proposals for 100mbps internet speed from four internet service providers. Attached is a comparison of the proposed costs and terms. Staff has found the low bid from Charter Communications acceptable at a monthly cost of $1,280 per month or $15,360 annually for 5 years with a one-time installation fee of $1,000.

In addition, staff requests the purchase of a Dell SonicWall NSA 3600 firewall appliance at a cost of $5,025.05 to manage the larger traffic throughput. The current unit (SonicWall TZ 215) has a limitation of 150 users and the outside threat protection throughput is 60mbps. The NSA 3600 can support 500 users and the threat protection throughput is rated at 500mbps.

Staff received the following quotes for a firewall security appliance:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Model</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dell</td>
<td>DellSonicWALL NSA 3600</td>
<td>$5,025.05</td>
</tr>
<tr>
<td>CDW-G</td>
<td>FORTINET FORTIGATE 200D</td>
<td>$6,842.78</td>
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<tr>
<td>CDW-G</td>
<td>CISCO ASA 5515-X</td>
<td>$8,297.56</td>
</tr>
</tbody>
</table>

The costs of the fiber internet service and the firewall appliance will be absorbed by the IT Division operating budget in the General Fund.
RECOMMENDATION: That City Council:

1. Authorize staff to enter into an agreement with Charter Communications Properties, LLC to provide 100mbps fiber internet service for a term of 5 years; and

2. Approve the purchase of a Dell SonicWall NSA 3600 firewall appliance at a cost of $5,025, plus any applicable charges.

ATTACHMENTS: 1. 100mbps Internet Costs Comparison
2. Charter Communications Agreement
3. Firewall Security Appliance Quotations
# 100mbps Fiber Internet Cost Comparisons

<table>
<thead>
<tr>
<th>Proposed Vendor</th>
<th>Speed</th>
<th>Technology</th>
<th>Monthly</th>
<th>Term</th>
<th>Annually</th>
<th>One Time Non Recurring Costs</th>
<th>Firewall Security Appliance</th>
<th>Router/ Switch</th>
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<tbody>
<tr>
<td>VAST Network (CVIN)</td>
<td>100 Mbps</td>
<td>Fiber</td>
<td>$1,600.00</td>
<td>5yrs</td>
<td>$19,200.00</td>
<td>$1,800.00</td>
<td>$5,000.00</td>
<td>we purchase</td>
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<td>Fiber</td>
<td>$2,288.00</td>
<td>3yrs</td>
<td>$27,456.00</td>
<td>$500.00</td>
<td>$5,000.00</td>
<td>we purchase</td>
</tr>
<tr>
<td>Charter</td>
<td>100 Mbps</td>
<td>Fiber</td>
<td>$1,280.00</td>
<td>5yrs</td>
<td>$15,360.00</td>
<td>$1,000.00</td>
<td>$5,000.00</td>
<td>vendor provide</td>
</tr>
<tr>
<td>OACYS</td>
<td>100 Mbps</td>
<td>Radio Antenna</td>
<td>$2,595.00</td>
<td>3yrs</td>
<td>$31,140.00</td>
<td>n/a</td>
<td>$5,000.00</td>
<td>we purchase</td>
</tr>
</tbody>
</table>

**Current Vendor**

| OACYS | 6mbps | $2,085.08 | annual | $25,021.00 | n/a |
BUSINESS INTERNET ACCESS, VIDEO AND MUSIC SERVICE AGREEMENT

This Service Agreement ("Agreement") is executed and effective upon the latest date of the signatures set forth in the signature block below ("Effective Date") by and between Charter Communications Properties LLC, ("Charter Business" or "Charter") with local offices at 4781 Inwindale Ave. Inwindale Ca. 91706 and City of Porterville, ("Customer") with offices located at 291 N Main St, Porterville, CA 93257-3737.

Both parties desire to enter into this Agreement in order to set forth the general terms under which Charter is to provide Customer with Charter’s services ("Service" or "Services") to Customer site(s), the scope and description to be specified per site below and/or in a Service order(s) executed by both parties (each instance of site identification and order a “Service Order” or collectively the “Service Orders”), which shall be incorporated in this Agreement upon execution. This Agreement and each Service Order will be effective only after both parties have signed each document.

SERVICE ORDER

Under the Business Internet, Video and Music Service Agreement

CUSTOMER INFORMATION:

Account Name: City of Porterville
Invoicing Address: 
Invoicing Special Instructions:

1. SITE-SPECIFIC INFORMATION:

☑ New ☐ Renew ☐ Change: Order Type: New Customer
Proposed Installation Date: N/A
Service Location (Address): 291 N Main St, Porterville, CA 93257-3737
Service Location Name (for purposes of identification):
Service Location Special Instructions:

☑ Non-Hospitality or Non-Video

CBCR v2

:0060000000A4HqB

ATTACHMENT 2
Customer Contact Information. To facilitate communication the following information is provided as a convenience and may be updated at any time without affecting the enforceability of the terms and conditions herein:

<table>
<thead>
<tr>
<th>Billing Contact</th>
<th>Site Contact</th>
<th>Technical Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Ted Williams</td>
<td>Ted Williams</td>
</tr>
<tr>
<td>Phone</td>
<td>559-782-7439</td>
<td>559-782-7439</td>
</tr>
<tr>
<td>Fax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cell</td>
<td>559-333-7439</td>
<td>559-333-7439</td>
</tr>
<tr>
<td>Email Address</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**MONTHLY SERVICE FEES:**

Data Services:
Charter Business Bundle: No Bundle *

**Base Service**

- MEF Service Types (if applicable): __________
- Speed: 100 Mbps (Down/Up)
- CPE: __________

$1,280.00

* If Customer has selected the Charter Business Special Offers, the Section 3(i) of the Standard Terms of Service (for Charter Business Bundle) shall apply.

**ONE-TIME CHARGES:**

One-Time Standard Installation Fee: $1,000.00

**ONE-TIME CHARGES $1,000.00**

2. **TOTAL FEES.**

   Total Monthly Service Fees of $1,280.00 are due upon receipt of the monthly invoice.

   Total One-Time Charges of $1,000.00 are included in the first monthly invoice.

3. **SERVICE PERIOD.** The initial Service Period of this Service Order shall begin on the date installation is completed and shall continue for a period of 60 months. Upon expiration of the initial term, this Service Order shall automatically renew for successive one-month terms and Charter may then apply Charter's then-current Monthly Service Fees unless either party terminates this Service Order by giving thirty (30) days prior written notice to the other party before the expiration of the current term.

4. **NO UNTRUE STATEMENTS.** Customer further represents and warrants to Charter that neither this Service Order, nor any other information, including without limitation, any schedules or drawings furnished to Charter contains any untrue or incorrect statement of material fact or omits or fails to state a material fact.

5. **CONFIDENTIALITY.** Customer hereby agrees to keep confidential and not to disclose directly or indirectly to any third party, the terms of this Service Order or any other related Service Orders, except as may be required by law. If any unauthorized disclosure is made by Customer and/or its agent or representative, Charter shall be entitled to, among other damages arising from such unauthorized disclosure, injunctive relief and a penalty payment in the amount of the total One-Time Charges associated with this Service Order, and Charter shall have the option of terminating this Service Order, other related Service Orders and/or the Service Agreement.

6. **FACSIMILE.** A copy sent via fax machine or scanned and e-mailed of a duly executed Agreement and Service Order signed by both authorized parties shall be considered evidence of a valid order, and Charter may rely on such copy of the Agreement and Service Order as if it were the original.
NOW THEREFORE, Charter and Customer agree to the terms and conditions included within this Service Agreement, including the Commercial Terms of Service which follow, and hereby execute this Service Agreement by their duly authorized representatives.

Charter Communications Properties LLC

By:

By: Charter Communications, Inc., its Manager

Signature: ____________________________
Printed Name: ____________________________
Title: ____________________________
Date: ____________________________

Charter Business Account Executive:

Name: Rachelle Kendrick

City of Porterville

Signature: ____________________________
Printed Name: ____________________________
Title: ____________________________
Date: ____________________________

Telephone: 408-846-3777
**QUOTEATION**

Quote #: 665162082  
Customer #: 004023319  
Contract #: WN99ABZ  
Customer Agreement #: WSCA B27160  
Quote Date: 10/08/2013  
Customer Name: CITY OF PORTERVILLE

Date: 10/8/2013

Thanks for choosing Dell! Your quote is detailed below; please review the quote for product and informational accuracy. If you find errors or desire certain changes please contact your sales professional as soon as possible.

**Sales Professional Information**

SALES REP: BRETTON J JACKSON  
Phone: 1800 - 2893355  
Email Address: Bretton_Jackson@Dell.com  
Phone Ext: 5138188

**SOFTWARE & ACCESSORIES**

<table>
<thead>
<tr>
<th>Product</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dell SonicWALL NSA 3600 Secure Upgrade Plus Security Appliance - 2 Years (A6929872)</td>
<td>1</td>
<td>$4,375.62</td>
<td>$4,375.62</td>
</tr>
<tr>
<td>ANALYZER SOFTWARE FOR NSA 3500 PRO 3060 (A5530511)</td>
<td>1</td>
<td>$277.50</td>
<td>$277.50</td>
</tr>
</tbody>
</table>

*Total Purchase Price: $5,025.05*

Product Subtotal: $4,653.12  
Tax: $371.93  
Shipping & Handling: $0.00  
State Environmental Fee: $0.00  
Shipping Method: LTL 5 DAY OR LESS  
(*Amount denoted in $)

**Statement of Conditions**

The information in this document is believed to be accurate. However, Dell assumes no responsibility for inaccuracies, errors, or omissions, and shall not be liable for direct, indirect, special, incidental, or consequential damages resulting from any such error or omission. Dell is not responsible for pricing or other errors, and reserves the right to cancel orders arising from such errors.

Dell may make changes to this proposal including changes or updates to the products and services described, including pricing, without notice or obligation.

This proposal is not intended to create a contractual relationship. Unless expressly agreed otherwise in a writing signed by the parties, all orders by CITY OF PORTERVILLE for Dell products and services shall be subject to Dell's Terms and Conditions of Sale-Direct, which can be found at [www.dell.com/terms](http://www.dell.com/terms), and which incorporate Dell's U.S. Return Policy, at [www.dell.com/returnpolicy](http://www.dell.com/returnpolicy). Please read those terms carefully and in their entirety, and note in particular that Dell EqualLogic and EqualLogic-branded products, Dell/EMC and EMC-branded products, PowerVault ML6000 tape libraries, non-Dell-branded enterprise products, enterprise software, and customized hardware or software products may not be returned at any time. Orders also shall be subject to the terms of any applicable service contract (s), which can be found at [www.dell.com/servicecontracts](http://www.dell.com/servicecontracts).

All information supplied to CITY OF PORTERVILLE for the purpose of this proposal is to be considered confidential information belonging to Dell.

**About Dell**

Dell Inc. (NASDAQ: DELL) listens to customers and delivers innovative technology and services they trust and value. Uniquely enabled by its direct business model, Dell is a leading global systems and services company and No. 34 on the Fortune 500. For more information, visit [www.dell.com](http://www.dell.com).

