

**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 20, 2013, 5:30 P.M.**

Call to Order
Roll Call

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

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

Roll Call: Agency Members/Chairman

ORAL COMMUNICATIONS

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

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1-** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: County of Tulare v. All Persons Interested in the Matter of the Addition of the 2010 Amendment to Redevelopment Plan for the Redevelopment Project Area No. 1, as Adopted by Ordinance 1765 on June 15, 2010, by the City of Porterville, et al., Tulare County Superior Court Case No. 249877.
 - 2-** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 261-122-007 and 261-122-008. Agency Negotiator: John Lollis and Brad Dunlap. Negotiating Parties: Successor Agency to the Porterville Redevelopment Agency and Porterville Hotel Investors. Under Negotiation: Terms and Price.
 - 3-** Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

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.
 - 2-** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 200 N. “D” Street. Agency Negotiator: John Lollis and Brad Dunlap. Negotiating Parties: City of Porterville and Ken Lansford. Under Negotiation: Terms and Price.
 - 3-** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 197-090-005. Agency Negotiators: John Lollis and Chuck McMillan. Negotiating Parties: City of Porterville and City of Lindsay. Under Negotiation: Terms and Price.

4- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning facts not yet known to potential plaintiff.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Vice Mayor McCracken
Invocation

PRESENTATIONS

Employee Service Awards
Outstanding Business

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 Commission (LAFCO) – August 7, 2013
2. Tulare County Economic Development Corporation – August 14, 2013

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission
 2. Library and Literacy Commission – August 13, 2013
 3. Arts Commission
 4. Youth Commission
 5. Transactions and Use Tax (“Measure H”) Oversight Committee – August 8, 2013
- II. Staff Informational Items
 1. Charter Review Committee Appointments
Re: Informational item identifying committee appointments.

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. Minutes of April 2, 2013, May 21, 2013, June 4, 2013, and July 16, 2013**

2. **Budget Adjustment for the 2013-14 Fiscal Year**
Re: Consideration of a budget adjustment in the amount of \$68,483 for OHV grant funds awarded to the City, and \$8,000 for implementation of smart phone application PublicStuff.
3. **Purchase of Specialized Equipment**
Re: Consideration of authorization to purchase by negotiation various pieces of equipment using Equipment Replacement Funds.
4. **Authorization to Purchase Servers and Server Rack Equipment**
Re: Consideration of authorization to purchase servers and server rack equipment from Dell at a cost of \$41,756.11.
5. **Authorization to Advertise for Proposals – Revenue Sharing Transit Advertising**
Re: Consideration of authorization to distribute Requests for Proposals for an advertising contractor to administer and carry out the functions associated with the revenue sharing transit advertising program for a period of three years.
6. **Acceptance of Project – 2013/2014 Micro-Surfacing Project (Henderson Avenue, Indiana Street, Leggett Street and Gibbons Avenue)**
Re: Consideration of a request from Intermountain Slurry Seal, Inc. to accept project as complete, and authorize the filing of the Notice of Completion for the project consisting of the installation of a thin asphalt overlay on several streets within the City.
7. **Acceptance of Project – Digester Transfer Line Project**
Re: Consideration of a request from W.M. Lyles Co. to accept project as complete, and authorize the filing of the Notice of Completion for the project consisting of the removal and installation of lines and valves at the City's Sewer Treatment Plant in the area of the digesters.
8. **Approval of Fifth Amendment to the Agreement for Transit Services for College of Sequoia Students**
Re: Consideration of an agreement between the Tulare County Association of Governments and the City of Porterville for transit services during the Fall 2013 and Spring 2013 semesters, and the Summer 2014 session.
9. **Approve a Request for a Five-Year Contract for Maintenance, Support, Design, Program and Repair of Specialized Equipment and Software**
Re: Consideration of a 5-year Service Contract to allow for the maintenance, upgrade and repair of the WWTF SCADA system by TESCO Controls, Inc.
10. **Approval of Local Agency Hearing Agreement**
Re: Consideration of an agreement between the Office of Administrative Hearings and the City for costs associated with alternative dispute resolution proceedings as needed for a five year period.
11. **Modification to License Agreement for Barn Theatre**
Re: Consideration of authorization to negotiate the modification to the Revocable License Agreement between the City and the Barn Theatre, and approval of the construction of permanent fencing.
12. **This Item Was Removed.**

13. **Request to Receive Office of Traffic Safety Sobriety Checkpoint Program Grant Award**
Re: Consideration of acceptance of the grant funding from the California Office of Traffic Safety in the amount of \$12,500 for personnel costs associated with the Sobriety Checkpoint Program.
14. **Approval of Proposed Proclamation – Library Card Sign-Up Month – September 2013**
Re: Consideration of a proposed proclamation proclaiming September as “Library Card Sign-Up Month” in the City of Porterville.
15. **Approval for Community Civic Event – Cocola Broadcasting Company and Family Healthcare Network – Fiesta de la Familia and Health Fair – October 13, 2013**
Re: Consideration of an event to take place on Sunday, October 13, 2013, from 11:00 a.m. to 6:00 p.m. at Veteran’s Park.
16. **Request to Purchase Police Motorcycle**
Re: Consideration of a request to negotiate the purchase and outfitting of one police motorcycle for an estimated cost of \$26,701.84.
17. **Review of Local Emergency Status**
Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.
18. **Council Member Requested Agenda Item – Request for the City Council to Consider Special Recognition of the Tule River Tribal Council and Sierra View District Hospital for Sponsorship of 2013 Freedom Fest**
Re: Consideration of a request to schedule on the September 3, 2013, Agenda consideration of special recognition for sponsorship of the 2013 Freedom Fest.

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

SECOND READINGS

19. **Ordinance 1797, Arts Commission**
Re: Second Reading of Ordinance No. 1797, An Ordinance of the City Council of the City of Porterville Amending Chapter 5A of the Porterville Municipal Code Regarding the Formation of an Arts Commission, which was given first reading on August 6, 2013, and has been printed.

SCHEDULED MATTERS

20. **Transactions and Use Tax (Measure H) Oversight Committee Vacancy and Consideration of Appointment**
Re: Considering acceptance of the resignation of Dr. Gary Mekeel from the Transactions and Use Tax Oversight Committee, and the appointment of an individual to the vacancy with an unexpired term ending in May 2014.
21. **Consideration of Appointment to Arts Commission and Internal City Audit Committee**
Re: Considering the appointment of an individual to the Arts Commission, and one individual to the Internal City Audit Committee.

22. Assessment Districts

Re: Considering the future use of Lighting and Landscape Maintenance Districts or Benefit Assessment Districts, and the use thereof for infrastructure, pocket parks, and frontage improvements benefitting the assessed properties within a given district.

23. Consideration of Paperless Agenda Packets

Re: Considering going paperless and adopting policies providing for the electronic distribution of agenda packets.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of September 3, 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.

CITY COUNCIL AGENDA – AUGUST 20, 2013

INFORMATIONAL REPORT

SUBJECT: COUNCIL APPOINTMENTS TO CHARTER REVIEW COMMITTEE

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: At its meeting on August 6, 2013, the City Council took action to fill the newly established nine-member Charter Review Committee. The Council had previously determined that each Council Member would directly select one member, with the remaining four being appointed by a majority of the Council. The appointments were as follows:

Mayor Gurrola:	Stephanie Cortez
Vice Mayor McCracken:	Milt Stowe
Council Member Hamilton:	Gary Giraudi
Council Member Ward:	<i>No appointment made</i>
Council Member Shelton:	<i>No appointment made</i>


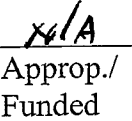
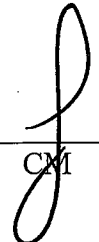
By Majority: Amber Bush
Matthew Green
Teri Irish
Jenna Salazar

Subsequent to the Council Meeting, Council Member selections were completed. These are as follows:

Council Member Ward:	Allan Bailey
Council Member Shelton:	Cassandra Fazzone

Staff is currently working with the appointees on calendaring the first meeting of the Committee.

RECOMMENDATION: Informational item only.

 Dir	 Approp./ Funded	 CM
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Report No. II-1

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
APRIL 2, 2013, 5:30 P.M.**

Called to Order at 5:31 p.m.

Roll Call: Council Member Ward, Council Member Shelton, Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

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

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

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

ORAL COMMUNICATIONS

None

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.
 - 2- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Dinuba et al. v. County of Tulare et al., Tulare County Superior Court Case No. 11-243161.
 - 3- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 302-110-076. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and the United States Department of Agriculture – Forest Service. Under Negotiation: Terms and Price.
 - 4- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency

Negotiator: John Lollis. Employee Organization: All Unrepresented Management Employees.

5- Government Code Section 54956.95 – Liability Claims: Claimant: Central Valley Mortgage Service and its insurer Federal Insurance Company. Agency claimed against: City of Porterville.

6 - Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three cases concerning facts not yet known to potential plaintiffs.

6:44 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew announced that there was no reportable action taken in Closed Session.

Pledge of Allegiance Led by Vice Mayor Pete V. McCracken
Invocation --- the Mayor participated.

PROCLAMATIONS

Muscular Dystrophy Association's "Fill the Boot"
Child Abuse Awareness and Prevention Month

City Manager Lollis acknowledged the efforts of fire personnel during a recent fire incident on Main Street.

PRESENTATIONS

Employee of the Month – Michael Brodbeck
Outstanding Business Presentation – Bank of the Sierra

AB 1234 REPORTS

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

1. Council of Cities – March 27, 2013: Vice Mayor McCracken reported that the discussion that took place at the meeting was in Closed Session.
2. Consolidated Waste Management Authority (CWMA) – March 21, 2013: Vice Mayor McCracken reported on the following: the Tulare County RMA was looking for ideas to finance Household Hazardous Waste; a Sharps Program model ordinance had been adopted; discussion regarding C&D subsidy; and efforts to ban plastic bags in grocery stores.
3. Tulare County Economic Development Corporation - March 27, 2013: Mayor Gurrola reported on the review of the SWOT analysis.

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Arts Commission – no report was provided.

2. Youth Commission – Commissioners Perez and Campos reported on their recent Youth Conference, and spoke of an upcoming report on drop-out rates.

City Manager Lollis indicated the existence of an Emergency Item, and requested that the Council consider adding it to the Agenda as Item 15: Authorization for Engine #4 Top End Overhaul. Council Member Ward noted that he would be abstaining due to a conflict relative to property ownership.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve the addition of Authorization for Engine #4 Top End Overhaul to the Agenda as Item No. 15.

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

Documentation: M.O. 01-040213

Disposition: Item added.

ORAL COMMUNICATIONS

- Mohammed Khalique, spoke of an event on April 4th at Porterville College to encourage high school students to pursue a career in the medical field, and requested that the City provide free transportation to the event.
- Brock Neeley, Porterville, extended an invitation to the free showing of the movie Bully at the Unitarian Universalist Fellowship of Porterville on April 25th and May 4th; requested that the City's website be updated; and expressed concerns regarding the resale of water.
- Will Lloyd, extended an invitation to the Rotary Club's 9th Annual Spring Ball on April 13th, and spoke of the event.
- Patricia Thompson, Porterville, thanked the Council for supporting Proposition 8.
- Ellen Nichols, Porterville, expressed concern for the safety of cyclists.
- Donnette Silva Carter, announced that Music on Main Street would kick off Friday at Centennial Park; thanked fire personnel for their recent fire suppression efforts; and congratulated Bank of the Sierra for being recognized as the City's Outstanding Business.

Council Member Hamilton noted the request made by Mr. Khalique during Oral Communications. Mayor Gurrola recused herself due to a perceived conflict of interest, and exited the Council Chambers.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the addition of Request to Provide City Transit to the Agenda for immediate consideration.

AYES: Ward, Shelton, Hamilton, McCracken
NOES: None

ABSTAIN: Gurrola
ABSENT: None

Documentation: M.O. 02-040213
Disposition: Added to the Agenda for immediate consideration.

16. REQUEST TO PROVIDE CITY TRANSIT

Recommendation: That the Council consider the request to provide City Transit Service.

Transit Manager Rich Tree elaborated on the request; addressed questions regarding associated costs and distribution of passes; and identified accommodations which could be provided.

A discussion ensued regarding the event, which was to take place at Porterville College during school hours. Mr. Khalique addressed questions from the Council regarding planning of the event, and conversations with the schools. Council Member Ward expressed concern regarding truancy; and Council Members Shelton and Hamilton spoke of the merits of the event.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the City Council approve free transit passes from the high schools to Porterville College valid after school through the end of transit service hours on the day of the event.

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

Documentation: M.O. 03-040213
Disposition: Approved.

The Council recessed for ten minutes at 7:54 p.m.

CONSENT CALENDAR

Item Nos. 2, 3, 5, 6 and 7 were pulled for further discussion.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve Agenda Item Nos. 1, 4, and 8 through 13. The motion carried unanimously, with the exception of Council Member Shelton's abstention from Item No. 13.

1. MINUTES OF FEBRUARY 12, 2013

Recommendation: That the City Council approve the Minutes of February 12, 2013.

Documentation: M.O. 04-040213

Disposition: Approved.

4. INTENT TO VACATE EASEMENTS FOR TEMPORARY TURN AROUND AND TEMPORARY DRAINAGE RESERVOIR RELATED TO THE DEVELOPMENT OF SUMMIT HERITAGE VILLAS SUBDIVISION (NICHOLSON & SMEE)

Recommendation: That the City Council:

1. Pass a Resolution of Intent to Vacate Easements dedicated to the City of Porterville by document numbers 2008-0018995 and 2009-0022948 recorded March 14, 2008, and April 17, 2009, respectively in the Office of the Tulare County Recorder; and
2. Set the Council Meeting of May 7, 2013, or as soon thereafter as the time and place for a public hearing.

Documentation: Resolution 19-2013

Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT – BOY SCOUTS OF AMERICA – SCOUTING RECRUITMENT FAIR – APRIL 13, 2013

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Boy Scouts of America, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

Documentation: M.O. 05-040213

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT – ROLLIN' RELICS CAR CLUB – ROLLIN' RELICS CAR SHOW – MAY 4, 2013

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Rollin' Relics Car Club, subject to the stated requirements contained in the Application, Agreement and Exhibit A and Exhibit B.

Documentation: M.O. 06-040213

Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT – COMISION HONORIFICA MEXICANA-AMERICANA, INC. - CINCO DE MAYO PARADE AND FIESTA – MAY 4, 2013

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 07-040213

Disposition: Approved.

11. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER IDENTIFYING AREAS IN THE CITY FOR POTENTIAL POCKET PARKS TO RECOMMEND TO THE PARKS & LEISURE SERVICES COMMISSION FOR REVIEW

Recommendation: Council Member Ward makes the motion that the City Council authorize the schedule on the April 16th Council Agenda the consideration of identifying areas in the city for potential pocket parks to recommend to the Parks & Leisure Services Commission for review.

Documentation: M.O. 08-040213

Disposition: Approved.

12. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER AN ANALYSIS OF PORTERVILLE MUNICIPAL LIBRARY USERS TO DEVELOP OR PLAN FOR LITERACY SERVICES IN UNDER-SERVED AREAS OF THE COMMUNITY

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the April 16th Council Agenda the consideration of an analysis of Porterville Municipal Library users to develop or plan for literacy services in under-served areas of the community.

Documentation: M.O. 09-040213

Disposition: Approved.

13. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

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

AYES: Ward, Hamilton, McCracken, Gurrola

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 10-040213

Disposition: Approved.

2. PRE-SELECTION OF RAW SEWAGE PUMPS (RSP) & VARIABLE FREQUENCY DRIVES (VFD)

Recommendation: That the City Council:

1. Accept the Pre-Selection Matrix as presented by Carollo Engineers;
2. Authorize the Public Works Director to execute the Pre-Procurement documents;
3. Authorize payment in the amount of 10% of the contract amount to initiate and complete pump and VFD shop drawing; and
4. Direct the Public Works Director to bring back an item requesting authorization to advertise for bids to install four influent pumps and companion VFDs at the Wastewater Treatment Plant.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward recused himself due to a conflict of interest relative to property ownership. City Attorney Lew advised that she was comfortable with the process and the recommendation.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council accept the Pre-Selection Matrix as presented by Carollo Engineers; authorize the Public Works Director to execute the Pre-Procurement documents; authorize payment in the amount of 10% of the contract amount to initiate and complete pump and VFD shop drawing; and direct the Public Works Director to bring back an item requesting authorization to advertise for bids to install four influent pumps and companion VFDs at the Wastewater Treatment Plant.

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

Documentation: M.O. 11-040213

Disposition: Approved.

3. AWARD OF CONTRACT – 2013/2014 FISCAL YEAR MICRO-SURFACING PROJECT

Recommendation: That the City Council:

1. Award the 2013/2014 Fiscal Year Micro-Surfacing Project Base Bid to Intermountain Slurry Seal, Inc. in the amount of \$560,000.00;
2. Authorize progress payments up to 95% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and

5% for construction management, quality control and inspection.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward inquired about the use of remaining project funds for additional street work.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council award the 2013/2014 Fiscal Year Micro-Surfacing Project Base Bid to Intermountain Slurry Seal, Inc. in the amount of \$560,000.00; authorize progress payments up to 95% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs and 5% for construction management, quality control and inspection. The motion carried unanimously.

Documentation: M.O. 12-040213

Disposition: Approved.

5. APPROVAL OF FOURTH AMENDMENT TO THE JOINT POWERS AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND TULARE COUNTY HEALTH AND HUMAN SERVICES AGENCY

Recommendation: That the City Council approve and authorize the Mayor to sign the Fourth Amendment to Agreement with Tulare County Health and Human Services Agency.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward recused himself due to a conflict of interest relative to property ownership, and exited the Council chambers. Public Works Director Rodriguez addressed questions regarding the County's use of grant funds to implement the program, and the benefits of having a local drop-off site.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve and authorize the Mayor to sign the Fourth Amendment to Agreement with Tulare County Health and Human Services Agency.

AYES: Hamilton, McCracken, Gurrola

NOES: Shelton

ABSTAIN: Ward

ABSENT: None

Documentation: M.O. 13-040213

Disposition: Approved.

6. REQUEST TO ACCEPT NRA FOUNDATION GRANT AWARD

Recommendation: That the City Council authorize the acceptance of the NRA Foundation Grant funding in the amount of \$19,000.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton commended the Police Department for applying for the grant funds.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council authorize the acceptance of the NRA Foundation Grant funding in the amount of \$19,000. The motion carried unanimously.

Documentation: M.O. 14-040213

Disposition: Approved.

7. SALE OF SURPLUS VEHICLES TO PORTERVILLE COLLEGE

Recommendation: That the City Council approve the sale of the two surplus vehicles identified to Porterville College for the sum of \$1.00 each.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton inquired about the costs and process of stripping out the vehicles prior to sale, and the intended use of vehicles by Porterville College.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the sale of the two surplus vehicles identified to Porterville College for the sum of \$1.00 each. The motion carried unanimously.

Documentation: M.O. 15-040213

Disposition: Approved.

SCHEDULED MATTERS

14. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

Recommendation: That the City Council provide direction.

City Manager Lollis introduced the item, and Public Works Director Rodriguez presented the staff report. Vice Mayor McCracken noted that there had been a decrease in building permit activity since the Council waived the increase in 2010.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council suspend the annual adjustment of fees by application of the ENR Cost Index for Fiscal Year 2013/2014.

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

Documentation: M.O. 16-040213
Disposition: Approved.

15. AUTHORIZATION FOR ENGINE #4 TOP END OVERHAUL

Recommendation: That the City Council approve Valley Power perform the top end overhaul on Engine #4 at a repair cost of less than \$30,000.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward recused himself due to a conflict of interest with regard to property ownership and exited the chambers.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council approve Valley Power perform the top end overhaul on Engine #4 at a repair cost of less than \$30,000.

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

Documentation: M.O. 17-040213
Disposition: Approved.

The Council adjourned at 8:26 p.m. to a Joint Meeting of the Porterville City Council, the Porterville Public Improvement Corporation, and the Porterville Public Financing Authority.

**AGENDA FOR A JOINT MEETING OF THE PORTERVILLE CITY COUNCIL,
THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION, AND
THE PORTERVILLE PUBLIC FINANCING AUTHORITY
291 N. MAIN STREET, PORTERVILLE, CA 93257**

Roll Call: PIC Director Ward, Vice President McCracken, Director Shelton, Director Hamilton, President Gurrola
PFA Agency Member Ward, Vice Chair McCracken, Agency Member Shelton, Agency Member Hamilton, Chair Gurrola

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS

None

JOINT SCHEDULED MATTER

20-13, PIC/PFA01. REFINANCING 2005 CERTIFICATES OF PARTICIPATION (COP)

PIC 13-03,
PFA 13-01

Recommendation: That the City Council, also sitting as the Board of Directors for the Porterville Public Improvement Corporation and Porterville Public Financing Authority, consider and approve the refunding of the 2005 COP through a direct lending structure with Rabobank, and authorize the Mayor and City Manager to sign all draft resolutions, agreements, and documents as may be required.

City Manager Lollis presented the item and the staff report.

Ben “Bud” Levine, of Wulff, Hansen and Co. spoke of options available for long-term if needed or desired and benefits of the proposed refunding. He also addressed questions regarding interest payments.

Council Member Shelton expressed his opposition to variable rate loans and not paying on the principal.

JOINT ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton, that the City Council, also sitting as the Board of Directors for the Porterville Public Improvement Corporation and Porterville Public Financing Authority, consider and approve the refunding of the 2005 COP through a direct lending structure with Rabobank, and authorize the Mayor and City Manager to sign all draft resolutions, agreements, and documents as may be required.

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

Documentation: Resolution 20-2013;
Porterville Public Improvement Corporation Resolution 2013-03; and
Porterville Public Financing Authority Resolution 2013-01

Disposition: Approved.

The Joint Meeting of the City Council, the Porterville Public Improvement Corporation and the Porterville Public Financing Authority adjourned at 8:51 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Shelton reported on his attendance at: the Kid's Fest, StepUp meeting; Mixer at Golden State Paint and Body, and Spring Egg Hunt. He also noted the upcoming Wall of Fame induction ceremony, a Bike and Skate event, a Tea Party rally, and Porterville Celebrates Reading.
- Council Member Ward requested that items to consider the printing of tickets to City events from home, and use of the Government 2.0 smartphone application be added to the next agenda.
- Mayor Gurrola congratulated Parks and Leisure Services Director Donnie Moore on the success of Kid's Fest and the Spring Egg Hunt.

ADJOURNMENT

The Council adjourned at 8:56 p.m. to the meeting of April 16, 2013.

SEAL

Luisa M. Zavala, Deputy City Clerk

Virginia R. Gurrola, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MAY 21, 2013, 5:30 P.M.**

Call to Order at 5:33 p.m.

Roll Call: Council Member Ward (arrived at 5:37 p.m.), Vice Mayor McCracken, Council Member Shelton, Council Member Hamilton, Mayor Gurrola

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

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

Roll Call: Agency Member Ward (arrived at 5:37 p.m.), Vice Chairperson McCracken, Agency Member Shelton, Agency Member Hamilton, Chairperson Gurrola

ORAL COMMUNICATIONS

None

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 adjourned 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.
 - 2- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Public Safety Support Unit; Porterville Police Officers Association; Management and Confidential Series; Porterville City Firefighters Association; Fire Officer Series; and all Unrepresented Management Employees.
 - 3- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases: One case concerning facts not yet known to potential plaintiff; and one case pertaining to 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.

4- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no reportable action had taken place.

Pledge of Allegiance Led by Council Member Cameron Hamilton

Invocation – one individual participated. A moment of silence was also observed in recognition of those impacted by the tornado event in Moore, OK.