**Privacy Policy**

Dell respects your privacy. Across our business, around the world, Dell will collect, store, and use customer information only to support and enhance our relationship with your organization, for example, to process your purchase, provide service and support, and share product, service, and company news and offerings with you. Dell does not sell your personal information. For a complete statement of our Global Privacy Policy, please visit [dell.com/privacy](http://dell.com/privacy).
BILL TO:
CITY OF PORTERVILLE
291 N MAIN ST

Accounts Payable
PORTERVILLE, CA 93257
Contact: SCOTT CHENEY
559.782.7434

Customer Phone #559.782.7451

SHIP TO:
CITY OF PORTERVILLE
Attention To: ATTN: SCOTT CHENEY
291 N MAIN ST

PORTERVILLE, CA 93257

ACCOUNT MANAGER
CHRIS ANDERSON 877.570.2543

SHIPPING METHOD
DROP SHIP-GROUND

TERMS

EXEMPTION CERTIFICATE

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>EXTENDED PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3045956</td>
<td>FORTINET FORTIGATE 2000 WITH FC 24X7</td>
<td>3,945.30</td>
<td>3,945.30</td>
</tr>
<tr>
<td></td>
<td>2920212</td>
<td>FORTINET YR FORTIANALYZER-200D 24X7</td>
<td>737.29</td>
<td>737.29</td>
</tr>
<tr>
<td></td>
<td>2865406</td>
<td>FORTINET FORTIANALYZER BASE LIC</td>
<td>1,824.84</td>
<td>1,824.84</td>
</tr>
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</table>

SUBTOTAL | 6,507.43
FREIGHT | 0.00
TAX | 335.35

TOTAL | 6,842.78

CDW Government
230 North Milwaukee Ave.
Vernon Hills, IL 60061
Fax: 847.988.0581

Please remit payment to:
CDW Government
75 Remittance Drive
Suite 1515
Chicago, IL 60675-1515

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at http://www.cdw.com/content/terms-conditions/product-sales.asp
For more information, contact a CDW account manager.
SHIPTO:
CITY OF PORTERVILLE
Attention To: ATTN: SCOTT CHENEY
291 N MAIN ST

PORTERVILLE, CA 93257
Contact: SCOTT CHENEY 559.782.7434
Customer P.O. # CITY HALL FIREWALL - CISCO

<table>
<thead>
<tr>
<th>ACCOUNT MANAGER</th>
<th>SHIPMENT METHOD</th>
<th>TERMS</th>
<th>EXEMPTION CERTIFICATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHRIS ANDERSON 877.570.2643</td>
<td>FEDEX Ground</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>EXTENDED PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2644507</td>
<td>CISCO ASA 5515-X W/IPS S/W-G8E DATA</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mfg#: ASA5515-IPS-K9</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contract: National Joint Powers Alliance</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>111309-CDW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2938428</td>
<td>CISCO ASA 5515X CX AVC + WEB SEC ESS</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mfg#: ASA5515-AW3Y-PR</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contract: CMAS Cisco</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3-13-70-0793E</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2875559</td>
<td>CISCO IPS INDUSTRIAL SIGNATURE LIC</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mfg#: L-ASA5515-SCA=</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contract: CMAS Cisco</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3-13-70-0793E</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

|               |               |
| SUBTOTAL       | 7,666.36      |
| FREIGHT        | 0.00          |
| TAX            | 831.20        |

TOTAL 8,537.56

Please remit payment to:
CDW Government
75 Remittance Drive
Suite 1515
Chicago, IL 60675-1515

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at http://www.cdw.com/content/terms-conditions/product-sales.asp
For more information, contact a CDW account manager.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – BOYS AND GIRLS CLUB OF PORTERVILLE - PARENTS AGAINST BULLYING RALLY – OCTOBER 26, 2013

SOURCE: Finance Department

COMMENT: The Boys and Girls Club of Porterville is requesting approval to hold a Parents Against Bullying event at Centennial Park, on Saturday, October 26, 2013 from 12:00 p.m. until 3:00 p.m. This rally event is being held to help bring awareness to bullying and its effects. Speakers, vendors and activities for the kids will be included. No street or sidewalk closures have been requested.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by Boys and Girls Club of Porterville, on the condition that the applicant finds a non-profit organization to sponsor the event and provide insurance before the day of the event and subject to the stated requirements contained in Exhibit A.

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

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

DO YOU HAVE?  □ Event Flyer? □ E-mail address? □ Website?

Application date: 01-25-13  Event date: 10-26-13  Event time: 12:00pm - 3:00pm

Name of Event: Parents Against Bullying Rally

Sponsoring organization: Boys & Girls Club  Phone #: 756-5422
Address: 344 E. Morton, Porterville, CA
Authorized representative: Matt Keel  Phone #: 756-5422
Address: Same
Event chairperson: Michelle Raymond  Phone #: 553-2783

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

Type of event: Public Rally + other activities

Non-profit organization status: BL# 003944

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

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

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

Appr. Deny

Bus. Lic. Spvr. ____________________________________________________________
Pub. Works Dir. __________________________________________________________
Comm. Dev. Dir. __________________________________________________________
Field Svcs. Mgr. __________________________________________________________
Fire Chief ________________________________________________________________
Parks Dir. ______________________________________________________________
Police Chief _____________________________________________________________
Admin. Svcs. Dir. __________________________________________________________

1 of 4
CITY OF PORTERVILLE

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

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. 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/novl/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 co-insured 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) 1(e))

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 permittee, 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 559-733-8441, or fax information to 559-733-8932; 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)

(Date)

Ruth's Against Bullying

(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: Parents Against Bullying Rally

Sponsoring organization:

Location: Antelope Valley Park
Event date: 10/26/13 Event time: 12-3 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 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>
</tr>
</thead>
<tbody>
<tr>
<td>Mother's United</td>
<td>756-4255</td>
<td>Yes</td>
<td>Popcorn / Ice Cream</td>
</tr>
<tr>
<td>B.U.R.Y.B.</td>
<td></td>
<td></td>
<td>Posters</td>
</tr>
<tr>
<td>morahe + diet</td>
<td>399-7774</td>
<td>No</td>
<td>Pictures / Stories</td>
</tr>
<tr>
<td>HHS + diet</td>
<td></td>
<td>No</td>
<td>Information</td>
</tr>
<tr>
<td>Trevor Project</td>
<td></td>
<td>No</td>
<td>Information</td>
</tr>
<tr>
<td>Janberry Juice</td>
<td></td>
<td>Yes</td>
<td>Drinks</td>
</tr>
</tbody>
</table>

*Municipal Code 15-20(E) Community Civic Events (16): Business License Fee: 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 rental 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 (16).

The nonprofit sponsor shall collect said fees 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 receipts 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: **PARENTS AGAINST BULLYING**

Sponsoring organization: **BOYS & GIRLS CLUB OF PORTERVILLE**

Event date: **10/26/2013**  

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

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

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

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
BOYS AND GIRLS CLUB OF PORTERVILLE
PARENTS AGAINST BULLYING RALLY
OCTOBER 26, 2013

Finance Director:  
M. Bemis

Public Works Director:  
B. Rodriguez

Community Development Director:  
B. Dunlap

Field Services Manager:  
B. Styles

Fire Chief:  
G. Irish

Parks and Leisure Services Director:  
D. Moore

Police Captain:  
D. Haynes

Administrative Services Director:  
P. Hildreth

No comments.

Vehicles to remain off of grass.

See Proposed Conditions/Requirements in Exhibit B.

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

Sponsor: Boys and Girls Club of Porterville
Event: Parents Against Bullying Rally
Event Chairperson: Michelle Ragsdale
Location: Centennial Park
Date of Event: October 26, 2013

RISK MANAGEMENT: Conditions of Approval

That the Boys and Girls 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 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 that A:VII, and the insurance company must be an “admitted” insurer in the State of California.

EXHIBIT A, Page 2
CITY OF PORTERVILLE/POLICE DEPARTMENT  
Community Civic Event Application  
Parents Against Bullying Rally, Oct. 26, 2013

Proposed Conditions/Requirements for Parents Against Bullying Rally

Your application to conduct/hold a community civic event has been received by the Porterville Police Department. The following conditions are necessary to ensure a safe and orderly event in the Porterville community.

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

➢ Participants must not interfere with the normal flow of pedestrian/vehicular traffic.

➢ 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.

➢ 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 that affected parks/streets/sidewalks are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling in the area, as well as any other related materials such as signs, pamphlets and fliers.

Dan Haynes, Captain  
Police Department

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

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

1 Name and home address of the applicant: Michele Rogersdale
1050 N Greenfield Dr. Porterville

2 Address where amplification equipment is to be used:
Veterans Pool Centennial Park

3 Names and addresses of all persons who will use or operate the amplification equipment:
Sug Rodgers, Director
Lisa Hamilton

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

5 Dates and hours of operation of amplification equipment: 10-26-13 12:00 - 3:00 pm

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

Section 18-9
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox,
record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for the production 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 anyone to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected
any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors to any part of the city, except as may be necessary to
amplify sound for the proper presentation of moving picture shows, and exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or
exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing
therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall be deemed
objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the
revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 8312)

Penal Code Section 416 (2)
Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more
than four hundred dollars ($400), or both such imprisonment and fine:
(2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

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

Signature of Applicant

Date

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

City of Porterville, Chief of Police/Designee

Date
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – IMAGINE COMMUNITY ARTS CENTER – FAMILY ART FESTIVAL – NOVEMBER 1, 2013

SOURCE: Finance Department

COMMENT: The Imagine Community Arts Center is requesting approval to hold a family art festival at Centennial Park on Friday, November 1, 2013, from 6:00 p.m. to 8:00 p.m. No street closures are requested.

This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended. 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 Imagine Community Arts Center, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

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

<table>
<thead>
<tr>
<th>DO YOU HAVE?</th>
<th>Event Flyer?</th>
<th>E-mail address?</th>
<th>Website?</th>
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<tbody>
<tr>
<td>Application date:</td>
<td>8/15/2013</td>
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<tr>
<td>9/24/13</td>
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<td>Event date:</td>
<td>November 1, 2013</td>
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<td>Event time:</td>
<td>6:00 - 8:00</td>
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<td>Name of Event:</td>
<td>Family Art Festival</td>
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<td>Arts Center</td>
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<tr>
<td>Sponsoring organization:</td>
<td>Imagine Community</td>
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<tr>
<td>Phone #: 559-792-1500</td>
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<tr>
<td>Address:</td>
<td>250 N Main St.</td>
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<tr>
<td>Authorized representative:</td>
<td>Rebecca Ybarra</td>
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<tr>
<td>Phone #: 559-341-7660</td>
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<tr>
<td>Address:</td>
<td>388 E. Garden</td>
<td></td>
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<tr>
<td>Event chairperson:</td>
<td>Rebecca Ybarra</td>
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<tr>
<td>Phone #: Monte Reyes 559-920-1246</td>
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<tr>
<td>Location of event:</td>
<td>Centennial Park</td>
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<td>(Location map must be attached)</td>
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<tr>
<td>Type of event:</td>
<td>Community Event</td>
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Non-profit organization status: 501(c)(3) BL# 003334
(IRS Determination)

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

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

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

Staff Comments (list special requirements or conditions for event):

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<tr>
<th>Approve</th>
<th>Deny</th>
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<td>Bus. Lic. Spvr:</td>
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<td>Pub. Works Dir</td>
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<td>Comm. Dev. Dir.</td>
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<td>Field Svcs. Mgr.</td>
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<td>Fire Chief</td>
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<td>Parks Dir.</td>
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<td>Police Chief</td>
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<td>Admin. Svcs. Dir.</td>
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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/cgw/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 co-insured 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 permit, his/her agents or representatives pursuant to 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.