PROCLAMATIONS

Freedom Days – June 14 – July 4, 2013

PRESENTATIONS

2013 Springville Rodeo Queen and Princess

2013 Cinco De Mayo Queen and Court

Employee Service Awards

AB 1234 REPORTS

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

1. Tulare County Association of Governments (TCAG) – May 20, 2013: Mayor Gurrola advised that TCAG had approved the Measure R Amendment and indicated that she had advocated for an open dialog with regard to future funding.
2. Consolidated Waste Management Authority (CWMA) – May 16, 2013: Vice Mayor McCracken stated the CWMA discussed and considered a variety of items, including the Sharps disposal program; Construction and Demolition waste; and the evaluation of the Administrator.
3. Tulare County Economic Development Corporation – May 17, 2013: Mayor Gurrola reported on her attendance at the Economic Summit.
4. Indian Gaming Local Community Benefit Committee – May 15, 2013: Council Member Hamilton briefly spoke of his resignation from the Committee.

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Arts Commission – May 15, 2013: No report was presented.
 2. Library and Literacy Commission – May 18, 2013: Commissioner Catherine May reported on recent library activities.

3. Parks & Leisure Services Commission – May 9, 2013: Commissioner Monte Moore updated everyone on the recent accomplishments and upcoming P&L events.

II. Staff Informational Items:

1. Upcoming Vacancies on Internal City Audit Committee, Transactions and Use Tax (Measure H) Oversight Committee; and Measure R Citizens' Oversight Committee

ORAL COMMUNICATIONS

- John Coffee, voiced concern with the action proposed in Item 18, and spoke against de-prioritizing work on North Grand.
- Brock Neeley, spoke against the proposed un-allocation of funds from North Grand, and presented the Council with a petition in opposition of said diversion signed by residents in the vicinity.
- Hilario Aparicio, spoke in favor of Item 7 regarding the expansion of transit services.
- Maria Sanchez, voiced support for the expansion of transit services as proposed in Item 7.
- Grace Munoz, spoke in favor of Item 7.
- Mario Fernandez, (translated from Spanish to English by Ms. Munoz) thanked the City Council, and voiced support for expanding transit services; and requested that a stop in the location of Plano Street and Olive Avenue be considered.
- Lori Hansen, requested that the Council approve Item 7 to expand transit services.
- Michelle Farnsworth, spoke in favor of Item 7.
- Gloria Calderon, requested that the Council approve expanding bus service hours.
- (Name inaudible), voiced support for Item 7.
- Robert Atkinson, spoke in favor of expanding transit services, noting the need for same.
- Johnny Hearst, voiced support for Item 7 and requested the Council's approval.
- Pamela Delaire, spoke in favor of Item 7.
- (Name inaudible) spoke in favor of expanding transit services, and requested that newer model buses be utilized.

CONSENT CALENDAR

Items 6 and 11 were removed for further discussion. Council Member Shelton noted his abstention on Items 9 and 12; and Mayor Gurrola noted her abstention from Item No. 4.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the Council approve Items 1 through 5, 7 through 10, and 12 through 13. Motion carried unanimously, with the aforementioned abstentions.

1. MINUTES OF NOVEMBER 6, 2012 AND APRIL 23, 2013

Recommendation: That the City Council approve the minutes of November 6, 2012 and April 23, 2013.

Documentation: M.O. 01-052113

Disposition: Approved.

2. REQUEST FOR APPROVAL TO PURCHASE AVATAR II TACTICAL ROBOT
AND CUSTOMIZED ATTACHMENTS

Recommendation: That the City Council:

1. Authorize Staff to enter into negotiations with Robotex Technology Solutions to purchase the Avatar Robot and customized attachments; and
2. Authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 02-052113

Disposition: Approved.

3. REQUEST FOR APPROVAL TO PURCHASE FIREFIGHTER PROTECTIVE
CLOTHING

Recommendation: That the City Council approve the purchase of ten (10) sets of turnout coats and pants from L.N. Curtis and Sons for \$15,938.65.

Documentation: M.O. 03-052113

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS – ISLAND ANNEXATION
SEWER PROJECT (AREA 455A)

Recommendation: That the City Council:

1. Approve Staff's recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

AYES: Hamilton, Ward, Shelton, McCracken

NOES: None

ABSTAIN: Gurrola

ABSENT: None

Documentation: M.O. 04-052113

Disposition: Approved.

5. AWARD OF CONTRACT – ON-CALL SERVICES

Recommendation: That the City Council:

1. Authorize Staff to negotiate on-call contracts with Kimley-Horn, Moore & Associates, and TRC; and
2. Authorize Staff to negotiate a contract with Kimley-Horn at an anticipated fee not to exceed \$45,000 for traffic and civil engineering services for the Transit Signal Priority Project;

3. Authorize Staff to negotiate a contract with Kimley-Horn at an anticipated fee not to exceed \$545,000 for security design services for the Transit Security Project;
4. Authorize Staff to negotiate a contract with Moore & Associates at an anticipated fee not to exceed \$20,000 for general transit consulting services for the Transit Title VI Program Update;
5. Authorize Staff to negotiate a contract with the 2nd ranked firm, in its respected field, if Staff is unable to negotiate an acceptable contract with the top ranked firm;
6. Authorize the Mayor to sign all contract documents;
7. Authorize progress payments that concur with design services up until proper closeout of the work and not to exceed 100% of the contract fee; and
8. Authorize a 10% contingency to cover unforeseen changes to the scope of work required.

Documentation: M.O. 05-052113

Disposition: Approved.

7. 2013 UNMET TRANSIT NEEDS – REQUEST FOR TRANSIT SERVICE EXPANSION

Recommendation: That the City Council:

1. Authorize Staff to extend weekday transit service to 10:00 p.m. and implement Sunday service from 9:00 a.m. to 5:00 p.m., effective July 1, 2013;
2. Authorize Staff to negotiate a contract change order with Tree's Sierra Management, Inc. at an anticipated fee not to exceed \$164,219 for the expansion of transit service;
3. Authorize Staff to sign all contract documents;
4. Authorize a 10% contingency to cover unforeseen changes to the scope of work required; and
5. Authorize staff to update the Council in six (6) months to demonstrate the ridership growth/pattern.

Documentation: M.O. 06-052113

Disposition: Approved.

8. STATE DEPARTMENT OF FINANCE – POPULATION ESTIMATES

Recommendation: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville, January 1, 2013, population of 55,490.

Documentation: M.O. 07-052113

Disposition: Approved.

9. WILDPLACES MURAL MAINTENANCE AGREEMENT

Recommendation: That the City Council approve the mural maintenance agreement with WildPlaces, and authorize and direct the Mayor to execute the same.

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

Documentation: M.O. 08-052113

Disposition: Approved.

10. CONSIDERATION OF MEMORANDUM OF UNDERSTANDING WITH UNIVERSITY OF PHOENIX

Recommendation: That the City Council authorize the Mayor to sign the Memorandum of Understanding with University of Phoenix.

Documentation: M.O. 09-052113

Disposition: Approved.

12. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

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

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

Documentation: M.O. 10-052113

Disposition: Approved.

13. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER ADOPTING A RESOLUTION OF OPPOSITION TO AB 667 (HERNANDEZ) REGARDING LAND USE: DEVELOPMENT PROJECT REVIEW: SUPERSTORES

Documentation: M.O. 11-052113

Disposition: Approved.

PUBLIC HEARINGS

Council Member Shelton reported a conflict of interest relative to Item No. 14, recused his self and left the Council Chambers.

14. REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR AN UPGRADE OF AN OFF-SALE TYPE 20 (BEER AND WINE) LICENSE TO AN OFF-SALE TYPE 21 (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE PORTA VILLA MARKET LOCATED AT 34 E. HENDERSON AVENUE

Recommendation: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2013-008C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

City Manager Lollis introduced the item, and Community Development Manager Phillips presented the staff report.

The Public Hearing was opened at 7:42 p.m. When no one came forward to speak, Mayor Gurrola closed the Public Hearing at 7:43 p.m.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council adopt the draft resolution approving Conditional Use Permit (PRC 2013-008C) subject to conditions of approval; and authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

Documentation: Resolution 32-052113

Disposition: Approved.

SCHEDULED MATTERS

15. CONSIDERATION OF OFFERING ONLINE VOUCHERS TO CITY ACTIVITIES AND EVENTS

Recommendation: That the City Council consider offering online vouchers to City activities and events, and provide staff direction.

City Manager Lollis introduced the item, presented the staff report, and addressed the Council's questions.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the Council approve a pilot program of online vouchers for special events, commencing with the 2013 Freedom Fest.

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

Documentation: M.O. 12-052113

Disposition: Approved.

16. CONSIDERATION OF IMPLEMENTING A LOCAL GOVERNMENT MOBILE APPLICATION

Recommendation: That the City Council consider the implementation of a local government mobile application, and provide staff direction.

City Manager Lollis introduced the item, presented the staff report, and addressed the Council's questions.

Vice Mayor McCracken made the motion to appoint a committee to research the implementation of a mobile application and to report back to the Council. The motion died for lack of a second.

The Council directed staff to research options for the implementation of a mobile application and to prepare a presentation to bring back to the Council.

Disposition: Direction given.

17. POCKET PARKS ANALYSIS

Recommendation: That the City Council direct staff on the desire to further pursue the feasibility of pocket parks.

City Manager Lollis introduced the item, and Parks & Leisure Services Director Moore presented the staff report.

A discussion ensued regarding funding for the pocket park projects and the General Plan provision for open spaces.

COUNCIL ACTION: MOVED by Mayor Gurrola, SECONDED by Council Member Hamilton that the Council direct staff to prepare a proposal for pocket parks in the Porter Creek Estates neighborhood.

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

Documentation: M.O. 13-052113
Disposition: Approved.

The Council took a ten minute recess before consideration of Item No. 18.

18. ISLAND ANNEXATION SEWER PROJECT AREA 458 – PAVING OPTIONS

Recommendation: That the City Council:

1. Authorize the Public Works Director to purchase approximately 4,000 tons of asphalt cold mix from Jackson-Baker in the amount of \$200,000, utilizing the existing contract between Tulare County and Jackson-Baker; and
2. Direct the Finance Director to prepare a budget adjustment to the Field Services Overlay Budget in the amount of \$200,000 for the purchase and placement of an asphalt overlay along the streets contained within Sewer Utility District No. 458; or
3. Authorize the Public Works Director to amend Todd Plumbing's contract in the amount of \$750,000;
4. Direct Todd's Plumbing to resurface the streets within Area 458 as selected by the Public Works Director using asphalt concrete; and
5. Direct the Finance Director to prepare a budget adjustment transferring Special Gas Tax funds from the W. North Grand Reconstruction project to the Area 458 Sewer Utility District project.

City Attorney Lew advised Council Members Shelton and Ward regarding possible conflicts of interest. Council Members Shelton and Ward acknowledged the conflicts and recused themselves from the discussion and vote.

City Manager Lollis introduced the item, and Public Works Director Rodriguez presented the staff report and addressed the Council's questions.

A discussion ensued regarding the timeline, cost, and funding for the proposed project.

City Attorney Lew advised the Council regarding the contracts for the proposed project.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the Council the authorize the Public Works Director to purchase approximately 4,000 tons of asphalt cold mix from Jackson-Baker in the amount of \$200,000, utilizing the existing contract between Tulare County and Jackson-Baker.

AYES: Hamilton, McCracken, Gurrola
NOES: None

ABSTAIN: Shelton, Ward
ABSENT: None

Documentation: M.O. 14-052113
Disposition: Approved.

19. CONSIDERATION OF REFINANCING UNFUNDED CALPERS PUBLIC SAFETY PLAN SIDE FUND OBLIGATION

Recommendation: That the City Council consider proceeding with Rabobank in the refunding of the CalPERS Public Safety Side Fund, and authorize the City Manager to sign the offered Term Sheet.

City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve proceeding with Rabobank in the refunding of the CalPERS Public Safety Side Fund, and authorize the City Manager to sign the offered Term Sheet. Motion carried unanimously.

Documentation: M.O. 15-052113
Disposition: Approved.

CONSENT CALENDAR (ITEMS PULLED FOR FURTHER DISCUSSION)

6. CITY WELL #22 – EMERGENCY REPAIR

Recommendation: That the City Council approve emergency repairs to be completed by S.A. Camp Pump Company on City Well #22 at a cost not to exceed \$45,000.

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

Council Member Shelton inquired into whether the item was for an emergency repair or for a regular repair.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the Council approve the emergency repairs to be completed by S.A. Camp Pump Company on City Well #22 at a cost not to exceed \$45,000. Motion carried unanimously.

Documentation: M.O. 16-052113
Disposition: Approved.

11. PARKS & LEISURE SERVICES COMMISSION MEETINGS

Recommendation: That the City Council approve the Parks and Leisure Services Commission go dark June and July 2013, with the Commission being available to meet if necessary.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton spoke in favor of approval.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the Council approve the Parks & Leisure Services Commission go dark June and July 2013, with the Commission being available to meet if necessary. Motion carried unanimously.

Documentation: M.O. 17-052113

Disposition: Approved.

ORAL COMMUNICATIONS

- John Coffee, thanked the Council for not un-allocating the funds for North Grand improvements; and thanked Mr. Lollis and City staff for the clean up at Veteran's Park parking lot and noted the need for further clean up.

OTHER MATTERS

- Vice Mayor McCracken spoke of the upcoming Avenue of Flags event at 10:00 a.m. on Memorial Day.
- Council Member Hamilton lauded Fire Department personnel for their handling of the recent apartment fire.
- Council Member Shelton thanked Interim Fire Chief Irish for the Annual Fire Department Report.

ADJOURNMENT

The Council Meeting adjourned at 9:15 p.m. to the meeting of June 4, 2013.

SEAL

Patrice Hildreth, Chief Deputy City Clerk

Virginia R. Gurrola, Mayor

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

Called to Order at 5:32 p.m.

Roll Call: Council Member Ward, Council Member Shelton, Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

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

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

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

ORAL COMMUNICATIONS

None

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.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 280 North Fourth Street. Agency Negotiators: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville, Porterville Senior Council, and Tulare/Kings Counties Area Agency on Aging. Under Negotiation: Terms and Price.
- 3-** Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Public Safety Support Unit; Porterville Police Officers Association; Management and Confidential Series; Porterville City Firefighters Association; Fire Officer Series; and all Unrepresented Management Employees.

4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Halopoff & Sons, Inc. v. Doug Ross dba Central Valley Asphalt, et al., Tulare County Superior Court Case No. 159053

5- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning the May 9, 2013 written request by Tulare County Council on behalf of the Tulare County Local Community Benefit Committee for the City to return the 2011 and 2012 grant funds awarded to it totaling \$217,313.

6- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that no reportable action had taken place.

Pledge of Allegiance led by Caelon and Conner Wolf of Boy Scout Troop #132

Invocation – two individuals and Council Member Shelton participated.

PROCLAMATIONS

LGBT Pride Month – June 2013

Council Members Hamilton, Ward, and Shelton voiced their opposition to the Proclamation and stated that they had not signed the document.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council move Oral Communications to take place before the Presentations.

AYES: Ward, Shelton, Hamilton, Gurrola

NOES: McCracken

ABSTAIN: None

ABSENT: None

Documentation: M.O. 01-060413

Disposition: Approved.

Mayor Gurrola stated that the following rules would be enforced for Oral Communications:

1. Oral Communications would last a duration of thirty minutes; and
2. Each individual would have three minutes to speak.

ORAL COMMUNICATIONS

- Carl Griffiths, spoke in opposition of the proclamation read by the mayor; and spoke in support of a mayoral recall.
- Patricia Thompson, Concerned Women for America, spoke against the proclamation, which she found to be discriminatory; and spoke in support of biblical principals in governments.

- Lisa Clausen, Porterville, Concerned Women for America, expressed her opposition to the proclamation and its divisive consequences.
- Dustin Reeder, Pixley, spoke in opposition to the proclamation, and requested repentance for all the sinners.
- Kenneth Avila, spoke against the proclamation; and spoke in support of the death penalty for the practice of homosexuality.
- Mark Pitcher, spoke in support of the adoption of criteria for future proclamations; stated that all people have value; and encouraged agreeing to disagree where beliefs are concerned.
- Cici Townsend, spoke in opposition to the proclamation; encouraged the Council to focus on City business; and stated that the proclamation sets precedence.
- Kelly Teeter, spoke in support of the proclamation and of people being themselves.
- Cindy Dominguez, thanked Council Member Shelton for getting “this” together; presented statistics with regard to homosexuality; and discouraged promotion of the lifestyle.
- Lance Sepee, spoke against the proclamation and homosexuality; and encouraged individuals to immediately pull their children out of government run schools.
- Dennis Townsend, expressed disappointment in the Mayor’s decision to approve the proclamation; and stated that the matter didn’t have any place in city government.
- Kathleen Adams, spoke in opposition to the proclamation; and encouraged proclamations to honor others for their accomplishments and contributions to the community.
- Ann Marie Wagstaff, spoke of the difficulty associated with change; and thanked the Mayor for her courage.
- Melissa McMurry, noted that the proclamation was not initiated by the Mayor; and spoke in favor of equality for all people.
- Matthew Gifford, expressed fear for youth of the community; and spoke of the hate in the room.
- Amber Dennard, thanked the Mayor for the proclamation.
- Melody Sepee, spoke against the proclamation, and calling what is evil good.

Mayor Gurrola spoke briefly about the proclamation request, her decision to approve it, and her strong faith.

The Council recessed from 7:33 p.m. to 7:45 p.m.

PRESENTATIONS

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

AB 1234 REPORTS

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

REPORTS

- I. City Commission and Committee Meetings:
 1. Transactions and Use Tax (“Measure H”) Oversight Committee – May 23, 2013 –

No meeting due to lack of a quorum; May 30, 2013 – No meeting due to lack of a quorum.

II. Staff Informational Reports

1. Building Permit Activity – January 1, 2013, to April 30, 2013 – No verbal report.
2. Indian Gaming Local Community Benefit Grant Awards – The City Manager provided a brief verbal report, during which he commended Transit Manager Rich Tree and Interim Fire Chief Glenn Irish for their presentations.
3. Report – Update Regarding Status of Medical Marijuana Law and the California Supreme Court Decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. et al.* – City Attorney Lew elaborated on recent decision regarding land use.

City Attorney Lew notified the Council of two emergency items, and advised that their additions be considered prior to Oral Communications.

Emergency Item 1: AWARD OF CONTRACT – PLANO STREET BRIDGE WIDENING AND REHABILITATION PROJECT

Emergency Item 2: AUTHORIZATION TO NEGOTIATE AND EXECUTE A CONTRACT – CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE PLANO BRIDGE WIDENING AND REHABILITATION PROJECT

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council accept the emergency items for addition to the evening's agenda as Items 22 and 23, respectively. The motion carried unanimously.

Documentation: M.O. 02-060413

Disposition: Items added.

Mayor Gurrola noted that Oral Communications would be held again for any members of the public who wished to speak in regards to any items other than the Proclamation.

ORAL COMMUNICATIONS

- Brock Neeley, stated desire for political views to be set aside when considering the two agenda items regarding the Chamber of Commerce.
- Barry Caplan, requested that Agenda Item Nos. 12, 13, and 14 be pulled for discussion by the Council; and commended the Mayor for her courage and exercise of leadership.

CONSENT CALENDAR

Items 3, 5, 9, 13 and 14 were pulled for further discussion. Council Member Shelton noted his abstention on Item No. 17 due to a conflict of interest.

City Attorney Lew advised the Council regarding Item No. 11, stating that no Council Member had a conflict of interest with the Item because of the widespread coverage of the Target

Area. Ms. Lew also affirmed that Council Member Ward did not have a conflict relative to Item No. 5.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve Items 1, 2, 4, 6-8, 10-12, and 15-17. The motion carried unanimously, with the exception of the aforementioned abstentions.

1. MINUTES OF DECEMBER 4, 2012

Recommendation: That the City Council approve the Minutes of December 4, 2012.

Documentation: M.O. 03-060413

Disposition: Approved.

2. REQUEST TO PURCHASE ADVANCED AUTHENTICATION SMART CARDS

Recommendation: That the City Council:

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

Documentation: M.O. 04-060413

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS – MAIN STREET BUS TURNOUT

Recommendation: That the City Council:

1. Approve Staff's recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 05-060413

Disposition: Approved.

6. THIS ITEM HAS BEEN REMOVED.

7. THIS ITEM HAS BEEN REMOVED.

8. ACCEPTANCE OF PROJECT – JAYE STREET BUS TURNOUT

Recommendation: That the City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of final payment, provided no stop notices have been filed.

Documentation: M.O. 06-060413
Disposition: Approved.

10. PRE-SELECTION OF SLUDGE DEWATERING EQUIPMENT AND ELECTRIC BLOWERS

Recommendation: That the City Council:

1. Approve the pre-selection matrix as presented in the staff report; and
2. Direct the Public Works Director to prepare or have prepared a “Commitment” document that commits the pre-selected vendor to the purchase price as presented in the vendor’s proposal and to a specific equipment delivery.

Documentation: M.O.07-060413
Disposition: Approved.

12. UPDATED TARGET EMPLOYMENT AREA

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

Documentation: Resolution 33-2013
Disposition: Approved.

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

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

Documentation: Resolution 34-2013
Disposition: Approved.

15. APPROVAL FOR COMMUNITY CIVIC EVENT – WORD OF VICTORY CHURCH – CHURCH COMMUNITY OUTREACH – JUNE 29, 2013

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Word of Victory Church, subject to the Resolutions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 08-060413
Disposition: Approved.

16. RESPONSE TO GRAND JURY REPORT – MEDICAL MARIJUANA CITY ORDINANCES

Recommendation: That the City Council:

1. Consider the draft “Response to the Grand Jury” letter regarding the 2012-2013 Report on Medical Marijuana City Ordinances; and
2. Authorize the Mayor to sign the Response letter.

Documentation: M.O. 09-060413

Disposition: Approved.

17. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the Council:

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

AYES: Ward, Hamilton, McCracken, Gurrola

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 10-060413

Disposition: Approved.

The Council took a ten minute recess at 8:42 p.m.

PUBLIC HEARINGS

18. REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR AN ON-SALE TYPE 64 (BEER AND WINE) LICENSEE FOR THE BARN THEATER LOCATED AT 42 SOUTH PLANO STREET

Recommendation: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2013-009C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Application for Conditional Use Permit.

City Manager Lollis introduced the item, and Community Development Manager Phillips presented the staff report. During which she noted that staff had amended the original report to include a revision of the license type from a Type 69 to a Type 64 license, per the recommendation of the California Department of Alcoholic Beverage Control.

The Public Hearing was opened at 8:59 p.m.

- Nikki Edwards, President of the Barn Theater, spoke of the intended use of the alcohol sales and voiced her support for the approval of the item.

The Public Hearing was closed at 9:00 p.m.

A discussion ensued regarding the positive public opinion of the Barn Theater's proposed alcohol sales.

Council Member Ward inquired if any other local non-profit organizations are permitted to sell alcohol. Community Development Director Dunlap addressed the question and provided clarification.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2013-009C) and authorize the Mayor to sign the Application for Conditional Use Permit. The motion carried unanimously.

Documentation: Resolution 35-2013

Disposition: Approved.

SCHEDULED MATTERS

Council Member Shelton noted a conflict of interest relative to Item No. 19, and exited the council chambers.

19. CONSIDERATION OF TEMPORARY USE AT 952 WEST NORTH GRAND AVENUE

Recommendation: That the City Council adopt the draft resolution approving a temporary structure permit to allow for the storage and consignment of equipment at 952 West North Grand Avenue.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Vice Mayor McCracken commended the applicant for improvements to the property.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council adopt the draft resolution approving a temporary structure permit to allow for the storage and consignment of equipment at 952 West North Grand Avenue.

AYES: Ward, Hamilton, Gurrola

NOES: McCracken

ABSTAIN: Shelton

ABSENT: None

Documentation: Resolution 36-2013
Disposition: Approved.

20. CONSIDERATION OF FISCAL YEAR 2013-2014 PROPOSED BUDGET AND
SETTING DATE OF PUBLIC HEARING

Recommendation: The City Manager recommends that the City Council consider the proposed 2013-2014 Fiscal Year Budget, include any modifications so directed by the Council, and schedule a Public Hearing on the proposed Budget for Tuesday, June 18, 2013.