<table>
<thead>
<tr>
<th>Imagination Community Arts Center</th>
<th>Rebecca Williams</th>
<th>8/15/2023</th>
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</thead>
<tbody>
<tr>
<td>(Name of Organization)</td>
<td>(Signature)</td>
<td>(Date)</td>
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2 of 4
CITY OF PORTERVILLE

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

Name of event: Family Art Festival

Sponsoring organization: Imagine Community Arts Center

Location: Centennial Park

Event date: 1/1/2013 Event time: 6:00-8:00

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>
</tr>
</thead>
<tbody>
<tr>
<td>Imagine Community Center</td>
<td>250 N. Main St.</td>
<td>Yes</td>
<td>Community Event</td>
</tr>
</tbody>
</table>

*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 E16. The nonprofit sponsor shall collect said fees and remit the fees 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: *Family Art Festival*

Sponsoring organization: *Imagine Community Arts Center*

Event date: **11/1/2013**
Hours: **6:00 - 8:00**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Closed</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
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<tbody>
<tr>
<td>N/A</td>
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<tr>
<th>Sidewalks</th>
<th>Closed</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>N/A</td>
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</table>

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<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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<tbody>
<tr>
<td></td>
<td>Centennial Park</td>
<td>Family Art Festival</td>
</tr>
<tr>
<td></td>
<td>N. Main Porterville, CA, 93257</td>
<td></td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
IMAGINE COMMUNITY ARTS CENTER
FAMILY ARTS FESTIVAL

NOVEMBER 1, 2013

Finance Director:
   M. Bemis

Public Works Director:
   B. Rodriguez

Community Development Director:
   B. Dunlap

Field Services Manager:
   B. Styles
   No comments.

Fire Chief:
   G. Irish
   No comment.

Parks and Leisure Services Director:
   Donnie Moore
   Vehicles to remain off the grass.

Police Captain:
   D. Haynes
   Please see proposed conditions/requirements in Exhibit B.

Administrative Services Director:
   P. Hildreth
   See attached Exhibit A.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Imagine Community Arts Center
Event: Family Art Festival
Event Chairman: Rebecca Ybarra
Location: Centennial Park
Date of Event: November 1, 2013
Time of Event: 6:00 p.m. to 8:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

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

EXHIBIT A, Page 2
Proposed Conditions/Requirements for Family Arts Festival

Your application to conduct/hold a community civic event has been received by the Porterville Police Department. The following conditions are necessary to ensure a safe and orderly event in the Porterville community.

- City Council approval is required for all street/sidewalk closures.
- Participants must not interfere with the normal flow of pedestrian/vehicular traffic.
- 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.
- 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 that affected parks/streets/sidewalks are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling in the area, as well as any other relater materials such as signs, pamphlets and fliers.

Dan Haynes, Captain
Police Department

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

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

1 Name and home address of the applicant: Rebecca Ybarra 387 E. Garden
   Porterville, CA 93257

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

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

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

5 Dates and hours of operation of amplification equipment: 11/1/2013 6:00 - 8:00 pm

6 A general description of the sound amplifying equipment to be used: 2 speakers and 1 P.A.

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

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

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

Rebecca Ybarra
Signature of Applicant

8/5/2013
Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URG 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

10/2/13
Date
CERTIFICATE OF LIABILITY INSURANCE

PRODUCER
Interstate Auto Insurance Center Inc
600 N. Prospect Ste E
Porterville, CA 93257
Phone (559) 784-7826
Fax (559) 784-7826

INSURED
Imagine Community Arts Center
250 N Main Street
Porterville, CA 93257
(559) 310-1960

CONTACT
Phillip Aguilar
PHONE (559) 784-7826
FAX (559) 784-7826
E-MAIL bill.interstate@yahoo.com

INSURER(S) AFFORDING COVERAGE
NAIC #
INSURER A: United States Liability Insurance Company

CERTIFICATE NUMBER:

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<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>ADDED/REMOVED</th>
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<td>06/01/2013</td>
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<td>08/01/2014</td>
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<td>EACH OCCURRENCE</td>
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<td>DAMAGE TO RENTED</td>
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<td>PREMISES (Ex. occurrence)</td>
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<td>MED EXP (Any one person)</td>
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<td>PERSONAL &amp; ADV INJURY</td>
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DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Youth Art Instruction

CERTIFICATE HOLDER
City of Porterville
Successor Agency to the Porterville Redevelopment Agency
291 N. Main St.
Porterville, CA 93257

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

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The ACORD name and logo are registered marks of ACORD
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Additional Insured Person(s) Or Organization(s):

Effective Date: 09/20/2013 12:00 AM
City of Porterville; Successor Agency to the 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.

A. 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:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of insurance shown in the Declarations.
COUNCIL AGENDA: October 15, 2013

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review on October 1, 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 Pot 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. At its meeting on August 6, 2013, the Council accepted the completion of the identified CEMA repairs, which staff continues to work with the State to finalize repair reimbursements.

Item No. 8
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
COUNCIL AGENDA: October 15, 2013

SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM — Request for the City Council to Consider Modifying the Nomination Criteria for the Heritage Community Center “Wall of Fame” to Not Require Posthumous Consideration

SOURCE: City Manager

COMMENT: Council Member Shelton has requested that the City Council consider modifying the nomination criteria for the Heritage Community Center “Wall of Fame” to not require posthumous consideration.

RECOMMENDATION: Council Member Shelton makes the motion that the City Council authorize a Scheduled Matter on the next Council Agenda to consider modifying the nomination criteria for the Heritage Community Center “Wall of Fame” to not require posthumous consideration.

ATTACHMENT: Heritage Community Center “Wall of Fame” Placement Procedure
HERITAGE COMMUNITY CENTER “WALL OF FAME”
PLACEMENT PROCEDURE

The “Wall of Fame” is a portion of the hallway wall within the Porterville Heritage Center, located at 256 E. Orange Avenue. Those who are honored on the “Wall of Fame” are posthumously recognized for their significant efforts and service to the Porterville Community. The City Council will determine the appropriateness of each nomination for placement on the “Wall of Fame”. Recognition shall consist of a framed five by seven inch portrait, a brief biography, and bronze engraved name plate of common and similar style to the “Mayor’s Wall of Honor” within City Hall. Honorees will also be featured on the City’s website.

Only the Mayor and members of the City Council may submit nominations for this honor. The nomination shall be in writing to the City Clerk stating the type and duration of services the nominated individual provided to the Porterville Community prior to their passing. A nomination shall identify a sponsoring contact person willing to assume responsibility for supplying the framed portrait and nameplate, and who shall be responsible for all cost of such. All nominations will be retained by the City Clerk and placed on the agenda for consideration by the City Council at their first regular meeting held in each calendar year.

The City Council shall make the sole determination regarding the worthiness of the nominated individual’s service to the heritage of the community in regards to the honor of being included for placement on the “Wall of Fame”. The honor of recognition on the “Wall of Fame” shall be for an indefinite period of time. A perpetual plaque will be displayed with name plates to recognize the Honorees whose pictures may have to be removed due to limited space in the future. The City Council may at its discretion, consider at any time the removal of the honor and return of the portrait to the sponsor.

Revised February 15, 2011 via M.O. 05-021511
Based on a history of service to the Community and in recognition of significant efforts on behalf of the residents of Porterville, I/we request the Porterville City Council posthumously honor the person listed below with inclusion on the City's Wall of Fame located at the Heritage Community Center.

All nominations will be considered and Wall of Fame placements made in accordance with the Placement Procedure stated on the reverse.

Name of Nominee: ________________________________

Description of Nominee's Community Involvement/Service Activities:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Sponsor's Name(s): ______________________________

 Telephone: ___________________________________

Address: _____________________________________

City/State/Zip: __________________________________

Relationship to Nominee: _________________________

Nomination Submitted by: _________________________

_________________________ _______________________
Mayor/City Council Member Signature Date
PUBLIC HEARING

SUBJECT: SEWER UTILITY DISTRICT AREA 455

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place set forth for the public hearing on the formation of the Area 455 Sewer Utility District. Ballot and information materials were distributed on August 12, 2013, to Area 455 stakeholders. The official end to the ballot process is at the end of tonight’s public hearing. Property owners have until then to submit ballots in support or opposition to the formation of the District and the imposition of the assessment.

Assessments for the District were determined in the Engineering Report and accepted by the City Council on August 6, 2013. Pursuant to the notices provided to the property owners, assessments per lot were determined by lot acreage, lateral cost and a $210 per lot construction management fee. The City proposes the following:

1. If Area 455 Sewer Utility District Passes:
   a) Property owners receive a one-time assessment calculated using final construction costs or cost based on the City’s Schedule ‘H’, whichever is the lesser amount, payable over 30 years adjusted 3% interest compounded annually and billed through the Tulare County Assessor’s Office beginning November 2014.
   b) At time of connection, property owner or plumbing contractor secures a plumbing permit and abandons septic system to County standards. Monthly service charge begins at time of connection.
   c) Property owners who do not want collection of the assessment to occur via the above-mentioned method have until June 30, 2014, to inform the City of that in writing. These property owners shall pay the full assessment at the future time of connection of the property at an additional 3% per year starting from the date of the formation of Sewer Utility District Area 455 on November 5, 2013.

Dir [Signature] Appropriated/Funded [Signature] Item No. 10
2. If Area 455 Sewer Utility District Fails:
   
a) Sewer main and laterals are installed per plans and specifications.

b) Property owners wishing to connect to the City's sewer system shall secure a plumbing permit, abandon existing septic system per County standards and pay all connection fees based on actual construction costs or per the City's Exhibit "H", "Connection Fees" schedule, whichever is the lesser amount adjusted 3% interest compounded annually. Sewer lateral costs shall be per actual construction costs adjusted 3% annually. Payment options include lump sum payment or use of the City's Sewer Revolving Fund Agreement payable over three years at 10% interest.

The number of ballots makes it infeasible to tabulate and announce whether a Sewer Utility District has been formed or not formed during the public hearing. Staff recommends that the City Council direct the City Clerk to count and tabulate the votes on October 16, 2013, at 1:30 pm in the La Barca Conference Room. The tabulation process is open to the public. The results will be presented at the November 5, 2013, Council meeting. No assessment may be imposed if a "majority protest" exists. A "majority protest" exists if the ballots submitted in opposition exceed the ballots submitted in favor of the assessment.

RECOMMENDATION: That the City Council:

1. Open the Public Hearing, take comments and accept any ballots;

2. Instruct the City Clerk to receive all ballots, count said votes on October 16, 2013, in the La Barca Conference Room at 1:30 pm and report to the Council the outcome of the voting at the November 5, 2013, Council meeting; and

3. If there is a majority favorable vote, the City Council shall consider the Resolution Approving the Formation of the District and the Levying of the Assessment.

ATTACHMENT: Draft Resolution
Exhibit 'A' – Locator Map
RESOLUTION NO.: _____ - 2013

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING
THE FORMATION OF AREA 455 SEWER UTILITY DISTRICT,
AND LEVYING THE ASSESSMENT

WHEREAS, Area 455 was annexed into the City in November 2006; and

WHEREAS, the parcels in this area utilize individual septic tanks that are failing; and

WHEREAS, in accordance with California Streets and Highways Code Section 10000 et seq. and other applicable law, the property owners were provided with notice of the public hearing and assessment ballot proceeding; and

WHEREAS, the public hearing has been held and the ballots from the proceeding have been tabulated; and

WHEREAS, the property owners within the proposed District have approved, via ballots cast at the end of the Public Hearing held October 15, 2013, with tabulation of said ballots continued to October 16, 2013, the imposition of the assessment and the formation of the District.

NOW THEREFORE BE IT RESOLVED,

1) The City Council of the City of Porterville approves the formation of the Area 455 Sewer Utility District establishing an assessment to pay for the installation of sewer mains and sewer laterals. A diagram of the District setting forth the boundaries and parcels located within the District is attached hereto as Exhibit “A.”

2) The City Council of the City of Porterville hereby authorizes the levyng of the assessment based on the cost of actual construction to install sewer mains, laterals, manholes, trench pavement, etc.

3) The City Council of the City of Porterville hereby authorizes the City to permit property owners to pay the one-time assessment over a period of a 30 year loan, with 3% interest. The City Council authorizes the execution and transmittal of all documents necessary to effect the payment schedule through the Tulare County Assessor’s Office.

4) The City Council of the City of Porterville hereby proclaims that property
owners may, via an agreement with the City, opt in the alternative to pay the assessment at the time of development but subject to 3% interest compounded annually from the date of imposition of the assessment.

PASSED, APPROVED AND ADOPTED this 5th day of November, 2013.