City Manager Lollis introduced the item, provided the staff report, and addressed the Council's questions.

The Council commended City staff, especially Finance Director Bemis, for their efforts in managing the City's finances.

Council Member Ward inquired about the dilapidated condition of Westwood Street between Henderson Avenue and Westfield Street. City Manager Lollis addressed the question and provided clarification.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve the scheduling of a Public Hearing on the proposed 2013-2014 Fiscal Year Budget for Tuesday, June 18, 2013; and approve the scheduling of a City Council Budget Study Session for Tuesday, June 11, 2013, at 6:00 p.m. The motion carried unanimously.

Documentation: M.O. 11-060413
Disposition: Approved.

Mayor Gurrola noted a conflict of interest relative to Item No. 21; instructed Mayor Pro Tempore McCracken to assume the chair; and exited the council chambers.

21. CONSIDERATION OF SUPPORT FOR SCHOLARSHIPS TO ATTEND
PORTERVILLE COLLEGE "COLLEGE 4 KIDS SUMMER CAMP"

Recommendation: That the City Council consider approval of Council Member Ward's use of his Council Member "Meeting Expenses" account to support the scholarships of ten (10) Los Robles Elementary School students to attend Porterville College's upcoming "College 4 Kids Summer Camp".

Mayor Pro Tempore McCracken introduced the item, and the staff report was waived at the Council's request.

The Council discussed the history of the “Meeting Expenses” accounts and the purpose of the “College 4 Kids Summer Camp”.

City Attorney Lew advised the Council regarding the legality of using the funds for the student scholarships.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve Council Member Ward’s use of his Council Member “Meeting Expenses” account in the amount of \$500 to support the scholarships of ten (10) Los Robles Elementary School students to attend Porterville College’s upcoming “College 4 Kids Summer Camp”, with the purpose of benefitting the public through gang prevention.

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

Documentation: M.O. 12-060413

Disposition: Approved.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

City Manager Lollis introduced Items 22 and 23, and the staff reports were waived at the Council’s request.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council approve Items 22 and 23. Motion carried unanimously.

22. AWARD OF CONTRACT – PLANO STREET BRIDGE WIDENING AND REHABILITATION PROJECT

Recommendation: That the City Council:

1. Approve an appropriation of \$664,605 of Capital Improvement Funds for the Plano Bridge Widening and Rehabilitation Project from the Local Transportation Fund account;
2. Award the Plano Street Bridge Widening and Rehabilitation Project to Viking Construction in the amount of \$10,464,505.50;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize payments to the Contractor up to 100% of the contract amount.

Documentation: M.O. 13-060413

Disposition: Approved.

23. AUTHORIZATION TO NEGOTIATE AND EXECUTE A CONTRACT –
CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE
PLANO BRIDGE WIDENING AND REHABILITATION PROJECT

Recommendation: That the City Council:

1. Authorize staff to negotiate a contract with VSCE/The Hanna Group for an anticipated fee not to exceed \$825,000, for construction management and inspection services for the Plano Bridge Widening and Rehabilitation Project;
2. Authorize staff to negotiate a contract with the second ranked firm if staff is unable to negotiate an acceptable contract with VSCE/The Hanna Group;
3. Authorize the Mayor to execute all contract documents;
4. Authorize progress payments that concur with construction progress until proper closeout of the work;
5. Authorize a 10% contingency to cover unforeseen events that relate to the construction project efforts; and
6. Direct the Finance Director to prepare a budget adjustment and augment the project fund in the amount of \$70,000

Documentation: M.O. 14-060413

Disposition: Approved.

3. SALE OF SURPLUS VEHICLES TO THE CITY OF LINDSAY

Recommendation: That the City Council approve the sale of the two above-listed surplus vehicles to City of Lindsay for the sum of \$1,500 each.

City Manager Lollis introduced the item, and Chief of Police McMillan addressed the Council's questions.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the sale of the two above-listed surplus vehicles to City of Lindsay for the sum of \$1,500 each. The motion carried unanimously.

Documentation: M.O. 15-060413

Disposition: Approved.

5. AUTHORIZATION TO ADVERTISE FOR BIDS – W. NORTH GRAND
AVENUE RECONSTRUCTION PROJECT (PROSPECT STREET TO STATE
ROUTE 65)

Recommendation: That the City Council:

1. Approve an appropriation of \$126,500 of Capital Improvement Funds for

- the W. North Grand Avenue Reconstruction from the Storm Drain Developer Fund account;
2. Approve Staff's recommended Plans and Project Manual; and
 3. Authorize staff to advertise for bids on the project.

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

Council Member Ward inquired as to why the City did not pursue repairing the worst segments of the street first. Public Works Director Rodriguez and City Manager Lollis addressed the question and provided clarification.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council approve an appropriation of \$126,500 of Capital Improvement Funds for the W. North Grand Avenue Reconstruction from the Storm Drain Developer Fund account; approve staff's recommended Plans and Project Manual; and authorize staff to advertise for bids on the project. The motion carried unanimously.

Documentation: M.O. 16-060413
Disposition: Approved.

9. CITY WELL #1A – EMERGENCY REPAIR

Recommendation: That the City Council approve emergency work to be completed by S.A. Camp Pump Company on City Well #1A at a cost not to exceed \$35,000.

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

A discussion ensued regarding the status of other City wells and the cost to replace them before they become deficient. Public Works Director Rodriguez addressed the Council's questions.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council approve emergency work to be completed by S.A. Camp Pump Company on City Well #1A at a cost not to exceed \$35,000. The motion carried unanimously.

Documentation: M.O. 17-060413
Disposition: Approved.

At the Council's request, City Attorney Lew spoke briefly regarding Item Nos. 13 and 14, noting a finding by the FPPC as the reason for their reconsideration by the Council.

13. RESCISSION/APPROVAL – ALLOCATION OF \$35,000 TO THE CHAMBER OF COMMERCE

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

City Manager Lollis introduced the item, and City Attorney Lew presented the staff report.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council rescind the action taken on June 21, 2011, and reapprove the 2011-2012 fiscal year allocation of \$35,000 for the Porterville Chamber of Commerce. The motion carried unanimously.

Documentation: M.O. 18-060413

Disposition: Approved.

14. RESCISSION/APPROVAL – MISC. PORTERVILLE CHAMBER OF COMMERCE ITEMS

Recommendation: That the City Council rescind the listed actions and re-approve said actions.

City Manager Lollis introduced the item, and the staff report was waived at the Council's approval.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council rescind the listed actions and re-approve said actions. The motion carried unanimously.

Documentation: M.O. 19-060413

Disposition: Approved.

ORAL COMMUNICATIONS

- John Coffee, encouraged coordination of an event to unite the community.
- Barry Caplan, thanked the Council for explanation of legalities regarding Item Nos. 13 and 14.

OTHER MATTERS

- City Manager Lollis, announced that the Tribal Council approved \$7,500 to Freedom Fest; and extended an invitation to an MDA presentation at Vallarta Supermarket on June 6.
- Council Member Shelton, requested that the Council be noticed of future annexation hearings; requested future consideration of policy/procedures regarding proclamations; and expressed interest in seeing Charter Review Committee on the agenda.
- Council Member Ward, also requested that the Council moved forward with the consideration of a Charter Review Committee.
- Mayor Gurrola, spoke of upcoming Porterville College Summer Strings performances.

ADJOURNMENT – at 10:16 p.m. to the meeting of June 11, 2013.

SEAL

Patrice Hildreth, Chief Deputy City Clerk

Virginia R. Gurrola, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JULY 16, 2013, 5:30 P.M.**

Call to Order at 5:30 p.m.

Roll Call: Council Member Ward, Vice Mayor McCracken, Council Member Shelton (arrived after roll call), Council Member Hamilton, Mayor Gurrola

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

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

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

ORAL COMMUNICATIONS

None

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 adjourned 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.
 - 2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 466 East Putnam Avenue and 280 North Fourth Street. Agency Negotiators: John Lollis. Negotiating Parties: City of Porterville, Comision Honorifica Mexicana Americana, Porterville Senior Council, Kings/Tulare County Area Agency on Aging, and CSET. Under Negotiation: Terms and Price.
 - 3- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: California Healthy Communities Network v. City of Porterville, Tulare County Superior Court Case No. VCU 246336.
 - 4- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing

Litigation: Maria Dolores Santoyo, et al. v. City of Porterville, et al., Tulare County Superior Court Case No. 249462.

5- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Public Safety Support Unit; Porterville Police Officers Association; Management and Confidential Series; Porterville City Firefighters Association; Fire Officer Series; and all Unrepresented Management Employees.

6- Government Code Section 54956.95 – Liability Claims: Claimant: Norma Fox. Agency claimed against: City of Porterville.

7- 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.

8- 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

City Attorney Julia Lew reported on the following action:

B6 Government Code Section 54956.95 – Liability Claims: Claimant: Norma Fox. Agency claimed against: City of Porterville.

On a MOTION by Vice Mayor McCracken, SECONDED by Council Member Ward, the Council rejected the claim filed by Ms. Norma Fox. The motion carried unanimously.

Documentation: M.O. 01-071613

Disposition: Approved.

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation – two individuals participated.

PROCLAMATIONS

National Parks & Recreation Month – July 2013

PRESENTATIONS

Employee of the Month – Rita Gilmer

AB 1234 REPORTS

1. Tulare County Economic Development Corporation – June 26, 2013: City Manager Lollis reported on the discussion related to Governor Brown's proposal regarding targeted employment areas. Mr. Lollis advised of a planned visit to Tulare County by representatives from the Governor's Office.

REPORTS

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission – July 3, 2013: Commissioner Vafeades provided an update of recent Leisure Services activities.

II. Staff Informational Items:

1. 2013 Freedom Fest Report

Re: Informational report on the 3rd annual event held on June 29, 2013.

City Manager Lollis advised that staff had received a request by the Mural Committee to postpone consideration of Item 25.

ORAL COMMUNICATIONS

- Natalie Worrel, expressed concern with Agenda Item No. 21.
- Rodney Martin, voiced concern with a large number of unmaintained bank-owned properties in the City and requested that the City enforce ordinances to protect the adjacent neighbors.
- Russell Fletcher, voiced displeasure with the Council and warned that their actions will affect whether they are re-elected.
- Denise Marchant, President of Kings/Tulare Area Agency on Aging, requested approval of Item 26.
- Brock Neeley, requested an opportunity to address the Council when the Council considered Items 21, 22, and 23. He then provided statistical reports with regard to homosexuality, spoke against rescission of the LGBT proclamation, and against the proposed resolution.
- John Coffee, spoke of the Council's prior support of Proposition 8, a failed attempt to oppose SB 54 (Leno), and the proposed rescission of the LGBT Proclamation, and inquired when enough would be enough as to anti-LGBT actions by the Council.
- Trina Leon, commented that Mayor Gurrola had abused her power, spoke against the LGBT Proclamation, spoke of the Bible, and implored the Council to rescind the proclamation.
- Ann Marie Wagstaff, identified herself as a lesbian, spoke of living in Porterville, and requested that the Council serve all of the citizens of Porterville and treat all as equal.
- Kathryn Hall, a Lindsay resident and pediatrician in Tulare County, spoke of the harm that rescinding the LGBT proclamation would do to the LGBT community, and requested that the Council not rescind the proclamation.
- Christy Burkhart, spoke against rescinding the LGBT proclamation.
- Cindy Dominguez, spoke in favor of rescinding the LGBT proclamation, stated that the Mayor had abused her authority and violated the City Charter, and quoted the Bible.
- Lisa Smith, spoke of Prop 8, DOMA, in opposition to rescinding the LGBT proclamation, and requested that the Council focus on other matters of City business.
- Brad Davis, spoke of Christians and in favor of rescinding the proclamation because it violates the teachings of God.
- Jessica Mahoney, spoke of the proclamation process, admonished the Council for their behavior, and spoke against rescission.
- Maria Ennis, spoke of the importance of tolerance, and spoke against rescission of the LGBT proclamation.
- Sidney Pedraza, spoke in favor of consideration of amending the proclamation process, voiced support for rescinding the proclamation and approval of an all-inclusive resolution.
- Cici Townsend, spoke in favor of rescinding the proclamation and asserted that the

proclamation violated the City Charter because it had not been approved by a majority of the Council, and spoke of various lawsuits concerning alleged discrimination against LGBT individuals.

- Dennis Townsend, spoke in favor of amending the process for approving proclamations, voiced support for rescinding the LGBT proclamation, and alleged that the Mayor had violated the City Charter in approving said proclamation.
- David Harris, spoke in favor of rescinding the proclamation, and voiced opposition to the City celebrating anyone's sexual preference.
- Rodney Martin, commented that he believed the process had been followed; however he requested that the proclamation be rescinded as it did not reflect the beliefs of the community. He then suggested that the people held the power, not the government, and spoke in favor of the proposed replacement resolution.
- Christine Harris, spoke in favor of rescinding the proclamation, voiced concern with making sex a public issue, and suggested that she felt bullied by the LGBT community due to her beliefs.
- Laura Grabowski, a Springville resident, suggested that the Mayor had bullied the citizens into the LGBT proclamation; spoke against governmental action in support of LGBT individuals; and requested that the Council rescind the proclamation.
- Lois Ennis, spoke against rescinding the LGBT proclamation and commented that many of her fellow senior citizens were also against rescission.
- Dave Mast, spoke of the divisiveness of the matter, and suggested the topic ought to be debated outside of the Council Chambers as it was not a debate that either side would win, citing religious differences in the Middle East as an example.
- Martin (last name inaudible), spoke in favor of rescinding the LGBT proclamation, and spoke of bias in the media.
- Bob Ruckson, spoke in favor of rescinding the LGBT proclamation, and quoted from the Bible.
- Melissa McMurry, a LGBT community member, requested that the Council not rescind the proclamation, and spoke of the positive influence it has had.
- John Holberg, spoke of the power of the people, suggested that the Mayor was attempting a "power grab," implored the Council to stand up for what mattered, and rescind the LGBT proclamation.
- Mahmet McMillan, a Springville resident, agreed that the people ought to stand up, suggested that rescission of the LGBT proclamation was mean-spirited, and spoke against such rescission, stating that the citizens of Porterville owed it to themselves to be inclusive.
- Maureen Cruess, voiced appreciation to the Council for their hard work, and commented that any proclamation of the City Council should reflect the beliefs of the entire community.
- Carlos Gomez, a Springville resident, suggested that Porterville had borderline institutionalized racism and discrimination; spoke of the issue of suicide of gay youths, and questioned what message would be sent to LGBT youth if the Council proceeded to rescind the proclamation.
- Jesus Garcia, spoke of what the proclamation meant to him as a young gay man growing up and living in Porterville, of the importance of working to create change, and his frustration and his desire to be proud of Porterville.
- Barry Caplan, commented that City Hall was not a church, spoke of the legalities and

unconstitutionality of Proposition 8, spoke of the duties of the Mayor which included approving proclamations, and requested that the Council do the right thing.

CONSENT CALENDAR

Items 2, 3, 6, 10, 11, 16, 18 were removed for further discussion. Council Member Shelton noted his abstention due to conflicts of interest on Items 9 and 20. Council Member Ward noted his abstention due to conflicts of interest on Items 4 and 6.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the Council approve Items 1, 4, 5, 7-9, 12-15, 17, and 19-20. The motion carried unanimously.

1. MINUTES OF JUNE 18, 2013

Recommendation: That the City Council approve the Minutes of June 18, 2013.

Documentation: M.O. 02-071613

Disposition: Approved.

4. REQUEST TO ADVERTISE FOR ANNUAL CONTRACTS

Recommendation: That the City Council authorize Public Works Field Services Division to advertise for the stated annual contracts.

AYES: Shelton, Hamilton, McCracken, Gurrola

NOES: None

ABSTAIN: Ward

ABSENT: None

Documentation: M.O. 03-071613

Disposition: Approved.

7. ACCEPTANCE OF IRREVOCABLE OFFER TO CONVEY REAL PROPERTY FOR PUBLIC STREET RIGHTS OF WAY RELATED TO PARCEL MAP NO. 4996, JAYE STREET AND VANDALIA AVENUE – TOLLADAY FAMILY TRUST, CZEM PARTNERS, LLC AND JLH PROPERTIES, LLC

Recommendation: That the City Council:

1. Accept the Irrevocable Offer of Conveyance of Real Property for Public Street Rights of Way related to Parcel Map No. 4996;
2. Authorize the City Clerk to record a Resolution accepting the offer with the County Recorder's Office;
3. Approve a reimbursement to the developer's financial advisor, Aztec Mustang, LLC, in the amount of \$55,848.30 for all public rights of way irrevocably offered for conveyance related to Parcel Map No. 4996; and
4. Authorize the Mayor to sign all necessary documents and the resolution accepting the Irrevocable Offer of Conveyance of Real Property.

Documentation: Resolution 42-2013
Disposition: Approved.

8. LABORATORY INSTRUMENT SERVICE CONTRACTS

Recommendation: That the City Council:
1. Approve the service contracts with Thermo Electron, LLC and Agilent Technologies; and
2. Authorize payment for these services.

Documentation: M.O. 04-071613
Disposition: Approved.

9. ASPHALT OVERLAY PROGRAM 2013/2014

Recommendation: That the City Council approve the 2013/2014 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

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

Documentation: M.O. 05-071613
Disposition: Approved.

12. PRELIMINARY ANNUAL ENGINEER'S REPORT OF ASSESSMENTS FOR LIGHTING AND MAINTENANCE DISTRICTS AND SETTING A PUBLIC HEARING

Recommendation: That the City Council:
1. Adopt Resolutions:
a. Ordering the preparation of an Engineer's Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 2013-2014;
b. Giving preliminary approval to the Engineer's Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2013-2014; and
c. Declaring the intent to levy and collect assessments for Fiscal Year 2013-2014, and offering a time and place for hearing objections thereto.
2. Further, that the City Council set a public hearing for 6:30 PM on August 6, 2013, regarding the Engineer's Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal Year 2013-2014.

Documentation: Resolution 43-2013
Resolution 44-2013
Resolution 45-2013

Disposition: Approved.

13. REVIEW AND UPDATE STATEMENT OF INVESTMENT POLICY

Recommendation: That the City Council refer the review and update of the City of Porterville's investment policy to the Audit Committee.

Documentation: M.O. 06-071613

Disposition: Approved.

14. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the draft resolution adopting the appropriation limit of \$55,405,944 for the 2013/2014 fiscal year.

Documentation: Resolution 46-2013

Disposition: Approved.

15. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN – PORTERVILLE CITY
FIREFIGHTERS ASSOCIATION

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

Documentation: Resolution 47-2013

Disposition: Approved.

17. APPROVAL FOR COMMUNITY CIVIC EVENT – BOYS AND GIRLS CLUB OF
PORTERVILLE – FAMILY CONCERT AT MURRY PARK – AUGUST 24,2013

Recommendation: That Council approve the Community Civic Event Application and Agreement from Boys and Girls Club of Porterville and Nico's Concessions, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 07-071613

Disposition: Approved.

19. APPROVAL OF REFINANCING UNFUNDED CALPERS PUBLIC SAFETY PLAN
SIDE FUND OBLIGATION

Recommendation: That the City Council approve the refinancing of the CalPERS Public Safety Side Fund, and authorize the Mayor and City Manager to sign the draft Resolution, Agreements, and documents as may be required.

Documentation: Resolution 48-2013

Disposition: Approved.

20. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8603 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

AYES: Ward, Hamilton, McCracken, Gurrola

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 08-071613

Disposition: Approved.

Mayor Gurrola thanked the public for their attendance and participation in the Council meetings; spoke of the large number of Proclamations routinely given during Council meetings; stated that there was no “power-grab” attempt or advocacy for same-sex marriage behind the LGBT Pride Proclamation; noted that she had received emails of support from young people around the United States and Switzerland; and voiced her hope that the community would begin to heal.

SCHEDULED MATTERS

21. CONSIDERATION OF THE PROCESS WHEREBY CITY PROCLAMATIONS ARE APPROVED

Recommendation: That the City Council consider the process whereby City Proclamations are approved.

City Manager Lollis introduced the item and provided the staff report, noting that although there are no explicit guidelines in the City Charter for the approval process of Proclamations, the long-standing practice has been that the Mayor receives and approves all Proclamation requests.

Council Member Shelton spoke in support of amending the process, and noted that the LGBT Pride Proclamation was the only one, to his knowledge, that had not had the support of the other Council Members.

Vice Mayor McCracken stated that the practice used to be that Proclamations were signed only by the Mayor, but that this practice was later changed to include the signatures of the entire Council. Vice Mayor McCracken then stated that Proclamations had never been voted on by the Council, and spoke of options available under the current rules to control the Proclamation process.

Council Member Hamilton commented that the majority of the Council was opposed to the Proclamation but the Mayor approved it anyway.

Council Member Ward stated his belief that the Mayor was putting forth her own ideology in

approving the Proclamation, and noted that the Mayor had the Proclamation added to the agenda after the submission deadline.

Mayor Gurrola explained the procedure by which she examines and approves all requests for Proclamations.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that all City Proclamations shall require approval by three affirmative votes of the members of the City Council.

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

Documentation: M.O. 09-071613
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the Council reconsider the previous action to bifurcate the rescission and the replacement resolution.

Vice Mayor McCracken requested that the Minutes of June 18, 2013, be read to determine how Council Member Hamilton voted on the previous action to bifurcate the rescission and the replacement resolution. City Attorney Lew examined the Minutes and advised that Council Member Hamilton had voted in favor of the bifurcation.

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

Documentation: M.O. 10-071613
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the Council combine the consideration of Items 22 and 23.

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

Documentation: M.O. 11-071613
Disposition: Items 22 and 23 combined.

22, 23. CONSIDER RESCINDING THE CITY PROCLAMATION OF “LGBT PRIDE MONTH” FOR JUNE 2013, AND ADOPT A RESOLUTION OF SUPPORT FOR

JUNE 2013 AS “A MONTH OF COMMUNITY CHARITY AND GOODWILL TO
ALL IN PORTERVILLE”

Recommendation: That the City Council consider rescinding the City Proclamation of “LGBT Pride Month” for June 2013, and adopt a Resolution of Support for June 2013 as “A Month of Community Charity and Goodwill to All in Porterville.”

City Manager Lollis introduced the items.

Mayor Gurrola inquired about the nature of resolutions, and Vice Mayor McCracken requested input from the City Attorney regarding “whereas” clauses being factually inaccurate.

Council Member Shelton made a motion to replace the Proclamation of June 2013 as “LGBT Pride Month” with the Resolution of Support for June 2013 as “A Month of Community Charity and Goodwill to All in Porterville”. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the Council rescind the LGBT Proclamation, and approve the Resolution of Support for June 2013 as “A Month of Community Charity and Goodwill to All in Porterville”.

A discussion ensued regarding the possibility of combining the LGBT Pride Proclamation and the Resolution of Support for June 2013 as “A Month of Community Charity and Goodwill to All in Porterville”. The Council debated whether the resolution was in fact all-inclusive.

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

Documentation: M.O. 12-071613; and Resolution 49-2013
Disposition: Proclamation rescinded, and Resolution approved.

A disruption occurred in the audience at the announcement of the Proclamation’s rescission, and the Council recessed for ten minutes at 9:18 p.m.

24. APPOINTMENTS TO MEASURE R CITIZENS’ OVERSIGHT COMMITTEE AND
INTERNAL CITY AUDIT COMMITTEE

Recommendation: That the City Council consider said appointments and provide direction to staff.

City Manager Lollis introduced the item, and Administrative Services Director Hildreth presented the staff report, noting that although no requests had been submitted as of the time of agenda compilation, a request was subsequently submitted by Mr. Vonn Christensen to serve on the Measure R Citizens’ Oversight Committee.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member

Ward that the Council accept the appointment of Mr. Vonn Christensen to the Measure R Citizens' Oversight Committee. The motion carried unanimously.