______________________________
Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: ________________________________
Patrice Hildreth, Chief Deputy City Clerk
CITY COUNCIL AGENDA: OCTOBER 15, 2013

PUBLIC HEARING

SUBJECT: PROPOSED ANNEXATION NO. 477, GENERAL PLAN AMENDMENT, AND ZONE CHANGE FOR THE DEVELOPMENT OF A SOLAR UTILITY FIELD (PRC 2013-014 A-G-Z) AT WEST NORTH GRAND AVENUE AND NORTH MAIN STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

HISTORY: On October 2, 2012, ImMODO Solar, the project applicant, submitted an application to the Project Review Committee to consider a solar development approximately 32 acres in size, 21.8± acres within the existing city limits and 10.05± acres within a county island (PRC 2012-030). The portion within the City was zoned IG – General Industrial, and the area in the County was pre-zoned CG – General and Service Commercial. After meeting with the Project Review Committee, the applicant elected to amend the application and move forward with only the area within the City limits. The amended application was considered by the Committee on October 24, 2012, and the project moved forward on the 21.8± acre parcel within the City. The use as a solar field is permitted by right in the IG zone, as a major utility. Construction is underway on that project, with an expected completion date in early 2014.

On March 29, 2013, ImMODO Solar submitted an application to the Project Review Committee for annexation of those 10.21± acres within a county island (PRC 2013-014 A-G-Z), and just south of the solar field currently being developed within the City. The proposed Annexation No. 477 includes two parcels; the primary parcel of 10.05± acres (APN 243-190-016) and a smaller parcel of 6,805± square feet (APN 255-250-012) located at the northwest corner of West North Grand Avenue and North Main Street. The smaller of the two parcels is separately owned and the owner is aware of the annexation and has verbally indicated support for the annexation. The annexation area is surrounded by city limits to the north and west and will include the abutting rights of way on North Main Street and West North Grand Avenue. Upon annexation, the applicant is also requesting a General Plan Amendment from General and Service Commercial to Industrial and a Zone Change from General and Service Commercial to General Industrial.

COMMENT: In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act), as amended, the City Council may authorize filing of the necessary application and propose for presenting Annexation No.
477 to LAFCo for its review and approval. Staff has met with LAFCo, and LAFCo staff voiced support of the reduction in size of an island, even where an island will remain. The subject annexation does meet the criteria for an island annexation pursuant to Government Code Section 56375.3, simplifying the annexation process for islands (or groups of islands) meeting certain requirements by waiving protest hearings.

Upon annexation, a General Plan Amendment from General and Service Commercial to Industrial and a Zone Change from General and Service Commercial to General Industrial are being requested. With the amended general plan land use designation and the rezoning of the parcel, the use of the site as a solar field would be allowed by right per the City’s Development Ordinance.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Mitigated Negative Declaration for Annexation No. 477, General Plan Amendment and Zone Change for the development of an ImMODO Solar project;
2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo for Annexation No. 477;
3. Adopt the draft resolution approving a General Plan Amendment to change land use designation from General & Service Commercial to General Industrial for the subject area contingent upon annexation;
4. Approve the draft ordinance approving a Zone Change for the subject area from General & Service Commercial to General Industrial contingent upon the General Plan Amendment; and
5. Waive further reading of the draft ordinance, approving the Zone Change, and order it to print.

ATTACHMENT: Complete Staff Report
CITY COUNCIL AGENDA: OCTOBER 15, 2013

STAFF REPORT

TITLE: PROPOSED ANNEXATION NO. 477, GENERAL PLAN AMENDMENT, AND ZONE CHANGE FOR THE DEVELOPMENT OF A SOLAR UTILITY FIELD (PRC 2013-014 A-G-Z) AT WEST NORTH GRAND AVENUE AND NORTH MAIN STREET

APPLICANT/AGENT: Don Watson
ImMODE International Corp.
150 W. Simpson Street
Tuscon, AZ 85701

Jim Winton
Winton & Associates
150 W. Morton Avenue
Porterville, CA 93257

PROJECT LOCATION: Northwest corner of West North Grand Avenue and North Main Street, in the northern area of Porterville. The annexation area is surrounded by city limits to the north and west.

SPECIFIC REQUEST: Annexation, with subsequent General Plan Amendment and Zone Change to accommodate the development of a solar utility field (PRC 2013-014 A-G-Z).

PROJECT DETAILS: The applicant requests annexation of 10.21± acres immediately north of Porterville, and just south of the solar field currently being developed within the City. The proposed Annexation No. 477 includes two parcels; the primary parcel of 10.05± acres (APN 243-190-016) and a smaller parcel of 6,805± square feet (APN 255-250-012) located at the northwest corner of West North Grand Avenue and North Main Street.

In addition, upon annexation the applicant is requesting a General Plan Amendment from General and Service Commercial to Industrial, and Zone Change from General and Service Commercial to General Industrial. With the amended general plan land use designation and the rezoning of the parcel, the use of the site as a solar field would be allowed by right per the City’s Development Ordinance.

The proposed annexation is supported by City staff as well as LAFCo staff, as it reduces the size of an existing island and encourages logical boundaries. The proposed development application is also supported by City staff as it is consistent with the development underway to the north. The General Plan has many strategies intended to encourage sustainability and energy conservation; the proposal promotes those goals.

The physical development of the site as proposed is also supported by City staff because of the extension of a development already underway. The proposed Annexation, General Plan
Amendment, and Zone Change are compatible with surrounding designations and uses. Both projects have the capacity to work together, and assuming the project is approved, the solar fields could operate together. The intended configuration links the southernmost portion of the existing facility under construction with the proposed project, then adjusting the lot line such that the two parcels would function together with nearly equal size, producing a combined total of three Megawatts (alternating-current) (3 MWAC). At maximum build out, the proposed project would generate approximately 6,000± Megawatt Hours (MWh) of electricity. That amount is enough energy to power approximately 660 households in the City of Porterville.

DEVELOPMENT DETAILS: The project site is owned by the applicant. The proposed project life is anticipated to be 20 years. At the end of the proposed project life, the applicant will remove all proposed project components from the site; however, the proposed considerations before the Council would not terminate at the end of 20 years. The applicant could continue a viable industrial use on the site.

The subject site is currently pre-designated General and Service Commercial on both the City’s General Plan diagram and the Zoning map. The proposed General Plan Amendment and Zone Change are supported by staff due to the logical pattern continued by the proposed action in order to accommodate the build out of the block with a contiguous use.

SURROUNDING ZONING AND LAND USES:

NORTH: City – IG (General Industrial) ImMODO Solar field, under development

EAST: County – prezoned RS-1 (Very Low Density Residential) Agricultural- orchards

WEST: City – CG (General and Service Commercial) Commercial Use – Consignment sales

SOUTH: County – prezoned CG (General and Service Commercial) Commercial Use – mini storage

ENVIRONMENTAL:

On September 5, 2013, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the ImMODO Solar Project, Annexation No. 477, and subsequent General Plan Amendment and Zone Change. The Initial Study has been transmitted to the State Clearinghouse, interested agencies, groups and individuals for review and comment. The review period ran for 30 days from September 13, 2013, to October 14, 2013. At the time of the writing of this staff report, one comment letter was received on the Initial Study. The San Joaquin Valley Air Pollution Control District wrote to concur with the findings of the Mitigated Negative Declaration, and ask that the applicant be reminded that the proposed project is subject to District Rule 9510, which applies to development projects of this scale. No other comments were received.
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Mitigated Negative Declaration for Annexation No. 477, subsequent General Plan Amendment, and Zone Change for the development of an ImMODO Solar project; and

2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo for Annexation No. 477; and

3. Adopt the draft resolution approving a General Plan Amendment to change land use designation from General & Service Commercial to General Industrial for the subject area contingent upon annexation; and

4. Approve the draft ordinance approving zone change for the subject area from General & Service Commercial to General Industrial contingent upon the General Plan Amendment; and

5. Waive further reading of the draft ordinance, approving the Zone Change, and order it to print.

ATTACHMENTS:

1. Project Location Map
2. Site Plan
3. Draft Initial Study and Mitigated Negative Declaration
4. Draft Resolution approving the Mitigated Negative Declaration
5. Draft Resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo for Annexation No. 477
6. Draft Resolution for General Plan Amendment
7. Draft Ordinance for Zone Change
Draft Initial Study and Mitigated Negative Declaration For ImMODO Solar Project

Due to the size of the document, this item is available at the following locations for review:

Community Development Department Counter
City Clerk Counter
City of Porterville Website

Attachment 3
RESOLUTION NO._________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE ImMODO SOLAR PROJECT, ANNEXATION NO. 477, GENERAL PLAN AMENDMENT AND ZONE CHANGE

WHEREAS: On September 13, 2013, the City of Porterville circulated an Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for Annexation No. 477, subsequent General Plan Amendment and Zone Change for the development of the ImMODO Solar Project; and

WHEREAS: One comment was received from the San Joaquin Valley Air Pollution Control District, who wrote to concur with the findings of the Mitigated Negative Declaration, and ask that the applicant be reminded that the proposed project is subject to District Rule 9510, which applies to development projects of this scale. No other comments were received from agencies or the public prior to the close of the public comment period; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 15, 2013, conducted a public meeting to consider approval of the Mitigated Negative Declaration which evaluates the environmental impacts of the annexation of 10.21± acres into the City of Porterville; and

WHEREAS: Mitigation measures were identified consisting of avoidance measures to minimized potential for impact to biological resources and cultural resources, as enumerated in Exhibit ‘A’; and

WHEREAS: The subject land proposed for annexation is considered a portion of an “island,” subject to Section 56375.3, and is substantially surrounded by land currently within the City.

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

1. That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to the State Clearinghouse, interested agencies, groups and individuals for review and comment. The review period ran for 30 days from September 13, 2013, to October 14, 2013.

2. That the proposed project will not create adverse environmental impacts. The approved Mitigated Negative Declaration was evaluated in light of the prepared environmental initial study. It was determined that the defined mitigation measures reduce any potential for significant impacts associated with the proposed project to less than significant.

3. That the City Council is the decision-making body for the project.
NOW, THEREFORE, BE IT FURTHER RESOLVED: That the City Council does hereby approve the Mitigated Negative Declaration for the ImMODO Solar Project as described herein.

PASSED, APPROVED AND ADOPTED this 15th day of October, 2013.

By: ______________________

Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: ______________________

Patrice Hildreth, Chief Deputy City Clerk
### Table 10: MITIGATION MONITORING AND REPORTING PROGRAM

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<th>Mitigation Measure</th>
<th>Party responsible for Implementing Mitigation</th>
<th>Implementation Timing</th>
<th>Party responsible for Monitoring</th>
<th>Verification (name/date)</th>
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<td><strong>BIO 1 (avoidance). In order to avoid impacts to all nesting raptors and other migratory birds from tree removal, grading, and construction, these activities shall occur between September 1 and January 31. This will ensure that construction does not coincide with the nesting season (February 1 to August 31)</strong>.</td>
<td>The Applicant</td>
<td>Prior to construction</td>
<td>City of Porterville</td>
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<td><strong>BIO 2 (pre-construction surveys). If tree removal, brushing, grading, or construction must occur between February 1 and August 31, a qualified biologist shall conduct pre-construction surveys for active migratory bird nests within 30 days of the onset of these activities.</strong></td>
<td>The Applicant</td>
<td>Prior to construction</td>
<td>City of Porterville</td>
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<td><strong>BIO 3 (establish buffer). Should any active nests be discovered in or near proposed construction zones, the biologist shall identify a suitable construction-free buffer around the nest. This buffer shall be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged.</strong></td>
<td>The Applicant</td>
<td>During construction</td>
<td>City of Porterville</td>
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<td><strong>BIO 4 (prevent entrapment). Should any vertical tubes, such as solar mount poles, chain link fencing poles, or any other hollow poles be utilized on site, the vertical pole shall be capped immediately after installation to prevent avian fatalities.</strong></td>
<td>The Applicant</td>
<td>During construction</td>
<td>City of Porterville</td>
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### BIO-5 (Minimization)

Construction-related activities and other types of project-related activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to, restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes); as well as installation of escape structures to prevent the inadvertent entrapment of kit foxes; and proper disposal of food items and trash. See Appendix C for more details.