The Council then directed staff to re-advertise the vacancy for the Internal Audit Committee and solicit applications.

Documentation: M.O. 13-071613

Disposition: Approved.

25. This item was postponed to the meeting of August 6, 2013, at the request of the Mural Committee.

26. REVISED CDBG 2013/14 ACTION PLAN

Recommendation: That the City Council:

1. Consider the request by the Continuum of Care for \$5,000 allocation to continue to provide services to the homeless;
2. Adopt the Revised 2013/14 Revised Action Plan resolution of approval reflecting \$717,586 in Entitlement allocation; and
3. Authorize the City Manager to execute all necessary documents.

City Manager Lollis introduced the item, and Community Development Director Dunlap presented the staff report.

Council Member Shelton voiced his support for the Continuum of Care program, and inquired about the increase of funds for the Community Development Block Grant. Community Development Director Dunlap addressed the question and provided clarification.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the Council approve the request by the Continuum of Care for \$5,000 allocation to continue to provide services to the homeless; adopt the Revised 2013/14 Revised Action Plan resolution of approval reflecting \$717,586 in Entitlement allocation; and authorize the City Manager to execute all necessary documents. The motion carried unanimously.

Documentation: Resolution 50-2013

Disposition: Approved.

27. CONSIDERATION OF COMPOSITION AND APPOINTMENT METHOD OF CHARTER REVIEW COMMITTEE

Recommendation: That the City Council provide direction to staff as to the composition and appointment method for the Charter Review Committee.

City Manager Lollis introduced the item and presented the staff report, recommending that members of the committee be city residents and registered voters.

A discussion ensued regarding the composition and appointment methods of past Charter Review

Committees.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that five members of the Charter Review Committee be selected by Council Members, and that four Committee members be selected by a majority of the City Council.

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

The Council directed staff to require that all applicants for the Charter Review Committee be City residents and registered voters.

Documentation: M.O. 14-071613
Disposition: Approved.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

2. REQUEST FOR APPROVAL TO PURCHASE AUTOMATIC EXTERNAL DEFIBRILLATORS

Recommendation: That the City Council:

1. Authorize the purchase of the Automatic External Defibrillators;
2. Authorize payment upon satisfactory delivery of the products, which will be 100% reimbursed with the Homeland Security Grant Funds.

City Manager Lollis introduced the item, and Fire Chief Irish addressed the Council's questions.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council authorize the purchase of the Automatic External Defibrillators; and authorize payment upon satisfactory delivery of the products, which will be 100% reimbursed with the Homeland Security Grant Funds. The motion carried unanimously.

Documentation: M.O. 15-071613
Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS – SPORTS COMPLEX SOFTBALL AND SPORTS FIELD LIGHTING PROJECT

Recommendation: That the City Council:

1. Approve Staff's recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

The City Manager introduced the item, and the staff report was waived at the Council's request. Council Member Ward inquired about the number of fields that the lighting would cover, and inquired

about the plans for infrastructure at the project site. Public Works Director Rodriguez and City Manager Lollis addressed the questions and provided clarification.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve Staff's recommended Plans and Project Manual; and authorize staff to advertise for bids on the project. The motion carried unanimously.

Documentation: M.O. 16-071613

Disposition: Approved.

6. AUTHORIZATION TO ADVERTISE FOR PROFESSIONAL SERVICES –
ELECTRICAL POWER GENERATION ALTERNATIVES

Recommendation: That the City Council authorize staff to advertise for consultant services to analyze electric power generation alternatives at the Wastewater Treatment Facility, and if necessary, prepare plans and specifications to incorporate the desired alternative into the treatment plant layout; authorize the Public Works Director to conduct oral interviews if, in the opinion of the Public Works Director, interviews are necessary; and direct the Public Works Director to prepare a staff report for a subsequent Council meeting identifying the proposers and their respective rankings.

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

Council Member Shelton commended Public Works Director Rodriguez for his efforts on the project, and inquired about the availability for solar power at the Wastewater Treatment Facility. Public Works Director Rodriguez addressed the question and provided clarification.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council authorize staff to advertise for consultant services to analyze electric power generation alternatives at the Wastewater Treatment Facility, and if necessary, prepare plans and specifications to incorporate the desired alternative into the treatment plant layout; authorize the Public Works Director to conduct oral interviews if, in the opinion of the Public Works Director, interviews are necessary; and direct the Public Works Director to prepare a staff report for a subsequent Council meeting identifying the proposers and their respective rankings.

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

Documentation: M.O. 17-071613

Disposition: Approved.

10. JOINT FUNDING AGREEMENT WITH PORTERVILLE UNIFIED SCHOOL DISTRICT AND BURTON SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

Recommendation: That the City Council:

1. Approve the Agreement for Joint Funding for School Resource Officers for the period of July 1, 2013, through June 30, 2014; and
2. Authorize the Mayor to execute the agreement on behalf of the City of Porterville.

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

Council Member Shelton commended the partnership between the City and the school districts.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve the Agreement for Joint Funding for School Resource Officers for the period of July 1, 2013, through June 20, 2014; and authorize the Mayor to execute the agreement on behalf of the City of Porterville. The motion carried unanimously.

Documentation: M.O. 18-071613

Disposition: Approved.

11. SALE OF SURPLUS VEHICLES TO THE CITY OF LINDSAY

Recommendation: That the City Council approve the sale of the two above-listed surplus vehicles to City of Lindsay for the sum of \$1,500 each.

City Manager Lollis introduced the item, and the staff report was waived by the Council.

Council Member Shelton lauded Chief of Police McMillan for his efforts in selling the City's surplus vehicles.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve the sale of the two above-listed surplus vehicles to City of Lindsay for the sum of \$1,500 each. The motion carried unanimously.

Documentation: M.O. 19-071613

Disposition: Approved.

16. BUDGET ADJUSTMENT FOR THE 2013-2014 FISCAL YEAR

Recommendation: That Council approve the attached budget adjustments and authorize staff to modify the expenditure estimates as described on the attached schedule.

City Manager Lollis introduced the item, and addressed the Council's questions. The staff report was waived by the Council.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council approve the attached budget adjustments and authorize staff to modify the expenditure estimates as described on the attached schedule. The motion carried unanimously.

Documentation: M.O. 20-071613

Disposition: Approved.

18. APPROVAL FOR COMMUNITY CIVIC EVENT – WALMART DISTRIBUTION AND VALLEY CHILDREN'S HOSPITAL – NEON CITY 5K RUN – SEPTEMBER 21, 2013

Recommendation: That Council approve the Community Civic Event Application and Agreement from Wal-Mart Distribution Center and Valley Children's Hospital, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B.

City Manager Lollis introduced the item, and the staff report was waived by the Council.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve the Community Civic Event Application and Agreement from Wal-Mart Distribution Center and Valley Children's Hospital, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B. The motion carried unanimously.

Documentation: M.O. 21-071613

Disposition: Approved.

ORAL COMMUNICATIONS

- Melissa McMurry, read a statement by LGBT community members who were removed for protesting within the Chambers which indicated they believed the injustice demanded civil disobedience.
- Russell Fletcher aka Bones aka Buck, voiced his displeasure with the Council's rescission of the LGBT proclamation, and lauded Council Member Hamilton's action in combining Items 22 and 23, and "lighting the powder keg."
- John Coffee, spoke of homosexuality not being a lifestyle or choice, and that his lifestyle was middle class American.
- Ann Marie Wagstaff, thanked Mayor Gurrola for her integrity and leadership, indicated she was appalled with the Council's behavior, and commented that the "problem" was not with the Community, but rather the Council.
- Larry Martin, thanked the Council for their commitment to the community, and apologized for his previous apathy in local government.

- Brock Neeley, voiced his appreciation for Mayor Gurrola and thanked her for her compassion; suggested Council Member Ward was a hypocrite; stated that Council Member Hamilton ought to check his Bible at the door; and stated that Council Member Shelton was a selfish little boy and a bully.
- Barry Caplan, voiced displeasure with Council Members Ward, Hamilton and Shelton, questioned how Council Member Ward could perform his job as a school Counselor; and commended Vice Mayor McCracken and Mayor Gurrola.

OTHER MATTERS

- Mayor Gurrola apologized for losing her composure during the Council Meeting.
- Council Member Shelton apologized to Mayor Gurrola and Mr. Gurrola for his behavior.
- Council Member Hamilton spoke of the history of Proposition 8, and of the concerted effort and deplorable behavior of members of the LGBT community engaged in the debate.
- Council Member Ward spoke of City events coming up, including Summer Night Lights.

ADJOURNMENT

The Council adjourned at 10:25 p.m. to the meeting of August 6, 2013.

SEAL

Patrice Hildreth, Chief Deputy City Clerk

Virginia Gurrola, Mayor

COUNCIL AGENDA: August 20, 2013

SUBJECT: BUDGET ADJUSTMENT FOR THE 2013-14 FISCAL YEAR

SOURCE: Finance Department

COMMENT: During the course of the fiscal year, budget information becomes available that more accurately identifies revenue projections and project costs. Once known, budget modifications are necessary to complete projects and record revenues. To address budget adjustments in an orderly fashion, all adjustments will be presented as one agenda item for Council's consideration.

The following adjustments are proposed for Council consideration:

California State Parks – OHV grant

On August 5, 2013, the City of Porterville was awarded \$68,483 from the California State Parks, OHV Division Trust Fund to assist with funding for operations and maintenance of the OHV Park. Ground operations and maintenance expenditure include staff wages, track refurbishing, utilities, equipment maintenance, fuel, weed abatement, irrigation parts, and other expenses. The OHV grant funds will cover almost half of this year's appropriation for the OHV Park. The General Fund revenue budget does not include an amount for grant revenue. Staff therefore requests Council approval to increase the General Fund revenue budget for the amount of OHV grant funds awarded to the City.

Smart Phone App – PublicStuff

At the last Council meeting, staff presented an analysis of several options for mobile app and CRM solutions for local governments. Staff identified the PublicStuff product as the most comprehensive and cost effective solution for the City. It includes custom in-app-store application with unlimited widgets, over 50 city user accounts, enhanced reporting and analytics, a full-time personal account manager for the City, and other features. A one-year agreement costs \$8,800. Funds are available in the City Council and Community Promotion operating budgets for the fiscal year 2013-2014 with savings from the anticipated refund of a portion of fees paid to the Economic Development Corporation of Tulare County. Staff requests Council approval to split the cost of the first year contract with PublicStuff between the City Council and Community Promotion operating budgets.

Dir MB Appropriated/Funded MB CM J

Item No. 2

RECOMMENDATION: That Council approve the attached budget adjustments and authorize staff to modify the revenue and expenditure estimates as described on the attached schedule.

ATTACHMENT: Schedule of Budget Adjustments

CITY OF PORTERVILLE

Budget Adjustment

Date: August 20, 2013

FUND - ACCT	NO.	DESCRIPTION	FUNDING SOURCE	DOLLAR AMOUNT
001-4516	1	Increase state grant revenue budget for OHV grant award.	Gen Fund Revenue	\$68,483
001-5010-001-66	2	One-half of annual cost - PublicStuff mobile app.	Gen Fund	\$4,400
001-5010-010-66	3	One-half of annual cost - PublicStuff mobile app.	Gen Fund	\$4,400

Modification No:2-13/14

COUNCIL AGENDA: AUGUST 20, 2013

SUBJECT: PURCHASE OF EQUIPMENT




SOURCE: Finance Department – Purchasing Division

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

<u>DEPARTMENT</u>	<u>DESCRIPTION</u>	<u>ESTIMATED COST</u>
Fire	Fire Fighting & Rescue Equip	\$ 30,000
Streets	1-ton dual wheel pickup with Custom stencil body	80,000
	Motor Grader	275,000
Parks	Utility Vehicle	11,000
	Tank Sprayer w/boom kit (2)	30,000
Sewer	Sewer Vacuum/Jetter Truck	400,000
	Backhoe/loader	110,000
	Air Compressor	18,000
WWTF	Particulate Filter	18,000
Water Distribution	1-ton dial dual wheel pickup With custom body	71,000
	Backhoe/loader	105,000
	SCADA Upgrade	60,000
	GPS Equipment	145,000
Solid Waste	Commercial Bins & Roll-Off Containers	200,000
	1-ton pickup with Liftgate	40,000
	CNG Roll-Off Truck	230,000
Equipment Maint.	Vehicle Service Hoist	50,000

Funds for the purchase of this equipment are available in the Equipment Replacement Fund Budgets.

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

Dir  Appropriated/Funded  CM 

Item No. 3

COUNCIL AGENDA: AUGUST 20, 2013

SUBJECT: AUTHORIZATION TO PURCHASE SERVERS AND SERVER RACK EQUIPMENT

SOURCE: Public Works Department - Transit

COMMENT: Staff is requesting authorization to purchase two (2) servers and server rack equipment for the transit security project. The two servers are required to control the video, door access, and intrusion detection management software and storage solution.

The City has standardized its server and desktop equipment with Dell. In an effort to be uniform, acquiring the Dell equipment will allow for seamless integration and compatibility with the existing infrastructure.

Staff requested and received the following quotes for the backend system for the Transit Security Project.

	<u>Dell</u>	<u>iMpress</u>	<u>MCP</u>
Dell PowerEdge R720 Server	\$16,094.08	\$21,135.46	\$18,985.33
Dell 4220 42U Server Rack	1,075.47	1,230.35	1,163.12
Dell EqualLogic PS6110E Array	<u>24,586.56</u>	<u>46,425.98</u>	<u>37,344.62</u>
Total	\$41,756.11	\$68,791.79	\$57,493.07

Funding for the server equipment is available in the Transit Security Prop 1B monies, and approved in the 2013/2014 Annual Budget.

RECOMMENDATION: That the City Council:

1. Authorize Staff to purchase the Dell server, rack equipment, and high capacity storage array at a cost of \$41,756.11; and
2. Authorize payment upon satisfactory delivery of the server equipment.

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DD BS1

Appropriated/Funded AD

CM J

Item No. 4

COUNCIL AGENDA: AUGUST 20, 2013

SUBJECT: AUTHORIZATION TO ADVERTISE FOR PROPOSALS -
REVENUE SHARING TRANSIT ADVERTISING

SOURCE: Public Works Department - Transit

COMMENT: On April 19, 2005, the City Council authorized a service agreement to the Kaltoft Company to provide professional services for the development, implementation and on-going direct sales and program coordination for the City Transit Advertising program. The original service agreement was valid for a period of three (3) years and could potentially be extended subject to mutual agreement between both parties.

After review of the transit advertising policy and accompanying service agreement, staff determined that the agreement is no longer valid under the Federal Transit Administration (FTA) procurement policy due to the lack of a written extension provision.

Staff is requesting authorization to advertise for proposals for the services of a qualified contractor to administer and carry out the day-to-day functions associated with the revenue sharing transit advertising program for a period of three (3) years, with the option to renew for one (1) additional two (2) year period.

RECOMMENDATION: That the City Council:

1. Authorize staff to distribute Requests for Proposals for Advertising Contractor.

ATTACHMENT: Scope of Services

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Dir BSR Appropriated/Funded PD CM J
PD

Item No. 5

SECTION 2 SCOPE OF SERVICES

The City of Porterville is seeking the services of a firm to administer and carry out the day-to-day functions associated with interior and exterior revenue sharing transit advertising. The contractor selected to manage the sales and placement of advertising on vehicles, shelters, and any other appropriate property shall demonstrate its ability to manage all tasks related to the execution of this revenue sharing agreement. These tasks include:

- All client sales contracts
- Design, production or silk-screening services
- Posting and removing signs on transit property
- Billing and collecting revenues from clients
- Other necessary or customary business practices

The City of Porterville is located in Tulare County, which is centrally located in the San Joaquin Valley of California. The San Joaquin Valley is a rich agricultural area, and Tulare County is recognized as the largest agricultural-producing county in the world.

Porterville has a land area of approximately 14.3 square miles, situated at the base of the foothills of the Sierra Nevada Mountain Range. It is approximately 30 miles southeast of Visalia; 60 miles northeast of Bakersfield, 165 miles northeast of Los Angeles, and 254 miles southeast of San Francisco. State Routes 65 and 190 bisect the community. According to the United States Census Bureau our population (including East Porterville) in 2010 was in excess of 70,000 people. Porterville Transit currently operates twenty-two (22) vehicles for transportation (Attachment 4).

The City of Porterville operates a fixed route system known as Porterville Transit and a paratransit system known as Dial-A-COLT.

As of July 1, 2013, Porterville Transit operates nine (9) fixed routes with nine (9) fixed route buses for pullout each day. There are three (3) paratransit vehicles (Dial-A-COLT) during peak service. Service for Porterville Transit is 7:00 a.m. to 10:00 p.m. (Monday – Friday) and 9:00 a.m. to 5:00 p.m. (Saturday and Sunday).

The City has fourteen (14) bus shelters with advertising panels that are located along major corridors.

The City will provide exclusive rights (except when the City may want to have Public Safety notices posted with coordination through the Contractor) to advertising space on the interior and exterior of all City transit advertising property specified in the contract and as added or amended.

All agreements for the placement of advertising shall be between the advertiser and Contractor. Nothing herein shall be construed to create a contractual relationship between the City and such advertiser.

Contractor Responsibilities:

1. The Contractor shall maintain a comprehensive sales plan, and shall aggressively market their program to advance the sale of advertising space. The Contractor shall put forth its best effort to coordinate the sale, installation, removal, and maintenance of exterior and interior advertising space on City transit property. A copy of the sales plan shall be provided to the City.
2. A single representative shall be designated as the point of contact to answer any inquiries, troubleshoot problems and resolve any issues and be the general liaison for any business between the City and the proposer. Said person must be accessible during regular business hours and must provide two telephone numbers for contact.
3. The Contractor shall procure, sell and install advertising in accordance with this section upon the property utilized by the City for public transit at no cost to the City.
4. The Contractor shall be responsible for durable advertising signs produced in a process subject to approval of the City.
5. Contractor shall not self-promote on any transit property without express written consent from the City.
6. The Contractor shall perform all billing and collections connected with advertising sales.
7. The Contractor shall establish all rates and charges for the rental of advertising space on transit property and must provide a copy of its rate sheet to the City.
8. The Contractor shall maintain, separately, all sales and financial records relating to each account of the revenue-advertising program.
9. The Contractor shall provide accurate sales reports, and provide a copy of each contract. Monthly reports will be required of the Contractor featuring gross billing and net billings, display types, total space available, total space sold, and total space traded or bartered. Inventory reports will also be required monthly. These reports shall be provided in conjunction with the monthly payments tendered by the Contractor to the City.
10. The Contractor shall be responsible for services that are in strict compliance with all applicable laws and statutes of the United States, the State of California, ordinances, regulations or resolutions of the City of Porterville.
11. To acknowledge full liability and responsibility for any claims for damages resulting out of services performed under this agreement.
12. The Contractor shall furnish the City with copies of all signed contracts and correspondence (including changes in price, lengths of contracts and cancellation notices) within a month of their execution and prior to the advertising being installed.
13. The Contractor is required to remit revenues earned each month within twenty (20) calendar days after the end of the month in which they were earned. The

revenue must be accompanied by a report that includes details of:

- a. All contracts in effect
- b. Billings for the month
- c. Collections for the month
- d. Past due amounts
- e. Total remaining balances on accounts
- f. Contract expiration dates

14. The Contractor shall not pursue advertisements that fail to meet the City's advertising policy (Attachment 5).

Installation of advertisements:

1. The Contractor must ensure that all installations and maintenance personnel are properly uniformed, presenting a neat and clean appearance at all times. The Contractor must control the actions of its employees.
2. All advertising shall be displayed in a neat and professional manner. The Contractor shall maintain all displayed advertising so as to ensure its neat appearance and promptly remove all advertising which is torn or otherwise unsightly in appearance.
3. All installation, unless otherwise arranged, must be scheduled through the Transit Operations Manager in conjunction with appropriate City maintenance operation staff. Contractor's representative shall be responsible for submitting all proposed advertising to City for review, approval and/or disapproval. This review and subsequent feedback shall take place within ten (10) business days after receipt unless extenuating circumstances prevail. The Contractor is responsible for the cost associated with preparation and maintenance of ads.
4. The Contractor must ensure that the installation of advertising devices and the materials to be contained therein shall take place during hours of minimum passenger and visitor activity, at such hours as approved by the City and installation of all advertising display units will be closely coordinated with the City so that regular operations are not impacted and so that all standard safety regulations are adhered to.
5. Contractor shall insure that graphics are installed utilizing materials and application methods that are of the highest industry standard. Furthermore, each contract entered into between Contractor and client shall include these specifications, and have certifications of compliance for materials and application methods utilized signed and included as part of the contract.
6. The Contractor must ensure all advertising is kept free of graffiti. The Contractor must remove copy that contains graffiti within twenty-four (24) hours of being notified verbally by the City.
7. The Contractor shall reimburse the City for the cost of repairs to return all vehicles to original state and condition when wraps/signage comes off. Any damages and/or repainting shall be paid by the Contractor.

Rights of the City:

1. The City shall approve all advertising, exhibit material, announcements, or any other communications displayed and/or exhibited on its transit property, according to the City Transit Advertising Policy.
2. The City has the right at all times during the term of the agreement, following reasonable advance written notice, to the removal, change of location, modification or refurbishment of any or all advertising. No advertising, once approved by the City, may be removed by the Contractor without advance written approval.
3. If the City buses are utilized for wrapping, the Contractor will bear the wrapping, removal, and repainting costs. The buses will be restored to the original painted colors when the contract expires.
4. The City reserves the right to use, without charge, unsold available advertising space for the promotion of its transit service. A minimum of one (1) interior bus sign per bus may be used by the City for its own use. The Contractor shall place and remove the City's advertisements without charge. The City will be responsible for the production costs of any advertising signs used for the City.

COUNCIL AGENDA: AUGUST 20, 2013

SUBJECT: ACCEPTANCE OF PROJECT – 2013/2014 MICRO-SURFACING PROJECT (HENDERSON AVENUE, INDIANA STREET, LEGGETT STREET AND GIBBONS AVENUE)

SOURCE: Public Works Department - Engineering Division

COMMENT: Intermountain Slurry Seal, Inc. has completed the 2013/2014 Micro-Surfacing Project per plans and specifications. The project is part of the City's Measure "R" Street Maintenance Program, which consists of a durable thin asphalt overlay on several streets within the City. An important project component was the removal and replacement of badly distressed asphalt concrete. New pavement markings were placed once each street received the thin asphalt overlay. Indiana Street and Leggett Street received a two layer system including a bottom course of asphalt rubber chip seal followed by a top course of micro-surfacing to lock in the aggregate chips commonly known as a cape seal. Streets and project limits are as follows:

- Henderson Avenue – Patsy Street to Westwood Street.
- Indiana Street – Henderson Avenue to Westfield Avenue.
- Leggett Street – Putnam Avenue to Porter Slough.
- Gibbons Avenue – Jaye Street to Indiana Street.

Staff carefully tracks construction costs of all Capital Improvements Projects. On April 2, 2013, City Council authorized expenditure of \$644,000 for construction, construction management and quality control services for the 2013/2014 Micro-Surfacing Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

- 1) Final construction cost is \$542,711.66
- 2) Construction management and quality control costs are \$13,498.73, which is 2.4% of the awarded construction contract. This amount is lower than the 5% construction management and quality control amount requested at the time of award.

Total project construction costs equate to \$556,210.39 which is less than the \$644,000 overall budget approved by Council at the time of award.

Dir Bor Appropriated/Funded

SD

CM

[Signature]

Item No. 6

The funding source for this annual project is 2013/2014 Local Measure 'R' Tax Revenue advancement and CalEMA disaster relief as approved by Council on February 19, 2013.

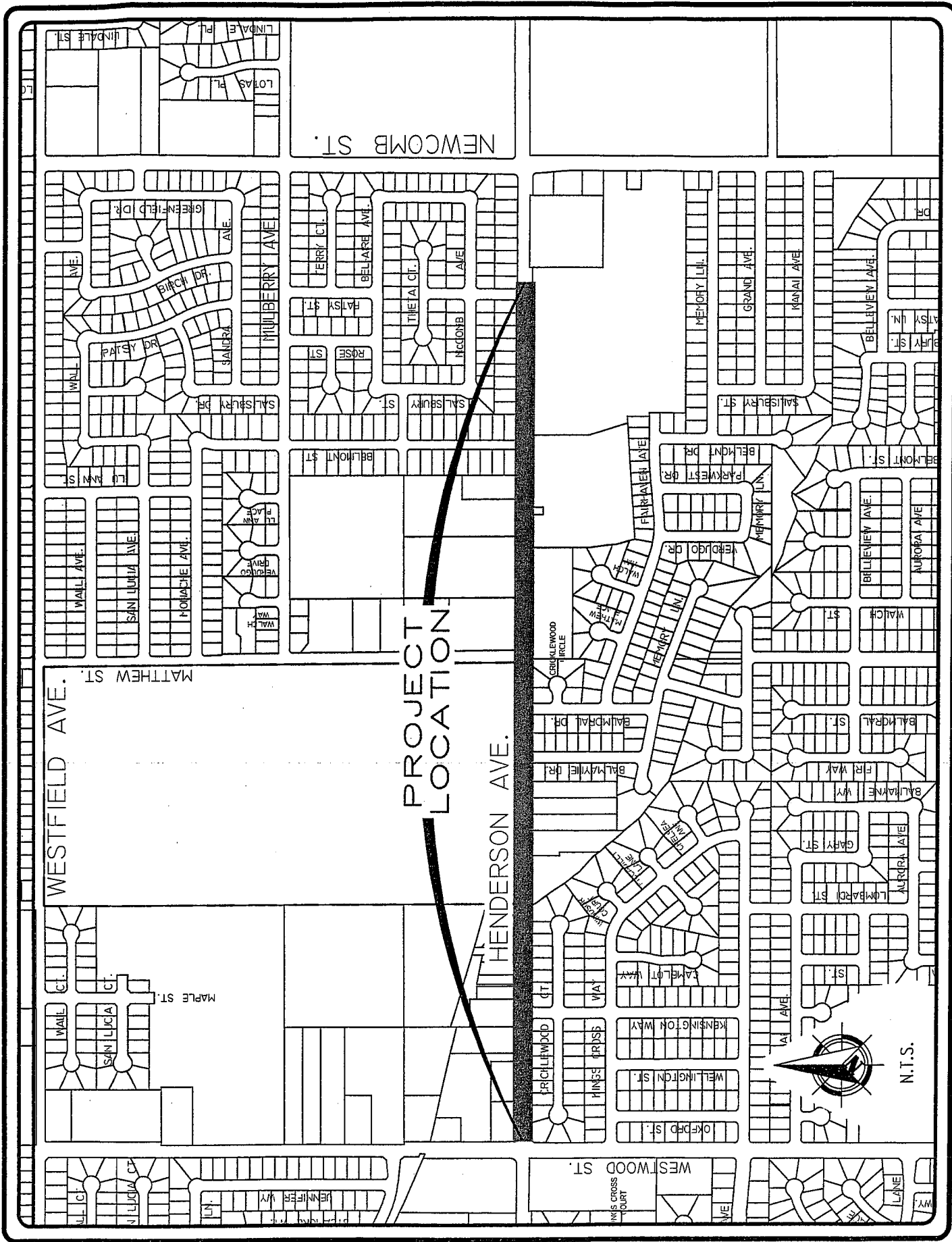
Intermountain Slurry Seal, Inc. requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

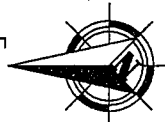
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENTS: Locator Maps

HENDERSON AVE. MICRO-OVERLAY
PROJECT LOCATION MAP



Map showing the project location in Chicago, Illinois. The map includes streets such as Westfield Ave, Indiana St, State Hwy. 65, and Grand Ave. A large black rectangle highlights the project location. A north arrow is present in the bottom right corner, and the text "N.T.S." (Not To Scale) is printed below it.



N.T.S.



STN

[illegible]

PROJECT LOCATION:

SUBJECT: ACCEPTANCE OF PROJECT – DIGESTER TRANSFER LINE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: W.M. Lyles Co. has completed the Digester Transfer Line Project per plans and specifications. The project was located at the City of Porterville Sewer Treatment Plant in the area of the digesters. The digester transfer line project consisted of removing portions of the existing lines and installing new six-inch lines. It also included the removal and installation of new plug valves. The project also included the replacement of the transfer line between digesters 1 and 2.

Staff carefully tracks construction costs of all Capital Improvement Projects and reports project construction expenditures when the project is accepted by the City Council. On December 18, 2012, City Council authorized expenditure of \$98,380.00 for construction, construction management and quality control services for the Digester Transfer Line Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

- 1) Final construction cost is \$93,584.80.
- 2) Construction management and quality control costs are \$4,618.25.

Total project construction costs equate to \$98,203.05.

Funding for this project is from the Waste Water Treatment Facility Reserve fund and was approved in the 2012/2013 Annual Budget.

W.M. Lyles Co. requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

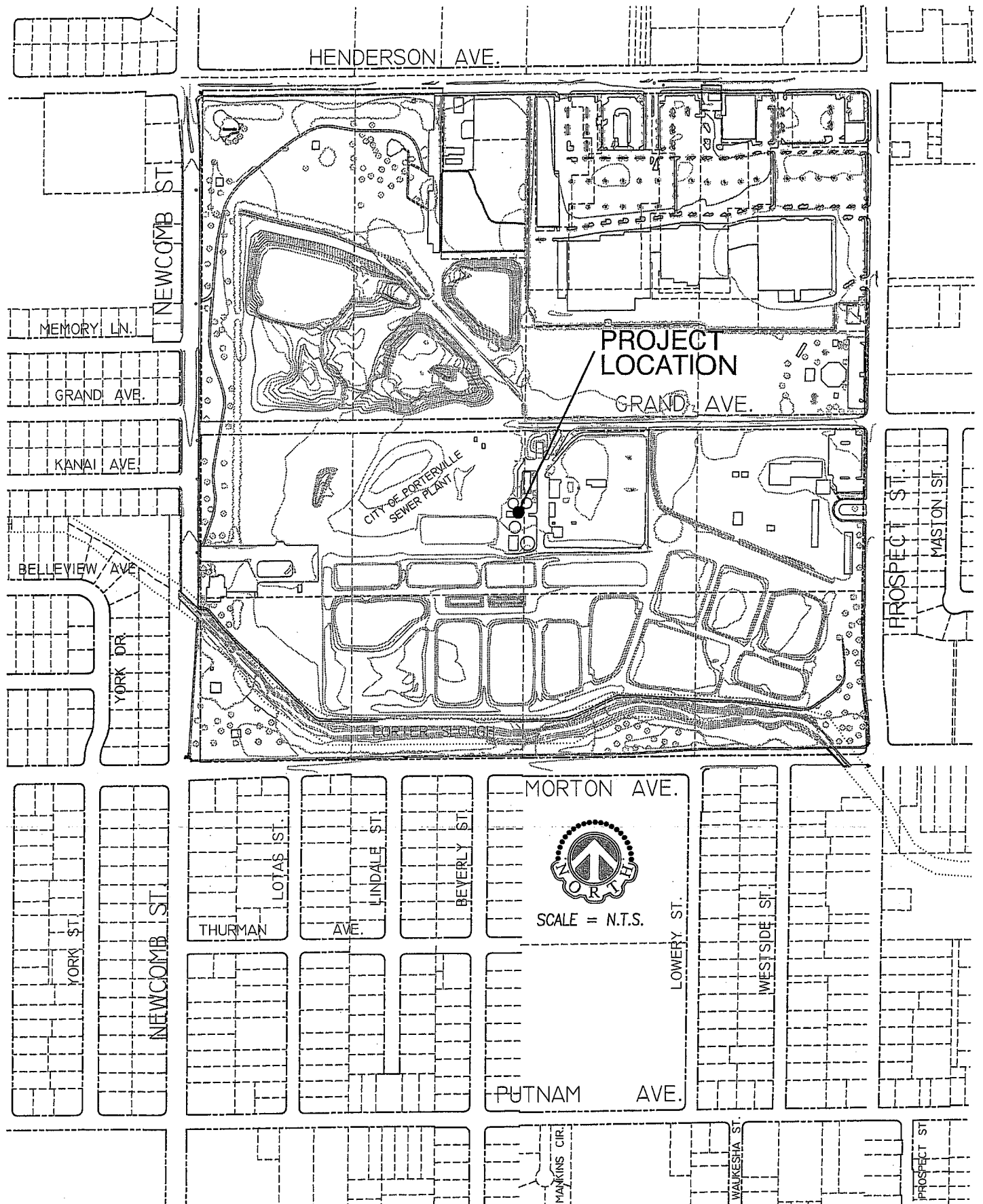
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

P:\pubworks\General\Council\Acceptance of Project - Digester Transfer Line - 2013-8-20.doc

Dir BA Appropriated/Funded AD CM J

Item No. 7



CITY OF PORTERVILLE
ENGINEERING DIVISION

291 NORTH MAIN STREET
 PORTERVILLE, CA. 93257
 (559) 782-7162

**DIGESTER TRANSFER
 PROJECT**

OWNER	-
APN	-
AREA	-
ACRES	-
SCALE	N.T.S.
DATE	-
DRAWN BY	-
CHECKED BY	-

COUNCIL AGENDA: AUGUST 20, 2013

SUBJECT: APPROVAL OF THE FIFTH AMENDMENT TO THE AGREEMENT FOR TRANSIT SERVICES FOR COLLEGE OF SEQUOIA STUDENTS

SOURCE: Public Works Department - Transit

COMMENT: On December 14, 2010, the College of Sequoia (COS) entered into an agreement between the Tulare County Association of Governments and all Tulare County transit agencies to provide students with an unlimited fixed route transit pass valid on Tulare County fixed route Bus Services and Kings Area Rural Transit fixed routes. The Tulare and Kings County bus service includes the following transit providers: City of Visalia, City of Tulare, City of Dinuba, City of Porterville, Kings Area Rural Transit and the County of Tulare.

The term of the existing agreement expired on July 31, 2013. The amended agreement allows TCAG and the City of Porterville to enter into a renewable agreement for transit services during the Fall 2013, Spring 2014 semesters, and the Summer 2014 session for transit services for College of the Sequoias students, which commenced on August 1, 2013.

The amended agreement attached was reviewed by all of the transit providers in both the County of Tulare and Kings County and they were requested to take this agreement before their respective governing boards for approval.

In an effort to develop a similar agreement with Porterville College, staff has met with college representatives to open discussions on the possibilities. Staff will continue to meet with college representatives and the student body to develop a similar agreement in the very near future. A vote by the college student body along with Council approval will be required to implement any student pass program.

It will be staff's recommendation that similar agreements with the other transit providers in the area enter into this student pass agreement as well to provide county-wide participation and regional mobility to all Porterville College students.

Dir BR Appropriated/Funded N/A CM J

Item No. 8

RECOMMENDATION: That the City Council:

1. Approve the attached Fifth Amendment to Agreement for Transit Services;
2. Authorize the Mayor, City Clerk and City Attorney to execute the Fifth Amendment to Agreement for Transit Services; and
3. Authorize staff to forward the executed Amended Agreement for Transit Services to TCAG.

ATTACHMENT: Fifth Amendment to Agreement for Transit Services

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FIFTH AMENDMENT TO AGREEMENT FOR TRANSIT SERVICES

This Fifth Amendment to the Agreement for Transit Services between the Tulare County Association of Governments (TCAG) and the City of Porterville (originally entered into on December 14, 2010) to provide transit services for the College of Sequoia (COS) students, is entered into by the Tulare County Association of Governments (TCAG) and the City of Porterville (hereinafter referred to as "AGENCY") effective as of August 1, 2013 (hereinafter referred to as "AGENCY Agreement entered into on December 14, 2010") with reference to the following:

WHEREAS, TCAG and AGENCY entered into a renewable agreement for transit services for College of Sequoias students during the Spring 2011, Fall 2011, Spring 2012, Fall 2012, Spring 2013 semesters, and the Summer 2013 session; and

WHEREAS, TCAG and AGENCY desire to amend said agreement to provide the same transit services for the Fall 2013 and Spring 2014 semesters and Summer 2014 Session; and

WHEREAS, COS will collect all student transportation funds based on the total number of students paying fees, which will transfer to transit providers for transit services provided; and

WHEREAS, the COS Board of Trustees will contribute to the transportation funds for each COS student that is enrolled, per semester in the semester in which they are enrolled; and

WHEREAS, TCAG will retain up to 3% from the Board of Trustees and COS Student funds for administration costs as needed; and

WHEREAS, an additional \$25,000 from TCAG will be coordinated and supplemented to the program for the Fall 2013 and Spring 2014 semesters for a total of \$50,000 and will be added to the transportation funds collected and the board of trustees contribution as additional revenue; and

WHEREAS, additional funding may be received from grants or other sources and may be applied as revenue during the contract period of this agreement; and

WHEREAS TCAG and AGENCY desire to have this amendment be effective as of August 1, 2013.

ACCORDINGLY, IT IS AGREED:

- I. Paragraph 1. is amended to read: 1. TERM. The Term of AGENCY Agreement entered into on December 14, 2010 is amended to read: The term of the agreement shall

commence on August 1, 2013 and shall expire at 11:59 PM on July 31, 2014 unless otherwise terminated as provided in this Agreement. The agreement will be renewable for similar or different terms and conditions upon mutual agreement between TCAG, COS, and AGENCY and between TCAG and the additional agencies: City of Visalia (Visalia Transit, Visalia Towne Trolley), City of Tulare (Tulare Intermodal Express), City of Dinuba (Dinuba Area Regional Transit/Dinuba Connection), City of Porterville (Porterville Transit), Tulare County (Tulare County Area Transit), and Kings Area Rural Transit (KART) for transit service in Tulare and Kings County.

- II. **Paragraph 3. is amended to read: 3. PAYMENT.** COS agrees to transfer all transportation funds collected plus the Board of Trustees contribution to TCAG quarterly on or before the following dates: August 1, October 1, January 1, April 1. TCAG agrees to transfer those funds at the end of each semester (after December 31, May 31, July 31) to participating agencies within 10 business days of receiving all COS student ridership data summaries for the semester. Monthly student ridership is due the 15th day of every month. If the 15th falls on a weekend or holiday, the data will be due the following Monday. The first deadline for data submittal by the AGENCY is Monday, September 16, 2013. TCAG will disburse the funds to AGENCY based on their proportional share of monthly student ridership. The revised formula to calculate the AGENCY's percentage share of total program revenues is as follows:

$$\frac{(50\% \text{ of AGENCY passenger percentage} + 50\% \text{ of AGENCY mileage percentage}) \times \text{Total Semester fares available}}{\text{Total Semester fares available}}$$

If AGENCY fails to provide the ridership data by the 15th of the month, their distribution for that month will be based on one-half of their previous month's ridership data. If data is not provided by the AGENCY for the first month of operation, the AGENCY will forfeit that month's distribution and any subsequent months until a base month is established. Funds will be paid in full for the total semesters ridership after final ridership is submitted after December 31, 2013 for the Fall 2013 semester, after May 31, 2014 for the Spring 2014 semester, and after July 31, 2014.

- III. Except as provided above, all other terms and conditions of AGENCY Agreement entered into on December 14, 2010 shall remain in full force and effect.
- IV. This amendment shall become effective on August 1, 2013
- V. A new Agreement with transit providers will be established in Fiscal Year 2014/15 starting with the Fall 2014 semester.

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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

**TULARE COUNTY ASSOCIATION
OF GOVERNMENTS**

Date _____

By _____
Chair, TCAG

ATTEST: TED SMALLEY
Executive Director
Tulare County Association of Governments

By _____
Executive Director, TCAG

AGENCY (City of Porterville)

By _____
Mayor

Date _____

ATTEST: JOHN LOLLIS
City Manager
AGENCY

By _____
City Manager, City of Porterville

Approved as to Form
TCAG County Counsel

By _____
Deputy County Counsel

Date _____

AGENCY Legal Counsel

By _____

Date _____

CITY COUNCIL AGENDA: AUGUST 20, 2013

SUBJECT: APPROVE A REQUEST FOR A 5-YEAR CONTRACT FOR MAINTENANCE, SUPPORT, DESIGN, PROGRAM AND REPAIR OF SPECIALIZED EQUIPMENT AND SOFTWARE

SOURCE: Public Works Department – Wastewater Treatment Facility

COMMENT: The City of Porterville Wastewater Treatment Facility (WWTF) has a Supervisory Control and Data Acquisition (SCADA) system that monitors and controls the entire treatment processes. The SCADA system acquires equipment and instrumentation data through remote telemetry units and sends the data to a central computer. The central computer performs graphic display presentations, alarm reporting, report generation, data archiving, and database maintenance.

In the coming year, the WWTF has several construction projects with equipment and instrumentation that will need to be incorporated into the existing SCADA system. The WWTF has used TESCO Wonderware Intouch SCADA software since 1994. The software is proprietary to TESCO Controls, Inc. and integrates TESCO protocol to communicate directly with Programmable Controllers at remote sites.

TESCO Controls, Inc. standard professional service rates vary depending on the needs of the WWTF. The maximum hourly professional service rate shall not exceed \$165 per hour.

RECOMMENDATION: That City Council:

1. Approve a request for a 5-year Service Contract to allow for the maintenance, upgrade and repair of the WWTF SCADA system with TESCO Controls, Incorporated; and
2. Authorize the Public Works Director to sign the 5-Year Service Contract.

P:\pubworks\General\Council\Approve a Request for a 5-Year Contract for Maintenance, Support, Design, Program and Repair of Specialized Equipment and Software 2013-08-20.doc

Dir. BB Appropriated/Funded SP CM J

Item No. 9

CITY COUNCIL AGENDA – AUGUST 20, 2013

SUBJECT: APPROVAL OF LOCAL AGENCY HEARING AGREEMENT

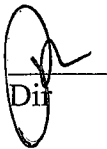
SOURCE: ADMINISTRATIVE SERVICES/HUMAN RESOURCES DIVISION


COMMENT: The City is preparing to enter into alternative dispute resolution proceedings pertaining to a personnel matter. In order to proceed with the scheduling of the hearing before an Administrative Law Judge (ALJ), the Office of Administrative Hearings (OAH) requires the City to enter into a standard five-year agreement for costs. This agreement would apply to any City personnel matters before the OAH over the next five-year period. Costs consist primarily of ALJ hourly rates and filing fees. Staff estimates that costs associated to the personnel matter at hand will not exceed \$5,000.

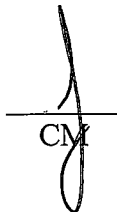
RECOMMENDATION: That the City Council:

1. Approve the Agreement between the Office of Administrative Hearings and the City of Porterville; and
2. Authorize the Administrative Services Director to sign the Agreement and any other required documentation on behalf of the City.

ATTACHMENT: Agreement


Dir


Approp./
Funded


CM

Item No. 10

STANDARD AGREEMENT

AGREEMENT NUMBER

1. This Agreement is entered into between:

LOCAL AGENCY'S NAME

City of Porterville

CONTRACTOR'S NAME

Department of General Services / Office of Administrative Hearings

2. The term of this

Agreement is:

Upon the date of approval and execution by all parties through five years

3. The maximum amount

\$ 48,000.00

of this Agreement is:

Forty Eight Thousand Dollars and No Cents

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work

2 pages

Exhibit B – Budget Detail and Payment Provisions

1 pages

Exhibit C – General Terms and Conditions

1 pages

Exhibit D – Special Terms and Conditions

0 pages

Exhibit E – Additional Provisions

0 pages

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME

Office of Administrative Hearings

BY (Authorized Signature)



DATE SIGNED(Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Linda A. Cabatic, Director and Chief Administrative Law Judge

ADDRESS

2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833

LOCAL AGENCY

LOCAL AGENCY NAME

BY (Authorized Signature)



DATE SIGNED(Do not type)

I declare under penalty of perjury that I have full authority to execute this agreement on behalf of the Local Agency.

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

EXHIBIT A

SCOPE OF WORK

1. Upon request of City of Porterville (hereinafter referred to as "Local Agency"), Department of General Services, Office of Administrative Hearings (OAH) agrees to furnish the services of Administrative Law Judges (ALJs) to the Local Agency, for the purpose of conducting hearings pursuant to Government Code section 27727 when required personnel are available by OAH. The assignment of ALJs for hearings will be at the discretion of the Director and/or Presiding Administrative Law Judges, who may elect to hear the matter themselves.

The Local Agency agrees to provide OAH a written request for hearing with all pleadings, documents, papers, or other materials that have been provided to the other party. The Local Agency agrees to provide OAH copies of all applicable laws and ordinances governing the hearing. The Local Agency agrees that OAH will not be able to schedule a hearing or mediation until these materials are provided.

The Local Agency agrees to inform OAH if the hearing is to be recorded or if a court reporter is required. The Local Agency agrees to inform OAH 30 days prior the hearing if any accommodations or interpreters are required.

In consideration of the performance of such services by OAH, the Local Agency agrees to pay to OAH the cost of rendering such services at the rate established at the time the services are rendered. In the event a calendared case is taken off calendar, or needs to be re-calendared, other than by OAH, and OAH is unable to schedule the ALJ for another case, the Local Agency agrees to pay OAH for the original hearing time or until the ALJ is assigned to another case, whichever occurs first. Every effort will be made to promptly reassign the scheduled ALJ in the event a calendared matter is cancelled, taken off calendar, settled, re-calendared or continued.

The costs of OAH's services include filing fees, ALJ hourly rates, any reasonable costs related to any requested accommodations, and translator/interpreter fees as required. All costs associated with providing a record of the hearing (reporter/transcription, etc.) shall be billed directly to the Local Agency. ALJ hourly rates and filing fees charged by OAH will be the rates set forth in the Department of General Services' Price Book at the time the services are rendered. Rates for court reporters will be the current contract rates at the time the services are rendered, which vary by geographical location. Fees for translator/interpreters and transcription services will be based on current contract rates at the time the services are rendered. All rates are subject to change annually.

The Local Agency further agrees to be responsible for the full costs of any service provided by OAH regardless of any agreement the Local Agency may have with a third party.

The contract is effective upon approval and execution of all signatures to this contract. The term of this contract is five years from the effective date of the contract and may be extended by amendment.