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### BIO-6 (Mortality Reporting)

In the event of accidental death or injury to a San Joaquin kit fox during project-related activities, the Sacramento Field Office of the USFWS and the Fresno Field Office ofCDFG shall be notified in writing within three working days. Notification shall include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.

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### BIO-7 (Employee Education Program)

Prior to the start of construction-related activities at the proposed project site the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the proposed project on all sensitive biological resources, including the San Joaquin kit fox, with the potential to occur on or near the Project site. This training will include a description of the sensitive biological resources and their habitat requirements, a report of the occurrence of any sensitive biological resources in the proposed Project area, an explanation of the status of the species and its protection under the endangered species act, and a list of the measures being taken to reduce impacts to the species during proposed project construction-related activities.

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<td>The Applicant</td>
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CUL-1 If, in the course of Project construction related activities or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall be immediately ceased. A qualified archaeologist shall be contacted and advise the City of the site’s significance. If the findings are deemed significant by the City of Porterville, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the Project.

CUL-2 If cultural resource remains are encountered during construction, related or land disturbance activities work shall immediately stop and the City shall be immediately notified. A qualified Archaeologist will be notified to provide an assessment of the nature, extent, and potential significance of any cultural remains. If such remains are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased until further notice or the qualified archaeologist approves work to continue.
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY KNOWN AS ANNEXATION NO. 477

WHEREAS, application has been made by a private party to annex land into the City of Porterville for subsequent development as a solar field. The area to be annexed is approximately 10.21 acres in size and just south of the solar field currently being developed within the City. The proposed annexation (#477) includes two parcels; the primary parcel of 10.05± acres (APN 243-190-016) and a smaller parcel of 6805± square feet (APN 255-250-012) located at the northwest corner of North Grand Avenue and North Main Street; and

WHEREAS, the proposed annexation area is a portion of an "island" pursuant to Government Code Section 56375.3; and

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

   B. The nature of the proposal is a change of organization as follows:

A description of the exterior boundaries of the territory to be annexed is attached

ATTACHMENT
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hereto and marked Exhibit "A" and made a part hereof by reference as though set forth herein.

C. The reasons for this proposal are as follows:

To accommodate a proposed development application, while also provide for proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo's Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In compliance with the California Environmental Quality Act (CEQA), on October 15, 2013, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the ImMODO Solar Project. The review period ran for 30 days from September 13, 2013, to October 14, 2013. One comment letter was received on the Initial Study. The San Joaquin Valley Air Pollution Control District wrote to concur with the findings of the Mitigated Negative Declaration, and ask that the applicant be reminded that the proposed project is subject to District Rule 9510, which applies to development projects of this scale. No other comments were received.

E. The subject site is vacant land that has in the past been used as farmland, but has been fallow for years and is not located within an agricultural preserve.

F. That the subject site consists of 10.21± acres.

G. The subject site is located within Porterville's Urban Development Boundary and LAFCo's Sphere of Influence Boundary.

H. Porterville's General Plan designates the area for General and Service Commercial uses.

I. Upon consummation of the proposed annexation, as a part of the development application, the subject site will be rezoned City IG (General Industrial) pursuant to Section 200 of the Porterville Development Ordinance to accommodate the proposed project.

J. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.
PASSED, APPROVED AND ADOPTED this 15th day of October, 2013.

By: ________________

Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: ________________________

Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A GENERAL PLAN
AMENDMENT (2013-014-G) FOR A PROPOSED SOLAR GENERATION FIELD

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of October 15, 2013, conducted a public meeting to consider approval of a General Plan
amendment from General and Service Commercial to Industrial for two parcels, totaling 10.21±
acres. The primary parcel is 10.05± acres in size (APN 243-190-016) and a smaller parcel is
6805± square feet (APN 255-250-012), both located at the northwest corner of North Grand
Avenue and North Main Street; and

WHEREAS: The subject site is being considered for development in a manner
consistent with the development immediately north and within the City- a solar generation field; and

WHEREAS: The project parcels are both currently vacant land; and

WHEREAS: On September 5, 2013, the Environmental Coordinator made a
preliminary determination that a Mitigated Negative Declaration would be appropriate for the
proposed project; and

WHEREAS: The proposed General Plan Amendment is supported by staff due to the
logical pattern continued by the proposed action. While the proposed project can and will
function independently of the solar project under construction to the north, the adjacency of the
two is logical.

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

1. The use of energy efficient and “green” energies is consistent with the General
Plan, and the change in land use designation for the subject site would support
development of a renewable energy resource.

2. Based on review of application materials and submitted plans, the proposed
project serves to fulfill the goals of the General Plan as adopted, and the
amendment of the land use designation on the subject parcels (APN 243-190-016
and APN 255-250-012) does not infringe on the goals of the General Plan to
maintain transitions between types and intensities of land use.

3. The City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the General
Plan Amendment from General and Service Commercial to Industrial for two parcels shown
herein as Exhibit “A”, totaling 10.21± acres for a proposed solar generation field located at the
northwest corner of North Grand Avenue and North Main Street (PRC 2013-014-G).
PASSED, APPROVED AND ADOPTED this 15th day of October, 2013.

By: ____________________________

Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: ____________________________

Patrice Hildreth, Chief Deputy City Clerk
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE (PRC 2013-014-Z) FROM CG (GENERAL AND SERVICE
COMMERCIAL) TO IG (GENERAL INDUSTRIAL) FOR THAT 10.21± ACRE SITE
LOCATED GENERALLY AT THE NORTHWEST CORNER OF NORTH GRAND AVENUE
AND NORTH MAIN STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of October 15, 2013, conducted a public hearing to approve findings and consider Zone
Change (PRC 2013-014-Z), being a change of zone from CG (General and Service Commercial)
to IG (General Industrial) for two parcels; the primary parcel of 10.05± acres (APN 243-190-
016) and a smaller parcel of 6805± square feet (APN 255-250-012) located at the northwest
corner of North Grand Avenue and North Main Street; and

WHEREAS: The City Council of the City of Porterville determined that the proposed
Zone Change (PRC 2013-014-Z) is consistent with the guiding and implementation policies of
the adopted 2030 General Plan; and

WHEREAS: That a Mitigated Negative Declaration was prepared for the project in
accordance with the California Environmental Quality Act and was transmitted to interested
agencies and made available for public review and comment. The review period ran for 30 days
from September 13, 2013, to October 14, 2013. One comment letter was received on the Initial
Study. The San Joaquin Valley Air Pollution Control District wrote to concur with the findings
of the Mitigated Negative Declaration, and ask that the applicant be reminded that the proposed
project is subject to District Rule 9510, which applies to development projects of this scale. No
other comments were received; and

WHEREAS: The City Council made the following findings 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:

a. The project supports and complies with General Plan policies.

Specifically, the project promotes a sustainable, balanced land use pattern that
responds to the needs of a re-emergent economy, while also encouraging
industrial growth (LU-G-1 and LU-G-3). Additionally, by inviting solar energy
with the proposed project, the City is promoting sustainability for other future
project which could benefit from the available clean energy.

b. Development of the site as proposed has been reviewed by the Project Review
Committee, which has provided direction consistent with the City’s development
standards.

c. The General Plan designation for the subject area was approved by the City
Council on October 15, 2013, modifying the General Plan designation from
General and Service Commercial to Industrial for the subject site.

d. The subject Zone Change will not create adverse environmental impacts on the

ATTACHMENT
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adjacent neighborhood when mitigation measures as defined in the mitigation monitoring report are met, and standards of the Development Ordinance and General Plan are applied to the subsequent development project.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change PRC 2013-014-Z, is hereby rezoned from CG (General and Service Commercial) to IG (General Industrial), pursuant to Section 3 below, for the parcels described herein as Assessor’s Parcel Numbers 243-190-016 and 255-250-012 located at the northwest corner of North Grand Avenue and North Main Street; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above described real property is rezoned from CG (General and Service Commercial) to IG (General Industrial) for the parcels described above, more particularly shown on the attached map as Exhibit “A”; and

Section 3: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance’s publication and passage.

PASSED, APPROVED AND ADOPTED this 15th day of October, 2013.

By: ____________________________

Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: ____________________________

Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: OCTOBER 15, 2013

SUBJECT: CONTINUATION OF PUBLIC HEARING FOR ZONE CHANGE PRC 2013-035 FROM D-PO (DOWNTOWN PROFESSIONAL OFFICE) TO DR-D (DOWNTOWN RETAIL- D STREET CORRIDOR) AT 73 WEST CLEVELAND AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: On September 23, 2013, the owner of the property at 73 West Cleveland Avenue submitted an application for a Zone Change for the parcel located southeast of the corner of Cleveland Avenue and ‘D’ Street. The application requested rezoning of the site from D-PO (Downtown Professional Office) to DR-D (Downtown Retail-D Street Corridor). The application materials were reviewed and deemed complete, a public hearing was scheduled for October 15, 2013, and notice was submitted to the Porterville Recorder, for publication.

Unfortunately, mailings were not sent to all property owners within 300 feet of the subject site, as mandated in California Government Code section 65091. As the public hearing was noticed in the Porterville Recorder, some interested parties may be present at the Council meeting. However, the hearing must be continued to provide at least ten days notice to all property owners within 300 feet of the subject site prior to the public hearing, as required by law.

RECOMMENDATION: That the City Council continue the public hearing to the meeting of November 5, 2013.
PUBLIC HEARING

SUBJECT: FIREWORKS ORDINANCE: AN AMENDMENT TO THE MUNICIPAL CODE RELATED TO THE APPLICATION PROCESS, REGULATIONS, AND PENALTIES

SOURCE: FIRE DEPARTMENT

COMMENTS: On June 11 and 13, 2013, the Fire Department held fireworks safety meetings with non-profit groups eligible to sell “safe and sane” fireworks. During those meetings, several groups indicated interest in revising timelines for the pre-application and lottery to be held earlier in the year. They also inquired about the acceptable use of canopies adjacent to booths to provide shade for volunteers and patrons.

On August 14, 2013, the Fire Department invited all locally-represented non-profit groups who have historically been involved in fireworks sales, hereafter referred to as fireworks stakeholders, to a meeting to discuss potential changes to the fireworks ordinance. During that meeting, fireworks stakeholders reiterated that holding the application period and lottery earlier in the year would allow more time to coordinate and recruit sufficient numbers of volunteers and would also coincide with each group’s annual budgeting process. All stakeholders again expressed their interest in the use of canopies to provide shade.

Fire Department staff have reviewed stakeholder requests to revise dates for the pre-application and lottery and find no negative impact from the proposed revision. Staff contacted other jurisdictions and found that they approve the use of canopies for shade provision, and have not encountered fire hazards as a result. The Department has responded to heat-related medical emergencies at fireworks booths and recommends that canopies labeled by the manufacturer as fire-resistant be allowed.

Fire Department staff have researched City ordinances, California Health and Safety Code, Title 19 of the California Government Code, and the California Fire Code (Title 24, Part 9 of the California Government Code). The proposed changes present no conflicts with any local or state ordinance.

In 2011, penalties were defined for unlawful possession or discharge of dangerous fireworks. To more accurately reflect the existing prohibitions defined within the ordinance, staff recommend that penalties be assessed for the manufacture, possession, sale, delivery, use, or discharge of illegal fireworks.