2. The services shall be performed at a location convenient for all parties.

3. The project representatives during the term of this agreement will be:

Office of Administrative Hearings	Local Agency: City of Porterville
Name: Cheryl Hill	Name: Patrice Hildreth
Phone: 916-263-0550	Phone: 559-782-7442
Fax: 916-263-0545	Fax: 559-782-7452
Email: Cheryl.Hill@dgs.ca.gov	Email: phildreth@ci.porterville.ca.us

Direct all inquiries to:

Office of Administrative Hearings	Local Agency: City of Porterville
	Section/Unit: Administrative Services Director
Attention: Tim Dean	Attention: Patrice Hildreth
Address: 2349 Gateway Oaks Dr. Suite 200	Address: 291 North Main Street
Sacramento, CA 95833	Porterville, CA 93257
Phone: 916-263-0653	Phone: 559-782-7442
Fax: 916-263-0545	Fax: 559-782-7452
Email: tim.dean@dgs.ca.gov	Email: phildreth@ci.porterville.ca.us

4. OAH will retain the administrative record, including electronic recording for 30 days following the issuance of a decision / proposed decision. After 30 days, OAH will transmit the complete record to the Local Agency unless the Local Agency directs otherwise. Decisions / Proposed Decisions and closed case files shall be directed to:

Local Agency: City of Porterville
Section/Unit: Administrative Services Director
Attention: Patrice Hildreth
Address: 291 North Main Street
Porterville, CA 93257
Phone: 559-782-7442
Fax: 559-782-7452
Email: phildreth@ci.porterville.ca.us

EXHIBIT B

1. INVOICING AND PAYMENT

- A. For services rendered in accordance with the Scope of Work, and upon receipt and approval of the invoices, the Local Agency agrees to compensate the Department of General Services, Office of Administrative Hearings, for actual expenditures incurred in accordance with the rates specified herein. Compensation for services rendered by OAH pursuant to this agreement shall not be dependent on the decision rendered by the ALJ in a hearing involving the Local Agency. OAH charges will include filing fees, Administrative Law Judge hourly rates, and translator/interpreter fees as required. All costs associated with providing a record of the hearing (reporter/transcription, etc.) shall be billed directly to the Local Agency. ALJ hourly rates and filing fees charged by OAH will be the rates set forth in the Department of General Services' Price Book at the time the services are rendered. Rates for court reporters will be the current contract rates at the time the services are rendered, which vary by geographical location. Fees for translator/interpreters and transcription services will be based on current contract rates at the time the services are rendered. All rates are subject to change annually. Any training required of the ALJs by the Local Agency to conduct these hearings will be paid out of the contract funds by the Local Agency at the prevailing ALJ hourly rate. The Price Book is available at http://www.dgs.ca.gov/ofs/Resources/Pricebook/Pricebook_A/AdminHear.aspx.
- B. The OAH shall be paid not more frequently than monthly, in arrears, upon submission of an original invoice, which properly details all charges, expenses, direct and indirect costs.

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. APPROVAL: This Agreement is of no force or effect until signed by both parties.
2. AMENDMENT: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. CANCELLATION/TERMINATION:
 - A. This agreement may be cancelled or terminated without cause by either party by giving 30 calendar days advance written notice to the other party. Such notification shall state the effective date of termination or cancellation and include any final performance and/or payment/invoicing instructions/requirements.
 - B. Upon receipt of a notice of termination or cancellation from the Local Agency, OAH shall take immediate steps to stop performance and to cancel or reduce subsequent contract costs.
 - C. OAH shall be entitled to payment for all allowable costs authorized under this agreement, including authorized non-cancelable obligations incurred up to the date of termination or cancellation, provided such expenses do not exceed the stated maximum amounts payable.
5. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.
6. SETTLEMENT OF DISPUTES: In the event of a dispute, the Local Agency shall file a "Notice of Dispute" with the Director of OAH within 10 days of discovery of the problem. Within 10 days, the Director of OAH shall meet with the Local Agency for purposes of resolving the dispute. The decision of the Director of OAH shall be final.

COUNCIL AGENDA: AUGUST 20, 2013

SUBJECT: MODIFICATION TO LICENSE AGREEMENT FOR BARN THEATRE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Barn Theatre is a private non-profit group which operates in the building of the same name in Murry Park. The building is owned by the Barn Theatre, but the land on which the building sits is owned by the City and leased to the Theater. For certain events, the Theater includes performances outdoors and to the east of their building.

On June 4, 2013, the City Council approved Conditional Use Permit 2013-009 for alcohol sales at the Barn Theatre. One of the conditions of that permit was that temporary fencing be placed during events that would include outdoor beverage sales. Subsequent coordination with the California Alcoholic Beverage Control Board (ABC) has resulted in a change of that condition. The ABC requires that if alcohol sales are to be permitted outdoors with a 'permanent' permit, that the fencing be permanent, not temporary. As a result, Staff requests authority to approve construction of a fence, of a design subject to approval by the Zoning Administrator. Fence features would be incorporated into CUP 2013-009 as a minor modification once details are presented. Consultation with the City Attorney confirms that this action is a minor modification which could be approved by the Zoning Administrator. The fence would be constructed and maintained by the Barn Theatre. As a related matter, this would result in a modification to the existing licenses agreement between the City and the Barn Theatre.

RECOMMENDATION: That the City Council:

1. Authorize Parks and Leisure Services Department to negotiate the modification to the Revocable Licenses Agreement; and
2. Approve the construction of a fence of the same or lesser dimension as was approved in CUP 2013-009.

ATTACHMENTS: CUP 2013-009
Revocable Licenses Agreement

 Director N/A Appropriated/Funded

 City Manager

ITEM NO.: 11

RESOLUTION NO. 35 -2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF
CONDITIONAL USE PERMIT (PRC 2013-009C) TO ALLOW FOR AN ON-SALE TYPE 69
(BEER, WINE AND DISTILLED SPIRITS AT A NON-PROFIT THEATER COMPANY)
LICENSE FOR THE BARN THEATER LOCATED AT 42 SOUTH PLANO STREET

WHEREAS: The Porterville Planning Commission at their regularly scheduled meeting of August 11, 1965, approved Conditional Use Permit 2-65 with Resolution No.163; and

WHEREAS: The Porterville Planning Commission findings for Resolution No. 163 shall remain in effect; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of June 4, 2013, conducted a public hearing to consider Conditional Use Permit (PRC 2013-009C), to allow for an on-sale type 69 (beer, wine and distilled spirits at a non-profit theater company) license for the Barn Theater located at 42 South Plano Street; and

WHEREAS: A Conditional Use Permit is required pursuant to the City of Porterville Development Ordinance Section 301.03; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to the requested alcohol license; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.

The proposed on-sale Type 69 (beer, wine and distilled spirits at a non-profit theater company) license would suit the purpose of the Barn Theater by providing an extra venue of entertainment that will not be detrimental to the public health, safety, or welfare.

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

Conditions of approval are included herein to ensure adequate development standards are met. Further, all land owners within the City of Porterville are held to performance standards identified in Chapter 307 of the Development Ordinance. Specifically, Section 307.03 of the Ordinance states "Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive, or other hazard; noise, vibration, smoke, dust, odor, or form of air pollution; heat, cold, dampness, electrical or other

disturbance; glare, refuse, or wastes; or other substances, conditions, or elements which would substantially adversely affect the surrounding area."

3. Pursuant to "General Rule" Exemption Code 15061 (b) (3) of CEQA guidelines the project as proposed is categorically exempt.

The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This activity can be seen with certainty that there is no possibility to have a significant effect on the environment.

4. The subject site is located in Census Tract 39.01 which allows a maximum of six (6) on-sale licenses. Currently, there are two (2) on-sale licenses issued. Under the regulations of the Business and Professions Code, whenever the ratio of off-sale licenses to population in a census tract exceeds the average ratio for the county, an "undue concentration" of licenses is determined to exist. According to the ABC, eleven (11) licenses currently exist in tract 39.01, nine (9) of which are off-sale and two (2) are on-sale. Because this application will not deem the on-sale licenses to be over-concentrated, a Letter of Public Convenience or Necessity is not required.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2013-009C) subject to the following conditions:

1. The uses shall be consistent with Exhibit A- Site Plan, attached hereto.
2. At all times, the facility shall be operated and maintained to comply with applicable Local, State, and Federal laws and regulations.
3. The developer/applicant shall keep the beer, wine and distilled spirits in a secure place with access only available to the Board of Directors and staff, and in all other ways shall comply with Exhibit "A". Any future changes in operation which substantially alters the condition or nature of the subject site will require approval by the City Council if such modification involves expansion, relocation, or change in accessibility to the conditioned uses.
4. Outdoor events shall continue to require approval of a Community Civic Event permit per Municipal Code standards.
5. Lighting in the outdoor seating area shall be provided to the satisfaction of the Police Chief and Zoning Administrator.
6. The outdoor consumption area as represented on the plan shall not exceed forty (40) feet in width by 100 feet in length, and shall be enclosed with temporary fencing to the satisfaction of the Police Chief and Zoning Administrator.

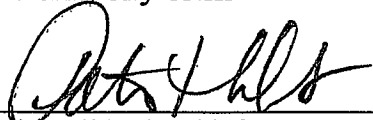
7. The applicant shall maintain the security lighting on the parking lot in a manner to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.
8. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.
9. The elements of the conditional use permit approving on-site alcohol sales will be subject to modification or revocation if the on-sale license is sanctioned by the State of California.
10. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.
11. There will be no visible advertising of alcohol from the exterior of the facility.
12. The hours of operation during which alcoholic beverages may be sold and served under the on-sale license shall be limited to only during, and two hours prior to and one hour after, a bona fide theatre performance. The hours are further restricted to not earlier than 10:00 a.m. and not later than midnight Monday through Saturday and Sunday from 10:00 a.m. to 10:00 p.m.
13. Alcoholic beverages may be sold and served to ticketholders only.
14. The conditional use permit shall become null and void if not undertaken actively and continuously pursued within two (2) years.

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

By: 
Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

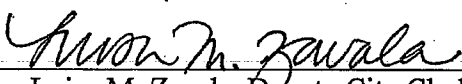
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 4th day of June, 2013.

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

Council:	WARD	McCRACKEN	GURROLA	SHELTON	HAMILTON
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

REVOCABLE LICENSES AGREEMENT

THIS AGREEMENT, made and entered into the ____ of _____, 2013, by and between the CITY OF PORTERVILLE, a municipal corporation, hereinafter called the LICENSOR, and the BARN THEATRE, a non-profit corporation, hereinafter called the LICENSEE:

WITNESSETH:

WHEREAS, the LICENSOR is the owner of the hereinafter described real Property; and

WHEREAS, the property is deemed suitable, necessary, and proper by the LICENSOR and the LICENSEE for use by the LICENSEE in carrying on and conducting a community enterprise of a non-profit, non-political, and non-religious nature for which the LICENSEE has been incorporated and organized, and is now engaged in, carrying on and conducting as a community enterprise, and for the benefit, enlightenment, amusement, recreation, education and advancement of the Porterville Area, and not for the profit of any individual or enterprise.

NOW, THEREFORE, it is hereby covenanted and agreed between the LICENSOR and the LICENSEE as follows, to wit:

1. The real property herein referred to and covered by the terms of this license is that certain real property situated in the City of Porterville, County of Tulare, State of California, described as follows to wit:

Beginning at the Northwest corner of Northeast
Quarter of Section 36, Township 21 South, Range 27
East, MD. B & M., said point being on the East
Line of Plano Street in the City of Porterville,

County of Tulare, State of California; thence South 3°55' East along the easterly line of said Plano Street 375 feet to the point of beginning of the parcel being described; thence East 170 feet; thence South 7° East 375 feet, more or less, to the Northwesterly line of Park Drive; thence southerly and westerly along said westerly and northerly line of Park Drive 200 feet, more or less, to the easterly line of the said Plano Street; thence northerly along the easterly line of said Plano Street 500 feet, more or less, to the point of beginning.

Excepting therefrom, the westerly 20 feet measured at right angles to said easterly line of Plano Street, and also excepting such portions thereof as may be required for the widening of Park Drive.

2. That the LICENSOR for and in consideration of the promises, covenants, agreements, and stipulations herein contained on the part and behalf of the LICENSEE to be paid, kept and performed, at the time and in the form and manner herein specified, with time being made the essence hereof, hereby grants to the LICENSEE a license to engage, use and employ the described real property together with the appurtenances thereon for the purpose of carrying on and conducting as a community enterprise for the benefit, enlightenment, amusement, recreation, education and advancement of the Porterville Area a theatre group in accordance with the By-laws and Articles of Incorporation of LICENSEE. The LICENSEE shall use and employ the real property together with the improvements thereon exclusively for the usual and customary theatrical activities of the LICENSEE; and no business, retail, or wholesale, activities or enterprises shall be carried on or conducted for profit or be allowed, suffered, or permitted to be carried on at or upon the property

during the terms of this license, except as otherwise specified in this Agreement. LICENSEE shall be allowed to grant a sublicense, for a period of not more than two (2) consecutive days to other individuals and organizations for the use of the premises, provided that LICENSEE does this no more than five (5) times per year, and LICENSEE complies with the requirements of this Agreement, including, but not limited to, Paragraphs 5, 16, 17, 18, and 19.

3. The LICENSEE agrees at all times during the term of license to use the described real property, together with improvements thereon, solely and exclusively for activities of the LICENSEE presently authorized by its Articles of Incorporation and By-laws, it being further stipulated that no substantial amendment to the Articles or By-laws of the LICENSEE may be used to amend, extend, or modify the terms and provisions of this license without first obtaining the express written consent of the LICENSOR.
4. The Parties further agree that all of the terms, provisions, stipulations, agreements, and conditions herein contained on the part and behalf of the LICENSEE to be paid, kept, and performed, shall be and the same are hereby expressly declared to be continuing conditions, covenants and agreement by precedent to any right on behalf of the LICENSEE to enjoy or exercise any of the rights or privileges granted by this license.
5. LICENSEE agrees that in the use, employment and enjoyment of this license by the LICENSEE, the LICENSEE shall not suffer, allow, or permit any religious discrimination, political discrimination, or race discrimination to be

engaged in, conducted, carried on, or participated in by the LICENSEE or any agent, employee, or servant of the LICENSEE in carrying on or conducting any of the activities of the LICENSEE with reference to the use, employment and enjoyment of this license.

6. That during the entire term of this license, the LICENSEE shall at all times maintain with the State of California its status as a non-profit corporation.
7. That the term of this license shall commence as of April 17, 2012, for a period of five (5) years, ending at midnight on April 17, 2017. The parties may agree to extend this Agreement to be reviewed and adjusted for an additional one (1) year, with the terms of said Agreement to be reviewed and modified as the parties deem appropriate prior to renewal.
8. The LICENSEE stipulates and agrees that in the occupancy of the real property and the improvements thereon that the LICENSEE shall not suffer, allow or permit any waste to be committed thereto or thereon, nor shall the LICENSEE suffer, allow, or permit any mechanic's lien or other liens to be filed upon the real property or any of the improvements thereon; nor shall the LICENSEE suffer, allow, or permit the building or permanent improvement thereto, other than trade fixtures, to be removed from the real property during the term hereof without permission of the LICENSOR first had and received.
9. The LICENSOR shall have the free right at all times by its authorized agents or representatives of entry upon the property and into, upon, and about the improvements thereon for purposes of inspection and posting of any legal notices thereon.

10. That any and all signs erected or maintained by the LICENSEE upon the property or any of the improvements thereon shall fully comply with and conform to all regulations and standards of the City of Porterville now in force or which may hereafter be in full force and effect.
11. The LICENSEE shall of its own proper cost and expense, and without any cost, charge, or expenses to the LICENSOR, pay and discharge when due and before delinquent all light, electric power, water, gas, telephone, garbage removal, all utilities, and all other occupation charges for the premises and the same shall not be suffered, allowed, or permitted to become a charge or lien upon the real property.
12. It is expressly stipulated and agreed herein that the LICENSOR shall not be called upon, expected to, nor shall the LICENSOR pay and discharge any costs whatsoever arising from or in any connection with the use and enjoyment of this license by the LICENSEE or in the use and enjoyment of any of the improvements placed upon the property by the LICENSEE.
13. The LICENSEE shall at all times during the terms of this license keep and maintain all of the buildings, fixtures, and grounds directly adjacent to the building. LICENSEE shall ensure the same is kept in good order and repair, inside and outside, together with all fixtures and appurtenances used and employed in the occupancy/license of the real property and the improvements thereon, including sewer lines, plumbing fixtures, electrical fixtures and all conveniences or necessities used and employed by the LICENSEE in the occupancy of the premises; and the LICENSEE shall at its sole cost and

expense from time to time, as the needs may arise therefore, make renewals and replacements thereof in first class modern character and efficiency. LICENSOR shall maintain the turf area, parking lot, and prune trees when necessary.

14. The LICENSEE shall promptly and completely observe, comply with, and conform to all present and future applicable federal, state and local laws, requirements, and standards. LICENSEE shall, at its own cost and expense, make any and all improvements thereon or alteration thereto, structurally or otherwise, that may be required at any time hereafter by any such present or future law, rule, requirement, order, direction, ordinance, or regulations.
15. LICENSEE shall not make any alterations, improvements, additions or any other structural or building changes without the prior written approval of the LICENSOR.
16. The LICENSEE shall not suffer, allow, or permit any property, properly or legally assessable to the LICENSEE, to be assessed against the LICENSOR or against the real property or for which the LICENSOR shall be liable or responsible to pay, or for the same to become a charge or lien upon the real property.
17. It is expressly stipulated, covenanted and agreed that this license shall not be assigned, transferred, mortgaged or hypothecated in any manner; nor shall the buildings or improvements or facilities used and employed by the LICENSEE in enjoying this license be sublicensed without the prior written consent of the LICENSOR's *Parks and Leisure Services Director or his Designee*; for each

such assignment or sublicensing, it being further stipulated that the consent by the LICENSOR to any one assignment/sublicense shall not be construed as a consent to any further of additional assigning or sublicensing.

18. The LICENSEE covenants and agrees at all times during the term of the license to keep and maintain all buildings, structures, and insurable improvements on or pertinent to the real property fully insured (with LICENSOR named as an additional insured) for the replacement value to insure that the building can be replaced in the event of a fire with comprehensive coverage and in an amount and in such company or companies as may be acceptable to the LICENSOR; and all such policies of insurance shall be delivered to and held by the LICENSOR, except, however, that if the improvements shall have a mortgage thereon, a mortgage loss clause may be attached thereto in favor of such mortgage to the extent of the outstanding balance due on the aforesaid construction loan.

19. The LICENSEE, as a material part of the considerations to be rendered to the LICENSOR for the granting of the license, and to the fullest extent permitted by law, covenants and agrees, to the fullest extent permitted by law, to defend and hold LICENSOR harmless and free from all liability and claims for damages by reason of any injury to any person or persons, or property of any kind whatsoever, from any cause or causes whatsoever while in, upon, or in any way connected with the said licensed premises, or the premises adjacent thereto during the term of license or any extension thereof. It is further stipulated and agreed that the LICENSEE shall save, indemnify, and defend

the LICENSOR, all of its officers, agents and employees of and from all claims, demands, actions or causes of actions arising from or in any way connected with the occupation and of the demised premises, *including but not limited to any sublicense or use by other parties*, together with all costs and attorney's fees; that at all times during the term of this license, LICENSEE shall be and is hereby required and it hereby agrees to keep in full force and effect, with the premium fully prepaid thereon, Two Million Dollars \$2,000,000.00 for personal injury and property damage (*covering all occupation and use of the premises*) combined single limits with liquor and product liability, and shall file with the LICENSOR the original policies and/or certificate thereof.

20. If the LICENSEE shall fail, neglect, or refuse to pay, do, or perform any of the terms, stipulations, promises, covenants, conditions, or agreements hereof on its part and behalf to be paid, kept and performed, the LICENSOR may, at its option, but it shall not be obligated to do so, pay or cause the same to be paid, done or performed, and the amount of money expended by the LICENSOR in so doing, or incurred by the LICENSOR in so doing, shall become a debt immediately due from the LICENSEE to LICENSOR, and shall constitute a material breach hereof entitling LICENSOR to immediate termination hereof pursuant to paragraph 21 below.

21. If the LICENSEE shall fail, neglect or refuse to pay, for a period of (30) days after notice, do or perform any of the items in the form and manner herein provided, the terms, provisions, covenants, conditions, and agreements hereof

on its part and behalf to paid, kept and performed, the LICENSOR may terminate and cancel license and at such time and in such event, full and complete title to all improvements, buildings, structures, fixtures, excluding trade fixtures, shall have then vested in the LICENSOR, subject to the encumbrances now existing against such structures; and the LICENSOR may immediately re-enter into the possession of said real property together with all of the said improvements, and the same to have, hold, and enjoy thereafter as the sole, absolute and unconditional owner. In such event, LICENSEE shall have a period of thirty (30) days after notice to remove its personal property and trade fixtures from the premises.

22. LICENSEE covenants and agrees on the last day of the term of this license, or the sooner determination of the term of this license, to peacefully leave, surrender and vacate to the LICENSOR the said real property together with the improvements thereon and the fixtures attached thereto in good order and condition and state of repair.

23. Failure on the behalf of the LICENSOR to insist on strict performance of the covenants, terms, stipulations, agreements and conditions of the license shall not be construed as a waiver by the LICENSOR of any of its rights hereunder, or as a waiver or a relinquishment of the strict future performance of the covenants, conditions and agreement herein contained, but all and each thereof shall be and remain in full force and effect.

24. If any litigation is commenced between the parties to this Agreement concerning the Agreement or the rights and duties of either in relation to the

Agreement, the party prevailing in the Litigation shall be entitled, in addition to any other relief that may be granted in the litigation, to its cost for the litigation including expert witness fees and a reasonable sum as and for its attorney's fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

25. The parties agree that this Agreement is entered into and is to be performed in Tulare Country, California.

WITNESS the hands and seals of the parties the day and year first above written.

CITY OF PORTERVILLE

BY _____
Virginia R. Gurrola, Mayor

BY _____
John D. Lollis, City Clerk

BARN THEATRE

BY _____
President

COUNCIL AGENDA: AUGUST 20, 2013

THIS ITEM HAS BEEN REMOVED.

Item No. **12**

CITY COUNCIL AGENDA: August 20, 2013

SUBJECT: REQUEST TO RECEIVE OFFICE OF TRAFFIC SAFETY SOBRIETY CHECKPOINT PROGRAM GRANT AWARD

SOURCE: Police Department

COMMENT: In January of 2013, the Porterville Police Department submitted a grant proposal / application to the California Office of Traffic Safety (OTS) requesting funding for personnel costs (overtime) associated with a Sobriety Checkpoint Program. The goal of this program is to reduce the number of intoxicated drivers on our streets as well as to reduce the number of persons killed or injured in vehicle collisions involving alcohol and / or drugs within the city of Porterville.

The Porterville Police Department has received notification from the Office of Traffic Safety that funding in the amount of \$12,500 has been approved for the City of Porterville's Sobriety Checkpoint Program. The funding will cover personnel costs (overtime) associated with five (5) DUI / license checkpoints to be conducted at the discretion of the Police Department throughout the grant cycle. The proposed grant will fund these checkpoints during the period of October 1, 2013, through September 30, 2014.

RECOMMENDATION: That the City Council:

- 1) Accept the Sobriety Checkpoint Grant funding from the California Office of Traffic Safety in the amount of \$12,500; and
- 2) Authorize a budget adjustment to reflect the addition of \$12,500 to the Police Department budget upon receipt of funds.

Attachment: OTS Grant Award Letter

D.D.

Appropriated/Funded

C.M.

Item No.

13

STATE OF CALIFORNIA

EDMUND G. BROWN JR., GOVERNOR

OFFICE OF TRAFFIC SAFETY

2208 KAUSEN DRIVE, SUITE 300
ELK GROVE, CA 95758
www.ots.ca.gov
(916) 509-3030
(800) 735-2929 (TT/TDD-Referral)
(916) 509-3055 (FAX)



May 24, 2013

Grant No. SC14327

Carl Jordan, Officer
Porterville Police Department
350 North D Street
Porterville, CA 93257

Dear Officer Jordan:

Congratulations! Through a competitive process, the Office of Traffic Safety (OTS) has tentatively approved your funding request for the application titled "Sobriety Checkpoint Grant Program" for the amount of \$12,500.00. This award includes a maximum of \$0.00 for the purchase of OTS-approved checkpoint supplies. The approval is for the operation of five checkpoints in Porterville in the period, October 1, 2013 to September 30, 2014. The maximum allowed cost per checkpoint is \$2,500.00.

The University of California Berkeley Safe Transportation Research and Education Center (SafeTREC), who is administering the grant funds for OTS, will **e-mail a grant contract** to the contact listed on the application. Please have the Authorizing Official and any additional individuals authorized to sign claims sign the contract. Send the contract **to SafeTREC no later than September 3, 2013**. It is our goal to have all new grants start no later than October 1, 2013. The SafeTREC will issue you a copy of the signed, fully executed grant contract.

If approval from your City Council or Board of Supervisors is required, you should begin that process now. Do not incur costs prior to the date of the signed, fully executed contract from SafeTREC.

Again, congratulations on the success of your application. If you have any questions, please contact Shar Rauch, SafeTREC Program Coordinator at (510) 643-1774 or by e-mail at checkpoint@berkeley.edu.