DD F item no. 13
A summary of proposed revisions is as follows:

1. The definition of “safe and sane” fireworks revised to more accurately correlate with Health and Safety Code 12529.

2. Pre-application period revised from January 15 - March 15 to January 1 through the last business day in January.

3. Fireworks lottery date revised from between March 16 - 31 to February 16 - 28.

4. Permit application period revised from the month of April to the month of March.

5. A safety regulations poster, including all minimum setback distances, will be provided by the Department and required in all fireworks stands in lieu of one person from each group attending a safety meeting.

6. Canopies up to 200 square feet and labeled by the manufacturer as fire-resistant will be allowed within 25 feet of a booth.

7. Violations and penalties will be revised to include all prohibitions within the ordinance, including the manufacture, possession, sale, delivery, use, or discharge of dangerous fireworks.

RECOMMENDATION: That the City Council:

1. Approve the proposed amendments to the fireworks ordinance and give first reading to the draft ordinance; and
2. Waive further reading and order the Ordinance to print.

ATTACHMENTS:

1. Draft Ordinance
2. Edited copy of proposed amendments
FIREWORKS ORDINANCE PROPOSED AMENDMENTS

12-2.1 DEFINITIONS:
SAFE AND SANE FIREWORKS: Shall mean and include any fireworks not designated as dangerous fireworks, except that in any case, only end-fuses may be used. Shall mean any fireworks which do not fall within the definition of "dangerous fireworks" or "exempt fireworks" per Health and Safety Code Section 12529. The California State Fire Marshal's seal of registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter or wholesaler and shall indicate the classification assigned by the State Fire Marshal.

12-2.4: NUMBER OF PERMITS LIMITED/PREAPPLICATION:
The maximum number of permits to sell "safe and sane" fireworks which may be issued pursuant to this article during any one calendar year shall not exceed one permit for each four thousand (4,000) residents of the city, or major fraction thereof, based on the most recent population figure as determined by the federal decennial census and updated annually by the California State Department of Finance. If the number of pre-applications received up to and including the last day for making applications pursuant to this article exceeds the number of permits to be issued for the city, the fire chief shall thereafter supervise a public drawing to determine an order of priority for each pre-application. All applicants will be assigned a number in the order in which the pre application is received and applicants for permits will be notified of date and time of drawing. Pre-applications can be obtained at the fire department between January 15 and March 15 each year. The drawing will be held between March 16 and March 31 each year. With the exception that the application time lines for the calendar year 2001 shall be set by separate resolution. (Ord. 1650 § 3, 4-6-2004) Pre-applications can be obtained at the Fire Department or online at the City of Porterville's web site between January 1 and the last business day of January. All applicants will be assigned a number in the order in which the pre-application is received. The drawing will be held between February 16 and 28 of each year.

12-2.5: SALES OF "SAFE AND SANE" FIREWORKS; APPLICATIONS FOR PERMITS:
Permits to sell "safe and sane" fireworks shall be issued by the fire chief. Application packets for a permit will be furnished to eligible organizations whose number has been drawn in the lottery. Each organization must meet all the applicable requirements set forth in the application for permits section and the permit issuance section.

A. Any eligible organization desiring to sell safe and sane fireworks in the City of Porterville shall obtain and return a permit application during the period commencing on the first business day of April and ending on the last business day of April each year at the fire department. Any eligible organization desiring to sell "safe and sane" fireworks in the City of Porterville shall obtain a permit application from the fire department. Permit applications shall be obtained during the period commencing the first business day of March and ending the last business day in March.

B. Such applications shall be signed by a bona fide officer of the eligible organization, wherein the officer, on behalf of the organization and its agents, shall agree to abide by state laws and administrative regulations and all the stipulations of this code and
the permit if permission to operate a fireworks stand shall be granted to the organization.

1. Completed applications shall be returned to the fire department no later than five o'clock (5:00) P.M. on the last business day of March each year. Any eligible organization making an application for such permit to sell "safe and sane" fireworks that fails to return the completed application prior to five o'clock (5:00) P.M. on the last regular business day in April of March shall not be issued a permit to sell "safe and sane" fireworks.

12-2.6: PERMIT ISSUANCE BASED ON DRAWING SELECTIONS:

A. All eligible organizations shall obtain and submit to the fire department the following forms supplied by the fire department. Forms will be supplied to those organizations whose drawn assigned number is sequentially within the total number of permits to be issued. All other applicants will be placed on a waiting list in the sequence of their drawn assigned number. If an applicant does not satisfy the requirements of this section within the time periods identified in this section, the next drawn assigned number on the waiting list will be notified and provided with the following paperwork:

1. The property owner's release form signed by the property owner authorizing permission to erect a fireworks stand on his property;

2. The fireworks storage form indicating where and how the fireworks will be stored when not in the approved stand;

3. The state fire marshal's license to sell "safe and sane" fireworks;

4. A copy of the temporary seller's permit issued by the state board of equalization; and

   a. The certificate of insurance required by section 12-2.14 of this article.

   b. A statement of organization eligibility.

   c. A site plan indicating location of stand, distance to nearest building, ingress, egress, parking, etc.

B. These forms must be returned to the fire department between the first working day of April and the last business day of April by the last business day of March.

12-2.11: REGULATIONS

A. No person other than a member (or their spouse) of the organization or a volunteer who is associated with the organization having a permit shall be permitted to sell or otherwise participate in the sale of fireworks. At least one individual participating in the sale of fireworks in a stand must have attended a safety meeting. All fireworks stands shall have the safety regulations posted inside the stand in an approved location. The size of the safety poster will be approved and provided by the fire department. A maximum of one member for every four (4) linear feet of stand is permitted within the stand at any one time (i.e. if the stand is 32 feet long, 32 divided
by 4 equals 8 members allowed in the stand), and all persons selling fireworks must be at least eighteen (18) years old.

12-2.12: FIREWORKS STANDS; REQUIREMENTS:

All retail sales of "safe and sane" fireworks shall be permitted only from within a temporary fireworks stand and sales from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:

A. No fireworks stand shall be located within twenty-five feet (25') of any other building or within one hundred feet (100') of a gasoline pump, or within one hundred feet (100') of another fireworks stand, when measured closest point to closest point. Canopies within ten feet (10') of a stand shall be considered an extension of the stand for measurement of setback distances. Minimum setback from the street curbing, alley, or driveway shall be ten feet (10'). Stands shall not cover or impede any public rights of way.

R. Canopies within twenty-five feet (25') of a stand shall meet the requirements set forth in the California Code of Regulations Title 24, Part 9, Chapter 24 and Title 19, Division 1. (Ord. 1650 § 4, 4-6-2004; Ord. 1776, 4-5-2011) Canopies within twenty-five feet of a stand must be labeled by the manufacturer as fire resistive. The total allowable canopy area within twenty-five feet of a stand shall be no larger than 200 square feet.

12-2.20: VIOLATIONS; PENALTIES:

Fines for the manufacture, possession, sale, delivery, use, or discharge of dangerous fireworks within the city of Porterville shall be one thousand five hundred dollars ($1,500.00).
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING THE MUNICIPAL CODE, CHAPTER 12: FIREWORKS ORDINANCE
RELATED TO APPLICATION PROCESS, REGULATIONS, AND PENALTIES

WHEREAS: The City allows sale and discharge of “safe and sane” fireworks within the City limit in honor of the Independence Day holiday (June 28 through July 4, annually); and

WHEREAS: The fireworks stakeholders group, comprised of locally represented non-profit groups, had requested a meeting to voice concerns related to the application timeframes and regulations; and

WHEREAS: The group noted that additional time after the annual lottery is held, and before fireworks sales were authorized, would allow for additional planning and coordination of volunteer efforts; and

WHEREAS: The group requested additional flexibility regarding regulations on canopies for use as shade structures adjacent to the sales stand. Additionally, the stakeholder group requested that in lieu of the annual safety meeting, a poster identifying fireworks safety regulations be located inside each stand; and

WHEREAS: Clarification of the actions meriting assessment of penalties was needed for enforcement purposes; and

WHEREAS: A public hearing was held before the City Council on October 15, 2013, pursuant to the Municipal Code of the City.

NOW, THEREFORE, BE IT ORDEIGNED: That the Council of the City of Porterville does ordain as follows:

SECTION 1. Purpose: The purpose of this ordinance is to address issues that have arisen since the writing of the ordinance. It is also the intent to address grammatical issues that have been discovered.

SECTION 2. Chapter 12, Article II, Section 2.1: DEFINITIONS is amended as follows:

Paragraph 7, Line 2: SAFE AND SANE FIREWORKS: Shall mean any fireworks which do not fall within the definition of “dangerous fireworks” or “exempt fireworks” per Health and Safety Code Section 12529. The California State Fire Marshal’s seal of registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter or wholesaler and shall indicate the classification assigned by the State Fire Marshal.

SECTION 3. Chapter 12, Article II, Section 12-2.4 NUMBER OF PERMITS LIMITED/PRE-APPLICATION is amended as follows:

The maximum number of permits to sell "safe and sane" fireworks which may be issued pursuant to this article during any one calendar year shall not exceed one permit for each four thousand (4,000) residents of the city, or major fraction thereof, based on the most recent population figure as determined by the federal decennial census and updated annually by the California State Department of Finance. If the number of pre-applications received up to and including the last day for making applications pursuant to this article exceeds the number of permits to be issued for the city, the fire chief shall thereafter supervise a public drawing to determine an order of
priority for each pre-application. Pre-applications can be obtained at the Fire Department or online at the City of Porterville's web site between January 1 and the last business day of January. All applicants will be assigned a number in the order in which the pre-application is received. The drawing will be held between the 16th and 28th of February each year.

SECTION 4. Chapter 12, Article II, Section 12-2.5 SALES OF "SAFE AND SANE" FIREWORKS; APPLICATIONS FOR PERMITS is amended as follows:

A. Any eligible organization desiring to sell "safe and sane" fireworks in the City of Porterville shall obtain a permit application from the fire department. Permit applications shall be obtained during the period commencing the first business day of March and ending the last business day in March.

C. Completed applications shall be returned to the fire department no later than five o'clock (5:00) P.M. on the last business day of March each year. Any eligible organization making an application for such permit to sell "safe and sane" fireworks that fails to return the completed application prior to five o'clock (5:00) P.M. on the last regular business day in March shall not be issued a permit to sell "safe and sane" fireworks.

SECTION 5. Chapter 12, Article II, Section 12-2.6 PERMIT ISSUANCE BASED ON DRAWING SELECTIONS is amended as follows:

B. These forms must be returned to the fire department by the last business day of March.

SECTION 6. Chapter 12, Article II, Section 12-2.11 REGULATIONS is amended as follows:

No person other than a member (or their spouse) of the organization or a volunteer who is associated with the organization having a permit shall be permitted to sell or otherwise participate in the sale of fireworks. All fireworks stands shall have the safety regulations posted inside the stand in an approved location. The size of the safety poster will be approved and provided by the fire department. A maximum of one member for every four (4) linear feet of stand is permitted within the stand at any one time, (i.e., if the stand is 32 feet long, 32 divided by 4 equals 8 members allowed in the stand) and all persons selling fireworks must be at least eighteen (18) years old.

SECTION 7. Chapter 12, Article II, Section 12-2.12 FIREWORKS STANDS; REQUIREMENTS is amended as follows:

A. No fireworks stand shall be located within twenty-five feet (25') of any other building or within one hundred feet (100') of a gasoline pump, or within one hundred feet (100') of another fireworks stand, when measured closest point to closest point. Canopies within ten feet (10') of a stand shall be considered an extension of the stand for measurement of setback distances. Minimum setback from the street curbing, alley, or driveway shall be ten feet (10'). Stands shall not cover or impede any public rights of way.

B. Canopies within twenty-five feet of a stand must be labeled by the manufacturer as fire-resistive. The total allowable canopy area within twenty-five feet of a stand shall be no larger than 200 square feet.