Sincerely,

A handwritten signature in cursive script that reads "Chris Murphy".

CHRISTOPHER J. MURPHY
Director

CM:kn

cc: Shar Rauch

CITY COUNCIL AGENDA – AUGUST 20, 2013

SUBJECT: APPROVAL OF PROPOSED PROCLAMATION – LIBRARY CARD
SIGN-UP MONTH – SEPTEMBER 2013

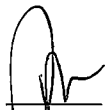
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

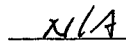
COMMENT: At its meeting of July 16, 2013, the Council amended the process by which proclamations are approved. The new process requires a majority of the Council to approve the request prior to a City proclamation being made.


The Parks & Leisure Services Department has requested that the Council consider approval of the annual proclamation in support of National Library Card Sign-Up Month during the month of September.

RECOMMENDATION: That the City Council consider the approval of the proposed Proclamation declaring September 2013 as Library Card Sign-Up Month.

ATTACHMENT: Proposed Proclamation


Dir


Approp./
Funded


CM

Item No. 14

DRAFT PROCLAMATION

WHEREAS: The library card is the most important back to school supply of all; and

WHEREAS: Libraries are an essential service for the nation's children; and

WHEREAS: Libraries bridge the digital divide by providing a full range of information and services to children and adult learners; and

WHEREAS: Libraries offer free access to important educational resources like online homework resources, access to online databases and e-books; and

WHEREAS: Libraries continue to evolve and find ways to bring value to their communities; and

WHEREAS: A library card is the "SMARTEST CARD" you can own.

NOW, THEREFORE, I, VIRGINIA R. GURROLA, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim September 2013, as,

"LIBRARY CARD SIGN-UP MONTH"

in the City of Porterville and encourage all residents to sign up for the "smartest card" at your City Library.

PROCLAIMED this 3rd day of September, 2013.

Virginia R. Gurrola,
Mayor

Pete V. McCracken,
Vice-Mayor

Cameron Hamilton,
Council Member

Brian E. Ward,
Council Member

Greg Shelton,
Council Member

COUNCIL AGENDA: AUGUST 20, 2013

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - COCOLA BROADCASTING COMPANY AND FAMILY HEALTHCARE NETWORK - FIESTA DE LA FAMILIA AND HEALTH FAIR - OCTOBER 13, 2013

SOURCE: Finance Department


COMMENT: COCOLA Broadcasting Company and Family Healthcare Network are requesting approval to hold their Fiesta de la Familia and Health Fair at Veteran's Park, on Sunday, October 13, 2013, from 11:00 a.m. to 6:00 p.m. This free family event will include health screenings by the Family Health Care Network, information booths, bounce houses, food, refreshments and music.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the COCOLA Broadcasting Company and Family Healthcare Network, subject to the stated requirements contained in Exhibit A of the Community Civic Event Application.

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

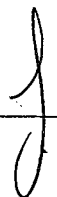
DD



Appropriated/Funded



C.M.



Item No.

15

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us



(Incomplete applications can delay permit process)

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: 7/10/13 Event date: SUNDAY - OCTOBER 13, 2013
Event time: 11AM-6PM (SET-UP 6AM)
Name of Event: Fiesta de la Familia & Health Fair
BY - COOLA BROADCASTING CO.
Sponsoring organization: FAMILY HEALTH CARE NETWORK Phone # (559) 793-3528
Address: 1137 W. POPLAR AVE. PORTERVILLE, CA 93257
Authorized representative: ISABEL OLIVOS Phone # (559) 793-3528
Address: (SAME)
Event chairperson: MELLY SALDANA Phone # (559) 255-0039
706 W. HERNDON AVE. FRESNO, CA 93650
Location of event VETERAN'S PARK - PORTERVILLE -
1501 W. HERNDON (Location map must be attached) PORTERVILLE
Type of event: FAMILY EVENT - HEALTH FAIR - INFORMATIONAL
BOOTHs, LIVE MUSIC, FOOD VENDORS, BOUNCE HOUSES.
Non-profit organization status: _____

(IRS Determination)

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

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

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

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

Appr. Deny

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

CITY OF PORTERVILLE

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

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted **NO LESS THAN 30 DAYS PRIOR** to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred (\$100) for the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. **The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured.** A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. **This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval.** *The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 15-20(e) 18)*

MS Authorized Representative Initials

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

MS 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.

MS 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.

MS 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.

COROLA BROADCASTING CO.

(Name of Organization)

Melby Valdara

(Signature)

7/10/13

(Date)

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

Location: 1501 W. HENDERSON AVE. Event date: 10/13/13 Event time: 11am-6pm

[illegible]

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: FIESTA DE LA FAMILIA & HEALTH FAIR 2013

Sponsoring organization: FAMILY HEALTH CARE NETWORK

Event date: SUNDAY, OCTOBER 13TH, 2013 Hours: 11AM-6PM - (SETUP 8AM)

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
<u>Sidewalks</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
<u>Parking lots and spaces</u>	<u>Location</u>	<u>Activity</u>	

REQUIREMENTS FOR COMMUNITY CIVIC EVENT
COCOLA BROADCASTING COMPANY AND FAMILY HEALTHCARE NETWORK
FIESTA DE LA FAMILIA AND HEALTH FAIR
OCTOBER 13, 2013

Finance Director:
M. Bemis

Public Works Director:
B. Rodriguez

Community Development Director: No comments.
B. Dunlap

Field Services Manager: No comments.
B. Styles

Fire Chief: No comment.
G. Irish

Parks and Leisure Services Director: Vehicles to remain on path and only allowed in
D. Moore park to load and unload.

Police Captain: Please see Exhibit B, Proposed Conditions
D. Haynes and Requirements.

Administrative Services Director: Please see Exhibit A, Page 2.
P. Hildreth

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: COCOLA Broadcasting Company and Family Healthcare Network
Event: Fiesta de la Familia and Health Fair
Event Chairman: Melly Saldana
Location: Veteran's Park
Date of Event: October 13, 2013

RISK MANAGEMENT: Conditions of Approval

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

- A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an 'admitted' insurer in the State of California.

CITY OF PORTERVILLE
Community Civic Event Application

Fiesta De La Familia & Health Fair

Proposed Conditions/Requirements for Fiesta De La Familia & Health Fair, October 13, 2013

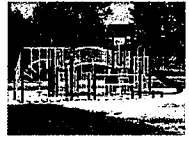
- The possession or consumption of alcoholic beverages by event organizers or participants is strictly prohibited.
- Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.
- An Outside Amplifier Permit has been approved; however, event organizers shall refrain from amplifying music or other sound so loudly as to disturb the peace and good order of surrounding businesses or nearby residential neighborhoods. The sound amplification shall not continue beyond 9:00 pm.

Dan Haynes, Captain
Porterville Police Department

Exhibit B



REST
ROOMS

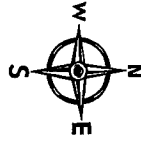


HEALTH
FAIR



Henderson

Newcomb



REGISTRATION

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: COCOLA BROADCASTING CO (FIESTA DE LA FAMILIA EVENT)
706 W. HENDERSON AVE, FRESNO, CA 93650
- 2 Address where amplification equipment is to be used: 1501 W. HENDERSON AVE, PORTERVILLE, CA
- 3 Names and addresses of all persons who will use or operate the amplification equipment: COCOLA BROADCASTING
706 W. HENDERSON AVE, FRESNO, CA 93650
- 4 Type of event for which amplification equipment will be used: FAMILY EVENT - HEALTH FAIR
- 5 Dates and hours of operation of amplification equipment: SUNDAY - OCTOBER 13TH (11AM - 7PM)
- 6 A general description of the sound amplifying equipment to be used: LIVE MUSIC FROM BANDS, MICROPHONES
TWO SPEAKERS - BACK LINE EQUIPMENT.

Section 18-9

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

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

(Ord. Code § 6311)

Section 18-14

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

Penal Code Section 415 (2)

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

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

Melina Maldana
Signature of Applicant

7/10/13
Date

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

[Signature]
City of Porterville, Chief of Police/Designee

7-24-13
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/17/2013

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

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

PRODUCER James G Parker Insurance Associates License #0554959 1753 E Fir Ave Fresno CA 93720		CONTACT NAME: Shelley Escobar CISR PHONE (A/C No. Ext): (559) 222-7722 FAX (A/C No.): (559) 222-1724 E-MAIL ADDRESS: sescobar@jgparker.com	
INSURED Family HealthCare Network 305 East Center Ave Visalia CA 93291		INSURER(S) AFFORDING COVERAGE INSURER A: Philadelphia Indemnity Ins Co NAIC # 18058 INSURER B: Star Insurance Company 18023 INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 13-14 GL/BA/UMB/WC **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			PHPK987246	3/1/2013	3/1/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000	
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC							
	A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			PHPK987246	3/1/2013	3/1/2014	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Medical payments \$ 5,000
		<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB413130	3/1/2013	3/1/2014	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WCMSTR510465500	3/1/2013	3/1/2014	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Re: Health & Safety Fair in Porterville - Date 10/13/2013

The City of Porterville/Successor Agency to the Porterville Redevelopment Agency is named as additional insured per form CG2026 0704 attached. Replaces and supercedes previous certificate issued on 03/04/2013.

CERTIFICATE HOLDER

City of Porterville
Successor Agency to the Porterville
Redevelopment Agency
291 N Main Street
Porterville, CA 93258

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

James Parker III/SCG

ACORD 25 (2010/05)

INS025 (201005) 01

The ACORD name and logo are registered marks of ACORD

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POLICY NUMBER: PHPK987246

COMMERCIAL GENERAL LIABILITY
CG 20 26 07 04

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)
Redevelopment Agency City of Porterville
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

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

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

SUBJECT: REQUEST TO PURCHASE POLICE MOTORCYCLE

SOURCE: Police Department

COMMENT: In the current budget cycle, the Police Department has one police motorcycle scheduled for replacement.

Due to strong fiscal management and adherence to our vehicle depreciation plan, the monies for this replacement have already been accumulated in the vehicle depreciation account.


The police motorcycle to be replaced (Unit 3244) is a 2005 Harley Davidson that was damaged beyond repair in a traffic collision. After exhaustive research, it has been decided the most suitable replacement for this motorcycle would be a 2013 Honda ST1300. The last police motorcycle that was purchased for the department was also a Honda ST1300 which also replaced a damaged Harley Davidson. Traffic officers have utilized this motorcycle extensively and found that Honda produces a very effective police motorcycle.

In researching this vehicle, Police Department Staff found it is currently available from Hollister Honda and the City of Porterville is able to piggy-back on existing contracts with the City of Santa Monica and the City of Elk Grove. The estimated total price, including outfitting, for a 2013 Honda ST1300 Police Motorcycle is \$26,701.84.

Based on the above information, the Police Department requests permission to begin the vehicle purchase process.

RECOMMENDATION: That the City Council:

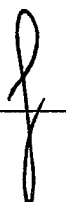
- 1) Authorize Police Department Staff to negotiate the purchase and outfitting of one police motorcycle; and
- 2) Authorize payment upon satisfactory delivery of the motorcycle.

D.D. 
80 ACV

Appropriated/Funded



C.M.



Item No. 116

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration


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

Since its last review on August 6, 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.

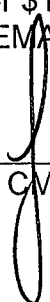
At its meeting on April 2, 2013, the Council awarded a contract in the amount of \$138,350 to Intermountain Slurry Seal, Inc. (Reno, Nevada), for the CEMA repair of Henderson Avenue between Patsy and Balmoral Streets.



Dir



App/Fund



CM

Item No. 17

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: August 20, 2013

SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Consider Special Recognition of the Tule River Tribal Council and Sierra View District Hospital for Sponsorship of 2013 Freedom Fest

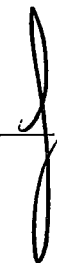
SOURCE: City Manager

COMMENT: City Council Member Shelton has requested that the Council consider special recognition of the Tule River Tribal Council and Sierra View District Hospital for their sponsorship of the 2013 Freedom Fest.

RECOMMENDATION: Council Member Shelton makes the motion that the City Council authorize the scheduling on the next Council Agenda the consideration of special recognition for the Tule River Tribal Council and Sierra View District Hospital for their sponsorship of the 2013 Freedom Fest.

ATTACHMENT: None

C/M



Item No. 18

COUNCIL AGENDA – AUGUST 20, 2013

SUBJECT: SECOND READING – ORDINANCE 1797, ARTS COMMISSION

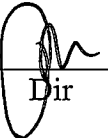
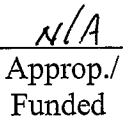

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1797, An Ordinance of the City Council of the City of Porterville Amending Chapter 5A of the Porterville Municipal Code Regarding the Formation of an Arts Commission, was given first reading on August 6, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1797, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1797

Item No. 19

 Dir	 Approp./ Funded	 CM
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ORDINANCE NO. 1797

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING CHAPTER 5A
OF THE PORTERVILLE MUNICIPAL CODE REGARDING
THE FORMATION OF AN ARTS COMMISSION

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

Section 1. *Code Amendment.* Chapter 5A of the Porterville Municipal Code is hereby amended to read as follows:

**CHAPTER 5A
ARTICLE I**

Section 5A-1 Established.

An Arts Commission is established in and for the City of Porterville. The Arts Commission shall serve in an advisory capacity to the City Council.

Section 5A-2 Composition.

The Arts Commission shall consist of up to 11 members. Commissioners shall be appointed by the City Council at its complete discretion. Members of the commission shall represent four areas of arts: 1) theatrical/performing arts; 2) visual/graphic; 3) music; (4) youth, with final approval by the City Council.

Section 5A-3 Compensation.

Members of the Arts Commission shall serve without compensation.

Section 5A-4 Term of Office/Removal.

The term of office shall be three (3) years with terms staggered to prevent concurrent expiration of terms with the exception of the youth representative. No member may serve more than two (2) consecutive terms. The term of the student/youth commissioner shall be one (1) year.

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

Section 5A-5 Vacancies.

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

Section 5A-6 Meetings and Records.

The Arts Commission shall hold meetings regularly as determined by the Commission and shall designate the time and place thereof. The meetings shall be held in compliance with the Brown Act and all applicable laws, and the meetings and records of attendance shall be public. The Commission shall keep a record of its proceedings. A record of attendance shall be kept regularly and reported to the "City Council at least one time per year. Members are expected to have 75% attendance based on the Commission's regular meeting schedule (e.g. 9 out of 12 meetings if held monthly, and 3 out of 4 if held quarterly). Members who fail to meet the attendance requirement automatically vacate their seat and the vacancies shall be filled per Section 5A-5.

Section 5A-7 Quorum.

A presence of a majority of the members of the established number of commissioners, as set via Resolution of the City Council, shall constitute a quorum for the transaction of business (i.e. at least 4, as many as 6).

Section 5A-8 General Powers and Duties of Commission.

The Arts Commission shall:

- A. Make recommendations to the City Council regarding development and promotion of practices and policies pertaining to the Arts, keeping in mind the adoption of policy is the prerogative of the City Council.
- B. Foster the development and enjoyment of visual, cultural, performing, and other arts in the City of Porterville.
- C. To work cooperatively with city entities and other advisory commissions to include an Arts element in as many areas of city planning and development as possible.
- D. Develop and submit a Work Plan to the Council on an annual basis detailing the goals and objectives of the Arts Commission over the next year, five years and/or twenty years.

Section 2. Severity. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, or that end, the provisions hereof are severable.

Section 3. Effective Date. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this 20th day of August, 2013.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL AGENDA – AUGUST 20, 2013

SUBJECT: TRANSACTIONS AND USE TAX (MEASURE H) OVERSIGHT
COMMITTEE VACANCY AND CONSIDERATION OF
APPOINTMENT

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

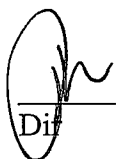
COMMENT: At its meeting on August 8, 2013, the Transactions and Use Tax Oversight Committee discussed the topic of attendance and expressed concern with the lack of availability of one of its members, Dr. Gary Mekeel. Staff was aware that Dr. Mekeel had recently retired and possibly relocated out of state; however, an official resignation had not been received. Subsequently, on August 13th, Dr. Gary Mekeel did tender his resignation, which creates a vacancy on the Committee with a term due to expire in May 2014.

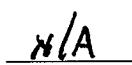
When vacancies occur on City commissions and committees, staff typically requests approval to advertise the vacancies and solicit requests from individuals interested in serving. In this case, however, staff currently has two Requests for Appointment on file that the Council could consider. These are attached for Council's consideration, and are as follows:


- Michael Carley; and
- Russell Fletcher

RECOMMENDATION: That the City Council accept the resignation of Dr. Gary Mekeel from the Transactions and Use Tax Oversight Committee; and provide direction with regard to filling the vacancy with an unexpired term ending in May 2014.

ATTACHMENT: 1. Letter of Resignation of Dr. Mekeel
2. Requests for Appointment


Dir


Approp./
Funded


CM

Item No. 20

Patrice Hildreth

From: Jan Mekeel
Sent: Tuesday, August 13, 2013 9:48 AM
To: Patrice Hildreth
Subject: GMekeel

Dear Pat

Please share with the City Council:

I would like to thank the City Council for the opportunity to serve on this committee. Due to my recent retirement and our move to our home in Reno, I will no longer be able to complete my commitment.

Sincerely

Dr. Gary Mekeel

8/13/2013

ATTACHMENT 1

RECEIVED

JAN 23 2013

CITY OF PORTERVILLE
CITY CLERK OFFICE

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Michael Carley
(Please Print)

Appointment to: Measure H Citizens' Oversight Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: 838 W. Cleo Ave
Porterville CA 93257

Mailing Address: Same

Name of Business: _____
☐ Own ☐ Operate

Business Address: _____

Telephone: cell 559-920-4705
Home
Work 559-791-2275
FAX 559-782-8396
E-mail mcarley@gmail.com

City of Porterville resident:

☒ Yes
☐ No

Registered Voter:

☒ Yes
☐ No

Qualifications:

Resident of Porterville for almost 13 years

Property owner for 12 years

Served on Porterville Recorder Reader Advisory Board

Served on Tulare County 2011 Advisory Committee on Redistricting

☐ Resume attached

☒ Letter of request attached

Submitted By:

Will Carr

1-23-13

Date

Received by:

PATRICE HUDRETH

Forwarded to: City Clerk

☐ Date:

City Council

☒

Date:

1/28/13

City Manager

☒

Date:

1/28/13

Applicable Dept.

☐

Date:

Tentative Council Mtg Date:

5/7/13

Michael Carley
838 W. Cleo Ave.
Porterville, CA 93257
January 23, 2013

Porterville City Council

Dear Council:

I am writing to request appointment to the Measure H Citizens' Advisory Committee (Transaction and Tax Use Oversight Committee).

I have lived in Porterville for almost 13 years and have been a property owner for nearly 12. I am committed to the betterment of this community and the proper use of our resources.

My previous community contributions include serving on the Porterville Recorder Reader Advisory Board and the Tulare County 2011 Advisory Board on Redistricting.

If appointed, I will take this opportunity seriously and will do all I can to ensure that our city tax resources are used in the manner intended by voters.

I thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Carley', with a long, sweeping horizontal stroke extending to the right.

Michael Carley

RECEIVED

JUN 20 2013

CITY OF PORTERVILLE
PERSONNEL

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: Russell Fletcher "Buck/Bones"
(Please Print)

Appointment to: Measure H
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: 1662 W. Marfan Ave
Parkerville, CA, 93258

Mailing Address: PO BOX 351
Parkerville, CA, 93258

Name of Business: _____

☐ Own

☐ Operate

Business Address: _____

Telephone: Home (559) 781-2602

Work (559) 333-5131

FAX _____

E-mail russellbonesfletcher@gmail.com

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:


☒ Yes

☐ No

Qualifications: City of Parkville Sign
Committee of 2003, Regular
attendance at city council meetings,
resident and business owner in
City of Parkville, Associates
degree in Social Science from
Parkville College. Continuing
student at Parkville College.

☐ Resume attached

☐ Letter of request attached

Submitted By: 

Date 6/20/13

Received by: _____

Forwarded to: City Clerk ☐ Date: _____

City Council ☐ Date: _____

City Manager ☐ Date: _____

Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: _____

CITY COUNCIL AGENDA – AUGUST 20, 2013

SUBJECT: CONSIDERATION OF APPOINTMENT TO ARTS COMMISSION AND
INTERNAL CITY AUDIT COMMITTEE

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: The City currently has vacancies on the Arts Commission and the Internal City Audit Committee.

Arts Commission

On July 18, 2013, Ms. Rebecca Ybarra tendered her resignation from the Arts Commission thereby creating a vacancy with a term to expire in February 2014. Staff has publicized the vacancy and as of the time of agenda compilation and distribution, one Request for Appointment has been received, from Mr. Mel Gosage.

Further, four Arts Commissions' terms are expiring in August 2013. One of these seats, that of Sandra Romero, is designated for student/youth representation and has a one-year term. Miss Romero has since moved away to attend college. The remaining three seats, pursuant to the newly amended ordinance, will have three-year terms, and are currently filled by Roger Merryman, Alex Schooler, and Monte Reyes. Of the three, staff has confirmed that Alex Schooler is interested in re-appointment, and Roger Merryman has declined reappointment. Staff has been unsuccessful in reaching Monte Reyes. Staff will publicize the vacancies and solicit applications from individuals interested in serving. As the Council is aware, in order to be eligible for appointment, individuals must be associated with at least one category of the arts (theatrical/performing; visual/graphic; music; student/youth).

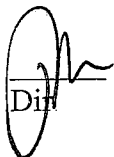
Internal City Audit Committee

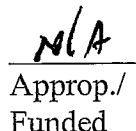
Additionally, as the Council is aware, a vacancy still exists on the Internal City Audit Committee. One individual, Mr. Aldo Gutierrez, has submitted a Request for Appointment for consideration in this regard.

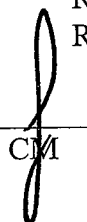
RECOMMENDATION: That the City Council:

1. Appoint one individual to the Arts Commission to fill the seat vacated by Rebecca Ybarra, expiring in February 2014;
2. Re-appoint Alex Schooler to the Arts Commission for a three-year term, expiring August 2016; and
3. Appoint one individual to serve on the Internal City Audit Committee.

ATTACHMENTS: 1. Resignation Letter of Rebecca Ybarra
2. Requests for Appointment


Dir


Approp./
Funded


C/M

Item No. 21

To Whom it May Concern,

I am resigning from the City of Porterville Arts Commission as of 7/18/2013. I feel that it is in my best interest to resign at this time.

Rebecca Ybarra

RECEIVED

JUL 18 2013

CITY OF PORTERVILLE
PERSONNEL

ATTACHMENT 1

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: MEL GOSAGE

(Please Print)

Appointment to: PORTERVILLE ARTS COMMISSION

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, please provide :

Street Address: 839 N. WOODS ST.

PORTERVILLE, CA 93257

Mailing Address: PO BOX 122

PORTERVILLE, CA 93258

Name of Business: RETIRED

☐ Own

☐ Operate

Business Address: _____

Telephone: Home (559) 791-9455

Work —

FAX —

E-mail melgosagephoto@yahoo.com

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: My whole life has been associated with the arts starting with a love of drawing in elementary school, then music with the love of playing my trumpet in the Panther Band and Studio Band under the baton of Buck Shaffer which continued through Porterville College. In 1970, I enlisted in the US Navy and organized the first official Navy Rock Band to entertain the troops in Japan, Taiwan and in the jungles of Viet Nam. Received my honorable discharge in 1974 and came back to Porterville with my wife and children. Worked at the Recorder and became Display Advertising Manager. Formed my own Photography business in 1979, until I retired in 2005. Received my Bachelors Degree in 1984 in Psychology. Have been active in the Barn Theater for decades, now secretary on the Barn Theater's Board of Directors.

☐ Resume attached

☐ Letter of request attached

Submitted By: _____

Mel Gossage

08/10/13

Date

Received by: _____

Forwarded to: City Clerk ☐ Date: _____

City Council ☐ Date: _____

City Manager ☐ Date: _____

Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: _____

RECEIVED

AUG 07 2013

CITY OF PORTERVILLE
CITY CLERK OFFICE

CITY OF PORTERVILLE REQUEST FOR APPOINTMENT

Please complete all blanks.

Name: ALDO GUTIERREZ
(Please Print)

Appointment to: INTERNAL CITY AUDIT COMMITTEE
(Name of Board, Commission, or Committee)

☒ Reappointment; or IF NEW, please provide :

Street Address: 470 N. "E" ST.
PORTERVILLE, CA 93257.

Mailing Address: 470 N. "E" ST.
PORTERVILLE, CA 93257.

Name of Business: DIRECT CAPITAL LENDING.

☒ Own ☐ Operate

Business Address: 333 W. HENDERSON AVE "B"
PORTERVILLE, CA 93257.

Telephone: Home 559-782-3302.

Work 559-920-2904

FAX _____

E-mail agutierrez@directcapitalending1.com

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: MORTGAGE BROKER, REAL ESTATE
BROKER. UNIVERSITY OF CALIFORNIA
AT SANTA BARBARA GRADUATE.
BA (TRIPLE MAJOR IN PSYCHOLOGY,
SOCIOLOGY, AND SPANISH LITERATURE.
PORTERVILLE RESIDENT FOR OVER
TWENTY YEARS.

☒ Resume attached

☒ Letter of request attached

Submitted By: _____ Date: _____

Received by: _____

Forwarded to: City Clerk ☐ Date: _____

City Council ☐ Date: _____

City Manager ☐ Date: _____

Applicable Dept. ☐ Date: _____

Tentative Council Mtg Date: _____

Aldo Gutiérrez-Alvarado
333 W. Henderson Ave. Ste. B.
Porterville CA 93257

agutierrez@directcapitalending1.com

559-920-2904

OBJECTIVE

Utilize past experiences and knowledge as an educator and mortgage / real estate broker to become productive and successful as an Internal City Auditor for The City of Porterville CA.

EDUCATION

B.A. Triple Major in Psychology, Sociology, and Spanish Literature
University of California, Santa Barbara (UCSB), California.

COMPUTER, LANGUAGE SKILLS, and ORIGINATING SKILLS

- Calyx Point 7.5 (Releases 2000-2010)
- Over 9 years of originating home loans, including 4 yrs of FHA experience
- Proficient in multiple UCSB on-line database systems to conduct research
- Full command of the English and Spanish language.

QUALIFICATIONS

- | | |
|--------------|--|
| 2005-present | CEO. Direct Capital Lending. Pasadena, California.
Marketing, originating loans, interviewing, and overseeing and directing operations. |
| 2003-2005 | Loan Originator. Priority One Lending. Los Angeles, California.
Prospecting, originating loans, and processing residential home loans according to the regulations of The California Department of Real Estate. |
| 2001-2003 | Loan Specialist. Golden Empire Mortgage. Porterville, California.
Prospecting, originating home loans, and marketing according to the regulations of The California Department of Real Estate. |
| 2001-2003 | 4th grade teacher. Terra Bella Elementary, Terra Bella, California.
Teaching 4th grade students in all academic areas mandated by the State of California. |
| 1999-2001 | America Reads Tutor, UCSB, Santa Barbara, California.
Provided one-on-one literacy tutoring to 5th and 6 th grade students, and mainstreamed special education students with dyslexia. |
| 1999-2000 | Ethnographer-Assistant Researcher, Graduate School of Education, UCSB, Santa Barbara, California. Assisted a graduate student in his doctoral research as an ethnographer in a highly diverse and highly achieving 6th grade classroom. Took field notes, set video cameras and tape recorders so data obtained could be analyzed to derive patterns to support the researcher's theories. |

COMMUNITY INVOLVEMENT

Helpline. Santa Barbara, CA. Paraprofessional telephone counselor on issues of suicide prevention, substance abuse, runaways, death and dying, domestic violence, disabilities, homelessness, child abuse, HIV/AIDS, seniors, sexuality, gays and lesbians, rape trauma, eating disorders, and mental illness.

Latino Business Association (LBA), UCSB, Santa Barbara, California.

References Available Upon Request

To whom it may concern:

I am writing this letter of request to express why I am applying to become a city official by becoming part of the internal city audit committee. I believe it will be interesting to get involved with The City government and at the same time, I also believe that it will be an overwhelming and rewarding experience to know that I am a community leader contributing to the betterment of the City of Porterville. I have always been a leader amongst my peers, have been successful in business and in academics and I know that this experience will not be an exception to my many successes in life. I sincerely would appreciate I was once again given a chance to work with the City of Porterville as I have done in the past.

As a teenager Milt Stow hired me as an arena soccer referee and middle school baseball, basketball, and soccer coach. In addition, I was also given the chance by Baldomero, Brice and Tim to work with the City's Civil Engineering Department during my senior year in Porterville High School; I will for always be grateful to the mentioned individuals that have dedicated many years of their lives to The City and helped me come out of high school with a strong work experience background that helped me in entering the work force.

Finally, working with The City as a city auditor will be a great chance to give back to The City where I have lived so many years and that has also given my family and me the chance to grow as Porterville and California Residents and American Citizens.

Best regards,

Aldo Gutierrez

8/7/2013

CITY COUNCIL AGENDA: AUGUST 20, 2013

SCHEDULED MATTER

SUBJECT: ASSESSMENT DISTRICTS

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

PROJECT LOCATION: CITYWIDE

SPECIFIC REQUEST:

Staff is requesting that the City Council provide further direction on the future use of Assessment Districts that may include Lighting and Landscape Maintenance Districts and/or Benefit Assessment Districts, and the use thereof for infrastructure, pocket parks, and frontage improvements benefitting the assessed properties within a given district.

BACKGROUND:

Lighting and Landscape Maintenance Districts ("LMDs" or "Districts") have been employed by the City of Porterville since 1989, as a funding source for maintaining quality infrastructure improvements in residential developments. Currently, contract personnel for the Parks and Leisure Services Department provide the service of maintaining the LMDs. The contracted services are wholly funded by the assessments received from the Districts.

The City's General Plan, the Development Ordinance, and the Municipal Code all define expectations of the private property owners' financial responsibilities within the public rights of way as it relates to landscaped streets and public improvements where a direct benefit to the property owner can be demonstrated.

In 2008, the City Council adopted the 2030 General Plan, which is the policy document that provides the basis of all future development in the City of Porterville. The General Plan provides a policy framework to guide decision making. The Development Ordinance ensures adequate provision of parks and recreation facilities, open space, infrastructure, and the continued safe and efficient operation of Porterville's circulation system. Four of the policies within the General Plan address landscaped transportation corridors.

DD 

APPROPRIATED/FUNDED N/A

CM 

ITEM NO. 22

The following is a summary of policies pertaining to the development of facilities that support sustainable growth of the city:

C-G-5: Improve the scenic character of transportation corridors in the City.

C-I-6: Require the installation of landscaping in center medians and at major intersections to minimize summer heat and enhance the character of the streetscapes.

C-I-7: Require street tree planting as part of an urban forestry program.

C-I-24: Amend the Zoning Ordinance to include standards for pedestrian circulation in all new development, including patterned concrete sidewalks, pedestrian scale lighting, and tree canopy shading for walkways.

The City's Development Ordinance, the primary implementation tool of the General Plan, calls for improvements associated with development to be maintained by some defined mechanism, such as a Lighting and Landscape Maintenance District or a Home Owners' Association. The most widely used mechanism has become the Lighting and Landscape Maintenance District, as the administration and monitoring of the maintenance then falls to the City, as opposed to a Home Owners' Association, which requires a volunteer board of directors and is prone to reduced effectiveness over time. Benefit Assessment Districts are another, more broadly applicable mechanism, and are allowed by the Development Ordinance as well. Benefit Assessment Districts would be more appropriate for street improvements and other items not specifically landscape or lighting related. Section 403.03 Design and Construction Standards, provides specific standards for the extension of improvements and the maintenance thereof. City staff is working to supplement the language with additional detail, with assistance from the Development Ordinance Committee (Committee).

Chapter 19, Article II of the Porterville Municipal Code addresses Parkway Trees. The City has adopted guidelines relative to street trees, their care, maintenance, and the responsibility of hardscape repair as a result of damage by street trees. Section 19-49 specifically states: "In new residential, commercial, and industrial developments, the developer shall plant street trees in the size, number, manner, and type required by the street tree guidelines and the city improvement standards. Funding for long term maintenance and care of the street trees, and repair to infrastructure damaged by the street trees, in new developments shall be provided through a homeowners' association or a similar assessment district."

Clearly, the City has an established interest in the development and preservation of landscaped transportation corridors and similar amenities within developments. With new developments, the initial funding for such improvements has been a requirement of the developer with ongoing maintenance generated by a LMD assessment. The variable component has been and continues to be a matter of what improvements are required at a minimum, compared to amenities offered by the developer.

COMMENT: A variety of options have been developed by Staff and the Committee that achieve different degrees of improvements to be included in future Lighting and Landscape Maintenance Districts or Benefit Assessment Districts. These options are presented below as Tiers 1 through 4 as a basis for discussion and could be altered to suit the Council's goals.

Tier 1: The most basic tier would be to continue the use of LMDs as they currently exist. Current LMDs include perimeter landscaping along major street frontages, and a proportional share of the street light costs within and at the perimeter of the subdivision. The estimated cost per year ranges from \$73.04 to \$98.44 per lot per year.

Tier 2: In addition to the components of Tier 1, this option would add parkway strips to the list of landscaped areas to be maintained through the assessment(s). Parkway strips, the landscaped area along a street frontage between the sidewalk and the curb, are maintained in different manners depending on the jurisdiction. The intent of including parkway strips in a LMD or Benefit Assessment District, as opposed to leaving the responsibility of maintenance with the individual property owner, is that the entire street length would have a consistent look, which truly achieves the intent of the landscaped parkway strips. If the parkway strips are included in a district, the irrigation and maintenance of those areas would be independent of the property which they front but would be maintained to provide consistency of maintenance and appearance and, most notably, longevity of improvements.

Further, this tier would create a Benefit Assessment District to fund infrastructure improvements within the subdivision including curb, gutter, and sidewalks. Maintenance of these hardscape elements are currently the responsibility of individual homeowners, and an annual assessment could simplify the responsibility by allowing the City a mechanism to monitor and complete necessary repairs. The Council may draw a comparison to the recently approved sewer assessment district, and the popularity of that option among homeowners. The estimated cost of replacement of curb,

gutter, and sidewalks is based on a 40-year life for those improvements. The estimated cost per year ranges from \$184.43 to \$222.00 per lot per year.

Tier 3: The third tier shifts maintenance responsibility of parkway strips to the homeowners while incorporating road maintenance costs (in addition to the other hardscape features previously mentioned) with a Benefit Assessment District. The estimated cost per year ranges from \$188.79 to \$230.68 per lot per year.

Tier 4: The fourth option returns the maintenance responsibility of parkway strips to the District and includes a Benefit Assessment District for street maintenance, curbs, gutters, and sidewalks, as well as the perimeter landscaping and lighting. The estimated cost per year ranges from \$272.23 to \$323.20 per lot per year.

Tier 5: Elements such as pocket parks, on-site drainage retention basins, or other benefits specific to a residential development could also be included in a Lighting and Landscape Maintenance District or Benefit Assessment District. Costs associated with these features were not estimated, as the creation of such features are typically submitted as a design component with the original subdivision, and development costs are borne by the developer.

RECOMMENDATION: That the City Council provide direction on the future use of Lighting and Landscape Maintenance Districts or Benefit Assessment Districts, and the use thereof for infrastructure, pocket parks, and frontage improvements benefitting the assessed properties within a given district.

ATTACHMENTS:

1. Street and Highways Code Section 5180-5182
2. Street and Highway Code Section 22500-22509
3. Street and Highway Code Section 22520-22540
4. Street and Highway Code Section 22565-22574

STREETS AND HIGHWAYS CODE

SECTION 5180-5182

5180. The legislative body shall make the expense of such work chargeable upon a district, which the legislative body shall, in its resolution of intention, declare to be the district benefited by the work, and to be assessed to pay the cost and expense thereof. The territory comprising said district may, but need not, include all, or be confined to, or extend beyond, the lots or lands fronting upon the improvement, or be contiguous, and the district may consist of separate and distinct areas or sections. The work performed in one section need not benefit the other section or sections.

5181. The district may be described by:

- (a) Stating its exterior boundaries; or
- (b) Giving a description thereof according to any official or recorded map; or
- (c) Referring to a plat or map on file in the office of the clerk or engineer at the time of passing the resolution of intention, which shall indicate by a boundary line the extent of the territory included in the proposed district, and shall govern for all details as to the extent of the assessment district.

5182. The assessment district need not be described in any of the notices, resolutions, orders or determinations provided for in this division, other than the resolution of intention. Any description of said district in any of the same shall be sufficient, if it refers to the resolution of intention for a description of the district.

ATTACHMENT
ITEM NO. 1

STREETS AND HIGHWAYS CODE

SECTION 22500-22509

22500. This part shall be known and may be cited as the "Landscaping and Lighting Act of 1972."

22501. This part shall apply to local agencies whose annual taxes are carried on the county assessment roll and are collected by the county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code and made up solely of local agencies whose annual taxes are carried on the county assessment roll and are collected by the county.

22502. This part provides an alternative procedure for making the improvements herein authorized and shall not apply to or affect any other provisions of this code.

22503. An assessment district shall consist of all territory which, as determined by the legislative body, will be benefited by the improvements and is to be assessed to pay the costs thereof.

22504. An assessment district may consist of all or any part of the territory within the local agency and, in the case of a county, may consist of all or any part of the unincorporated territory of the county.

22505. An assessment district may consist of contiguous or noncontiguous areas. The improvements in one area need not be of benefit to other areas.

22506. The provisions of Chapter 2 (commencing with Section 5115) of Part 3 of Division 7, pertaining to the extension of the work or the assessment district beyond the boundaries of a local agency, are by this reference incorporated in this part.

ATTACHMENT
ITEM NO. 2

22507. Division 4 (commencing with Section 2800) and Division 4.5 (commencing with Section 3100) do not apply to this part or proceedings taken pursuant to this part, except that Division 4.5 (commencing with Section 3100) does apply to proceedings in which the legislative body determines to issue bonds or notes pursuant to Section 22662.5, and may be applied to any other proceedings pursuant to this part at the discretion of the legislative body.

22508. Any resolution, notice, report, diagram or assessment which is required to contain a description of the improvements, the boundaries of the assessment district or any zones therein, or the lines and dimensions of any lot or parcel of land may, for a full and detailed description thereof, refer to any plan or map which is on file with the clerk, the county auditor, or the county assessor and which is open to public inspection. The plan or map so referred to shall govern for all details of the description.

22509. This part shall be liberally construed to effectuate its purpose. Any proceedings taken under this part and any assessment levied pursuant thereto shall not be invalidated for failure to comply with the provisions of this part if such failure does not substantially and adversely affect the rights of any person. All determinations made by the legislative body pursuant to this part shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion.

STREETS AND HIGHWAYS CODE

SECTION 22520-22540

22520. The definitions contained in this article govern the construction of this part unless the context otherwise requires. The definition of a word or phrase applies to any variants thereof.

22521. "Assessment district" means an assessment district formed pursuant to this part.

22522. "Clerk" means the clerk or secretary of a local agency or its legislative body.

22523. "Engineer" means the city engineer, county engineer, engineer of the district, or any other person designated by the legislative body as the engineer for the purposes of this part, including any officer, board, or employee of the local agency or any private person or firm specially employed by the local agency as engineer for the purposes of this part.

22524. "Fiscal year" means a 12-month period commencing on July 1 and ending on the following June 30.

22525. "Improvement" means one or any combination of the following:

- (a) The installation or planting of landscaping.
- (b) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- (c) The installation or construction of public lighting facilities, including, but not limited to, traffic signals.
- (d) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- (e) The installation of park or recreational improvements, including, but not limited to, all of the following:

ATTACHMENT
ITEM NO. 3

(1) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.

(2) Lights, playground equipment, play courts, and public restrooms.

(f) The maintenance or servicing, or both, of any of the foregoing, and of any improvement authorized by subdivision (i).

(g) The acquisition of land for park, recreational, or open-space purposes.

(h) The acquisition of any existing improvement otherwise authorized pursuant to this section.

(i) The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.

22526. "Incidental expenses" include all of the following:

(a) The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.

(b) The costs of printing, advertising, and the giving of published, posted, and mailed notices.

(c) Compensation payable to the county for collection of assessments.

(d) Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.

(e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements.

(f) Any expenses incidental to the issuance of bonds or notes pursuant to Section 22662.5.

(g) Costs associated with any elections held for the approval of a new or increased assessment.

22527. "Including," unless expressly limited, means including without limitation.

22528. "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

22529. "Legislative body" means the legislative body or governing board of any local agency.

22530. "Local agency" means a county, a city and county, a city, a special district, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code and made up solely of local agencies whose annual taxes are carried on the county assessment roll and are collected by the county.

22531. "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

(a) Repair, removal, or replacement of all or any part of any improvement.

(b) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.

(c) The removal of trimmings, rubbish, debris, and other solid waste.

(d) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

22532. "Property owner" means: any person shown as the owner of land on the last equalized county assessment roll; when such person is no longer the owner, then any person entitled to be shown as owner on the next county assessment roll, if such person is known to the local agency; where land is subject to a recorded written agreement of sale, any person shown therein as purchaser.

22533. "Public agency" means the state or federal governments, any city, city and county, county, or other public corporation formed pursuant to charter, general law, or special act, for the performance of governmental or proprietary functions within limited boundaries and any department, board, commission, independent agency, or instrumentality of any of the foregoing.

22534. "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaires, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors,

meters, communication circuits, appliances, attachments, and appurtenances.

22535. "Public places" means one or any combination of the following:

(a) Any public street, highway, road, alley, lane, boulevard, parkway, or other way dedicated to or used for public use.

(b) Any public property, right-of-way, or leasehold interest which is in use in the performance of a public function and which adjoins any of the ways described in subdivision (a).

22536. "Public utility" means any public utility subject to the jurisdiction of and regulated by the Public Utilities Commission.

22537. "Resolution" includes an ordinance.

22538. "Service" or "servicing" means the furnishing of:

(a) Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.

(b) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

22539. "Special district" means any public corporation, other than a county or a city, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries and which is authorized by such law or act to make any of the improvements or to furnish the maintenance or services provided for in this part.

22540. "Treasurer" means the treasurer of a local agency.

STREETS AND HIGHWAYS CODE

SECTION 22565-22574

22565. The engineer shall prepare reports in accordance with this article.

22566. A report shall be prepared for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements described in the report.

22567. A report shall refer to the assessment district by its distinctive designation, specify the fiscal year to which the report applies, and, with respect to that year, shall contain all of the following:

- (a) Plans and specifications for the improvements.
- (b) An estimate of the costs of the improvements.
- (c) A diagram for the assessment district.
- (d) An assessment of the estimated costs of the improvements.
- (e) If bonds or notes will be issued pursuant to Section 22662.5, an estimate of their principal amount.

22568. The plans and specifications shall show and describe existing and proposed improvements. The plans and specifications need not be detailed, but shall be sufficient if they show or describe the general nature, location, and extent of the improvements. If the assessment district is divided into zones, the plans and specifications shall indicate the class and type of improvements to be provided for each such zone. The plans or specifications may be prepared as separate instruments or either or both may be incorporated in the diagram as a combined instrument.

22569. The estimate of the costs of the improvements for the fiscal year shall contain estimates for all of the following:

- (a) The total costs for improvements to be made that year, being the total costs of constructing or installing all proposed improvements and of maintaining and servicing all existing and proposed improvements, including all incidental expenses. This may include a reserve which shall not exceed the estimated costs of maintenance and servicing to December 10 of the fiscal year, or

ATTACHMENT
ITEM NO. 4

whenever the city expects to receive its apportionment of special assessments and tax collections from the county, whichever is later.

(b) The amount of any surplus or deficit in the improvement fund to be carried over from a previous fiscal year.

(c) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(d) The amount, if any, of the annual installment for the fiscal year where the legislative body has ordered an assessment for the estimated cost of any improvements to be levied and collected in annual installments.

(e) The net amount to be assessed upon assessable lands within the assessment district, being the total improvement costs, as referred to in subdivision (a), increased or decreased, as the case may be, by any of the amounts referred to in subdivision (b), (c), or (d).

22570. The diagram for an assessment district shall show (a) the exterior boundaries of the assessment district, (b) the boundaries of any zones within the district, and (c) the lines and dimensions of each lot or parcel of land within the district. Each lot or parcel shall be identified by a distinctive number or letter.

22571. The lines and dimensions of each lot or parcel of land shown on the diagram shall conform to those shown on the county assessor's maps for the fiscal year to which the report applies. The diagram may refer to the county assessor's maps for a detailed description of the lines and dimensions of any lots or parcels, in which case, those maps shall govern for all details concerning the lines and dimensions of such lots or parcels.

22572. The assessment shall refer to the fiscal year to which it applies and shall do all of the following:

(a) State the net amount, determined in accordance with Section 22569, to be assessed upon assessable lands within the assessment district, which shall include an amount sufficient to pay the principal and interest due during the fiscal year from each parcel on any bonds or notes issued pursuant to Section 22662.5.

(b) Describe each assessable lot or parcel of land within the district.

(c) Assess the net amount upon all assessable lots or parcels of land within the district by apportioning that amount among the several lots or parcels in proportion to the estimated benefits to be received by each lot or parcel from the improvements.

The assessment may refer to the county assessment roll for a description of the lots or parcels, in which case that roll shall govern for all details concerning the description of the lots or parcels.

22573. The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

The determination of whether or not a lot or parcel will benefit from the improvements shall be made pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000)).

22574. The diagram and assessment may classify various areas within an assessment district into different zones where, by reason of variations in the nature, location, and extent of the improvements, the various areas will receive differing degrees of benefit from the improvements. A zone shall consist of all territory which will receive substantially the same degree of benefit from the improvements.

COUNCIL AGENDA – AUGUST 20, 2013

SUBJECT: CONSIDERATION OF PAPERLESS AGENDA PACKETS

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

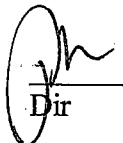
COMMENT: Increasingly, public agencies are going paperless and adopting policies providing for the electronic distribution of agenda packets. Quite simply, the move is good for the bottom line and the environment. Currently, the City of Porterville prepares agendas for approximately 23 regular council meetings per year, not including adjourned meetings and study sessions. For each of those meetings, 24 actual books are produced. Staff estimates that the cost to produce those books is approximately \$13,000 per year, which includes staff time, supply costs, and wear and tear on copying/binding equipment.

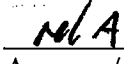
Staff has conducted a preliminary review and seeks Council approval at this time to continue exploring the paperless option. The concept is to purchase tablet devices for the Council, discontinue the publication of paper agenda books, and distribute electronic agenda packets instead. Based on IT staff's research to date, the top two tablet devices are the Microsoft Surface Pro 2 and the Apple iPad 5 (or next generation). While current generations of the Surface Pro and Apple iPad would be sufficient, the next generation for each would be optimal, as both will function as a tablet and a computer, and will have internal cellular connectivity. The cost for each device is comparable, running approximately \$1,000 for each.

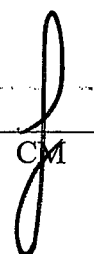
While no specific release dates have been announced for the next generation Apple iPad or the Microsoft Surface Pro 2; it is anticipated that both will be released in the December 2013 timeframe which would allow for the paperless process to begin in January 2014.

Prior to proceeding with implementation, the Council's policy on technology will require updating. Upon receiving direction from Council to proceed, it is staff's intent to bring the item back with greater specificity as to available options.

RECOMMENDATION: That the City Council provide direction to staff.


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Item No. 23