SECTION 8. Chapter 12, Article II, Section 12-2.20 VIOLATIONS; PENALTIES of the Porterville Municipal Code is amended as follows:
Fines for the manufacture, possession, sale, delivery, use, or discharge of dangerous fireworks within the City of Porterville shall be one thousand five hundred dollars ($1,500.00).

SECTION 9. This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 15th day of October, 2013.

________________________
Cameron J. Hamilton, Mayor

ATTEST:

________________________
John D. Lollis, City Clerk

By _______________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: REQUEST FOR DIRECTION RELATED TO PROVISION OF WATER TO AKIN WATER COMPANY

SOURCE: PUBLIC WORKS DEPARTMENT - ENGINEERING DIVISION AND COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The Akin Water Company is a small, privately owned water company located south of Porterville College. The area served by the water company encompasses 22 parcels, and according to the applicant, twenty homes are within the water company service boundary. The properties served by Akin Water Company are generally located south of Lincoln Avenue between Fourth Street and Plano Street (Attachment 1). The water district boundaries are within the City’s Urban Development Boundary (UDB) and approximately 810 feet from the nearest City boundary. The water well owned and operated by the Akin Water Company, which serves the area, has tested above the recently revised maximum contaminant level allowed for nitrates by the California Department of Public Health. As such, the water company is proactively seeking alternative water sources.

In December 2011, Akin Water Company met with the Project Review Committee to consider annexation in order to obtain water service from the City of Porterville’s municipal water system. In September 2012, the Akin Water Company submitted an application for annexation in order to receive water. In processing the application, staff met with the Tulare County Local Agency Formation Commission (LAFCo) to discuss the unique boundary issues associated with the water system location. Consistent with their policies, LAFCo staff noted that the water district is considered an island, and as such an annexation of that area would require annexation of adjacent properties to create a logical boundary. Many years ago, it was possible to follow the alignment of a roadway to connect to the proposed annexation area; however, this is no longer permitted under LAFCo’s regulation. As such, three alternative annexation boundaries were drafted which would meet LAFCo’s regulations (Attachment 2).

After meeting with LAFCo, City staff met with members of the public in the proposed annexation area. A public information meeting was held May 29, 2013, at Vandalia Elementary School, and all property owners within the area considered for annexation were invited to discuss the requested annexation. Of those property owners and residents who attended, very few represented interest in having their properties annexed into the City. A survey was presented, both by mail and at the meeting, to ask whether property owners would like to be annexed. Of the 121 parcels considered for annexation, 22 are within the Akin Water Company Service Area. Twenty-three responses were in favor of annexation; all but two of those were from properties within the Akin Water Company. Thirty-three responses were not in favor of annexation; 65 parcels did not respond to the survey.
Based on the limited number of survey ballots in favor of annexation, staff has determined that any attempt at annexation would likely fail in the public hearing or protest hearing phases. As a result, staff has evaluated the potential for provision of water through an extra territorial services agreement. A provision exists in LAFCo’s regulations to allow a city to provide new or extended services by contract or agreement outside its jurisdictional boundaries under certain circumstances (Section 56133 of the California Government Code). The City Council has made use of this provision in the past, where water was needed to supply a school outside of City limits. While the preferred situation is that the City would provide water to City residents and businesses, the City has an adopted policy (Attachment 3) that addresses the provision of water outside the City limits under specific circumstances. Essentially, the policy requires the applicant to install a water system built to City standards, and to provide a source or pay a fee to achieve the provision of at least 120% of the applicant’s demand.

Staff has evaluated the potential use of this provision to accommodate water delivery to the Akin Water Company. As the Council is aware, water quality and supply is a statewide concern, and a regional concern for water purveyors relying heavily on groundwater, including the City of Porterville. Staff is concerned that provision of water to uses outside of the City will detract from the City’s ability to keep pace with the water demand of City residents and businesses. The 2001 Water System Master Plan identifies water system improvement milestones and identifies geographical areas of the City anticipated to experience growth within 5-year increments between 2000 and 2015. It is important to note that due to the downturn in the economy resulting in lower impact fees being collected, lack of adequate impact fee increases over the prior 17 years, and the recently acquired debt service on a CIEDB loan obtained to install significant water system improvements, the City is challenged with providing additional water service to new developments or existing areas that are within the City that are otherwise unserved. The City is in the process of developing a new well and will continue to look for opportunities to construct new improvements, but additional funds are required to achieve this objective.

Staff is prepared to update this and other utility system master plans, but the updates are tied to the UDB amendment that has been tied up with the City-County litigation. Funding has been set aside to update the master plans once the boundary amendment process is complete.

As a Charter Law city, the City of Porterville currently operates by awarding locally funded water projects at local wage levels and not at a “prevailing wage”. This is an advantage when bidding out contracts and funding new improvements. The Council has recently been advised that, consistent with recent determinations by the Department of Industrial Relations, the extension of City water services to users outside of City Limits could expose all future water projects to prevailing wage requirements. This factor alone should be heavily considered prior to extending service to extraterritorial areas around Porterville.
RECOMMENDATION: That the City Council Provide direction to staff regarding the provision of water to Akin Water Company.

ATTACHMENTS:
1. Map of Akin Water Company
2. Map of proposed annexation boundaries, including survey responses.
3. Extraterritorial Water Service Administrative Policy
I. PURPOSE:

To provide water to requesting private water purveyors outside the City Limits, and to administer those requests for City water once the City has met its water producing responsibilities as established in the 2001 Water Master Plan.

II. POLICY:

1. The City can only sell water if water system production goals are met or if a source of supply is established which meets 120% of the requesting system's requirements.

2. Requesting system shall pay design and construction costs for all piping and related appurtenances such as, but not limited to, piping, gate valves, pressure reducing valves, bends and master meter. Piping, as defined herein, includes all pipes needed to connect the new well to the system grid and to connect the system grid to a “point of connection” within City right of way at a location determined by the City.

3. Requesting system shall pay, if shown to be needed, for the design and construction of water reservoirs, booster pumps and incidental items of work. Incidental items of work include, but are not limited to, environmental, property appraisal, negotiation and acquisition of same to situate the reservoir and/or booster pump.

4. Requesting system must adhere to the City water conservation policies including any reduction in supply as warranted during summer months and/or during emergencies.

5. Requesting system cannot sell water to anyone other than to their "normal" customers.

6. Prior to receiving City water, requesting system shall apply for and receive LAFCO approval to enter into and receive City water.
SUBJECT: JOINT PARTICIPATION – SOUTHERN CALIFORNIA EDISON (SCE) STREET LIGHT PURCHASE FEASIBILITY ANALYSIS

SOURCE: Public Works Department - Engineering Division

COMMENT: SCE recently changed its long-standing policy and is currently willing to amicably sell utility owned street lights (LS-1 tariff) to local governments under Section 851 of the Public Utilities Code. The sale of street lights will be on a “replacement cost new less depreciation” basis including an allowance for the developer’s original capital contribution.

The City of Visalia has taken the lead in developing a “Request for Proposals” to evaluate the feasibility of purchasing the street lights currently owned by Southern California Edison in the cities of Visalia, Tulare and Porterville. The basic scope includes:

- assisting each of the participating Cities with reviewing SCE’s offer,
- providing an independent appraisal of the street light system in each of the participating Cities,
- conducting financial analysis and 20-year cash flow projections of the various purchase/retrofit options, and
- providing an analysis of the anticipated ongoing maintenance and operational expenses.

The purpose of this project is to obtain the analysis necessary for the participating Cities to make an informed decision regarding the opportunity to purchase street lights currently owned and maintained by SCE in the participating Cities. The overarching goal is to provide safe and comfortable lighting at night on public streets and sidewalks at the lowest practical operational cost.

The question before Council is whether the City wishes to participate in the Feasibility Analysis along with the Cities of Tulare and Visalia. If the answer is in the affirmative, then the City of Porterville must pay Edison $10,000 for Edison to perform the initial street light inventory appraisal. This appraisal will be the basis for negotiations between SCE and the participating Cities. The City’s proportional share of the cost to participate in the analysis is unknown at this time.

RECOMMENDATION: That the City Council decide whether it wants to participate in the Street Light Purchase Feasibility Analysis and if so, direct the City Manager to propose the proper funding source to pay the $10,000 appraisal fee to SCE.
SUBJECT: REQUEST FROM THE CHARTER REVIEW COMMITTEE FOR DIRECTION OF REVIEW OF CHARTER PENSION PROVISIONS

SOURCE: City Manager

COMMENT: As formed and charged by the City Council, the Charter Review Committee has been meeting for more than the past month in review of the City's Charter, leading toward making recommendations for potential modifications. Though the Council provided the Committee a broad scope in its review of the Charter, it also directed the Committee to review particular sections of the Charter and other subject areas of particular interest. One such Charter provision the Council directed for review by the Committee was pensions, given the subject of pension reform has been one of great significance across the state and nation, as well as litigation.

Given the broad nature involved in the subject area of public pensions and the scope of reform, as well as the limited time it has to review the Charter and form recommendations, the Committee requests that the Council provide more specific direction as to their review of the Charter pension provision for possible recommendations.

RECOMMENDATION: That the City Council consider the Charter Review Committee's request for more specific direction on its review of the City's Charter pension provision.

ATTACHMENT: City Charter Section 58: Pensions
Sec. 58. Pensions.

The council shall have and is hereby granted full power and authority to establish, regulate, maintain, revise and amend, a retirement, disability, death benefit and pension system, or either or any of them, for its elective and appointive officers and employees of the city of Porterville and their dependents. Authority and power is hereby vested in the city of Porterville, its council, its officers, agents and employees to do and perform any act or exercise any authority granted, permitted or required whereby the city of Porterville may fully participate in a retirement, disability, death benefit and pension system for its employees.

A system for retirement, disability, death benefit and pension rights for employees and their dependents authorized by this section when established by the council, shall not be terminated without securing the approval of a majority of the electors of the city of Porterville at an election held therefor. (4-6-1971)

The city shall levy and collect taxes sufficient to pay all costs and expenses required to be paid by the city of Porterville to enable the city of Porterville to participate in any such retirement, disability, death benefit or pension system established, set up or maintained by, for or on behalf of the city of Porterville and the limitations of section forty-three of the charter of the city of Porterville, with respect to levying and collecting of municipal taxes, shall not apply to any tax authorized by this article. (4-9-1951; 4-10-1961)

Amendment note _ The second paragraph of § 58 was amended April 6, 1971, by eliminating the former first sentence pertaining to employees of the Porterville public library.
SUBJECT: CONSIDERATION OF CREATING A CITIZEN ADVISORY COMMITTEE FOR THE OVERSIGHT OF ANIMAL CONTROL FACILITIES AND OPERATIONS

SOURCE: City Manager

COMMENT: Mayor Hamilton requested, and the City Council approved, the consideration of creating a Citizen Advisory Committee for the oversight of Animal Control facilities and operations.

Given the significant public interest in animal control and shelter services, Citizen Advisory Committees are not uncommon. Similar to the various Commissions that currently advise the City Council on various City Department operations (Library & Literacy, Parks & Leisure Services, etc), such a Committee could advise the City Council on present and future needs of the community’s animal care services. As a matter of reference, information relating to the City of Sacramento’s Citizens Advisory Committee is provided as an attachment.

Previously under contract with the City of Lindsay to provide Animal Control and Shelter services since 1991, the City of Porterville terminated its contract for services effective December 31, 2008, due to financial and operational considerations. Effective January 1, 2009, the City of Porterville endeavored to begin independently providing Animal Control and Shelter services under management of the Police Department, beginning with the immediate construction of temporary kennels within the City’s Corporation Yard. In addition, efforts were begun toward selecting a site to develop a new Animal Shelter facility within the city of Porterville.

In August 2009, the City of Lindsay approached the City with a proposal to lease the Lindsay facility and enter into a contract to provide Animal Shelter services. Effective November 1, 2009, the City entered into a five (5)-year lease agreement for use of the Lindsay Animal Shelter, the Agreement expiring October 31, 2014. Under the direction and supervision of a Police Captain, the City currently employs a full-time Animal Shelter Supervisor, a full-time Community Services Officer in support of Animal Shelter operations, and one full-time and two (2) part-time Animal Control Officers.

An approximate 3.50-acre undeveloped vacant commercial property located due north of the City’s Corporation Yard on W. Grand Avenue was identified as a prospective site for the new facility, and on May 19, 2009,
the City Council approved the purchase of the property from Grand Prospect Partners L.P. for $300,000. Funding for the purchase was comprised equally of both Measure H ($150,000) and Waste Water Treatment Facility Capital Reserve ($150,000) funds. The property was purchased for the purpose of housing an Animal Shelter (with adjoining office space) and Dog Park. In addition, the property also serves as a buffer between the Porterville Marketplace Shopping Center and the City’s Waste Water Treatment Facility, with parking afforded to Waste Water Treatment Facility personnel.

“Phase 1” design of the new Animal Shelter (with adjoining office space) was completed in 2010, containing 4,300 square feet of kennels that support forty (40) dog kennels and adjacent holding pens, as well as 3,900 square feet of office space. The Engineer’s Estimate for Phase 1 is approximately $1.25 million, including an asphalt parking lot and necessary concrete improvements.

With $625,000 budgeted for construction of the facility from the City’s Building Construction Fund, the City Council directed the additional budgeting of the $625,000 received by the City from the recent settlement of its PTAF lawsuit against the County of Tulare, providing a total of $1.3 million in funds to support the construction of the new Animal Shelter. Given Council’s direction, Public Works Department staff is currently updating the plans and specifications of the “Phase 1” design to comply with the 2013 California Building Code, with the greatest potential implications being to the office space component of the facility. Construction is anticipated to begin in the coming fiscal year.

RECOMMENDATION: That the City Council consider creating a Citizen Advisory Committee for the oversight of Animal Control facilities and operations.

ATTACHMENT: Information re: City of Sacramento – Citizens Advisory Committee
CITIZENS ADVISORY COMMITTEE

MEETING SCHEDULE
The City of Sacramento Animal Care Services’ Citizens Advisory Committee meets on the last Wednesday of each month at 6:00 pm. The meetings are held in the multi-purpose room at the City of Sacramento Animal Care Services (2127 Front Street).

MISSION STATEMENT
To provide vision, leadership, public policy development, and recommendations to the Mayor and the City Council in order to meet the present and future needs of the City of Sacramento community’s animal care services.

PURPOSE OF THE COMMITTEE
• To provide advisory recommendations to the Mayor and the City Council on strategies, policies, and programs designed to ensure quality care for the animals housed at the Sacramento Animal Care Services Center
• To increase awareness of animals available for adoption at the Center
• To increase awareness of the importance of spaying/neutering animals
• To educate the community regarding the humane treatment of animals and other matters related to Sacramento’s animal care responsibilities
• To provide a forum for public discussion of Sacramento’s efforts to bring about positive change and improvements at the Center
• To serve as a liaison to the Mayor, the City Council, and the city staff on behalf of the community in matters related to Sacramento’s Animal Care Services

CONTACT US
If you would like to contact a member of the Citizens Advisory Committee, please send an email to acscac@cityofsacramento.org.

COMMITTEE MEMBERS
Dawn Capp
Stephen Cital
Kathleen Garcia
Moira Monahan
Jennifer Pokorny
Esperanza Zuniga

MEETING NOTICE & AGENDA
September 25, 2013 (Adobe PDF)
August 28, 2013 (Adobe PDF)
July 31, 2013 (Adobe PDF)
June 26, 2013 (Adobe PDF)
May 29, 2013 (Adobe PDF)

MEETING MINUTES
July 31, 2013 (Adobe PDF)
June 26, 2013 (Adobe PDF)
May 29, 2013 (Adobe PDF)
February 27, 2013 (Adobe PDF)
January 30, 2013 (Adobe PDF)

916-264-5011
AGENDA: OCTOBER 15, 2013

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

SUBJECT: ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: In 1988, the Porterville Public Improvement Corporation was formed designating the City Council members as Directors. An annual meeting is required to be held each year.

Action by the Board of Directors is required to approve the election of new officers in accordance with Article III, Section 2 of the Bylaws of the Corporation. Article III, Section 1 of the Bylaws provides that the Mayor shall act ex officio as President, the Vice Mayor shall act ex officio as Vice President, the City Clerk shall act ex officio as Secretary, the Finance Director shall act ex officio as the Treasurer, and the City Attorney shall act ex officio as Legal Counsel to the corporation.

In addition to the election of officers, a report on the progress of the Certificates of Participation (COP) projects is to be submitted to the Board of Directors at the time of the annual meeting. In accordance with Corporation Bylaws and Resolution No. 89-2, a public meeting (not a public hearing) is required prior to approving the annual report. A status report for COP projects is provided as an attachment to this agenda item.

At its meeting on April 2, 2013, the City Council, also sitting as the Board of Directors for the Porterville Public Improvement Corporation and Porterville Public Financing Authority approved the refunding of the 2005 COP with the issue of a taxable revenue Variable Rate Demand Obligation (VRDO) bond.

RECOMMENDATION: That the City Council, sitting as the Porterville Public Improvement Corporation:
1. Approve the election of officers as indicated in the attached draft resolution;
2. Accept public comment; and
3. Approve the 2013 Status Report for Certificates of Participation Projects.

DD Appropriated/Funded CM

ITEM NO. PIC-01
ATTACHMENTS:
1. Draft Resolution for Election of Officers
2. 2013 Status Report for Certificates of Participation Projects
3. Original COP Priority Projects List
4. COP Project Status Spreadsheet
RESOLUTION NO. PIC _____

A RESOLUTION OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION ELECTING OFFICERS FOR THE
PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

BE IT HEREBY RESOLVED by the Directors of the Porterville Public Improvement Corporation, that the following persons are elected to the offices set forth opposite their names below, as officers of the Corporation, to serve until succession, or election and qualification of the successors, as provided in Article III, Section 2 of the Bylaws of the Corporation.

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cameron J. Hamilton</td>
<td>President</td>
</tr>
<tr>
<td>Brian E. Ward</td>
<td>Vice President</td>
</tr>
<tr>
<td>John D. Lollis</td>
<td>Secretary</td>
</tr>
<tr>
<td>Maria Bemis</td>
<td>Treasurer</td>
</tr>
<tr>
<td>Julia Lew</td>
<td>Legal Counsel</td>
</tr>
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PASSED, APPROVED AND ADOPTED this 15th day of October, 2013.

By: ____________________________
    Cameron J. Hamilton, President

ATTEST:

______________________________
John D. Lollis, Secretary

ATTACHMENT NO. 1
CITY OF PORTERVILLE
Certificates of Participation
Status Report

As of June 30, 2013

1998 ISSUE:

On May 5, 1998, City Council authorized the issuance of Certificates of Participation to finance major components of the City Circulation Element.

Total Certificates of Participation Issue: $20,000,000

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<tr>
<th>Project</th>
<th>Percentage of Design Complete</th>
<th>Percentage of Const. Complete</th>
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<tr>
<td>BRIDGES:</td>
<td></td>
<td></td>
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<tr>
<td>Plano - Tule River Widening</td>
<td>100%</td>
<td>20%</td>
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<tr>
<td>Jaye - Tule River Widening</td>
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<tr>
<td>STREETs:</td>
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<td></td>
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<tr>
<td>Prospect St. Reconstruction (match)</td>
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<td>0%</td>
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<tr>
<td>Westwood St. Henderson Past Slough</td>
<td>75%</td>
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<tr>
<td>Main - Henderson to Linda Vista</td>
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<tr>
<td>Gibbons - Main to Indiana</td>
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<td>0%</td>
</tr>
<tr>
<td>Main - Yates to Gibbons</td>
<td>75%</td>
<td>0%</td>
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# CITY OF PORTERVILLE

# ORIGINAL CERTIFICATE OF PARTICIPATION

# PRIORITY PROJECTS LIST

## PROJECT

### A. BRIDGES:

1. Plano - Tule River Widening
2. Main - Tule River Reconstruction
3. Jaye - Tule River Widening

### B. SLOUGH CROSSING:

4. Henderson & Porter Slough
5. Westwood & Porter Slough
6. Indiana & Porter Slough

### C. STREETS

7. Granite Hills Circulation
   - Phase 1: Morton – Plano to Hilcrest - Morton - Hilcrest to Connor - Connor – Morton to Olive - Putnam – Connor to School
   - Phase 2: Crestview – Putnam to Morton - Olive Avenue – Putnam to Tulsa
8. Indiana - Olive/Thurman
9. Henderson – Newcomb to Westwood
10. Olive Avenue - Newcomb/Westwood
11. Main St. - Henderson/Linda Vista (Phase 1 & 2)
12. Orange Avenue - S. Main/Plano
13. S. Jaye St - 190/Gibbons
14. Gibbons - S. Main/Indiana (2 lanes)
15. S. Main - 190/Gibbons
16. N. Grand/Hwy. 65 right-of-way/EIR/EIS
17. Prospect - Morton/Pioneer
18. Westfield - Hwy 65/ N. Main
19. S. Jaye - Olive/190
20. N. Villa - Olive to Henderson
21. Date - S. Main/Plano
22. W. Henderson - Indiana to Main
23. Westwood - Henderson/Westfield
24. N. Main - Morton to Henderson

ATTACHMENT NO. 3
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<th>Priority</th>
<th>ACCOUNT NUMBER</th>
<th>PROJECT DESCRIPTION</th>
<th>ORIGINAL COST ESTIMATE</th>
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<th>COP SHARE</th>
<th>DISCRETIONARY EXPENDITURES</th>
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<th>TOTAL COP/DISCRE. BALANCE</th>
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<td>Granite Hills-Ph 1 - Morton - Piano to Hillcrest</td>
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<td>STOP 85-9728</td>
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<td>STOP 85-9731</td>
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<td>DESIGN 85-9717</td>
<td>Jaye - 190 to Gibbons</td>
<td>$1,000,000</td>
<td>$138,481</td>
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<tr>
<td>DESIGN 85-9722</td>
<td>Westwood - Henderson to Westfield</td>
<td>$600,000</td>
<td>$99,005</td>
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<td>DESIGN 85-9705</td>
<td>Westwood &amp; Porter Slough</td>
<td>$500,000</td>
<td>$54,602</td>
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<td>DESIGN 85-9715</td>
<td>Main - Henderson to 300 ft. of Westfield (Org est. to Linda Vista)</td>
<td>$1,300,000</td>
<td>$269,146</td>
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<td>DESIGN 85-9718</td>
<td>Gibbons - Main to Indiana</td>
<td>$600,000</td>
<td>$104,434</td>
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<td>1 85-9739</td>
<td>Environmental Work for Projects (VELB Mitigation)</td>
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<td>$295,080</td>
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<tr>
<td>2 85-9701</td>
<td>Plano - Tule River Bridge Widening</td>
<td>$600,000</td>
<td>$261,733</td>
<td>$1,160,000</td>
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<tr>
<td>3 85-9703</td>
<td>Jaye - Tule River Widening (Design match 20%)</td>
<td>$0</td>
<td>$108,797</td>
<td>$35,000</td>
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<tr>
<td>4 85-9703</td>
<td>Jaye - Tule River Widening (Const. match 20%)</td>
<td>$0</td>
<td>$200,000</td>
<td>$200,000</td>
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<tr>
<td>5 85-9703</td>
<td>Jaye - Tule River Widening (Construction match 20%)</td>
<td>$1,500,000</td>
<td>$724,146</td>
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Total COP Funds Appropriated not expended to date: $(2,394,389)